

ORDINANCE NO. 57

ORDINANCE REQUIRING ALL STRUCTURES WITHIN 300 FEET OF THE SANITARY SEWAGE SYSTEM WITHIN THE CITY OF ZAVALLA, TEXAS TO CONNECT TO THE SYSTEM; SETTING RATES FOR SEWER SERVICE ; PROHIBITING THE FUTURE USE OF SEPTIC TANKS UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR REPEAL OF ALL INCONSISTENT ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ZAVALLA, TEXAS THAT:

Section 1. From and after the effective date of this Ordinance, use of septic tanks within the city limits of the City of Zavalla, Texas shall be and the same is prohibited except as permitted in Section 2.

Section 2. The preceding Section 1 shall not apply to any buildings, house or other structure ("Structure") all of which is more than 300 feet in a horizontal distance from a sanitary sewage collection line. Whenever a sanitary sewage collection line is installed within 300 feet of any part of a Structure, it shall be connected to the line. The City will give the owner of the Structure written notice that the owner is required to connect to the line and the owner shall have thirty (30) days to connect to the line.

Section 3. If there are more than one Structure on a parcel of land, each Structure shall have its own connection to the sanitary sewage collection system.

Section 4. Rates:

- a. A residential customer within the corporate limits of the City shall pay for monthly sewer services at the rate of **\$17.00** for the first **2000** gallons and **\$1.00** per **1,000** in excess of the 2,000 gallon minimum.
- b. Commercial customers within the corporate limits of the City shall pay for monthly sewer services at the rate of **\$17.00** for the first 2,000 gallons and \$1.00 per 1,000 in excess of the 2,000 gallon minimum.
- c. Residential customers outside the corporate limits of the City shall pay a flat charge of 30.00.

d. Commercial customers located outside the corporate limit of the City shall pay for monthly sewer services the sum of \$35.00.

e. Schools will be charged for monthly sewer services at the rate of \$17.00 for the first 2000 gallons and \$1.00 per 1,000 thereafter.

Section 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 6. If any section , subsection, paragraph, sentence, clause , phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the Ordinance and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity..

PASSED AND APPROVED on first reading the the 8 day of March, 1999.

Helon Miller
Mayor

ATTEST:

Donna Marshall
City Secretary

WAIVED SECOND READING OF THIS ORDINANCE .

ORDINANCE ADOPTED 8 day of March, 1999

Helon Miller
Mayor

ATTEST:

SEAL

Donna Marshall
City Secretary



CITY OF ZAVALLA

SEWER USE ORDINANCE
ORDINANCE NO. 57

AN ORDINANCE REGULATING THE COLLECTION OF SEWAGE IN THE CITY OF ZAVALLA, TEXAS; REQUIRING FOR CERTAIN DISCHARGES; PROHIBITING OR LIMITING THE DISCHARGE OF UNACCEPTABLE SUBSTANCES; REQUIRING PRETREATMENT OF CERTAIN WASTES; ESTABLISHING REPORTING REQUIREMENTS FOR INDUSTRIAL USERS; SETTING STANDARDS FOR SERVICE CONNECTIONS AND SEWER EXTENSIONS; AND PROVIDING FOR ENFORCEMENT.

WHEREAS, the City of Zavalla has provided or in the process of providing facilities for the collection and treatment of sewage to promote health, safety, and convenience of its people and to safeguard the water resources common to all;

WHEREAS, such facilities are designed, constructed, and operated for the purpose of receiving and treating domestic sewage and compatible industrial wastes, without excessive amounts of toxic or incompatible wastes, and without excessive amounts of storm drainage or ground water;

WHEREAS, proper protection and operation of the collection and treatment facilities may require exclusion, pretreatment, or regulated discharge of waste matter other than domestic sewage, as well as exclusion of storm drainage or ground water; and

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ZAVALLA;

SECTION I
DEFINITIONS

The meaning of terms used in this Ordinance shall be as follows:

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended in 1977.
2. Administrator. The Administrator of the EPA, or any duly authorized official acting in his behalf.
3. Approval Authority. (1) The Administrator of the EPA, as long as Texas lacks an approved State Pretreatment Program. (2) The Executive Director of the Texas Water Commission, in the event that Texas becomes an WPDES state with an approved State Pretreatment Program.
4. Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Centigrade expressed in terms of weight and concentration (mg/l).
6. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waster, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.
7. Building Sewer. Also called house connection. The extension from the building drain to the public sewer or other place of disposal.

