

ORDINANCE NO. 093-058

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 18, UTILITIES, OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ARTICLE III, DIVISION 6 OF THE SAID CODE RELATING TO GENERAL DISCHARGE OF POLLUTANTS BY: (1) AMENDING SECTION 18-165 RELATING TO THE DEFINITION OF TERMS; (2) ADDING REGULATIONS REGARDING THE CONTROL OF ACCESS TO THE WASTEWATER SYSTEM; (3) REQUIRING AN INDEMNITY AGREEMENT AND WAIVER FOR WASTEWATER SERVICE WHERE THERE EXISTS A HIGH RISK OF FLOODING AND OVERFLOW; (4) AMENDING THE ENFORCEMENT PROVISIONS; (5) AMENDING THE REGULATIONS RELATING TO CERTAIN WASTES PROHIBITED IN THE WASTEWATER SYSTEM, REVISING THE ACCEPTABLE DISCHARGE CONCENTRATIONS OF BIOLOGICAL OXYGEN DEMAND AND SUSPENDED SOLIDS, AND PROVIDING FOR DEFENSES TO ENFORCEMENT ACTIONS IN CASES OF DISCHARGE DUE TO UPSET OR BYPASS; (6) ADDING PROVISIONS RELATING TO WASTE DISPOSAL THROUGH VEHICLES, GREASE TRAPS OR OTHER MEANS; (7) AMENDING THE REGULATIONS RELATING TO RIGHT OF ENTRY ON PRIVATE PROPERTY TO ENFORCE THE ORDINANCE; (8) AMENDING THE REGULATIONS RELATING TO THE REQUIREMENT OF A PERMIT FOR A DISCHARGE OF INDUSTRIAL WASTE; (9) AMENDING THE REGULATIONS RELATING TO THE DENIAL OR SUSPENSION OF A PERMIT; (10) ADDING REQUIREMENTS RELATING TO PRETREATMENT OF WASTE; (11) ADDING STANDARDS RELATING TO INDUSTRIAL WASTE CONCENTRATIONS AND REQUIRING SAMPLING FEES; (12) ADDING REQUIREMENTS FOR AN INSPECTION CHAMBER OR MANHOLE FOR A PERSON DISCHARGING INDUSTRIAL WASTE INTO THE WASTEWATER SYSTEM; (13) ADDING STANDARDS FOR MEASUREMENT OF WASTE VOLUME; (14) ADDING REQUIREMENTS FOR THE SAMPLING OF WASTE; (15) ADDING REGULATIONS PROVIDING FOR DISCHARGES BY WASTE MANAGEMENT OPERATORS ONLY AT POINTS DESIGNATED BY THE DIRECTOR OF PUBLIC WORKS, AND; (16) ADDING A PROHIBITION OF THE DEPOSIT OR DISCHARGE OF CERTAIN MATERIAL INTO THE WASTEWATER SYSTEM OR STORM SEWER; MAKING CERTAIN SEMANTIC, GRAMMATICAL, AND STRUCTURAL CHANGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE AND PRESERVING ALL OTHER PARTS OF THE SAID CHAPTER 18; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Dallas, Texas ("Dallas") has provided facilities for the collection and treatment 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, certain sewage of the Town of Addison, Texas (the "City") flows into Dallas' wastewater system; 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

WHEREAS, this Ordinance enables the City 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).

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. That the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and that all other chapters, divisions, articles, sections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed:

A. That Chapter 18 (Utilities), Article III, Division 6 of the said Code of Ordinances regulating generally the discharge of certain pollutants into the City's wastewater system is hereby amended in its entirety so that it shall hereafter read as follows:

Sec. 18-165.1 [~~Sec. 18-165~~]. Definitions.

(1) Amenable to treatment means that [~~refers to~~] a substance [~~that~~]:

(a) does not damage or interfere with the operations of the wastewater system [~~failities~~];

(b) is acceptable for stream discharge and normal sludge disposal methods used by Dallas [~~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) does not pose a health or safety threat to City or Dallas employees or contractors performing work in the wastewater system [~~Is acceptable for sludge disposal~~].

(2) Applicant means a person who makes application to receive a service from the Department.

(3) [~~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 (5) days at twenty (20) degrees Centigrade.

(4) [~~3~~] Building [~~house~~] drain means that part of the lowest horizontal piping of a drainage system that

[which] receives [the] wastewater discharge from [wastes and] drainage pipes within a [the wall of the] building, and conveys it to the building lateral which begins two (2) [sewer, beginning three (3)] feet outside the inner face of the building wall or foundation.

(5) [~~(4)~~] Building [~~(house) sewer] lateral~~ means the conduit or pipe extending [extension] from the building drain to the wastewater service line [sewer lateral] at the property line or other lawful place of disposal [~~(also called house lateral and house connection)]~~.

(6) Bypass means the intentional diversion of industrial waste from any portion of an industrial user's treatment facility.

