

ORDINANCE 2021-04-29-0283

AMENDING CHAPTER 34 OF THE CITY CODE "WATER AND SEWERS" AT ARTICLE V, DIVISION 3 FOR MODIFICATIONS TO THE SAN ANTONIO WATER SYSTEM'S INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM TO COMPLY WITH NEW FEDERAL REGULATORY REQUIREMENTS, AND PROVIDING FOR PUBLICATION.

* * * * *

WHEREAS, the Industrial Wastewater Pretreatment Program is a federally mandated system of protocols, pollutant limits and regulations intended to control the types and concentrations of pollutants discharged by commercial and industrial sources into the sanitary sewer system; and

WHEREAS, the program is intended to protect the operational integrity of the wastewater treatment plants and without its regulations, excessive concentrations of pollutants, corrosives and toxins could interfere with sewage treatment; and

WHEREAS, Chapter 34, Article V, Division 3 of the City Code describes the San Antonio Water System's (SAWS) pretreatment program which seeks to reduce or eliminate the discharge of harmful pollutants into the sanitary sewer system by permitted discharges; and

WHEREAS, by Resolution dated February 2, 2021, the SAWS Board of Trustees approved and recommended the requested changes be forwarded to City Council for adoption and approval;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 34 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in **Attachment I**.

SECTION 2. All other provisions of Chapter 34 of the City Code of San Antonio, Texas shall remain unchanged and in full force and effect unless expressly amended by this Ordinance.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 34. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing Code.

SECTION 6. This Ordinance shall become effective immediately on passage with eight (8) affirmative votes of the City Council, and if passed by upon by fewer than eight votes, then on the tenth (10th) day after passage.

PASSED AND APPROVED this 29th day of April, 2021.



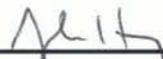
M A Y O R
Ron Nirenberg

ATTEST:



Tina J. Flores, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Fac



City of San Antonio

City Council

April 29, 2021

Item: 16

Enactment Number:

File Number: 21-2462

2021-04-29-0283

Ordinance amending Chapter 34 of the City Code "Water and Sewers", at Article V, Division 3 for modifications to the San Antonio Water System's Industrial Wastewater Pretreatment Program to comply with new federal regulatory requirements, and providing for publication. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember John Courage made a motion to approve. Councilmember Ana E. Sandoval seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

Attachment I

AMENDMENTS TO CHAPTER 34 OF THE SAN ANTONIO CITY CODE

DIVISION 3. - INDUSTRIAL WASTE^[12]

Footnotes:

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Editor's note— Ord. No. 81771, § 1, adopted March 2, 1995, repealed former Div. 3, §§ 34-471—34-481, relative to industrial waste, and § 2 of said ordinance enacted a new Div. 3 to read as herein set out in §§ 34-471—34-485. The provisions of former Div. 3 derived from Ord. No. 77784, adopted April 15, 1993; Ord. No. 78153, adopted June 17, 1993; Ord. No. 80574, adopted Aug. 4, 1994.

Sec. 34-471. - General provisions.

