

(Motion was made by John Richards, seconded by James Lout, that the following ordinance be passed:)

ORDINANCE NO. 89-3

AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWERS OF THE TOWN OF WOODLOCH, TEXAS, ESTABLISHING A PERMIT SYSTEM, ESTABLISHING A SYSTEM OF CHARGES FOR SERVICES RENDERED, REGULATING UNSEWERED AND MISCELLANEOUS DISCHARGES, AND PROVIDING FOR ENFORCEMENT.

WHEREAS, the Town of Woodloch has provided facilities for the collection and treatment of wastewater to promote the health, safety, and convenience of its people and for the safeguarding of water resources common to all, and

WHEREAS, provision has been made in the design, construction and operation of such facilities to accommodate certain types and quantities of industrial wastes in addition to normal wastewater, and

WHEREAS, it is the obligation of the producers of industrial waste to defray to costs of the wastewater treatment services rendered to the Town of Woodloch in an equipped manner and, insofar as its it practicable, in proportion to benefits derived, and

WHEREAS, protection of the quality of the effluent and proper operation of the wastewater collection and treatment facilities and quality of effluent may require either the exclusion, pretreatment, or controlled discharge at point of origin of certain types or qualities of industrial wastes;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF WOODLOCH, TEXAS:

SECTION 1. DEFINITIONS. As used in this ordinance;

(1) "APPROVING AUTHORITY" means the Mayor or his duly authorized representative;

(2) "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of carbonaceous organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade;

(3) "BUILDING SEWER" means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection);

(4) "CITY" means the Town of Woodloch, Texas, or an authorized person acting in its behalf;

(5) "C.O.D." (Chemical Oxygen Demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand;

(6) "CONTROL MANHOLE" means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer;

(7) "CONTROL POINT" means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer;

(8) "GARBAGE" means animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce;

(9) "INDUSTRIAL WASTE" means waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater;

(10) "INDUSTRIAL WASTE CHARGE" means the charge made on those persons who discharge industrial wastes into the city's sewerage system;

(11) "MILLIGRAMS PER LITER" (mg/l) means the same as parts per million and is weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water;

(12) "NATURAL OUTLET" means any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater;

(13) "NORMAL DOMESTIC WASTEWATER" means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 240 mg/l and B.O.D. is not more than 200 mg/l;

(14) "OVERLOAD" means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity;

(15) "PERSON" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity;

(16) "pH" means the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration;

(17) "PUBLIC SEWER" means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the Town of Woodloch;

(18) "SANITARY SEWER" means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unplugged wastes are not intentionally passed;

(19) "SLUG" means any discharge of water, wastewater, or industrial waste which in concentration of any given 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) hour concentration or flows during normal operation;

(20) "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;

(21) "STORM SEWER" means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed;

(22) "STORM WATER" means rainfall or any other form of precipitation;

(23) "OPERATOR" means contracted company responsible for the Water and Wastewater of the Town of Woodloch or their duly authorized deputy, agent, or representative;

(24) "SUSPENDED SOLIDS" means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device;

(25) "TO DISCHARGE" includes 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 omissions;

(26) "TRAP" means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances;

(27) "UNPOLLUTED WASTEWATER" means water containing:

- (A) no free or emulsified grease or oil;
- (B) no acids or alkalis;
- (C) no phenols or other substances producing taste or order in receiving water;
- (D) no toxic or poisonous substances in suspension, colloidal state, or solution;
- (E) No noxious or otherwise obnoxious or odorous gases;

(F) not more than an insignificant amount in mg/l each of suspended solids and B.O.D., as determined by the Texas Water Quality Board; and

(G) color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods;

(28) "WASTE" means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural or industrial activities;

(29) "WASTEWATER" means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present;

(30) "WASTEWATER FACILITIES" includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes;

(31) "WASTEWATER TREATMENT PLANT" means any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers;

(32) "WASTEWATER SERVICE CHARGE" means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater; and

(33) "WATERCOURSE" means a natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

SEC. 2 PROHIBITED DISCHARGES. (a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may

(1) injure or interfere with wastewater treatment processes or facilities;

(2) constitute a hazard to humans or animals; or

(3) create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this ordinance.

SEC. 3 CHEMICAL DISCHARGES.

(a) No discharge to public sewers may contain:

- (1) cyanide greater than 1.0 mg/l
- (2) fluoride other than that contained in the public water supply;
- (3) chlorides in concentrations greater than 250 mg/l
- (4) gasoline, benzene, naphtha, fuel oil, hydrocarbons or other flammable or explosive liquid, solid or gas; or
- (5) substances causing an excessive Chemical Oxygen Demand (C.O.D)

(b) No waste or wastewater discharged to public waters may contain:

- (1) strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (2) fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degree Centigrade).

(3) objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials; or

(4) obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of Section 2 (a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 6.0 or higher than 9.0, or any other corrosive property capable of

causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the Approving Authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

SEC. 4 HEAVY METALS AND TOXIC MATERIALS.