(7) [~~(5)~~] City means the Town of Addison [City of Dallas], Texas.

(8) City attorney means the city attorney of the City, or the City attorney's authorized assistants.

(9) City council means the governing body of the City.

[~~(7)~~] ~~City environmental health officer~~ means the ~~environmental health officer of the city appointed by the city manager, or his authorized representative.]~~

(10) City manager means the city manager of the City, or the City manager's authorized assistants.

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

(12) [~~(8)~~] Composite samples means samples collected [composited] during a period of time exceeding fifteen (15) minutes and combined into one sample.

(13) Control Authority means that term as defined in 40 Code of Federal Regulations, Part 403.12 to designate the Director of Dallas Water Utilities along with the City's Director for decisions affecting the City's wastewater going to Dallas' treatment plants.

(14) Customer means a person who:

(A) is the customer of record;

(B) has made application for a service, and the service has been provided or made available by the department at

the location specified in the application pending final approval of the application; or

(C) actually uses, receives, or benefits from a service, even though no account for service may exist or no application for service may have been made in that person's name.

- (15) Customer of record means a person who has an account in that person's name with the department for a service, based upon an application made with and approved by the Director.
- (16) Department means the Public Works Department of the City.
- (17) Dallas means the City of Dallas, Texas.
- (18) [~~+10~~] Director means the Director of the [water utilities] department [of the City] or [his] the Director's authorized assistants and representatives.
- (19) [~~+11~~] Floatable grease means grease, oil or fat in a physical state such that it will separate or stratify by gravity in wastewater.
- (20) Environmental health officer means the environmental health officer of the City appointed by the City manager or the City manager's authorized representative.
- (21) [~~+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.
- (22) Governmental entity means the United States, the State of Texas, any county, any municipal corporation, town, or village other than the City, any school, college or hospital district, any district or authority created and existing under Article XVI, Section 59 or Article III, Section 52 of the Texas Constitution, any other entity considered a political subdivision of the State of Texas under State law, and any lawfully created and existing agencies of these governmental entities.
- (23) [~~+13~~] Grab sample means a sample[s] taken during a period of fifteen (15) minutes or less.
- (24) [~~+14~~] Grease means fatty acids, soaps, fats, waxes, petroleum products, oil, and any material that [which] is extractable by hexane or freon solvent from an acidified sample and that [which] is not volatilized during evaporation of the solvent.
- (25) [~~+15~~] Industrial surcharge means the additional charge made to a person or industry [on these persons] who

discharges into the wastewater system [~~sanitary sewer,~~] industrial waste[s] that is [~~which are~~] amenable to treatment by the [~~city's~~] wastewater system [~~treatment process~~] but that [~~which~~] exceeds the [~~normal~~] strength of normal wastewater.

(26) [~~16~~] Industrial user means an industry that discharges wastewater into the [~~city's or town's sanitary sewers or~~] wastewater system [~~treatment plants~~].

(27) [~~17~~] Industrial waste means [~~all~~] wastewater or other 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 normal domestic sewage.

(28) [~~18~~] Industry means a person or establishment that is recognized and identified in the Standard Industrial Classification Manual, 1987 [~~1972~~], Executive Office of the President: Office of Management and Budget.

(29) [~~19~~] Interference means the term as defined in Chapter 40, Code of Federal Regulations, Part 403.3(i), as amended [~~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~~].

(30) Mayor means the mayor of the City.

(31) MGD means million gallons per day.

(32) [~~20~~] MGL (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.

(33) [~~21~~] National categorical pretreatment standards means the national pretreatment standards imposed upon [~~on~~] existing or new industrial users in specific industrial subcategories, specifying [~~which specify~~] the quantities or concentrations of pollutants or pollutant properties that [~~which~~] may be discharged or introduced into [~~to~~] a wastewater treatment plant.

(34) [~~22~~] National pretreatment standards means any [~~wastewater quality discharge~~] pretreatment regulations containing pollutant discharge limits [~~standards~~] that have been established or will be established for industrial users [~~categories~~] by the United States Environmental Protection Agency.

- (35) [(24)] Normal domestic wastewater means wastewater [~~water-borne-wastes~~] normally discharged [~~discharging~~] from the commodes or sanitary conveniences of dwellings[7] (including apartment houses and hotels), office buildings, factories and institutions, free from storm or ground [~~surfaee~~] water and industrial waste[s].
- (36) [(23)] Normal wastewater [~~domestic-sewerage~~] means wastewater of the City [~~"normal" sewerage for Dallas~~] for which the average concentration of suspended solids and five-day BOD is established at and does not exceed [~~two hundred fifty~~] [(+)250(+)] mg/L[1,7] [~~each on the basis of the normal daily contribution of 21/100ths pounds per capita~~].
- (37) Obstruct means to:
- (A) make passage impossible or unreasonably inconvenient or hazardous; or
- (B) interfere or cause interference with a specific activity in order to prevent the activity from starting, continuing or concluding.
- (38) [(29)] Pass through means the discharge of pollutants through the C[e]ity's or Dallas' [~~town's~~] wastewater [~~sewer~~] system, treatment processes, or operations into navigable waters in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause in whole or in part of a violation of any requirement of Dallas' federal or State effluent discharge permits including an increase in the magnitude or duration of a violation [~~which are a cause of or significantly contribute to a violation of any requirement of the city's federal effluent discharge permit~~].
- (39) [(26)] Permittee means a person granted a permit under this division.
- (40) [(27)] Person means an individual, private or public corporation, partnership, association, governmental entity, firm, industry [~~firm, company, industry, municipal or private corporation, association, governmental agency,~~] or other entity.
- (41) [(28)] pH means the [~~reciprocal of the~~] logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.
- (42) Premises or property means real property and includes improvements.
- (43) [(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.

