

ORDINANCE NO. 084-008

AN ORDINANCE AMENDING CHAPTER 18 "UTILITIES" OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, AS AMENDED BY ADDING NEW SECTIONS 18-165, 18-166, 18-167, 18-168, 18-169, 18-170, AND 18-171; PROVIDING FOR ADOPTION OF MORE STRINGENT FEDERAL REGULATION TO GOVERN CERTAIN CLASSES OF USERS, IF PROMULGATED; PROVIDING FOR ENFORCEMENT OF THE PROVISIONS REGARDING ILLEGAL DISCHARGE; PROVIDING FOR COMPLIANCE SCHEDULES FOR INDUSTRIAL USERS TO MEET PRETREATMENT STANDARDS; PROVIDING AUTHORITY FOR THE MUNICIPAL COURT TO ISSUE ADMINISTRATIVE SEARCH WARRANTS OR OTHER LEGAL PROCESS AS AN AID TO THE RIGHT OF ENTRY OF TOWN EMPLOYEES; PROVIDING FOR SUSPENSION AND AMENDMENT OF PERMITS UNDER CERTAIN CONDITIONS; PROVIDING FOR INSPECTIONS; PROVIDING A PENALTY NOT TO EXCEED \$1000; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, as amended is hereby amended by amending Chapter 18 "Utilities" to add Sec. 18-165 to read as follows:

Sec. 18-165.

DEFINITIONS.

In this article, unless the context requires a different definition:

(1) AMENABLE TO TREATMENT refers to a substance that:

(a) does not damage or interfere with the operations of wastewater facilities;

(b) is susceptible to reduction in concentration by treatment provided in the Town's or the City of Dallas' wastewater treatment plant, to a level which is acceptable for discharge into a stream; and

(c) is acceptable for sludge disposal.

(2) BOD (denoting biochemical oxygen demand) means the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter by standard methods procedure in five days at 20° centigrade.

(3) BUILDING (HOUSE) DRAIN means that part of the lowest horizontal piping of a drainage system which receives the discharge from wastes and drainage pipes within the walls of the building, and conveys it to the building sewer, beginning three feet outside the inner face of the building wall or foundation.

(4) BUILDING (HOUSE) SEWER means the extension from the building drain to the sewer lateral at the property line or other lawful place of disposal (also called house lateral and house connection).

(5) CITY means the City of Dallas, Texas.

(6) TOWN means the Town of Addison, Texas.

(7) CITY ENVIRONMENTAL HEALTH OFFICER means the environmental health officer of the city appointed by the City Manager, or his authorized representative.

(8) COMPOSITE SAMPLES means samples composited during a period of time exceeding 15 minutes.

(9) COD (denoting chemical oxygen demand) is the measure of the oxygen consuming capacity, expressed in mg/l. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.

(10) DIRECTOR means the director of the water utilities department of the Town or his authorized representative.

(11) FLOATABLE GREASE means grease, oil or fat in a physical state such that it will separate or stratify by gravity in wastewater.

(12) GARBAGE means animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.

(13) GRAB SAMPLES means samples taken during a period of 15 minutes or less.

(14) GREASE means fatty acids, soaps, fats, waxes, petroleum products, oil, and any material which is extractable by hexane or freon solvent from an acidified sample and which is not volatilized during evaporation of the solvent.

(15) INDUSTRIAL SURCHARGE means the additional charge made on those persons or industries who discharge into the sanitary sewer, industrial wastes which are amenable to treatment by the city's wastewater treatment process but which exceed the normal strength.

(16) INDUSTRIAL USER means an industry that discharges wastewater into the city's or town's sanitary sewers or wastewater treatment plants.

(17) INDUSTRIAL WASTE means all water-borne solids, liquids, or gaseous substances resulting from an industrial, manufacturing, or food processing operation, or from the development of a natural resource, or any mixture of these with water or domestic sewage.

(18) INDUSTRY means a person or establishment that is recognized and identified in the Standard Industrial Classification Manual, 1972, Executive Office of the President: Office of Management and Budget.

(19) INTERFERENCE means inhibition or disruption of the city's or town's wastewater sewer system, treatment processes, or operations which contributes to a violation of any requirements of Dallas' Federal effluent discharge permit.

(20) MILLIGRAMS PER LITER (mg/l) is a weight per volume concentration; the milligram-per-liter value multiplied by the factor 8.34 is equivalent to pounds of constituent per million gallons of water.

