

ORDINANCE NO. 087-004

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 "UTILITIES" OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, AS AMENDED BY PROVIDING FOR DEFINITIONS; REQUIRING PERMIT FOR ADMISSION OF INDUSTRIAL WASTES INTO PUBLIC SEWERS; PROHIBITING CERTAIN DISCHARGES; PROVIDING FOR CONTROL OF ADMISSIBLE WASTES; PROVIDING FOR PROTECTION FROM DAMAGE OR INTERFERENCE; PROVIDING FOR POWER AND AUTHORITY OF ENFORCING AGENTS; PROVIDING FOR DENIAL OR SUSPENSION OF PERMIT; PROVIDING FOR APPEALS; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the cities of Farmers Branch and Carrollton, Texas, have provided facilities for the collection of sewage to promote the health, safety and convenience of the people served by such facilities and for the safeguarding of water resources common to all; and

WHEREAS, sewage in Addison flows naturally into the sewage works of the City of Farmers Branch and Carrollton; and

WHEREAS, proper protection and operation of the collection facilities may require either the excluding, pretreatment or controlled discharge at point of origin of certain types of quantities of industrial wastes; and

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WHEREAS, this ordinance enables the cities of Farmers Branch and Carrollton; and

WHEREAS, proper protection and operation of the collection facilities may require either the excluding, pretreatment or controlled discharge at point of origina of certain types of quantities of industrial wastes; and

WHEREAS, this oridinance enables the cities of Farmers Branch and Carrollton and the Trinity River Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403),

NOW, THEREFORE, 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. 18-172 to read as follows:

Sec. 18-172 Definitions.

In this ordinance, unless the context requires a different definition, certain words used herein are defined as follows:

"Administrative Officers" means any officer referred to in this ordinance by title, i.e., City Manager, City Attorney, City Secretary, Environmental Health Officer, Water and Sewer Director, etc., and shall be the person so retained in this position by Addison or duly authorized representative.

"Amenable to Treatment" means that a substance is susceptible to reduction in concentration by treatment provided in TRA's sewage treatment plant, to a level which is acceptable for discharge into a stream.

"Appeals Board" means the City Council of Addison or persons appointed by the City Council.

"Approving Authority" or "Authority" means the Environmental Health Officer, Water and Sewer Director or other official designated by the City Manager of the Town of Addison or his duly authorized deputy, agent or representative.

"BOD" (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees C., expressed in mg/l. The laboratory determination shall be made in accordance with the procedures set forth in "Standard Methods".

"City or Town" means the Town of Addison, Texas, together with all of its governing and operating bodies.

"City Council" means the duly elected governing body of the Town of Addison.

"COD" (Chemical Oxygen Demand) means 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 this may not correlate with BOD.

"Composite Samples" means samples composited during a period of time exceeding fifteen (15) minutes.

"Domestic Sewage" means water-borne wastes normally discharging from the sanitary conveniences of dwellings (including apartments, houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

"Garbage" means solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

"Grab Samples" means samples taken during a period of fifteen (15) minutes or less.

"Industrial User" means an industry which discharges wastewater into the City's sewerage or sewage collection system.

"Industrial Waste Questionnaire" means the document provided by the Approving Authority to all applicants on which basic information and data are placed describing the Applicant's production processes, raw materials, waste streams and other information as deemed necessary by the Approving Authority to accurately assess the nature of any potential waste discharges.

"Industrial Wastes" means all water-borne solids, liquids, or gaseous waste resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource or any mixture of these with water or domestic sewage distinct from normal domestic sewage.

"Interference" means the inhibition or disruption of the sewage treatment process or operations in a manner which causes or contributes to a violation of any requirement of TRA's National Pollutant Discharge Elimination System (NPDES) permit. This term includes contamination of TRA's sludge.

"Lower Explosive Limit" (LEL) means the concentration of a gas or vapor (in percent by volume) which, in the presence of an ignition source, will ignite.

"Milligrams Per Liter" (mg/l) is a weight-per-volume concentration; the milligrams per liter value multiplied by the factor 8.34 is equivalent to pounds of constituent per million gallons of water.

"Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Normal Domestic Sewage" means normal sewage for the cities of Addison, Carrollton and Farmers Branch in which concentration of suspended materials and five (5) day 20 degree centigrade BOD is established at 250 parts per million each, by weight, on the basis of the normal daily contribution of twenty hundredths (0.20) pounds per capita, per 100 gallons.

"Pass-Through" means a condition in which pollutants entering TRA's sewage treatment works are incompletely removed resulting in discharge concentrations which violate NPDES or other state and federal water quality standards.

"Permittee" means a person granted a permit under this ordinance.

"Person" means any and all persons, natural or artificial, including any individual, firm, company, industry, municipal or private corporation, association, society, governmental agency, or other entente and agents, servants or employees.

"ph" means the reciprocal of the logarithm (Base 10) of the hydrogen ion concentration of a solution.

"Pretreatment Standards" means pollutant concentration discharge limitations stipulated in ordinances of the cities of Addison, Carrollton and Farmers Branch and shall mean National Pretreatment Standards promulgated by the United States Environmental Protection Agency.

"preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

"Public Sewer" means a sewer in which all owners of abutting properties shall have equal rights and which is controlled by public authority.

"Sanitary Sewer" means a sewer which carries waste from residences, business buildings, institutions and industrial establishments.

"Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

"Sewage Works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sanitary sewage.

"Sewer Service Charge" means the charge made on all users of the public sewerage system whose wastes do not exceed in strength and concentration values established as representative of normal sewage.

"Shall", wherever used in this ordinance, will be interpreted in its mandatory sense; "may" is permissive.

"Significant Industrial User" (SIU) - Any industrial user who is connected or desires to connect to the Town of Addison's domestic wastewater collection system and meets at least one of the following criteria:

(a) average industrial wastewater discharge rate greater than 50,000 gpd.

(b) BOD and/or suspended solids concentrations in industrial wastewater greater than 250 mg/l.

(c) Industrial category regulated by National Pretreatment Standards as promulgated by the United States Environmental Protection Agency.

"Significant Violations" - Those violations which remain uncorrected forty-five (45) days after notification or noncompliance, which are part of a pattern of noncompliance over a twelve (12) month period, or which involve a failure to accurately report noncompliance.

"Slug" means any discharge of water, sewage or industrial waste which, in concentration of any constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours concentration or flows during the normal operation.

"Standard Methods" means the examination and analytical 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 Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Storm Sewer or Storm Drain" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes.

"Storm Water Runoff" means that portion of the rainfall that is drained into the storm sewers.

"Surcharge" means the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is suspended solids and BOD exceeding "Normal" sewage.

"Suspended Solids" means solids that either float on the surface of, or are in suspension in, water, sewage

or other liquids, and which are removable by laboratory filtration. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

"To Discharge" means to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or emissions.

"Total Hydrocarbons" means the total concentration of identifiable organic compounds present in sewage, expressed in mg/l. This value shall not include complex organic compounds normally associated with decayed material of biological origin.

"Total Toxic Organics" means the sum of the concentrations of any organic pollutants present in sewage which are identified by the U.S. EPA as priority pollutants.

"TRA" means the Trinity River Authority of Texas.

"Unpolluted Water or Waste" means any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols, or other substances imparting taste and odor in receiving water; toxic poisonous substances in suspension, colloidal state or solution; and noxious and odorous gases. It shall contain not more than ten (10) parts per million each of suspended solids and BOD. The color shall not exceed thirty (30) parts per million.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended by amending Chapter 18

"Utilities" to add Sec. 18-173 to read as follows:

Sec. 18-173. Permit for Admission of Industrial Wastes Into Public Sewers Required.

a. Permit Required - All industrial users shall obtain a permit from the Town of Addison prior to the discharge into the public sewers of the Carrollton-Farmers Branch Sewage Works of any wastes having at least one of the following criteria:

1. average industrial wastewater discharge rate greater than 50,000 gpd.

2. a five (5) day 20 degree centigrade BOD greater than 250 mg/l.

3. suspended solids content greater than 250 mg/l.