- (44) ~~(31)~~ Properly shredded garbage means garbage [the wastes from the preparation, cooking, and dispensing of food] that has [have] been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains [sanitary sewers], with no particle[s] greater than a one-half (1/2) inch cross-sectional [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.]~~
- (45) Service means all wastewater-related service provided for the use and benefit of persons inside the City through the operations and facilities of the department, including but not limited to:
- (A) wastewater collection;
 - (B) issuance and use of permits;
 - (C) collections of rates or fees for service; and
 - (D) other department activities for the benefit of the general public authorized under this chapter.
- (46) Service line means the pipe or conduit that extends from the wastewater main and that connects with the building lateral to provide a wastewater service connection.
- (47) ~~(34)~~ Significant industrial user means any industrial user that:
- (A) discharges an average of 25,000 or more gallons of wastewater per day into the wastewater system, excluding normal domestic wastewater, noncontact cooling water, and boiler blowdown water; or
 - ~~(a. Any industrial user that discharges fifty thousand (50,000) gallons or more of wastewater into the sanitary sewer system per day, not including cooling water used in air conditioning; or]~~
 - (B) ~~(b.)~~ is defined as subject to national categorical pretreatment standards [Any other industrial user defined

~~as a categorical user~~] by the United States Environmental Protection Agency; or

(C) contributes a stream of wastewater that makes up five percent or more of the average dry weather hydraulic or organic capacity of the City's wastewater treatment plant; or

(D) ~~[e.]~~ is ~~[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 system ~~[treatment works and facilities]~~.

(48) [(35)] Standard methods means the laboratory procedures or techniques for the testing, sampling, or analysis of pollutants:

(A) established and approved by the United States Environmental Protection Agency; or

(B) approved by the Director and Control Authority with the concurrence of the United States Environmental Protection Agency, where the United States Environmental Protection Agency has not established procedures or techniques for testing, sampling or analyzing a pollutant in question or determines that approved procedures or techniques are inappropriate for the pollutant in question.

~~[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.]~~

(49) Standard size wastewater main means a wastewater main not less than eight inches in diameter.

(50) [(36)] Storm sewer [or storm drain] means a conduit, drainage ditch, stream, or other water course that may directly or indirectly carry storm or ground water to the Trinity River [directly or indirectly].

(51) [(37)] Suspended solids means solids that either float on the surface of, or are suspended [in suspension] in, water, wastewater, or other liquids and that [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.]~~
- (52) Upset means an exceptional incident in which there is unintentional and temporary noncompliance with national categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. The term does not include noncompliance caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.
- (53) ~~[(40)]~~ Waste management operator means a person engaged in the private business of receiving, storing, treating, or disposing of industrial waste.
- (54) ~~[(41)]~~ Wastewater means water-carried waste.
- (55) Wastewater main means a conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water or unpolluted wastes are not intentionally admitted. The term includes access structures, valves and other appurtenances that are incidental to use of the wastewater main.
- (56) ~~[(42)]~~ Wastewater system [facilities] means all mains, pumps, interceptors, lift stations, connections, meters, appurtenances, and other facilities of the City employed in the collection of wastewater [for collecting, pumping, treating, and disposing of sewage].
- (57) ~~[(43)]~~ Wastewater treatment plant means the Dallas owned facilities, devices, and structures used for receiving and treating wastewater from the City or Dallas' wastewater system [facilities].

Sec. 18-165.2 Control of and access to systems; interference with access generally.

- (A) Systems as City property. All parts of the water and wastewater systems, including but not limited to those parts defined in Section 18-165.1 are the property of the City. The Director shall maintain and control each system and keep detailed records concerning all aspects of department operations.
- (B) Who has access. Only a person who is authorized by the Director, the environmental health officer or the Control Authority pursuant to Section 18-165.7 will have access to wastewater systems for operation, construction, maintenance, repair and other service-related purposes.

(C) Obstruction of authorized persons. A person commits an offense if the person knowingly obstructs a person authorized to enforce the provisions of this division as set forth in Section 18-165.4 from:

- (1) gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or
- (2) performing actual operation, inspection, construction, maintenance or repair of a part of the water or wastewater system.