8. Chemical Oxygen Demand (COD). The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, with testing conducted according to "Standard Methods," expressed in mg/l.
9. City. The City of Zavalla, Texas, or any authorized person acting in its behalf.
10. Control Manhole. A manhole giving access to a building sewer at some point before discharge to a public sewer.
11. Direct Discharge. A facility discharging industrial waste into a watercourse rather than into a public sewage works.
12. Director. The Executive Director of the Texas Natural Resource Conservation Commission or its successor.
13. To Discharge. To deposit, conduct, drain, allow to seep, or otherwise release or dispose of, or to allow any of these acts to occur.
14. Domestic Sewage. Water-borne wastes normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of storm and surface water and industrial wastes.
15. Dry Industry. An industry discharging only domestic sewage into the sewage works and having no process or manufacturing operation discharging any type of industrial waster into the sewage works.
16. Emergency. An event in which an actual or imminent discharge into the sewage works requires immediate action to prevent (1) rapid deterioration of the sewage works, (2) major fire or explosion hazards, (3) severe danger to the health and welfare of persons, (4) severe blockage of major collections lines, or (5) severe interference with the treatment process.
17. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, or the Administrator or other duly authorized official of that agency.

18. Equivalent Concentration Limit. When (1) the concentration of any pollutant in the effluent from a specific process is limited by Pretreatment Standards or Requirements, and (2) that effluent is mixed with other sewage prior to discharge into the public sewer, a concentration limit for the pollutant in the mixed stream may be calculated. This equivalent concentration limit in the mixed stream represents the specific limit in the stream from the regulated process.
19. Establishment. A commercial or industrial facility under one management and located within the same premises.
20. Existing Discharger. An industrial user which was discharging industrial wastes into the sewage works prior to the effective date of this ordinance.
21. Existing Source. Any source of industrial waste which is in operation or under construction (1) at the date of publication of the applicable Pretreatment Standard in the Federal Register, provided the Standard is promulgated within 120 days of publication; or (2) at the date of promulgation if promulgation occurs more than 120 days after publication.
22. Garbage. 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.
23. Industrial Sewer. A sewer transporting industrial wastes from one or more sources prior to discharge into the public sewer.
24. Industrial User. A user of the sewage works, regardless of amount of flow, who discharges any type of non-domestic wastes into the sewage works.
25. Industrial Waste. Waste resulting from any process of industry, manufacturing, trade, business, or service, or from the development of any natural resource, or any mixture of the waste with water or domestic sewage, and distinct from normal domestic sewage.

26. Interference. The inhibition or disruption of the treatment processes or operations which significantly contributes to a violation of any requirement of the City's NPDEG Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with Section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or more stringent state criteria applicable to the method of disposal or use employed by the City.
27. Mass Limit. Any limit on the total amount of a pollutant which may be discharges from a specific source over a specific length of time. A mass limit may be imposed by a Pretreatment Standard or Requirement, and may be fixed amount or may be proportional to production of a specified product.
28. Milligrams Per Liter (mg/l). A weight-to-volume ratio numerically equal to parts per millions. The mg/l value multiplied by 8.345 equals pounds per million gallons of water.
29. National Pollution Discharge Elimination System (or NPDEG) Permit. A permit issued pursuant to Section 402 of the Act.
30. Natural Pretreatment Standard. Also referred to an Pretreatment Standard, Standard. Any regulation containing pollutant discharge limits and promulgated by the EPA in accordance with Section 307(b) and © of the Action, for application to a specific category of industrial users.
31. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
32. New Discharger. An industrial user which begins discharging industrial wastes into the sewage works after the effective date of this ordinance.
33. New Source. Any source, the construction of which begins after (1) the date of publication of the applicable Pretreatment Standard in the Federal Register, provided the Standard is promulgated within 120 days of publication; or (2) the date of promulgation if promulgation occurs more than 120 days after publication.

E. Permit Conditions. City permits for industrial waste discharges shall be expressly subject to all provisions of this ordinance and any other applicable regulations, user charges, and fees established by the City. Permits may contain the following conditions.

1. The unit charge or schedule of user charges and fees for the industrial waste to be discharged to the public sewer;
2. Limits on the average and maximum waste constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for gradual phasing in and/or out of specified pollutants in the waste, when the City finds that sudden changes in concentration may interfere with treatment;
5. Requirements for installation and maintenance of inspection and sampling facilities;
6. Specifications for monitoring programs which may include sampling locations; frequency of sampling, number, types, and standards for tests; and reporting schedule;
7. Compliance schedules;
8. Requirements for submission of technical reports or discharge reports according to Section IV (C and D);
9. Requirements for maintaining and retaining plant records relating of pollutants or any substantial change in the volume or character of the pollutants being introduced into the sewage works;
10. Requirements for notification to the City of any new introduction of pollutants or any substantial change in the volume or character of the pollutants being introduced into the sewage works;

11. Requirements for notification of slug discharges as defined in Section I; and
12. Other conditions as deemed appropriate by the City into insure compliance with this ordinance.

F. Duration of Permit. Until the City's Pretreatment Program is approved by the Approval Authority, all permits shall be issued on an interim basis.