4. materials specified in Sec. 18-174 of this ordinance at concentrations greater than 0.010 mg/l.

5. industrial category regulated by National Pretreatment Standards as promulgated by the United States Environmental Protection Agency.

b. Pretreatment - Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, process or operation of the sewage works, or to comply with pretreatment standards and discharge limitations as specified in Sec. 18-174 of this ordinance, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the public sewer.

c. Pre-Application Conference - Prior to filing a permit Application, the Applicant shall consult with the Approving Authority, or his duly authorized representative, concerning the types, concentration and volumes of industrial wastes proposed for discharge and shall complete the Industrial Waste Questionnaire. Conditional approval as to the general requirements must be obtained from the Approving Authority prior to preparation of the permit Application.

d. Application Requirements - The permit Application shall contain, as a minimum, the following information:

1. a map of the property showing accurately all sewers and drains.

2. a complete schedule of all process waters and raw industrial waste produced or expected to be produced before pretreatment (if any) at said property, including a description of the character of each waste, the daily volume and maximum rate of discharge and representative analysis of the raw waste.

3. plans and specifications covering all pretreatment facilities for waste treatment proposed to be performed on the waste under this permit with a full description--including laboratory analysis--of the character of the waste to be discharged to the public sewer, daily volume and maximum rate of discharges to the public sewer.

4. plans and specifications of the grease, oil and sand interceptors and control manhole.

5. payment of a \$50.00 non-refundable application fee to the Town of Addison.

6. Applicant agrees to the following conditions:

(a) to operate and maintain any waste pretreatment facilities as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the City.

(b) to cooperate with the Approving Authority and his representatives in their inspecting, sampling and study of the industrial wastes and any facilities providing pretreatment.

(c) to notify the Approving Authority immediately in the event of any accident, upset or other occurrence that occasions discharge to the public sewerage system of any wastes or process waters not covered by this permit.

(d) to accept and abide by all provisions of this ordinance and of all pertinent ordinances or regulations that may be adopted in the future.

(e) to accept and pay, when billed, charges and fees described in Sec. 18-177g of this ordinance.

(f) all information and data submitted by an industrial user to the Approving Authority may be submitted to the Trinity River Authority of Texas and to the Environmental Protection Agency, pursuant to the Clean Water Act and the regulations promulgated by the EPA, governing the Public Owned Treatment Works. Such information shall be con-

sidered subject to the public disclosure, provided, however, that the industrial user may request that information not be subject to public disclosure, in accordance with 40 CFR Part 2, as follows:

(1) Industrial user may assert a business confidentiality claim covering part or all of the information, in a manner described below, and that information covered by such a claim will be disclosed only by means of the procedures set forth below.

(2) If no claim of business confidentiality is asserted, all information will be subject to public disclosure without further notice to the industrial user.

An industrial user which is submitting information to the Authority may assert a business confidentiality claim covering the information by including with the information at the time it is submitted to the Authority a cover sheet stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the Authority. If the business desires confidential treatment only until the occurrence of a certain event, the notice should so state.

Nothing in this section shall prevent the disclosure of information and data regarding the nature and content of industrial user's effluent, and the frequency of discharge, or a standard of limitation to be met by industrial user, and this information shall be available to the public with no restrictions.

The provisions of this section shall be subject to any public disclosure requirements which may exist under Article 6252-17a, V.A.C.S.

e. Submission of Information - Design calculations, plans, specifications, and other pertinent information

relating to proposed industrial waste pretreatment or processing facilities shall be submitted by a Registered Professional Engineer to the Approving Authority prior to start of their construction, if the effluent is to be discharged into the public sewers. A Permit Application shall be fully completed and submitted to the Approving Authority. The Applicant shall not connect to the public sewer without prior approval by the Approving Authority of the Applicant's Permit Application. It shall be the responsibility of the Permittee to file an Amendment to the Permit for Approval thirty (30) days prior to the change of any item of information on the permit. Failure to maintain the permit as an accurate representation of the Permittee's waste discharges to public sewers shall be cause for penalty.

f. The Approving Authority shall issue a permit to an existing industry or commercial business provided that:

1. the Applicant has submitted the completed Permit Application with required fee.