Sec. 18-165.3 Water indemnity agreements.

(A) Grounds for disposal of wastewater service. Wastewater service to premises inside or outside the City shall be denied if:

- (1) the premises are subject to frequent, severe flooding;
- (2) the wastewater main serving the premises surcharges or overflows due to infiltration of ground water from the premises; or
- (3) the premises are subject to being flooded by a surcharge wastewater main due to the elevation of the premises in relation to the actual or proposed wastewater main.

(B) Indemnity agreement; waiver. Notwithstanding Subsection (A) of this Section 18-165.3, the Director may provide wastewater service where the said conditions exist if the owner agrees in writing to defend the City and Dallas against and hold the City and Dallas harmless from all lawsuits, claims, damages to property (whether real or personal), injuries to persons, death, costs, fees, including attorney's fees, and/or expenses which arise as a result of the surcharging, backflow or overflow of the wastewater main serving the premises; and provided further, that the said owner agrees to waive any claim the owner may have for damages or injuries against the City or Dallas arising from the said surcharging, backflow or overflow of the wastewater main.

(C) Effect of agreement. The indemnity agreement and waiver, when executed by the owner, constitutes a covenant running with the land which shall be binding upon the owner, his heirs, successors and assigns. The said agreement and waiver must be approved as to form by the City attorney and shall be filed in the deed records of the county in which the premises are located.

Sec. 18-165.4 [~~18-166~~]. Enforcement.

- (A) Authority to enforce. The Director and/or Control Authority and the [~~town~~] environmental health officer shall have the power to enforce the provisions of this division.
- (B) Administrative search warrants. 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 division.
- (C) Penalties. A person who violates any provision of this division or any term or condition of an industrial waste discharge permit granted pursuant to this division shall be fined, upon conviction, not more than Two Thousand Dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. [~~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 one thousand dollars (\$1,000.00).~~]
- (D) Criminal responsibility. A culpable mental state is not required to prove an offense under this division. A person is criminally responsible for a violation of this division if:
- (1) the person commits or assists in the commission of a violation, or causes or permits another person to commit a violation;
 - (2) the person owns or manages the property or facilities determined to be the cause [source] of the illegal discharge under Section 18-165.5, 18-165.6, 18-165.8, or 18-165.16.
- (E) Civil actions. This division or the terms and conditions of a discharge permit granted pursuant to this division may be enforced by civil court action in accordance with [~~as provided by~~] state or federal law.

Sec. 18-165.5 [~~18-167~~] Certain wastes prohibited in the wastewater system [~~sanitary sewers~~].

- (A) Certain discharges prohibited. No person shall discharge, or cause or permit to be discharged, into the wastewater system [~~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 City [~~town~~] unless approval in writing from the Director and Control Authority has been given the person discharging the waste;
- (3) a liquid or vapor having a temperature higher than [~~one hundred fifty~~] [~~(+)~~150~~(+)~~] degrees Fahrenheit ([~~sixty-five~~] [~~(+)~~65~~(+)~~] degrees Centigrade);
- (4) gasoline, kerosene, [~~benzene,~~] naphtha, fuel oil, [~~or~~] vapors, or materials[~~7~~] capable of forming a flammable or explosive mixture, or industrial waste with a closed cup flashpoint of less than 140 degrees fahrenheit (60 degrees Centigrade);
- (5) used motor oil;
- ~~(6)~~ [~~(+5)~~] Solid or liquid substances in quantities capable of causing obstruction to the flow in wastewater mains [~~sewers~~] or other interference with the proper operation of the wastewater system [~~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 fleshing, entrails, lime slurry, lime residues, slops, chemical residues, and 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;
- ~~(7)~~ [~~(+6)~~] A gas or substance capable of forming a gas, vapor or fume that [~~which~~] either by itself [~~singly~~] or by interaction with other waste may cause objectionable odor, hazard to life, acute employee health or safety problems, or other conditions deleterious to structures or Dallas' [~~the city's~~] wastewater treatment processes;
- ~~(8)~~ [~~(+7)~~] Garbage that is [~~has~~] not [~~been~~] properly shredded as defined in Section 18-165.1(48);
- ~~(9)~~ [~~(+8)~~] Except where the Director and the Control Authority have determined that different limits under an industrial waste discharge permit are appropriate, wastewater exceeding [~~one hundred~~] [~~(+)~~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:

1. cooling or quenching oil;
2. lubricating [~~lubrication~~] oil;
3. non-biodegradable cutting oil; and
4. non-saponifiable oil;

(10) [~~9~~] a substance having a pH value lower than 5.5 or higher than 10.5;

(11) [~~10~~] metals in the form of compounds or elements in solution or suspension in concentrations exceeding the following:

Arsenic (As).....	0.5	[0.10]	mg/l
[Barium (Ba).....]	1.0		mg/l
Cadmium (Cd).....	5.0	[1.0]	mg/l
Chromium (Total).....	5.0		mg/l
Copper (Cu).....	4.0	[5.0]	mg/l
Lead (Pb).....	1.6	[5.0]	mg/l
[Manganese (Mn).....]	1.0		mg/l
Mercury (Hg).....	0.01		mg/l
Nickel.....	9.0	[5.0]	mg/l
Selenium (Se).....	0.2	[0.05]	mg/l
Silver (Ag).....	4.0		mg/l
Zinc (Zn).....	5.0		mg/l

[~~11~~] ~~Heavy metals and toxic materials in concentrations prohibited by state and federal regulations including, but not limited to:~~

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

~~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 1.6 [~~two~~ ~~2~~] mg/L as cyanide [CN];

[~~13~~] ~~Chlorides greater than five hundred (500) mg/l;~~

(13) [~~14~~] radioactive materials in a manner which will permit a transient concentration higher than [~~one~~ ~~hundred~~] [~~1~~]100[~~1~~] microcuries per liter;

(14) [~~(15)~~] Sulfides greater than [~~ten~~] [~~(+)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;]~~

(15) [~~(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 costs exceeding those of normal wastewater [~~sewage~~];
- (d) render the water unfit for stream disposal or industrial use; or
- (e) create a public nuisance;

(16) [~~(19)~~] BOD or suspended solids in excess of 10,000 [~~two hundred fifty~~ (~~250~~)] mg/L;

(17) [~~(20)~~] a discharge of water, normal domestic wastewater, or industrial waste that [~~which~~] in quantity of flow[~~7~~] exceeds, for a [~~any period of~~] duration of longer than [~~fifteen~~] [~~(+)15~~(+)] minutes, more than four (4) times the average [~~twenty-four~~] [~~(+)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;]~~

(18) [~~(24)~~] Organic chemical substances in concentrations exceeding the following:

Benzene.....	1.0	mg/L
Phenol.....	<u>149.0</u>	[0.10] mg/L
Toluene.....	<u>3.0</u>	[1.0] mg/L
Isopropyl Alcohol.....	<u>26,250.0</u>	[10.0] mg/L
Acetone.....	<u>21,000.0</u>	[10.0] mg/L
Methylene Chloride.....	<u>21.0</u>	[1.0] mg/L
Ethyl Benzene.....	<u>1.6</u>	[1.0] mg/L
Methyl Alcohol.....	<u>20,000.0</u>	[10.0] mg/L
Methyl Ethyl Ketone.....	<u>249.0</u>	[10.0] mg/L
Xylene.....	<u>2.0</u>	[1.0] mg/L

(19) [~~(26)~~] insecticides and herbicides in concentrations that [~~which~~] are not amenable to treatment;

(20) [~~(27)~~] poly-chlorinated biphenyls;

(21) without the approval of the Director and the Control Authority, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste or chemical toilet waste that is not of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products;

(22) except at discharge points authorized by this division, or by regulations promulgated by the Director and the Control Authority that are not in conflict with this division or other laws, wastewater or a pollutant that is trucked or hauled; or

(23) any other pollutant, substance, or material [~~which is determined by the Director to be~~] not amenable to treatment, or of a concentration or quantity sufficient to harm the wastewater system, as determined by the Director and the Control Authority.

(B) Defenses to prosecution. It is a defense to prosecution under Subsection (A) of this section if a person makes a prohibited discharge as result of a bypass that has been authorized by the Director and the Control Authority in accordance with the provisions of Chapter 40, Code of Federal Regulations, Part 403.17, as amended.

(C) [~~b~~] Enforcement actions. If a person discharges a substance into the sanitary sewer in violation of this section, the Director and/or the Control Authority may:

(1) terminate water and wastewater [~~the~~] service [~~of water or sanitary sewer~~] to the premises from which the substance was discharged; or

(2) by administrative order, where applicable, or by other authorized means, require pretreatment or control of the quantities and rates of discharge of wastewater [~~waste~~] to bring the discharge within the limits established by this section; or

(3) bring a criminal or civil enforcement action as authorized in Section 18-165.4.

(D) [~~e~~] No waiver of other enforcement. Action taken by the Director and/or the Control Authority under Subsection (C) [~~18-167(b)~~] does not prevent the use of other enforcement methods available to the City.

(E) [~~d~~] Applicability of more stringent standards. If national pretreatment standards, categorical or otherwise, more stringent than the discharge limits [~~these~~] prescribed in Subsection (A) of this section [~~division~~] 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. A violation of the more stringent national pretreatment standards shall also be considered a violation of Subsection (A) of this section.

(F)[(e)] Variances in compliance dates. The Director and the Control Authority may grant a variance [subject to the approval of the City of Dallas, the Director may grant variances] in compliance dates to an industry [industries] when, in the Director's and Control Authority's [his] opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the Director or the Control Authority grant a variance[s] in [for] compliance dates to an industry [industries] affected by national categorical pretreatment standards beyond the compliance dates established by the United States Environmental Protection Agency.