Upon program approval, the City may require holders of interim permits to supply additional information. The City may replace any or all interim permits with standard permits, which may contain more stringent requirements than the interim permits.

Standard permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance of a minimum 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Subsection E are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in

the permit shall include a reasonable time schedule for compliance.

G. Reporting of Changes. The industrial user shall report to the City any significant changes in the data which was required for the permit application. Items which must be reported include the following:

1. Changes in ownership and mailing address;
2. Significant changes in operations, processes, and products, including any change in the SIC number;
3. Changes in strength or volume of industrial waste, including any new pollutants;
4. Any changes in the layout of sewers carrying industrial wastes;
5. Major changes in plant employment, production schedule, and pretreatment facility schedule; and
6. Any condition which could increase the possibility of an accidental discharge.

A permit may not be assigned to a new owner or to a new or changed operation without the approval of the City. Any succeeding owner to which a permit is assigned shall comply with the conditions of that permit. Permits issued to new owners or due to changed operation shall be subject to the fee charged for a new permit.

H. Suspension and Revocation. Any industrial user who commits the following violations of this ordinance is subject to

having his permit revoked and services terminated according to the procedures of Section IX;

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable and timely access to the user's premises for the purpose of inspection or monitoring;
4. Violation of conditions of the permit;
5. Failure to pay user charges (including pretreatment fees) when due;
6. Refusal to comply with emergency notices issued by the City under Section XI of this ordinance; or

The permit may be instated only after all violations have been corrected, any applicable fines or damages have been paid to the City, and provisions have been made to prevent recurrence of the violation. Any disconnection and reconnection shall be at the expense of the user.

- I. Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge

information processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES Permit, State Permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Waste, constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City unless a ten day notification is given to the user.

SECTION III
CONTROL OF ADMISSIBLE WASTES

- A. GENERAL. Industrial wastes which do not violate the provisions of Section V, and which meet any Pretreatment

Standards and Requirements which may be applicable, may be discharged into the sewage works upon obtaining a permit according to Section II.

Septage or waste activated sludge may be discharged directly into the treatment plant according to Subsection I below, provided the hauler obtains the required license.

- B. Monitoring Facilities. Each industrial user shall provide and maintain at his own expense one or more control manholes which such monitoring facilities as may be required for the type of operation and industrial waste involved. The purpose of these facilities shall be to allow inspection, sampling, and flow measurement of the building sewer. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that they will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such control manholes or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring

equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications.

Construction shall be completed within 90 days following written notification by the City.

- C. Flow Measurement. The following provisions shall apply to all users, whether residential, industrial, or other;

The water consumption for any user during the previous month from all sources shall ordinarily be the basis for computing the sewage flow. Water supplied by the City shall be determined from the meter records of the Water Department. If any user obtains all or part of his water supply from private wells, surface water, or other suppliers, he shall furnish the City with certified meter readings, copies of water billings, or other evidence of the amount of water consumption during the month.

Any user who wishes to measure his sewage flow directly may at his own expense install and maintain a recording flow

meter. The reading obtained from this meter shall become the basis for computing the sewage flow, provided the meter:

1. Is of a type approved by the City;
2. Remains properly calibrated;
3. Is accessible for reading and calibration by City personnel; and

In lieu of a permanent recording flow meter, a user may apply for a reduction in the volume of computed sewage flow on the basis of other supporting data satisfactory to the City. This data shall be provided at the user's expense, and shall include flow diagrams, origins/destinations of water supply and waste, data regarding water contained in products, and any necessary metering data from one or more locations within the facility. Separate water meters for water not returned to the sewer shall be acceptable, provided the user provides all necessary verification.

If an unusually large amount of water has been used for watering lawns throughout the City because of dry weather, the City may adjust computed sewage flow to reflect the estimated amount of such usage.

D. Sampling of Wastes. Sampling and testing of industrial wastes, whether performed by the city or the user, shall be performed according to the "Standard Methods" for all

pollutants specified therein. Sampling and testing of pollutants not covered by "Standard Methods" shall be performed in a manner specified or approved by the EPA. Samples shall be taken at intervals to be established between the user and the City, or more frequently if needed by the City (1) to control the quality of industrial waste and/or (2) to determine surcharges. In all cases the sampling shall be performed often enough to be representative of average effluent quality.

All sampling and testing shall be performed by the City unless the user is required to perform sampling and testing under contract or permit provisions or other ordinance provisions.

- E. Pretreatment. Industrial users must comply with any applicable Pretreatment Standards or Requirements in accordance with Sections IV and VI.

- F. Traps. Where necessary to prevent the discharge of grease, oil, flammable substances, sand, or other harmful wastes into the sewage works, a user shall provide at his own expense a trap to intercept these substances. Traps shall not be required for private living quarters or dwellings.