2. the Applicant's discharge is in compliance with Sec. 18-174 of this ordinance.

3. the Applicant has submitted a self-monitoring report program addressing wastewater characteristics, reporting frequency and sampling and analytical methods that are adequate, in the opinion of the Approving Authority, for the nature of the pollutants discharged and the size of the Industrial User. All self-monitoring samples shall be analyzed using procedures approved by the USEPA or procedures set forth in the latest edition of "Standard Methods."

4. Applicant is in compliance with applicable federal, state and local laws.

g. The Approving Authority shall issue a permit to an existing industry or commercial business not in compliance with discharge limitations set forth in Sec. 18-174 of this ordinance provided the following provisions are met:

1. the Applicant has submitted the completed Permit Application with required fee.

2. the Applicant has submitted an expected compliance date, agreed upon by the Approving Authority, after which time said Applicant's effluent

quality will comply with requirements of Sec. 18-174 of this ordinance.

3. the Applicant has submitted an installation schedule of pretreatment devices, agreed upon by the Approving Authority.

4. same as (f)(3) above.

h. The Approving Authority shall issue a permit to a new industry or commercial business provided that:

1. The Applicant has submitted the completed Permit Application with required fee.

2. The Applicant's expected discharge appears to be in compliance with Sec. 18-174 of this ordinance, or pretreatment facilities appear adequate for efficient treatment of discharged waste and are capable of achieving pretreatment standards and discharge limitations as specified in Sec. 18-174 of this ordinance.

3. Same as (f)(3) above.

4. Same as (f)(4) above.

i. The Approving Authority may amend any permit issued hereunder to assure compliance with applicable laws and regulations ten (10) days after mailing proposed amendment to Permittee at address shown on the application.

j. Any permit granted under this section shall be valid from the date of issuance until the last day of September. Permit periods shall be concurrent with the City's fiscal year of October 1 through September 30.

k. Any permit granted under this section shall be valid only for the original Applicant and shall not be transferable.

l. Permit Requirements - The Approving Authority shall include as a minimum, the following information on all permits:

1. a list of all regulated pollutants which the Permittee may lawfully discharge.

2. a list of the maximum allowable concentrations for each pollutant listed in (1) above.

3. the type of category of waste treatment provided by the industry.

4. a list of the pollutants to be treated.

5. interim and final installation dates of pretreatment systems and sample ports.

6. self-monitoring frequency and method of sample collection.

7. other requirements deemed necessary by the Approving Authority having direct bearing on the Permittee's compliance with this ordinance.

m. Permittees must comply with the following requirements as a condition to maintaining a valid permit:

1. immediately notify the Approving Authority in the event of an accident, spill, upset or other occurrence that may result in the discharge to Sanitary Sewer of any wastes in excess of limits set forth in this permit.

2. pay the Approving Authority the appropriate surcharge for depositing waste into the public sewer which is of greater strength for than normal domestic sewage.

3. permit the Approving Authority entry to the premises, including operational areas, pretreatment facilities, etc., for inspection, sampling, etc.

4. provide the Approving Authority, upon request, information and data on nature of operations, operational shifts, products produced, or services performed, chemicals used in process, and off-site disposal of wastes.

5. submit to the Approving Authority self-monitoring reports of wastewater characteristics being discharged at the above mentioned Permittee's site, which includes laboratory analysis of each sample representing normal operations composited during a full business day. Self-monitoring reports shall be submitted quarterly on forms supplied by the Authority, unless required more frequently in Pretreatment Standards or by the Approving Authority.

6. maintain records of all information resulting from any monitoring activities for a minimum period of three (3) years and make their records available for inspection upon request.

n. Failure to comply with any permit requirements in this section shall be an offense and shall constitute reason for suspension.

SECTION 3. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended by amending Chapter 18 "Utilities" to add Sec. 18-174 to read as follows:

Sec. 18-174. Certain Discharges Prohibited.

a. No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, sub-surface drainage, down spouts, yard drains, yard fountains, and ponds or lawn sprays into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Approving Authority. Unpolluted water may be discharged upon prior written approval of the Approving Authority to a storm sewer or natural outlet, or into the sanitary sewer system by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer.