(21) NATIONAL CATEGORICAL PRETREATMENT STANDARDS means the national pretreatment standards imposed on existing or new industrial users in specific industrial subcategories, which specify the quantities or concentration of pollutants or pollutant properties which may be discharged or introduced to a wastewater treatment plant.

(22) NATIONAL PRETREATMENT STANDARDS means wastewater quality discharge pretreatment standards that have been established or will be established for industrial categories by the United States Environmental Protection Agency.

(23) NORMAL DOMESTIC SEWERAGE means "normal" sewerage for Dallas for which the average concentration of suspended solids and five-day BOD is established at 250 mg/l, each on the basis of the normal daily contribution of 21/100ths pounds per capita.

(24) NORMAL DOMESTIC WASTEWATER means water-borne wastes normally discharging from the sanitary conveniences of dwellings, (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

(25) PAVED means any concrete pavement of Portland cement or asphaltic concrete base pavement, concrete driveway, walk, curb, or gutter and all types of pavement having native stone, crushed rock, or gravel base.

(26) PERMITTEE means a person granted a permit under this article.

(27) PERSON means an individual, firm, company, industry, municipal or private corporation, association, governmental agency, or other entity.

(28) PH means the reciprocal of the logarithm (base 10) of the hydrogen ion concentration of a solution.

(29) PASS THROUGH means the discharge of pollutants through the city's or town's wastewater sewer system, treatment processes, or operations into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the city's Federal effluent discharge permit.

(30) PRETREATMENT STANDARDS means pollutant concentration discharge limitation requirements stipulated in this chapter and Federal Pretreatment Standards promulgated by the United States Environmental Protection Agency.

(31) PROPERLY SHREDDED GARBAGE means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particles greater than one-half inch in any dimension.

(32) RIGID BASE PAVEMENT means any concrete pavement of Portland cement or asphaltic concrete base pavement, concrete driveway, walk, curb or gutter.

(33) SANITARY SEWER means a public sewer which conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface, and ground water or unpolluted wastes are not intentionally admitted.

(34) SIGNIFICANT INDUSTRIAL USER means:

(i) any industrial user that discharges 50,000 gallons or more of wastewater into the sanitary sewer system per day, not including cooling water used in air conditioning; or

(ii) any other industrial user defined as a categorical user by the United States Environmental Protection Agency; or

(iii) any other industrial user deemed by the director to be a significant nondomestic discharge source that alone or combined with other sources may cause pass through, interference, or sludge contamination in the city's or town's wastewater treatment works and facilities.

(35) STANDARD METHODS means the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Water Works Association and the Water Pollution Control Federation.

(36) STORM SEWER or STORM DRAIN means a conduit, drainage ditch, stream, or other water course that may carry water to the Trinity River directly or indirectly.

(37) SUSPENDED SOLIDS means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids and which, in accordance with standard methods, are removable by a standard, specific laboratory filtration device.

(38) TOWN means the Town of Addison, Texas.

(39) TOWN ENVIRONMENTAL HEALTH OFFICER means the environmental health officer of the Town appointed by the Town Manager, or his authorized representative.

(40) WASTE MANAGEMENT OPERATOR means a person engaged in the business of receiving, storing, treating, or disposing of industrial waste.

(41) WASTEWATER means water-carried waste.

(42) WASTEWATER FACILITIES means all facilities of the city for collecting, pumping, treating, and disposing of sewage.

(43) WASTEWATER TREATMENT PLANT means the Dallas-owned facilities, devices, and structures used for receiving and treating wastewater from the city wastewater facilities."

SECTION 2. That the Code of Ordinances, Town of Addison Texas, as amended is hereby amended by amending Chapter 18 "Utilities" to add Section 18-166 to read as follows:

Sec. 18-166

ENFORCEMENT.

(a) The director and the town environmental health officer shall have the power to enforce the provisions of this article.

(b) The municipal court shall have the power to issue to the town environmental health officer administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this article.

(c) A person who violates any provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine not to exceed \$1000.

(d) A culpable mental state is not required to prove an offense under this article. A person is criminally responsible for a violation of this article if:

(i) the person commits or assists in the commission of a violation; or

(ii) the person owns or manages the property or facilities determined to be the source of the illegal discharge.

(e) This article may be enforced by civil court action as provided by state or federal law."

SECTION 3. That Chapter 18 "Utilities" of the Code of Ordinances of the Town of Addison, Texas as amended is amend to include a new section 18-167 to read as follows:

Sec. 18-167

CERTAIN WASTES PROHIBITED IN SANITARY SEWERS.