Traps shall be required for all schools, restaurants, cafeterias, car washes, automotive services (including service stations), hospitals, nursing homes, and other commercial establishments for which, in the opinion of the City's Pretreatment Coordinator, a trap is necessary for protection of the sewage works. The owner or operator of an establishment shall have the right to appeal the pretreatment Coordinator's decision to the Director of Public Works.

Each trap in active use shall be cleaned at least one time every 60 days (unless the City specifies otherwise). Cleaning more frequently than 60 days may be required by the City's Pretreatment Coordinator. Cleaning schedules varying from 60 day minimum shall be issued to the affected establishment in writing. The user shall maintain on the premises written verification of the date when each trap is cleaned, with the location and identity of the trap clearly defined. Unless otherwise allowed by the City, such verification shall be provided by the commercial firm performing the cleaning, Such verification shall be kept available to the City for a minimum of three years.

The requirements of the Plumbing Ordinance of the City of Zavalla, where applicable, shall govern the installation and maintenance of traps.

Establishments existing prior to the time this amendment is adopted which do not have the requested trap(s) installed or whose traps(s) does not currently meet city standards will have 180 calendar days after passage of this amendment to install the required trap(s), or being their existing trap up to standard.

G. Dilution. Dilution of unacceptable wastes by increased use of process water, or by any other methods, will not be acceptable as a partial or complete substitute for adequate pretreatment, unless specifically allowed elsewhere in this ordinance or in the applicable National Pretreatment Standard or local Pretreatment Requirement.

H. Slug Loadings. Any industrial user experiencing a slug loading, as defined in Section 1, shall immediately notify the City.

I. Septage. Any person wishing to dispose of septage through the City sewage works shall obtain a license from the Superintendent for each truck hauling septage. Annual

license fees shall be as prescribed in the User Charge Ordinance.

Septage shall be hauled to the treatment plant for disposal during hours designated by the City. The septage shall be discharged into that portion of the plant designated by the City, provided;

1. The plant is capable, in the opinion of the plant operator, of receiving and treating septage without inconvenience to the operating staff, overloading, or degradation of plant effluent.
2. The City verifies by inspection that no grease trap cleanings, toxic wastes, or other unacceptable wastes are present.
3. Inspection and treatment fees are paid according to the User Charge Ordinance..

Licenses for septage hauling may be revoked for unauthorized disposal or other violation of this ordinance.

SECTION IV **PRETREATMENT**

A. Required Pretreatment. Pretreatment of industrial wastes shall be required under any of the following circumstances:

1. When an industrial user is subject to:
 - a. Unmodified National Pretreatment Standards;
 - b. Locally modified National Pretreatment Standards;
or
 - c. Local Pretreatment Requirements;and the industrial waste violates the applicable

- Standard or Requirement for one or more pollutants; or
2. When the industrial waste is, in the opinion of the City,
 - a. Harmful to the structures, processes, or operations of the sewage disposal works;
 - b. Harmful to the receiving stream;
 - c. Detrimental to any existing or proposed method of sludge use or disposal; or

When pretreatment of industrial wastes is required, the industrial user shall provide, operate, and maintain at this own expense such pretreatment facilities as may be necessary to render the wastes acceptable for discharge. The user may also be required to submit schedules for compliance and other reports in accordance with Subsection C through G.

- B. Applicable Standards. The City shall notify any industrial user of any National Pretreatment Standard (with or without local modification) to which that user is subject. The notification shall include any schedule of compliance required in the Standard.

The City shall also notify an industrial user of any local Pretreatment Requirement, including a compliance schedule, to which that use is subject. The City shall also state the reasons for the Requirement.

C. Initial Reporting Requirements. The City shall require New Sources to submit the following information:

1. Name, address, location, and ownership of the industrial user;
2. The nature, average rate of production, SIC of the operation(s) carried out by the user;
3. The average and maximum discharge from the user into the sewage works in gallons per day; and
4. The nature and concentration (determined according to Subsection II) of pollutants in the discharge from each regulated process from the user, and identification of the applicable Pretreatment Standard and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Standard. If an equivalent concentration limit has been calculated in accordance with the Standard, this adjusted concentration limit shall also be submitted to the city for approval.

In addition to subitems 1-4 above, the City shall require Existing Sources to submit the following information:

5. A statement, reviewed by an authorized representative of the industrial user (as defined in Section I) and certified by a qualified professional, indicating:
 - a. Whether Standards and Requirements are being met consistently, and if not,
 - b. Whether additional O & M and/or pretreatment will be needed to meet the Standard and Requirements; and
6. If additional pretreatment and/or O & M is required, the shortest schedule by which the user will provide these measures. The completion date in this schedule shall not be later than the compliance date established for the applicable Standard. The schedule shall be prepared according to Subsection F.