No person shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any Federal Categorical Pretreatment Standards.

In cases where, and in the opinion of the Approving Authority, the character of the sewage from any manufacturer, or industrial plant building, or other premises is such that it will damage the system or cannot be treated satisfactorily in the system, the Approving Authority shall have the right to require such user to dispose of such waste otherwise and prevent it from entering the system.

No person engaged in the commercial hauling of waste shall deposit, drain, flush or discharge any chemical liquid wastes from their collection tanks into the Sanitary Sewer System of Addison unless approval is obtained from the Approving Authority.

The Permittee shall maintain and provide upon request records of chemical liquid wastes removed from the premises by commercial or private waste haulers.

b. No person shall discharge into the public sewer or cause to be discharged either directly or indirectly any of the following described substances, materials, waters or waste:

1. any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade) or a liquid which raises the temperature of the sewage treatment plant's influent to 104 degrees Fahrenheit or above.

2. any solids, liquids or gases which by themselves, or by interaction with other substances, may cause fire or explosion hazards, or in any other way be injurious to persons, property or the operator of the sewage works.

3. industrial waste which creates an atmosphere in the sewer measuring greater than 10% of the lower explosive limit. Instruments used for the measurement of explosivity shall use units of percent of LEL and shall be approved by the Approving Authority.

4. any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as 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.

5. any garbage that has not been properly comminuted or shredded. If properly comminuted or shredded, then it may be accepted under provisions established in "Definition" under "Properly Shredded Garbage".

6. any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids or creates any other condition deleterious to structures or treatment processes;

or requires unusual provisions, alteration, or expense to handle such materials, such as aliphatic hydrocarbons, esters and plasticizers.

7. any waters or wastes having a ph lower than 5.0 or higher than 10.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewage works and collection system.

8. any wastes or waters containing suspended or dissolved solids of such character and quantity to be capable of causing interference or pass-through in the sewage treatment plant.

9. any waters or wastes containing a toxic or poisonous substance such as plating or heat-treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters or the sewage treatment plant.

10. any of the following materials unless limits have been set by the Approving Authority and included on the Industrial User's permit.

Fuel Oil	Fungicides
Gasoline	Naptha
Herbicides	Insecticides
Tellurium	Rhenium
Strontium	Radioactive Elements or Compounds
	Other Materials Requested by Approving Authority

11. Pretreatment Standards

(a) No discharge may contain pollutants at concentration greater than the maximum allowable concentrations listed below:

Maximum Allowable Concentration (mg/l)

Pollutant	24 Hour Flow Weighted Composite Sample	Grab Sample
Arsenic	0.100	0.200
Barium	2.000	4.000
Boron		1.000
Cadmium	0.100	0.250
Chromium (total)	3.500	7.000
Copper	2.500	5.000
Cyanides		1.000
Hydrogen Sulfide	1.000	1.000
Lead	2.000	4.000
Manganese	3.500	7.500
Mercury	0.008	0.008
Nickel	1.500	3.000
Selenium	0.050	0.100
Silver	0.250	0.500
Zinc	2.500	5.000
Total Toxic Organics		2.000

(b) No person may discharge organic chemicals to the public sewer (other than as stated in No. 11 above) except under the following conditions:

(1) the Approving Authority shall assess the permittee's discharge as to the types and quantities of organic chemicals present.

(2) the effects of each organic chemical shall be assessed as to interference and pollutant pass-through.

(3) The Approving Authority shall determine that the permittee's discharge does not endanger the health and safety of sewage works employees and Addison citizens. The discharge shall not contain types and quantities of organic chemicals which singly, or in combination, create an atmosphere in the sewer which constitutes a violation of employee exposure levels as stated in Occupational Safety and Health Regulations (29 CFR 1910.1000).

(4) Using data and information obtained through 1-3 above, the Approving Authority shall establish discharge limitations for each organic chemical the permittee discharges or may discharge. These discharge limitations shall become a condition of the industrial sewer connection permit.