- (1) *Purpose.* This division sets forth uniform requirements to be met by all industrial waste dischargers utilizing the San Antonio Regional Wastewater Transportation and Treatment System (hereinafter termed "regional system"). This division is written to enable the regional system to comply with and enforce all applicable local, state, and federal laws pertaining to water quality control, including the Clean Water Act (33 U.S.C. 1251 et. seq.), and the general pretreatment regulations (40 CFR 403). Any word, phrase, clause, paragraph, section, part or provision of this division which, upon the promulgation of more stringent local, state or federal law or duly implemented regulatory requirement, is in conflict with or less stringent than such local, state and federal law or regulation promulgated after enactment of this division, shall be invalidated and repealed to the extent of such conflict or supercession upon the effective date of such local, state and federal law or regulation, and the language and provisions of such local, state and federal law or regulation shall be incorporated herein by reference and shall become a part of those sections, parts, paragraphs, clauses, or phrases affected to the extent that the existing division language is invalidated and repealed.
- (2) *Administration.*
 - (a) Pursuant to the grant of authority to the San Antonio Water System in City Ordinance No. 75686, dated April 30, 1992 and in the Ordinance No. 80574 dated August 4, 1994, the SAWS board of trustees shall have full responsibility for the administration and implementation of the pretreatment program established by this division.
 - (b) Except as otherwise provided herein, the director shall administer, implement and enforce the provisions of this division. The pretreatment program shall be modified as needed to meet local, state and federal requirements. Any powers granted to or duties imposed upon the director may be delegated by the director to other SAWS personnel.
- (3) *Objectives.* The objectives of this division are:
 - (a) To prevent the introduction of pollutants into the regional system in such quantities or qualities that would interfere with the operation of the regional system;
 - (b) To prevent the introduction of pollutants or substances into the regional system that may typically pass through either unaffected by the treatment process or may be inadequately compatible with such treatment, that could result in potential violations of POTW effluent standards, air quality standards, NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws, or otherwise considered incompatible with the POTW;
 - (c) To preserve and improve the opportunity for reusing, reclaiming and recycling wastewater and sludge generated by the regional system, and to ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations;
 - (d) To ensure that there is an equitable distribution of the operation, maintenance and capital-related costs of the regional system across user classes;
 - (e) To create a permit system to regulate industrial users of the regional system;

- (f) To enforce the provisions of this division by requiring self-monitoring and self-reporting from industrial users to supplement periodic investigations made by regional system inspection personnel;
 - (g) To provide penalties for violations of the regulations established herein;
 - (h) To protect the health and welfare of the public and of employees who maintain and operate the regional system;
 - (i) To establish a regulatory environment that encourages identification and utilization of pretreatment opportunities to reduce or eliminate the volume and toxicity of any industrial waste discharged to the regional system, in fulfillment of the intent of objectives (a), (b), (c), and (h) above.
- (4) *Service area.* This division shall be given full force and effect inside the corporate limits of San Antonio and within those unincorporated areas located outside the corporate limits of San Antonio, but within the regional system's sewer service area. Additionally, this division shall apply to those entities (as defined hereinafter) served by the regional system that have entered into sewer service contracts with the city or the San Antonio Water System. By operation of law, permit conditions, contract, or intermunicipal agreement, industrial users within the sewer service area are obligated to abide by the provisions of this division and/or similarly stringent regulations adopted by an entity other than SAWS, which govern the discharge of industrial wastewater into any sewage collection system which ultimately connects to the regional system. Industrial users within the sewer service area are obligated to financially support the regional system by paying all applicable sewer user charges and fees to the appropriate collection agent for costs associated with the transportation, treatment, operation, maintenance, monitoring, administration, and enforcement services provided to the user of the regional system.
- (5) *Abbreviations.* The following abbreviations shall have the designated meanings:
- BOD — Biochemical Oxygen Demand (five day).
 - BMP — Best Management Practices.
 - C — Centigrade.
 - CERCLA — Comprehensive Environmental Response, Compensation, and Liability Act.
 - CIU – Categorical Industrial User.
 - CFR — Code of Federal Regulations.
 - CAA — Clean Air Act.
 - CWA — Clean Water Act, 33 U.S.C. 1251 et seq.
 - COD — Chemical Oxygen Demand.
 - DIU — Dental Industrial User.
 - EPA — Environmental Protection Agency.
 - F — Fahrenheit.
 - FOG — Fats, Oils and Grease.
 - GPD — Gallons per day.
 - IU – Industrial User.
 - L — Liter.

LEL — Lower Explosive Limit.

mg — Milligrams.

MGD — Million gallons per day.

mg/L — Milligrams per Liter (weight to volume).

NPDES — National Pollutant Discharge Elimination System.

POTW — Publicly Owned Treatment Works.

RCRA — Resource Conservation and Recovery Act.

PL — Public Law.

SARA — Superfund Amendments and Reauthorization Act.

SAWS — San Antonio Water System.

SDWA — Safe Drinking Water Act.

SIC — Standard Industrial Classification.

SNC – Significantly Non-Compliance

SWDA — Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

TBLL — Technically Based Local Limits.