D. Schedule for Pretreatment Facilities. The following

conditions shall apply to the schedule required by

Subsection C, 6;

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in Paragraph 3 shall exceed 9 months.
- c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, (1) whether or not it complied with the increment of progress to be met on such date and, if not, (2) the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

E. Submission of Plans. Any industrial user required to

construct pretreatment facilities shall submit to the City

detailed plans for their construction and for their

operating procedures. The City must approve these plans

before construction begins. The review of such plans and

operating procedures will in no way relieve the user from

the responsibility of modifying the facility as necessary to

produce an effluent acceptable to the City under the

provision of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the charges.

F. Initial Compliance Reports. Any industrial user subject to Pretreatment Standards and Requirements shall submit a compliance report to the Superintendent within 90 days after the following dates:

1. For an Existing Source, the date for final compliance with applicable Standards and Requirements; or
2. For a New Source, the commencement of the introduction of industrial waste into the sewage works.

The report shall include the following information:

- a. The nature and concentration (determined according to Subsection H) of all pollutants in the industrial waste from the regulated process(es) which are limited by Pretreatment Standards and Requirements;
- b. The average and maximum daily flow of all process units in the user's facility which are governed by the Standards and Requirements;
- c. Whether the applicable Standards and Requirements are being met consistently; and if not,
- d. What additional O & M and/or Pretreatment is necessary for compliance with the Standards or Requirements.

G. Periodic Compliance Reports. Any industrial user subject to Pretreatment Standards and Requirements shall submit

periodic compliance reports according to the following requirements:

1. After the dates specified in Subsection F, Paragraphs 1 and 2, the user shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration (determined according to Subsection H) of pollutants in the industrial waste which are limited by such Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subsection C, 3. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Paragraph 1 above shall indicate the mass of pollutants regulated by Pretreatment Standards in the industrial waste of the user.

H. Sampling and Analysis for Reports. The reports required by Subsections C, 4; F, a; and G, 1 shall contain the results of sampling and analysis of the industrial waste, including the flow and the nature and concentration (or production and mass where requested by the Superintendent) of pollutants contained therein which are limited by the applicable Standards. The frequency of monitoring shall be prescribed in the applicable Standard. All analysis shall be performed in accordance with "Standard Methods" procedures established

by the Administrator pursuant to Section 304(g) of the Act, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

- I. Public Notification by the City. The City shall publish in the _____ a list of the users who committed significant violations of any Pretreatment Standards or requirements at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

SECTION V
PROHIBITED OR LIMITED DISCHARGES

- A. Infiltration/Inflow Sources. No person shall discharge any storm water, ground water, roof runoff, foundation drains, subsurface drainage, downspouts, yard drains, ponds, or lawn sprays into any sanitary sewer, or into any building sewer or industrial sewer connected thereto. Storm water and all

other unpolluted drainage shall be discharged into storm sewers or to natural outlets approved by the City.

All buildings drains, building sewers, industrial sewers, and sanitary sewers leading to the public sewers, including connections thereto, shall be constructed and maintained so as to exclude any ground or surface water from entering the sewer. The City shall require the owner of any of these facilities to correct at his own expense any leaks or other conditions allowing the entry of ground water or surface water into the sewage works. This provision shall apply to all such leaks or conditions whether they exist prior to the effective date of this ordinance or occur at a later date. The requirements of the Plumbing Ordinance of the City of Zavalla, where applicable, shall govern, the construction of these facilities.

Unpolluted cooling water (if not returned to a process) must be discharged into storm sewers natural outlets approved by the City. The City may require cooling before discharge.

- B. Prohibited Discharge (General). No person shall discharge 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);
2. Any water or waste which contains wax, grease, or oil, plastics or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;
3. Any solids, liquids, or gases which singly or interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the sewage treatment plant;
4. Any solids, slurries, or viscous substances of such character as to be capable of obstructing the flow in sewers, or otherwise interfering 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 fleshlings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, grease trap cleanings, or bulk solids;
5. Any garbage except properly shredded garbage as defined in Section I;
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 in concentrations exceeding limits established in Subsection C, D, and E; or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alteration, or expense to handle such material; or can prevent entry into the sewers for maintenance and repair;
7. Any waters or wastes having a pH lower than 5.5 higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewage treatment plant;
8. Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or in the public sewage works;

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 persons or animals, or to create any hazard in the receiving stream of the sewage treatment plant;
10. Any materials causing excessive discoloration, unusual or immediate biochemical oxygen demand, or hydrogen sulfide concentrations sufficient to cause explosion hazards or structural corrosion;
11. Any antibiotics, bacterial solutions, or bacteriostatic solutions, unless rendered ineffective by pretreatment;
or
12. Any septage or waste activated sludge, except at the treatment plant according to Section III, I.