(c) If more stringent National Pretreatment Standards (NPS) exist for certain categories of industries or if more stringent NPS are promulgated for certain categories of industries by the U.S. EPA, the more stringent national standards will apply to the affected Permittee.

(d) If any different standards are specified in any current or future contract or contract amendments with TRA, these standards shall be incorporated by the City into this ordinance by amendment and shall then apply to each industry.

13. Except in quantities, or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, corporation or individual to discharge waters or wastes to the public sewer containing the following:

(a) Free or emulsified oil and grease exceeding, on analysis, 100 mg/l (834 pounds per million gallons) of either, or both, or combinations of, free or emulsified oil and grease, if, in the opinion of the Approving Authority, it appears probable that such wastes:

(1) can deposit grease or oil in the sewer lines in such manner to clog the sewers,

(2) can overload skimming and grease-handling equipment,

(3) are not amenable to bacterial action and will, therefore, pass to the receiving waters without being affected by normal sewage treatment processes, or

(4) can have deleterious effects on the treatment process due to the excessive quantities.

(5) contain wax, grease or oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.

(b) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.200 mg/l as CN in the wastes from any outlet into the public sewers.

(c) Materials which exert or cause the following:

(1) color or discoloration not amenable to treatment;

(2) unusual flow and concentration shall be pretreated to a concentration acceptable to the City, if such wastes can:

(i) cause damage to collection facilities,

(ii) impair the processes,

(iii) incur treatment cost exceeding those of normal sewage, or

(iv) render the water unfit for stream disposal; or

(3) BOD or COD in concentrations which are not amenable to treatment.

Where discharge of such wastes to the sanitary sewer are not properly pretreated or otherwise corrected, the Approving Authority may reject the wastes or terminate the service of water and/or sanitary sewer.

c. All parties, including parties to contracts with the Town, discharging industrial waste, treated and untreated effluent, sewage and all other wastes (hereinafter referred to as sewage), into the Sanitary Sewer System of Addison (hereinafter referred to as system) shall comply with all standards incorporated within this ordinance and shall not discharge into the system a volume of sewage at the point of discharge

into the system that exceeds the engineered capacity of the sanitary sewer lines of the system, which engineered capacity is 1/2 of the total capacity of said sanitary sewer lines.

SECTION 4. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended to amend Chapter 18 "Utilities" to add Sec. 18-175 to read as follows:

Sec. 18-175. Control of Admissible Wastes.

a. Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Grease, oil and sand interceptors shall be maintained by the person or Permittee, at his expense, in continuously efficient operation at all times.

b. Within ninety (90) days from the date of passage of this ordinance, any person discharging or desiring to discharge an industrial waste mixture into the public sewers of Addison connecting with the sewage works of Farmers Branch or Carrollton or any sewer connected therewith, shall provide and maintain in a suitable, accessible position on the Permittee's premises, or such premises occupied by him, a sample port or a manhole near the outlet of each sewer, drain, pipe, channel or connection which communicates with the sewer or sewage works of the Town of Addison or any sewer connected therewith. Each such manhole or sample port shall be of such design and construction which will prevent infiltration by ground and surface waters, and shall be so maintained by the person discharging wastes so that any authorized representative, or employee, of the City of Addison may readily and safely measure the volume and obtain samples of the flow at all times. Plans for the construc-

tion of the control manholes, or sample ports including flow measuring devices, shall be included with the Permit Application.

c. Sampling of the effluent or waste discharges may be accomplished manually, or by the use of mechanical equipment, to obtain a composite sample which would be representative of the total effluent. Samples shall be taken at such intervals as to establish the BOD and Suspended Solids of the industrial waste for billing purposes, as determined by the Approving Authority as necessary to maintain control over the discharges from the Permittee. Additionally, such grab and composite samples as are deemed necessary by the Approving Authority shall be taken at such intervals as to establish the concentrations of prohibited discharges and pretreatment standards as specified in this ordinance. The method used in the examination of all industrial wastes to determine BOD, Suspended Solids and prohibited wastes shall be as set forth in "Standard Methods" or as defined in 40 CFR, Part 136 and amendments thereto.