(G)[(f)] Authority to regulate. The Director and the Control Authority may establish regulations, not in conflict with this division or other laws, to control the disposal and discharge of industrial waste into the [city's] wastewater system [facilities] and to insure compliance with the City's pretreatment enforcement program with all applicable pretreatment regulations promulgated by the United States Environmental Protection Agency. The regulations established shall, where applicable, be made a part of any discharge permit issued to an industrial user by the Director under Section 18-165.8.

Sec. 18-165.6 Waste disposal through vehicles, grease traps or other means.

(A) Illegal waste disposal. A person commits an offense if:

- (1) from a vehicle, portable tank or other container used for transporting water, normal domestic wastewater or industrial waste, the person discharges or causes the discharge of water, normal domestic wastewater or industrial waste into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system;
- (2) by any means, the person discharges or causes the discharge of water, normal domestic wastewater or industrial waste into a part of the wastewater system generally used for maintenance or monitoring, including but not limited to manholes, cleanouts or sampling chambers;

(3) by means of a mechanical device or extraneous water, the person forces normal domestic wastewater or industrial waste collected in a grease trap, sandtrap or other waste collection device into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system.

(B) Defense. It is a defense to prosecution under Subsection (A) of this section if the discharge of water, normal domestic wastewater or industrial waste into the wastewater system, or into a private sewer facility directly or indirectly connected to the wastewater system, is from a motor vehicle:

(1) that is specially designed and adapted to treat water, normal domestic wastewater or industrial waste to concentrations meeting the requirements of this division prior to discharge into the wastewater system; and

(2) the operator of which has written permission from the Director and the Control Authority to operate the vehicle within the City.

Sec. 18-165.7 [~~18-168~~]. Right of entry [~~of city employees~~].

The Director, the [~~city~~] environmental health officer, and other duly authorized employees of the City [~~town~~] acting as their duly authorized agents, and the Control Authority, each bearing 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 division.

Sec. 18-165.8 [~~18-169~~]. Permit required for discharge of industrial waste; application; exemptions.

(A) Permit required. A significant industrial user commits an offense if the significant industrial user discharges or allows the discharge of [~~shall not discharge, or allow to be discharged,~~] industrial waste into the wastewater system [~~sanitary sewer~~] without obtaining and maintaining a valid permit from the Director.

(B) Permit procedures. 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 and the Control Authority may establish further

regulations and procedures not in conflict with this division or other laws, regarding the granting and enforcement of permits, including but not limited to administrative orders issued for the purpose of bringing a violator back into compliance with a permit.

(C) Terms and conditions of permit. The Director shall prescribe such terms and conditions of the permit as are required and authorized by the United States Environmental Protection Agency and as necessary to ensure full compliance with this division and all national pretreatment standards and regulations. In addition, the permit must incorporate all applicable national pretreatment standards and all other pretreatment regulations promulgated by the United States Environmental Protection Agency applicable to significant industrial users. The term of a permit shall never be longer than five years. A person commits an offense if the person discharges, or allows the discharge of, industrial waste into the wastewater system in violation of any term or condition of a permit issued under this section. The Director and Control Authority may enforce the terms and conditions of the permit as authorized under this division.

(D) ~~(+e)~~ Issuance of permits. 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 18-165.5 [~~18-167~~] 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 regulations [~~standards~~] promulgated by the United States Environmental Protection Agency; or
- (3) the applicant is not discharging wastewater [~~waste~~] in violation of Section 18-165.5. [~~18-167 other than excessive BOD or suspended solids.~~]

(E) ~~(+d)~~ Nontransferability. Permits granted under this section are not transferable or assignable.

(F) Defense to enforcement actions. It is a defense to prosecution or to civil court action brought under this division for a violation of pretreatment standards that the person held a permit under this section and the person discharged industrial waste in violation of national categorical pretreatment standards as the result of:

- (1) an upset, except that the burden of proof for the defense is not met until relevant, admissible evidence establishes the conditions necessary for a demonstration of upset pursuant to Chapter 40, Code of Federal Regulations, Part 403.16(c), as amended; or
- (2) a bypass authorized by the Director in accordance with Chapter 40, Code of Federal Regulations, Part 403.17(c), as amended.

Sec. 18-165.9 [~~18-170~~]. Denial or suspension of permit; amending permits.

(A) Grounds for denial and suspension. The Director may deny a permit if the Director determines that an applicant is not qualified under Section 18-165.8(D) [~~18-169(e)~~] and may suspend a permit if the Director determines that a permittee:

- (1) is not qualified under section 18-165.8(D) [~~18-169(e)~~];
- (2) has violated a provision of this division, the permit, or any administrative order;
- (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 submitted pursuant to [~~required under section~~] Section 18-165.8(D)(2) [~~18-169(e)~~].

