

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, ESTABLISH-
IN AN INDUSTRIAL COST RECOVERY SYSTEM; DEFINING INDUS-
TRIAL USERS; APPORTIONING CHARGES TO INDUSTRIAL USERS;
PROVIDING FOR PAYMENT OF TESTING AND MEASUREMENT
CHARGES; ESTABLISHING THE INDUSTRIAL COST RECOVERY
PERIOD; LIMITING EXTENSION OF INDUSTRIAL COST RECOVERY
CHARGES; PROVIDING FOR SEVERABILITY; AND DECLARING AN
EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON,
TEXAS:

SECTION 1. In accordance with the requirements of the
Environmental Protection Agency, occasioned by the acceptance of the
City of Dallas of a Federal Grant for a portion of the construction
costs of enlarging the City of Dallas Wastewater Treatment System,
a system of Industrial Cost Recovery charges for certain users within
Addison is hereby established. Such charges shall be collected by
the City of Addison transmitted to the City of Dallas in the manner
required by regulations of the Environmental Protection Agency and
this ordinance.

In addition to the Industrial Cost Recovery charges required
by the City of Dallas, the city may, at its option, impose such
additional charges as may be required for the administration of this
ordinance. Such additional charges, if imposed, shall be retained
by the City of Addison as a proper operating and maintenance expense.

SECTION 2. Industrial User Defined. An industrial user is any non-governmental user of the City of Addison's waste treatment system, as required by regulations of the Environmental protection Agency to pay Industrial Cost Recovery charges and who also discharges more than 25,000 gallons of normal strength wastewater per day. Normal strength wastewater is defined as being wastewater having a Biochemical Oxygen Demand (BOD) concentration not greater than 250 milligrams per liter or a Suspended Solids concentration not greater than 250 milligrams per liter. For the purpose of defining an industrial user, wastewater flows having BOD concentration greater than 250 milligrams per liter or Suspended Solids concentrations greater than 250 milligrams per liter shall be converted to equivalent flows of 25,000 gallons per day having a BOD concentration of 250 milligrams per liter and a Suspended Solids concentration of 250 milligrams per liter. In addition, any industrial user may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

SECTION 3. Apportioning Charges to Industrial Users. It is recognized by the City of Addison and all regulatory agencies that said city has no control over the quality or quantity of all industrial wastes discharges into the City of Dallas. Industrial Cost Recovery charges shall be imposed upon industrial users in Addison only after the City of Dallas has furnished to the City, for its review and approval, the total costs and the federal grant funds allocable to industrial users for volume of flow into the City of Dallas

Wastewater Treatment System, the total cost and the federal grant funds allocable to industrial users chargeable to BOD discharge for said plant, and the total cost and the federal grant funds allocable to industrial customers chargeable to suspended solids discharged to said plant. No charges shall be paid until all charges are justified by the City of Dallas. Failure to justify said charges shall result in the refund of all collected amounts. Such charges shall then be apportioned among the industrial users within Addison in direct proportion to the ratio which their volume, BOD and suspended solids discharge bears to the total discharges of volume, BOD and suspended solids into said wastewater treatment plant by all users subject to Industrial Cost Recovery charges. The total volume, BOD concentration and suspended solids concentration of all such users shall be revised annually. Satisfactory documentation of this revised information shall be an integral part of the justification of charges to be collected by Addison.

SECTION 4. Payment for Testing and Measurement. Industrial users may also be charged an additional amount for the recovery of costs associated with tests and measurements to determine allocation of Industrial Cost Recovery charges. Such charges shall be equitably apportioned among the various industrial users in relation to the actual costs of making such tests and measurements.

SECTION 5. Industrial Cost Recovery Period. The industrial cost recovery period is hereby established as being a period of 30 years beginning with the date of the first payment to the City of Dallas for lawfully imposed Industrial Cost Recovery charges. Industrial users, as of the effective date of this ordinance, shall pay the required Industrial Cost Recovery charges throughout said

30 year period or for such lesser time as may be required by law.

Industrial users required to make such payments and whose service by the Addison Sanitary Sewer System begins after the effective date of this ordinance shall pay Industrial Cost Recovery charges beginning with the date services commence and ending with the expiration of said 30 year or lesser period.

SECTION 6. Extension of Industrial Cost Recovery Charges.

This ordinance is for the express purpose of establishing those Industrial Cost Recovery charges required by currently approved grants whose lawful conditions require the payment of such charges. Any further Industrial Cost Recovery charges which the City of Dallas may seek to collect from the City of Addison shall be payable only after Dallas has obtained approval from the City of Addison of the actions which require the collection of such charges.

SECTION 7. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

The fact that there is no ordinance providing for the collection of Industrial Cost Recovery charges within Addison, from users of the Dallas Wastewater System, creates an urgency and an emergency and requires that this ordinance become effective after the publication of the caption of this ordinance as required by law and the Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF ADDISON, TEXAS, this the 28th day of August, 1979.

Mayor Jim Reddy

ATTEST:

Jacquie Sharp
CITY SECRETARY