C. Limited Discharges (General). Except in concentration, or with provisions stipulated herein, no person shall discharge either directly or indirectly to the sewer works waters or wastes containing any of the following:

1. Free or emulsified oil and/or grease exceeding 100 ppm if, in the opinion of the City, it appears probable that such wastes:
 - a. Can deposit grease and oil in the sewer lines in such a manner as to clog the sewers;
 - b. Can overload skimming and grease handling equipment;
 - c. Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal sewage treatment processes; or
 - d. Can have deleterious effects on the treatment process due to the excessive quantities;

2. Any radioactive wastes greater than the allowable releases as specified by current United States Bureau of Standards handbooks dealing with the handling and release of radioactivity;
3. Cyanide compounds in excess of 1 ppm, or cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.5 ppm by weight as CN in the wastes from any outlet into the public sewers;
4. Fluoride other than that contained in the City water supply;
5. Chloride in excess of 250 mg/l; or
6. Substances causing an excessive chemical oxygen demand.

D. Hazardous Metals. The allowable concentrations of hazardous metals in mg/l, determined on the basis of individual sampling in accordance with "Standard Methods," are:

<u>Metal</u>	<u>NOT TO EXCEED</u>		
	<u>Daily Average</u>	<u>Grab Composite</u>	<u>Sample</u>
Arsenic	0.1	0.2	0.3
Barium	1.5	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

E. Other Hazardous Materials. No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the City specifying conditions of

pretreatment, concentrations, volumes, and other applicable provisions. Prohibited hazardous materials include but are not limited to: Antimony, beryllium, bismuth, boron (grater than 1 mg/l), cobalt, iron (greater than 5mg/l), molybdenum, rhenium, strontium, tellurium, uranyl ion, herbicides, fungicides, and pesticides.

- F. Accidental Discharges. Each user shall provide protection from accidental discharge of materials prohibited or regulated by this ordinance. The user shall provide and maintain the necessary facilities at his own expense.

Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by January 1, 1997. No user who commences contribution to the sewage works after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it

is the responsibility of the user to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment plan, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION VI
ESTABLISHMENT OF STANDARDS

- A. National Pretreatment Standards. Upon the effective date of this ordinance, any existing National Pretreatment Standard (with any authorized local modification) shall become binding on those industrial users covered by that Standard. Any new dischargers, as defined in Section I, shall be governed by the Pretreatment Standards in the same manner as existing users. If the EPA should subsequently revise any existing Standards or promulgate new Standards, these revisions or new Standards shall automatically be binding in the same manner as existing Standards.
- B. Modifications of Pretreatment Standards. If the City's treatment works is found to achieve consistent partial removal of one or more pollutants limited by National Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Standards. Upon approval of the Approval Authority, the city may modify one or more pollutant discharge limits in the Pretreatment Standards. These modified limits shall be binding upon all industrial users subject to the specific standards which have been modified. The modified limits shall remain in effect as long as Approval Authority does

not withdraw the authorization for the modification, or revise the extent of modifications.

C. Local Pretreatment Requirements. The City shall develop specific limits for the following prohibited discharges and shall incorporate these limits into this ordinance or shall publish item as a separate ordinance:

1. Pollutants which create a fire or explosion hazard in the collection or treatment works;
2. Pollutants which will cause corrosive structural damage to the collection or treatment works;
3. Solids or viscous pollutants in amounts which will obstruct the flow in sewers or otherwise interfere with the operation of the sewage treatment plant;
4. Any pollutant, including oxygen demanding pollutants, released in a discharge of such volume and strength as to cause interference in the sewage treatment plant; and
5. Heat in amounts which will inhibit biological activity in the sewage treatment plant or raise the temperature of the treatment plant influent above 104°F.

The City may develop other local Pretreatment Requirements not covered by Pretreatment Standards if it is found necessary to prevent interference with the treatment process, overloading of the sewage treatment plant, interference with sludge disposal, or stream pollution. These Pretreatment Requirements shall be incorporated into this ordinance or shall be published as a separate ordinance.

D. Termination or Revision of Local Modifications. If the Approval Authority should:

1. Withdraw its approval of any local modifications to National Pretreatment Standards, or
2. Revise the extent of such modifications, the Pretreatment Standards with any remaining modifications shall become binding on all users covered by those Standards. The users will be required to achieve compliance within the time schedule specified by the Approval Authority.

E. Notification of Industries. The City shall promptly notify all affected industries in writing of:

1. Any Pretreatment Standards which are in effect on the effective date of this ordinance;
2. Any new Pretreatment Standards or Requirements, or any revision to existing Standards or Requirements;
3. Any local modifications to National Pretreatment Standards;
4. Termination or revision of any local modifications to Pretreatment Standards;
5. Any new or revised reporting requirements; or
6. Reclassification of industry as a significant industrial user or otherwise.