SECTION 5. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended to amend Chapter 18 "Utilities" to add Sec. 18-176 to read as follows:

Sec. 18-176. Protection From Damage or Interference.

a. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works or which is a part of the industrial sampling system of the Town of Addison.

b. No person shall prohibit, hinder, physically prevent or interfere with the lawful inspection and sampling of the Permittee's premises. Violation of this section shall be an offense and may result in disconnection of water and /or sewer.

SECTION 6. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended to amend Chapter 18 "Utilities" to add Sec. 18-177 to read as follows:

Sec. 18-177. Power and Authority of Enforcing Agents.

a. The Approving Authority may inspect the facilities of any industrial user to determine compliance with the requirements of this ordinance. The industrial user shall allow the Authority or its representatives to enter upon the premises of the industrial user at all reasonable hours, for the purposes of inspection, sampling or examination of record. The Authority shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering or measuring operations. The inspectors, agents or representatives of the Authority charged with the enforcement of this section shall be deemed to be performing a governmental function for the benefit and health of the general public and neither the Authority nor any individual inspector, agent or representative shall be held liable for any loss or damage, whether real or asserted, caused or alleged to have been caused as a result of the performance of such governmental function. The failure or refusal of such owners or occupants to comply with this provision shall be grounds for the disconnection of water and/or sewer service to the facility, pursuant to the enforcement and/or termination of service provisions of this ordinance.

The industrial waste discharged or deposited into the sanitary sewers shall be subject to periodic inspection and sampling as often as may be deemed necessary by the Authority. Samples shall be collected in such manner as to be representative of the character and concentration of the waste under operational conditions. The laboratory methods used in the examination of said waste shall be Standard Methods or those set forth in 40 CFR, Part 136. The determination of the character and concentration of industrial waste shall be made at such time and on such schedules as may be established by the Authority. Should an industrial user desire a determination of the quality of such industrial waste be made at some time other than that scheduled by the Authority, such special determination may be made by the Authority at the expense of the owner or occupant discharging the waste.

b. The volume of flow used in computing abnormal sewage surcharges shall be based upon metered water consumption or discharge as shown in the records of meter readings of water used which are maintained by the Town of Addison.

Where it can be shown to the satisfaction of the Authority that a substantial portion of the water as measured by the aforesaid meter, or meters, does not enter the sanitary sewer system of the Authority, then the Authority may

require or permit the installation of additional meters at owner's expense in such a manner as to measure the quantity of water actually entering the said sanitary sewage system from the lot, parcel of land, building or premises of such owner or occupant, and the quantity of water used to determine the sewer charge may be the quantity of water actually entering the sewage system as so determined, if the authority so elects.

Any industrial user who procures any part or all of his water supply from sources other than the Town of Addison, all or part of which is discharged into the sanitary sewer, shall install and maintain at his expense an effluent meter or flow measuring device of the type approved by the authority for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meters or measuring devices shall be read monthly.

If the Authority finds that it is not practicable to measure the quantity or quality of waste by the aforesaid meters or monitoring devices, he shall determine the quantity or quality of the waste in any manner or method he may find practicable in order to arrive at the percentage of water entering the sanitary sewage system of the Authority and/or the quality of the sewage to be used to determine the sewer service charge.

c. Any person found to be violating any provision of this ordinance shall be guilty of an offense. The Approving Authority shall issue a Notice of Violation stating the nature of the violation, any necessary corrective measures, and a compliance date. Any person found to be in violation after the compliance date shall receive a citation for a Class C Misdemeanor and a second Notice of Violation. Any person found to be in violation after the second compliance date shall receive a citation for a Class C Misdemeanor, a Notice of Impending Suspension of Permit, and a suspension date. The Approving Authority shall give at least thirty (30) days between the date a notice of impending suspension is issued and the effective date of the suspension to provide the permittee an opportunity for a hearing before the Addison City Council or its designee or representative, provided that the permittee request a hearing in compliance with Sec. 18-178 of this ordinance. Any person who is found in violation after the Suspension of Permit date shall have his permit suspended, his water turned off, and his sewer service disconnected. The requirement for issuance of a notice of violation shall be waived, where in the opinion of the Approving Authority a flagrant, willful violation is com-

mitted, when a violation occurs which causes immediate harm to any person or the sewage works, or when a person discharges industrial wastes to a public sewer without possessing a valid Permit.