(B) Reinstatement. After suspension under this section, a permittee may file a request for reinstatement of the permit. The Director shall reinstate the permit if the Director determines that:

- (1) the permittee is again qualified under Section 18-165.8;
- (2) all violations of this division and applicable federal pretreatment standards and requirements have been corrected;

(3) precautions have been taken to prevent future violations; and

(4) all fees required by this division have been paid.

~~[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, the director shall reinstate the permit.]~~

(C) Discharge without a permit. A permittee whose permit is suspended shall not discharge industrial waste into the wastewater system [sanitary sewer].

(D) Amending a permit. The Director may amend a permit with additional requirements to assure compliance with applicable laws and regulations.

~~[Sec. 18-171. Inspection, surveillance and monitoring.~~

~~The director shall conduct inspection, surveillance and monitoring procedures to determine whether an industrial use 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.]~~

Sec. 18-165.10. Pretreatment.

(A) Grease traps required. The owner of premises from which industrial waste is discharged shall provide grease and sand traps for the proper handling of liquid wastes containing grease, floatable substances, or sand. The traps must be of a type and capacity approved by the Director to adequately handle the waste and must be located so that they are easily accessible for cleaning, inspection, and monitoring. A grease trap or sand trap must be cleaned in such a manner that the volume of grease trap or sand trap waste removed equals the nominal volume capacity of the trap each time it is cleaned.

(B) Generators of waste. A person who is an industrial waste generator who transports or permits transport of industrial waste off his premises for disposal shall dispose or direct disposal to be made, of the waste at a permitted facility conforming to the requirements of state, federal and local laws and regulations.

(C) Manifest system. A person who is a generator of grease trap or sand trap waste shall comply with the City's manifest program for documentation of disposal. A copy of each manifest shall be retained at the business office

of the generator for a period of three years, in a place and in a manner that a City inspector can inspect the manifest record at any reasonable time.

- (D) Requirements for transporters. A person who is a transporter of grease trap or sand trap waste shall comply with the City's manifest program and with all applicable state, federal and local laws and regulations.
- (E) Operation and maintenance of pretreatment facilities. When pretreatment of industrial waste is required by the Director as a condition for acceptance of the waste into the wastewater system, the owner of the premises from which the waste is discharged must operate and maintain treatment facilities in a manner capable of complying with applicable discharge standards.
- (F) Extraneous water prohibited. The owner, operator or permittee of premises from which industrial waste is discharged must not allow the use of extraneous water intermixed for the purpose of diluting the concentration of the waste.

Sec. 18-165.11. Industrial Waste Concentrations; Sampling Fees

- (A) Excessive BOD/SS concentrations. A person discharging into the wastewater system industrial waste that exhibits none of the characteristics of wastewater prohibited in Section 18-165.5(A) but that has a concentration for a duration of 15 minutes that is greater than four times that of normal wastewater as measured by suspended solids, BOD, or both or a concentration during a 24-hour period average of suspended solids, BOD, or both in excess of normal wastewater, shall pretreat the industrial waste to meet the concentrations of normal wastewater; except, that the industrial waste may be accepted in the wastewater system for treatment by the City if all the following requirements are met:
- (1) The industrial waste will not cause damage to the wastewater system.
 - (2) The industrial waste will not impair the city's treatment process.
 - (3) The BOD or suspended solids concentration of industrial waste discharged does not cause the average BOD or suspended solids of wastewater received at the wastewater treatment plant to increase above 275 mg/L.

- (4) In no event does the BOD or suspended solids concentration of industrial waste discharged exceed 10,000 mg/L at the source.
- (B) Sampling fees in general. A person determined to be discharging industrial waste in violation of the Section 18-165.5 applicable standards of the United States Environmental Protection Agency, other than BOD or suspended solids concentrations greater than 250 mg/L but less than 10,000 mg/L, must compensate the City for the cost of sampling and laboratory service expense required for monitoring the discharges until such time as the discharged waste is in compliance with Section 18-165.5. The Director shall determine the number of samples and the frequency of sampling necessary to maintain surveillance of the discharges.
- (C) Sampling fees for industrial surcharge. A person discharging concentrations of BOD or suspended solids in excess of 250 mg/L shall compensate the City for the cost of sample collections and laboratory service necessary when an industrial surcharge rate is established each year. This subsection does not apply to a waste management operator.

Sec. 18-165.12. Inspection Chambers.

- (A) Chambers required. A person who discharges industrial waste into the wastewater system must provide, at his own expense, an inspection manhole or chamber in an accessible location on the premises from which the waste is discharged.
- (B) Special requirements. An inspection manhole or chamber must be:
- (1) near the outlet of each building lateral, sewer, drain, pipe, or channel which connects with the wastewater system;
 - (2) designed and constructed to prevent infiltration by ground and surface water; and
 - (3) maintained so that a person may easily and safely measure the volume and obtain samples of the flow.
- (C) Construction plans required. Before beginning construction of an inspection manhole or chamber, a person must submit plans to the Director for review and approval to insure compliance with this section. Plans must include the wastewater metering device if one is to be installed.