(a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.

(b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods" are:

(1) Arsenic	0.05 mg/l;
(2) Barium	5.0 mg/l;
(3) Boron	1.0 mg/l;
(4) Cadmium	0.02 mg/l;
(5) Chromium (total)	5.0 mg/l;
(6) Copper	1.0 mg/l;
(7) Lead	0.1 mg/l;
(8) Manganese	1.0 mg/l;
(9) Mercury	0.005 mg/l;
(10) Nickel	1.0 mg/l;
(11) Selenium	0.02 mg/l;
(12) Silver	0.1 mg/l;
(13) Zinc	5.0 mg/l;

(NOTE: In determining the concentration parameters to be included in the ordinance, current state, federal, and other appropriate agency rules, regulations, and orders should be consulted, including Texas Water Quality Board Order 709-0828-5 or as amended and revised thereafter regulating the discharge of hazardous metals into or adjacent to state waters.)

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the Approving Authority specifying conditions or pretreatment, concentrations, volumes, and other applicable provisions.

(d) prohibited heavy metals and toxic materials include but are not limited to:

- (1) Antimony,
- (2) Beryllium,
- (3) Bismuth,
- (4) Cobalt,
- (5) Molybdenum,
- (6) Uranylion,
- (7) Rhenium,
- (8) Strontium,
- (9) Tellurium,
- (10) Herbicides,
- (11) Fungicides, and
- (12) Pesticides.

SEC. 5 GARBAGE.

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half (1/2) inch in any dimension are prohibited.

(b) The Approving Authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater.

SEC. 6 STORM WATER AND OTHER UNPOLLUTED DRAINAGE.

(a) No person may discharge to public sanitary sewers:

- (1) unplugged storm water, surface water, ground-water, roof runoff or subsurface drainage;
- (2) unplugged cooling water;
- (3) unplugged industrial process waters; or
- (4) other unplugged drainage;

(b) In compliance with the Texas Water Quality Act and other statutes, the Approving Authority may designate storm sewers and other watercourses into which unplugged drainage described in subsection (a) of this section may be discharged.

SEC. 7 TEMPERATURE. No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred ten (110) degrees Fahrenheit.

SEC. 8. RADIOACTIVE WASTES.

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the Approving Authority;

(b) The Approving Authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

SEC. 9. IMPAIRMENT OF FACILITIES.

(a) No person may discharge into public sewers any substance capable of causing:

- (1) obstruction to the flow in sewers;
- (2) interference with the operation of treatment processes of facilities; or
- (3) excessive loading of treatment facilities.

(b) Discharges prohibited by Section 9(a) include, but are not limited to materials which exert or cause concentrations of:

- (1) inert suspended solids greater than 300 mg/l including but not limited to:

- (A) Fuller's earth
- (B) Lime slurries; and
- (C) Lime residues

- (2) dissolved solids greater than 400 mg/l greater than the concentration in the public water supply, including but not limited to:

- (A) sodium chloride; and
 - (B) sodium sulfate;
- (3) excessive discoloration including but not limited to:
- (A) dye wastes; and
 - (B) vegetable tanning solutions; or
- (4) B.O.D., C.O.D, or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
- (1) deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) overload skimming and grease handling equipment;
 - (3) pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or
 - (4) deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
- (1) is not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The Approving Authority shall regulate the flow and concentration of slugs when they may:
- (1) impair the treatment process;
 - (2) cause damage to collection facilities;
 - (3) incur treatment costs exceeding those for normal wastewater; or
 - (4) render the waste unfit for stream disposal or industrial use.

(f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including but not limited to:

- (1) ashes;
- (2) cinders;
- (3) sand;
- (4) mud;
- (5) straw;
- (6) shavings;
- (7) metal;
- (8) glass;
- (9) rags;
- (10) feathers;
- (11) tar;
- (12) plastics;
- (13) wood;
- (14) underground garbage;
- (15) whole blood
- (16) paunch manure;
- (17) hair and fleshings;
- (18) entrails;
- (19) paper products, either whole or ground by garbage grinders;
- (20) slops;
- (21) chemical residues; or
- (22) paint residues; or
- (23) bulk solids.

SEC. 10. COMPLIANCE WITH EXISTING AUTHORITY.

(a) Unless exception is granted by the Approving Authority, the public sanitary sewer system shall be used by all persons discharging:

- (1) wastewater;

- (2) industrial waste;
- (3) polluted liquids;

(b) unless authorized by the Texas Commission, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property into or adjacent to any:

- (1) natural outlet;
- (2) watercourse;
- (3) storm sewer;
- (4) other area within the jurisdiction of the city.

(c) The Approving Authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of law, regulations, ordinances, rules and orders of federal, state and local governments.

SEC. 11. APPROVING AUTHORITY REQUIREMENTS.

(a) If discharges or proposed discharges to public sewers may:

- (1) deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
- (2) create a hazard to life or health; or
- (3) create a public nuisance;

the Approving Authority shall require:

- (A) pretreatment to an acceptable condition for discharge to the public sewers;
- (B) control over the quantities and rates of discharge; and
- (C) payment to cover the cost of handling and treating the wastes.