d. A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Approving Authority.

e. Where chemical substances are released to the public sewer, causing rapid deterioration of, or interfering with, the proper treatment of sewage, or creating conditions potentially hazardous to employees of Addison or the general public, the Approving Authority is authorized to immediately terminate water/sewer services.

f. The Approving Authority may publish a list of the names and addresses of all persons finally convicted of significant violations of any provision of this chapter during the preceding year. Said list may be published annually in the newspaper of largest daily circulation.

g. The Approving Authority shall recover a major portion of the City's cost from permitted industries for the operation of the program established by this ordinance. The applicable charges or fees shall be set forth in a schedule of charges and fees and shall include:

1. fees for monitoring, inspections and surveillance procedures and sample analysis;
2. fees for reviewing accidental discharge procedures and construction;
3. fees for permit applications;
4. fees for filing appeals;
5. fees in the form of surcharges for depositing waste into public sewers which is of greater strength than Normal Domestic Sewage;
6. other fees as the City may deem necessary to carry out the requirements contained in this ordinance.

SECTION 7. That the Code of Ordinances, Town of Addison,

Texas, as amended, is hereby amended to amend Chapter 18

"Utilities" to add Sec. 18-178 to read follows:

Sec. 18-178. Denial or Suspension of Permit.

a. The Approving Authority may deny a permit if it determines that an Applicant has not complied with Sec. 18-173 and may suspend a permit if it determines that a Permittee:

1. is not complying with Sec. 18-174;
2. has failed to pay any charges or fees required by the City;
3. has failed to comply with pretreatment standards;
4. has falsified records or provided false information;
5. has violated any applicable provision of this ordinance.

b. After suspension under this section, a Permittee may file a request for reinstatement of the permit. When the Approving Authority 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.

SECTION 8. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended to amend Chapter 18

"Utilities" to add Sec. 18-179 to read as follows:

Sec. 18-179. Appeals.

a. Any Applicant who has been denied a permit under this section, or any Permittee whose permit has been suspended, shall have the right to a hearing before the City Council.

b. Requests for a hearing shall be made in writing and received by the Approving Authority within ten (10) days of

the date of the denial or the issuance date of the notice on impending suspension. The Approving Authority shall schedule a hearing before the City Council within twenty (20) days of receipt of the request.

c. The City Council shall have the authority to review all pertinent files and information regarding the Applicant/Permittee which are in the custody of the Approving Authority. Additionally, the City Council shall have the authority to accept written and verbal testimony from the Approving Authority, Applicant and interested citizens.

d. The City Council shall have the authority to assess whether the Approving Authority acted properly within its powers under this ordinance in its denial or suspension of permit. The majority vote of the City Council shall determine whether to uphold or reject the Approving Authority's action. Upholding the action of the Approving Authority shall affirm the denial or suspension. Rejection of the Approving Authority's action shall automatically reinstate a suspended permit.

e. No person whose Permit has been denied or suspended shall discharge industrial waste to the public sewer prior to final determination by the City Council.

SECTION 9. That the Code of Ordinances, Town of Addison, Texas, as amended, is hereby amended to amend Chapter 18 "Utilities" to add Sec. 18-180 to read as follows:

Sec. 18-180. Penalties.

a. Any person, firm or corporation violating any of the provisions of this Ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not to exceed One Thousand and no/100 Dollars (\$1,000.00), and each occurrence of the violation shall constitute a separate offense and shall be punished accordingly.

b. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

c. Other Remedies - The City shall be entitled to pursue other criminal and civil remedies to which it is entitled

under authority of statutes or other ordinances against a person continuing prohibited discharges.

SECTION 10. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 11. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 12. The fact that the present Code does not provide for control of discharges into the Farmers Branch/Carrollton Sewage Collection Facilities and is therefore inadequate to properly safeguard the general public, health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 20th day of January, 1987.


MAYOR

ATTEST:


CITY SECRETARY