The required notice to industries shall include any appropriate schedules of compliance as specified by the Approval Authority or by the City.

F. Uniform Application. Any limitation on quantity, concentration, or discharge rate of a specific pollutant

shall be applied uniformly to all new or existing discharges within any industrial category. This applies to National Pretreatment Standards or any local modifications thereto; Limitations on prohibited discharge as listed in Subsection C; and any other local Pretreatment Requirements.

SECTION VII
PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligibly break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the City sewage works. The City may pursue all criminal and civil penalties to which it is entitled under authority of statutes and ordinances against a person violating this section of the ordinance.

SECTION VIII
USER CHARGES

The following user charges shall be assessed and collected as prescribed by the Rate Ordinance and/or the User Charge Ordinance:

1. Collection and treatment charges for normal domestic sewage and for industrial wastes;
2. Pretreatment fees for industrial users subject to mandatory pretreatment of wastes.
3. Treatment charges for septage and waste activated sludge.

SECTION IX
BILLING

- A. Billing Procedure. All user charges for normal domestic sewage and industrial waste, including pretreatment fees, shall be assessed and collected according to provisions of the Rate Ordinance and/or the User Charge Ordinance.
- B. Penalty for Nonpayment. Any of the following violations shall be sufficient reason to disconnect any and all water and/or sanitary sewer service provided by the City, after the prescribed notification and hearing process is carried out:
1. Failure to pay monthly bills for city services when due, including all user charges for the sewage works.
 2. Violations by industrial users, as listed in Section II, H.
 3. Any other violations of this ordinance, when termination of services is prescribed by injunction according to Section X, B.
- C. Restoration of Service. Reconnection shall be made only after payment of:
1. All outstanding charges for city services;
 2. Any charge for late payment which may be provided in the City ordinance prescribing user charges;
 3. Any lawfully assessed fines and damages; and
 4. Disconnection and reconnection expenses.

SECTION X
ENFORCEMENT POWERS

- A. Access. Authorized City personnel bearing credentials and identification shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, testing, calibration, and examining records in accordance with provisions of these regulations. Properties to which such access must be granted include but are not limited to effluent sources, pretreatment systems, monitoring facilities, flow meters (when used for billing and/or monitoring purposes), control manholes, and any areas where records are kept to satisfy federal, state, or local requirements to assure compliance with Pretreatment Standards. The City, the Approval Authority, or the EPA shall also have a right to install such devices upon a user's property as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations.
- B. Procedures in Event of Violation. Any person discovered to be violating this ordinance shall be served by the City with written notice of the violation. Except in an emergency as defined in Section I, the City shall not terminate water

and/or sewer service without due process of law as provided in this section or in Section IX, B.

The required notice of violation shall describe the nature of the violation and a reasonable time limit for its correction. The City may also require the person to report the cause of the violation and to submit a schedule for its correction.

The City shall have the right to seek injunctive relief against violation of this ordinance in such City, county, state, or federal courts as may be deemed appropriate, where such action is necessary to achieve compliance, injunctive relief may include:

1. Specific performance of the ordinance with respect to discharge standards, reporting requirements, payment of user charges, access to industrial properties, repair of private sewer leaks, or other provisions;
2. Termination of service where necessary for compliance; and/or
3. Liquidated damages for any illegal discharges which result in:
 - a. Damage to the sewage works;
 - b. Excessive treatment costs; or
 - c. Fines for stream pollution.

C. Severe Violations. The City may seek injunctive relief or may assess a fine not a exceed \$2,000.00 against persons falling in the following categories:

1. Willful violators of any provisions of this ordinance;
2. Persons refusing access or placement of equipment under the provisions of Subsection A;
3. Persons not complying promptly with duly issued notices to correct violations;
4. Persons discharging pollutants which can;
 - a. Cause structural damage to the sewage works; or
 - b. Obstruct the collection lines;
 - c. Interfere with the treatment process;
 - d. Create fire or explosion hazards; or
 - e. Cause a violation of stream standards;
5. Persons not complying with emergency notices issued by the City under Section XI of this ordinance;

D. Limits of Inquiry. No person acting for the City under Section A may inquire into the process of any industrial user beyond that point having a direct bearing on the type and source of discharge into the sewage works.

E. Uniform Application. All provisions of this ordinance shall be impartially enforced for all users, or for all users within a specific category when applicable. No distinction shall be made between existing and new discharges, or between existing and new haulers.

SECTION XI
EMERGENCY PROCEDURES

A. Severe Emergencies. The City shall take immediate action to stop any actual or imminent discharge of corrosive, flammable, toxic, organic, or other substances which can cause:

1. Rapid deterioration of the sewage works;
2. Major fire or explosion hazards; and/or
3. Severe danger to the health or welfare of persons.