Sec. 18-165.13. Measurement of Waste Volume.

- (A) Metering devices. If a person who discharges industrial waste into the wastewater system installs and maintains in proper working condition a wastewater metering device of a type approved by the Director, the actual wastewater flow from the premises shall be the basis for computing charges for services.
- (B) Measurements without a meter. On premises where water is obtained exclusively from the water system and no wastewater metering device is installed, the Director shall compute the wastewater flow, for purposes of determining service charges, based on the water consumption during the previous months.
- (C) Wastewater from private sources. On premises where all or part of the water is obtained from a source other than the water system and no wastewater metering device is installed, the owner shall provide and maintain a metering device, of a type approved by the Director, to measure sources of private water.
- (D) Estimated Usage. If an activity on premises consumes water by evaporation, includes water in a product or discharges water into a storm sewer, the owner may make application to the Director for reduction in the volume of wastewater estimated to be discharged from the premises. The application must contain supporting data, including but not limited to a flow diagram showing the route and destination of the water supply and wastewater.

Sec. 18-165.14. Sampling of Waste.

- (A) When samples taken. The Director shall take samples of industrial waste discharges from an establishment as often as he determines is necessary to adequately monitor and control the discharges. If an owner desires additional samples, the Director may require the owner to pay the cost of the additional service.
- (B) How samples taken. A sample may be taken manually or by use of mechanical equipment. The method of sample collection will be determined by the Director. The Director shall use standard methods for determining concentrations of industrial waste.
- (C) Inspection for compliance. 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.

(D) Self-monitoring program. The Director may, to the extent permitted by the United States Environmental Protection Agency, delegate self-monitoring and reporting responsibilities to specific industrial waste discharge permittees, based upon the compliance history of a permittee and the volume and character of the waste discharge.

Sec. 18-165.15. Waste Management Operators.

(A) General requirements. A person who is a waste management operator and discharges industrial waste into the wastewater system must:

- (1) discharge only at points in the wastewater system designated by the Director;
- (2) install and maintain an accurate wastewater metering device, or provide for accurate flow estimates in a manner as required by the Director;
- (3) Compensate the City for the full cost of all sample collection and laboratory analyses for the purpose of monitoring and maintaining control of the discharge of industrial waste into the wastewater system, or implement a self-monitoring and reporting program approved by the Director;
- (4) maintain accurate records, available to the Director upon request, showing:
 - (a) the volume of industrial waste discharged;
 - (b) the dates of receipt and disposal of industrial waste;
 - (c) the type of waste discharged; and
 - (d) the names and addresses of producers and haulers of all waste being processed; and
- (5) comply with all applicable federal, state and local laws and regulations.

Sec. 18-165.16. Deposit or Discharge of Certain Material into Wastewater System or Storm Sewer

(A) Illegal discharges. A person commits an offense if the person:

- (1) deposits garbage, dead animals, trash, articles or other substances tending to obstruct the flow of wastewater into a storm sewer or storm drain; or

- (2) discharges industrial waste into a storm sewer or storm drain;
 - (3) discharges normal domestic wastewater into a storm sewer or storm drain; or
 - (4) discharges storm water collected from a storm sewer or storm drain into the wastewater system.
- (B) Gutter connections. A person commits an offense if the person connects a private gutter, rainwater conductor, privy or cistern to a part of the wastewater system.

Section 2. Additions, deletions. In the amendment to the Code of Ordinances made by Section 1 of this Ordinance, an addition to the Code is indicated by underlining and a deletion is indicated by a ~~strike-through~~.

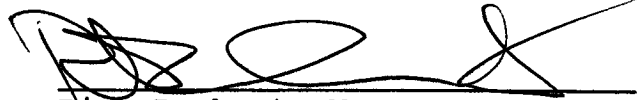
Section 3. Severability. If any part or provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the discharge of pollutants and shall not repeal any of the provisions of those ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to Chapter 18, Division 6 of the Code of Ordinances, shall continue to be governed by the provisions of the said Chapter and Division as if the said Division had not been amended hereby, and for that purpose the provisions of Chapter 28, Division 6 prior to the adoption of this Ordinance shall be deemed to remain and continue in full force and effect.

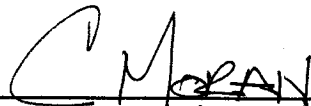
Section 5. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance or the permit described in the amendment made herein to Chapter 18, and any person violating or failing to comply with any provision of this Ordinance or the said permit shall be fined, upon conviction, in an amount not to exceed Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed upon each day or any part of a day during or on which a violation occurs or continues.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the Town of Addison.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,
on this the 28th day of September, 1993.


Rich Beckert, Mayor

ATTEST:


Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:


Ken Dippel, City Attorney

Published
10/14/93