(b) The Approving Authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The Approving Authority shall reject wastes when

- (1) it determines that a discharge or proposed discharge is included under subsection (a) of this section; and

(2) the discharger does not meet the requirements of subsection (a) of this section.

SEC. 12. APPROVING AUTHORITY REVIEW AND APPROVAL.

(a) If pretreatment or control is required, the Approving Authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

SEC. 13. REQUIREMENTS FOR TRAPS.

(a) discharges requiring a trap include:

- (1) grease or waste containing grease in excessive amounts;
- (2) oil;
- (3) sand;
- (4) flammable wastes; and
- (5) other harmful ingredients.

(b) any person responsible for discharges requiring a trap shall at his own expense and as required by the Approving Authority:

- (1) provide equipment and facilities of a type and capacity approved by the Approving Authority;
- (2) locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
- (3) maintain the trap in effective operating condition.

SEC. 14. REQUIREMENTS FOR BUILDING SEWERS. Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by Approving Authority:

- (1) install an accessible and safely located control manhole;
- (2) install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
- (3) maintain the equipment and facilities.

SEC. 15. SAMPLING AND TESTING.

- (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property.

(NOTE: The particular analyses involved will determine whether a twenty-four (24) hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16 hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH.)

- (b) Examination and analyses of the characteristics of waters and wastes required by this ordinance shall be

- (1) conducted in accordance with the latest edition of "Standard Methods"; and
- (2) determined from suitable samples taken at the control manhole provided or other control point authorized by the Approving Authority.

- (c) B.O.D. and suspended solids shall be determined from composite samplings, except to detect unauthorized discharges.

- (d) The city may select an independent firm or laboratory to determine flow, B.O.D., and suspended solids.

- (e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samplings are taken.

SEC. 16. PAYMENT AND AGREEMENT REQUIRED.

(a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.

(b) When discharges of industrial waste are approved by the Approving Authority, the city or its authorized representative shall enter into an agreement or arrangement providing:

(1) terms of acceptance by the city; and

(2) payment by the person making the discharge.

SEC. 17. SAVINGS CLAUSE. A person discharging industrial waste into public sewers prior to the effective date of this ordinance may continue without penalty so long as he:

(1) Does not increase the quantity or quality of discharge, without permission of the Approving Authority;

(2) has discharged the industrial waste at least 12 months prior to the effective date of this ordinance; and

(3) applies for and is granted a permit no later than 30 days after the effective date of this ordinance.

SEC. 18. CONDITIONS OR PERMITS.

(a) The city may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:

(1) submit an application within 30 days after the effective date of this ordinance on forms supplied

by the Approving Authority;

(2) Secure approval by the Approving Authority of plans and specifications for pretreatment facilities when required; and

(3) has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:

(A) payment of charges;

(B) installation and operation of pretreatment facilities; and

(C) sampling and analysis to determine quantity and strength; and

(4) provides a sampling point subject to the provisions of this ordinance and approval of the Approving Authority.

(b) A person applying for a new discharge shall:

- (1) meet all conditions of subsection (a) of this section; and
- (2) secure a permit prior to discharging any waste.

SEC. 19. POWER TO ENTER PROPERTY.

(a) The operator and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this ordinance.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The Operator and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:

- (1) inspection, observation, measurement, sampling, or repair;
- (2) maintenance of any portion of the sewerage system lying within the easements; and
- (3) conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

SEC. 20. AUTHORITY TO DISCONNECT SERVICE.

(a) The City may terminate water and wastewater disposal service and disconnect any customer from the system when:

(1) acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

(2) a governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or

(3) the customer

(A) discharges industrial waste or wastewater that is in violation of the permit issued by the Approving Authority;

(B) discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

(C) fails to pay monthly bills for water and sanitary sewer services when due; or

(D) repeats a discharge of prohibited wastes to public sewers.

(b) If service is discontinued pursuant to subsection (a) (2) of this section, the city shall:

- (1) disconnect the customer;
- (2) supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
- (3) continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

SEC. 21. NOTICE. The city shall serve persons discharging in violation of this ordinance with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

SEC. 22. CONTINUING PROHIBITED DISCHARGES. No person may continue discharging in violation of this ordinance beyond the time limit provided in the notice.

SEC. 23. PENALTY.

(a) A person who continue prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.00 for each act of violation and for each day of violation.

(b) In addition to proceeding under authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

SEC. 24. FAILURE TO PAY. In addition to sanctions provided for by this ordinance, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

SEC. 25. PENALTY FOR CRIMINAL MISCHIEF. The city may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

SEC. 26. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared to be severable.

SEC. 27. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

PASSED AND APPROVED ON THE 9th day of May, 1989.

TOWN OF WOODLOCH, TEXAS

BY: David B. Houston, Mayor

ATTEST:

Paula Chondalich
City Secretary