In the event of actual or imminent discharge of described in this subsection, the City shall, if necessary, shut off any or all water and/or sewer services immediately. The City shall make all possible efforts to notify the affected user prior to shutting off services, so that the user may begin shutdown operations so as to minimize damage to his property. The Superintendent may, at his discretion, notify the user to take immediate action to stop or prevent such discharges in lieu of immediate shutoff of City services, provided such action is effective in eliminating the hazards described above. If the user fails to eliminate the hazard immediately and effectively, the City shall proceed at once to shut off water and/or sewer services.

B. Less Severe Emergencies. The City shall notify a user immediately if an actual or imminent discharge from that

user contains corrosive, toxic, viscous, organic, or other substances which can cause:

1. Severe blockage of major collection lines, or
2. Severe interference with the treatment process.

The required notice shall inform the user of the nature of his violation and of the actual and potential consequences to the sewage works, the treatment process, and/or the environment. Such notice shall require the user to take immediate action to stop the discharge of substances described above, even to the extent of shutting down his operation if necessary. If the user fails to take immediate action, or if the action taken is ineffective, the City shall shut off water and/or sewer service.

- C. Restoration of Service. If water and/or sewer service to any user is shut off by the City under Subsection A or B of this section, the City shall not restore the service until the Superintendent is satisfied that restoration of service will not result in hazardous discharges to the sewage works. The Superintendent may at his discretion restore partial service to the extent required for cleanup and repair operations, withholding full service until the industrial process can be resumed without resulting in hazardous discharges.

Any disconnection and reconnection performed under this section of the ordinance shall be at the expense of the user.

D. Penalties. If additional damages to the sewage works, to the environment, or to the health and welfare of person results because the Superintendent:

1. Allows a user to stop a hazardous discharge by his own procedures, or
2. Restores all or part of City services to facilitate cleanup,

the fact, that the Superintendent took such discretionary action will not relieve the user of any applicable civil or criminal penalties for such additional damages.

SECTION XII **PENALTIES**

A. Violation of State and Federal Statutes. If any person violates any provision of this ordinance, and thereby violates a state or federal statute or injunction, the City may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.

B. Fines. If any person violates any provision of this ordinance, and the violation is not punishable in state or

federal courts, that person shall be guilty of a misdemeanor upon conviction in the City court. Each offense shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day of such violation shall be deemed a separate offense.

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

SECTION XIII VALIDITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed. If any section or provision of this ordinance, or the application of name to any person or set of circumstances is invalidated or rendered unenforceable by a court of competent jurisdiction, such judgment shall not affect the validity of any remaining parts of the ordinance which can be given effect without the invalidated part or parts, or their application to other persons or sets of circumstances.

SECTION XIV
EFFECTIVE DATE

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

PASSED AND APPROVED on first reading this the 9 day of September, 1996.

CITY OF ZAVALLA, TEXAS

Opal C. Dent

ATTEST:

Donna Marshall
City Secretary

PASSED AND APPROVED on second and final reading this the 14 day of October, 1996.

CITY OF ZAVALLA, TEXAS

Opal C. Dent

ATTEST:

Donna Marshall
City Secretary



NOTIFICATION FORM

EMERGENCY MANAGEMENT DIRECTOR/COORDINATOR APPOINTMENT DEM-147

This form should be used to notify the Division of Emergency Management (DEM) of the person responsible for the operation of the local emergency management program. All information should be typed or printed.

If the emergency management agency is an inter-jurisdictional organization and the same person has been appointed coordinator for two or more jurisdictions within the County, the Judge and all the affected Mayors must sign this form. Additional signature blocks are on the reverse side of this form.

Return to:

State Coordinator
Division of Emergency Management
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

Any questions should be directed to the Public Information Officer at (512) 465-2138.

NOTICE TO LAW ENFORCEMENT OFFICERS. This information may be made available to the public under the Texas Open Records Act. DO NOT include your home address or telephone number.

JUDGE'S/MAYOR'S Name DPAL GANT
(circle one)
Jurisdiction City of Zavalla
Mailing Address P.O. Box 108
City/ZIP Zavalla, Tx 75981
OFFICE Phone 409 897-3311

SELECT ONE:

I have not appointed a coordinator and will personally direct the emergency management program for this jurisdiction.

I have appointed an Emergency Management Coordinator (EMC) to conduct the emergency management program for this jurisdiction. Effective date of appointment is 11-13-95.

Complete the following:

Coordinator's Name Darryl MARSHALL
Title PUBLIC WORKS DIRECTOR
OFFICE Mailing Address P.O. Box 104
City/ZIP Zavalla 75981
OFFICE Phone 409-897-3311

11-13-95 Date DPAL C. GANT Judge's, or Mayor's Signature