(a) No person shall discharge, or cause or permit to be discharged into a sanitary sewer:

(1) any inflows or infiltration, as illustrated by, but not limited to, storm water, ground water, roof run-off, subsurface drainage, a downspout, a yard drain, a yard fountain or pond, or lawn spray;

(2) wastewater or industrial waste generated or produced outside the town unless approval in writing from the director has been given the person discharging the waste;

(3) a liquid or vapor having a temperature higher than 150° fahrenheit (65° centigrade);

(4) gasoline, kerosene, benzene, naphtha, fuel oil or vapors, or materials, capable of forming a flammable or explosive mixture;

(5) solid or liquid substances in quantities capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities as illustrated by, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues or bulk solids, except when such items as lime slurry or lime residues are used in the treatment of combined storm and wastewater during storm runoff;

(6) a gas or substance capable of forming a gas which either singly or by interation with other waste may cause objectionable odor, hazard to life, or other conditions deleterious to structures or the city's wastewater treatment processes;

(7) garbage that has not been properly shredded;

(8) wastewater exceeding 100 mg/l of oils, fats and grease of the following types:

(A) floatable grease of any origin;

(B) free or emulsified grease of petroleum or mineral origin, or both, including, but not limited to;

(i) cooling or quenching oil;

(ii) lubrication oil;

(iii) cutting oil; and

(iv) non-saponifiable oil;

(9) a substance having a pH value lower than 5.5 or higher than 10.5;

(10) metals in the form of compounds or elements in solution or suspension in concentrations exceeding the following:

Arsenic (As)	0.10	mg/l
Barium (Ba)	<u>1.0</u>	mg/l
Cadmium (Cd)	<u>1.0</u>	mg/l

Chromium (Total)	5.0	mg/l
Copper (Cu)	<u>5.0</u>	mg/l
Lead (Pb)	<u>5.0</u>	mg/l
Manganese (Mn)	<u>1.0</u>	mg/l
Mercury (Hg)	0.01	mg/l
Nickel	<u>5.0</u>	mg/l
Selenium (Se)	<u>0.05</u>	mg/l
Silver (Ag)	4.0	mg/l
Zinc (Zn)	<u>5.0</u>	mg/l

(11) heavy metals and toxic material in concentrations prohibited by state and federal regulations including, but not limited to:

Antimony	Rhenium
Beryllium	Strontium
Bismuth	Tellurium
Boron	Fungicides
Cobalt	Herbicides
Molybdenum	Pesticides
Uranylion	

unless the permit obtained specifies conditions of pretreatment, concentrations, and volumes;

(12) cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of two mg/l as CN;

(13) chlorides greater than 500 mg/l;

(14) radioactive materials in a manner which will permit a transient concentration higher than 100 microcuries per liter;

(15) sulfides greater than 10.0 mg/l;

(16) sulfates in concentrations which are not amenable to treatment;

(17) emulsified grease of animal or vegetable origin in concentrations which are not amenable to treatment;

(18) unusual taste or odor producing substances, unless pretreated to a concentration acceptable to the director, so that the material does not;

(A) cause damage to collection facilities;

(B) impair the city's treatment processes;

(C) incur treatment cost exceeding those of normal sewage;  
or

(D) render the water unfit for stream disposal or industrial use;



(19) BOD or suspended solids in excess of 250 mg/l;

(20) a discharge of water, wastewater, or industrial waste which in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than four times the average 24 hour flow during normal operation;

(21) total dissolved solids in concentrations which are not amenable to treatment;

(22) COD in concentrations which are not amenable to treatment;

(23) any other substance which is determined by the director to be not amenable to treatment;

(24) organic chemical substances in concentrations exceeding the following:

<u>Benzene</u>	<u>1.0</u>	<u>mg/l</u>
<u>Phenol</u>	<u>0.10</u>	<u>mg/l</u>
<u>Toluene</u>	<u>1.0</u>	<u>mg/l</u>
<u>Isopropyl Alcohol</u>	<u>10.0</u>	<u>mg/l</u>
<u>Acetone</u>	<u>10.0</u>	<u>mg/l</u>
<u>Methylene Chloride</u>	<u>1.0</u>	<u>mg/l</u>
<u>Ethyl Benzene</u>	<u>1.0</u>	<u>mg/l</u>
<u>Methyl Alcohol</u>	<u>10.0</u>	<u>mg/l</u>
<u>Methyl Ethyl Ketone</u>	<u>10.0</u>	<u>mg/l</u>
<u>Xylene</u>	<u>1.0</u>	<u>mg/l</u>

(25) insecticides and herbicides in concentrations which are not amenable to treatment;

(26) Poly-chlorinated biphenyls.

(b) If a person discharges a substance into the sanitary sewer in violation of this section, the director may:

(1) terminate the service of water or sanitary sewer to the premises from which the substance was discharged; or

(2) require pretreatment or control of the quantities and rates of discharge of waste to bring the discharge within the limits established by this section.

(c) Action taken by the director under Subsection (b) does not prevent the use of other enforcement methods available to the city.

(d) If national pretreatment standards more stringent than those prescribed in this article are promulgated by the United States Environmental Protection Agency for certain categories of industries, the more stringent national pretreatment standards will apply to the affected industrial user.

(e) Subject to the approval of the City of Dallas, the director may grant variances in compliance dates to industries when, in his opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the director grant variances for compliance dates to industries affected by National Categorical Pretreatment Standards beyond the compliance dates established by the United States Environmental Protection Agency.

(f) The director may establish regulations to control the disposal and discharge of industrial waste into the city's wastewater facilities."

SECTION 4. The the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended by amending Chapter 18 "Utilities" to add Section 18-168 to read as follows:

Sec. 18-168

RIGHT OF ENTRY OF CITY EMPLOYEES.

The director, the city environmental health officer, and other duly authorized employees of the town acting as their duly authorized agents and breaking proper credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

SECTION 5. The the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended by amending Chapter 18 "Utilities" to add Section 18-169 to read as follows:

Sec. 18-169.

PERMIT REQUIRED FOR DISCHARGE OF INDUSTRIAL WASTE; APPLICATION; EXEMPTIONS.

(a) A significant industrial user shall not discharge, or allow to be discharged, industrial waste into the sanitary sewer without obtaining and maintaining a valid permit from the director.

(b) Application for a permit must be made to the director upon a form provided for the purpose and must be accompanied by plans and specifications for pretreatment facilities if pretreatment is required. The director may establish further regulations and procedures not in conflict with this chapter or other laws, regarding the granting and enforcement of permits.

(c) The director shall issue a permit if:

(1) the director determines that pretreatment facilities are adequate for efficient treatment of discharged waste, and comply with the waste concentration level requirements of Section 3 or with national pretreatment standards, whichever is applicable; or

(2) the applicant has submitted:

(a) an expected compliance date,

(b) an installation schedule of approved pretreatment devices,

(c) a self-monitoring program prepared in accordance with all applicable Federal pretreatment standards promulgated by the United States Environmental Protection Agency; or

(3) applicant is not discharging waste in violation of Section 3 other than excessive BOD or suspended solids.

(d) Permit granted under this section are not transferrable or assignable.

SECTION 6. The the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended by amending Chapter 18 "Utilities" to add Section 18-170 to read as follows:

Sec. 18-170.

DENIAL OR SUSPENSION OF PERMIT.

(a) The director may deny a permit if he determines that an applicant is not qualified under Section 5 (c) and may suspend a permit if he determines that a permittee:

(1) is not qualified under Section 5 (c);

(2) has violated a provision of this article; (or)

(3) has failed to pay a fee required by this chapter;

(4) has failed to comply with applicable Federal pretreatment standards and requirements; or

(5) has failed to comply with the compliance schedule required under Section 5 (c).

(b) After suspension under this section, a permittee may file a request for reinstatement of the permit. When the director determines that the permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, he shall reinstate the permit.

(c) A permittee whose permit is suspended shall not discharge industrial waste into the sanitary sewer.

(d) The director may amend a permit with additional requirements to assure compliance with applicable laws and regulations."

SECTION 7. The the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended by amending Chapter 18 "Utilities" to add Section 18-171 to read as follows:

Sec. 18-171.

The director shall conduct inspection, surveillance and monitoring procedures to determine whether an industrial user is in compliance with applicable pretreatment standards and requirements. The inspection, surveillance, and monitoring must be independent of information received from the self-monitoring reports program."

SECTION 8. That a person violating a provision of this Ordinance, upon conviction, is punishable by a fine not to exceed \$1000.

SECTION 9. That Chapter of the Code of Ordinances, Town of Addison, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 10. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole

or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

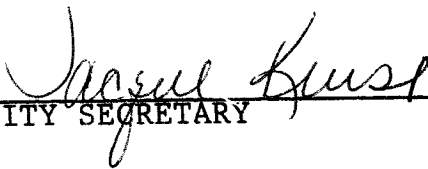
SECTION 11. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the Town of Addison, and it is accordingly so ordained.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 28<sup>th</sup> day of February, 1984.

MAYOR



ATTEST:

  
CITY SECRETARY

Published  
3/14/84