TCEQ — Texas Commission on Environmental Quality

TOMP — Toxic Organic Management Plan.

TPDES — Texas Pollutant Discharge Elimination System.

TSCA — Toxic Substances Control Act.

TSS — Total Suspended Solids.

TTO — Total Toxic Organics.

USC — United States Code.

- (6) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated.

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Administrator: The Administrator of the U.S. Environmental Protection Agency.

Amalgam process wastewater: Wastewater discharged from a DIU containing dental amalgam.

Amalgam Separator: A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility with a removal efficiency of at least 95 percent and meeting the ANSI/ADA criteria as outlined in 40 CFR § 441.

Approval authority: The administrator of the EPA or the director in a National Pollutant Discharge Elimination System (NPDES) delegated state with an approved state pretreatment program or his designated representative.

Authorized representative of industrial user: An authorized representative of an industrial user may be:

- ~~(1) (1)~~ An executive officer of at least the level of vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation if the industrial user is a corporation;
- ~~(2)~~ The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (32) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (43) A duly authorized representative of a user that is a political subdivision or other entity as defined at section 34-471(6) of this division;
- (54) The individuals described in paragraphs (1) through (3) above, may designate an alternate authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority.
- (6) If an authorization under (5) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

Best management practices (BMPs): A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements listed in subsections 34-472(1) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD): The quantity of oxygen utilized in five (5) days at twenty (20) degrees centigrade for biochemical oxidation of the organic matter present in wastewater, expressed in mg/l and measured by the method set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, or such other method as approved by EPA and published in 40 CFR 136.

Categorical standards: National categorical pretreatment standards or pretreatment standards as set forth in any regulation containing pollutant discharge limits promulgated by the EPA in accordance with the Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users, and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. These IU are defined as CIU or categorical Industrial Users.

Chemical oxygen demand (COD): A measure of the oxygen required in mg/l for the oxidation of organic matter to CO² and water while under acidic conditions using a strong chemical oxidizing agent. See Standard Methods for the Examination of Water and Wastewater, current edition.

City: The City of San Antonio in Bexar County, Texas, being a home rule municipality duly authorized and existing, pursuant to its charter, the Texas Constitution, and the laws of the State of Texas. Texas as represented by the official acts of the city council and council-designated representative public officials.

Compatible pollutant: A pollutant such as biochemical oxygen demand, total suspended solids, or any additional pollutants identified in the publicly-owned treatment works NPDES permit, where the

POTW is designed to treat such pollutants to the degree required by the POTW's NPDES or state wastewater discharge permit.

Composite sample: A representative sample (flow or time proportional) resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Normally these samples are based on a twenty-four-hour period and should be representative of daily operations, as is further defined in Appendix E of 40 CFR 403.

Control authority: The term "control authority or CA" shall refer to SAWS or the POTW defined hereinafter, the resource compliance division, or the designated representative or agent, in accordance with the provisions of 40 CFR 403.12 insofar as the pretreatment program was originally approved and effective as of February 15, 1985.

Daily discharge: The wastewater discharge (including pollutants) from a facility during a normal 24-hour period that represents the calendar day for the purpose of sampling the discharge to the sanitary sewer.

Daily maximum limit: The maximum allowable discharge limit of a pollutant during a calendar day. Where a daily maximum limit is expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where a daily maximum limit is expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Dental amalgam: An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

Dental industrial user: A general dentistry practice or large dental facility described under the NAICS as 621210 that either uses or removes dental amalgam as part of the practice including but not limited to institutions, permanent or temporary offices, clinics, home offices, and facilities operated by federal, state or local governments that discharge wastewater to the control authority. This does not include mobile dental units, dental dischargers that do not place dental amalgam and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances and that certify as such to the control authority. Offices that exclusively practice one or more of the following specialties are also not included: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

Department: The San Antonio Water System Resource Protection and Compliance Department.

Direct discharge: The discharge of treated or untreated wastewater directly to the waters of the United States or the state.

Division: The San Antonio Water System Resource Compliance Division.

Entity: Shall refer to those cities, towns, political or commercial subdivisions, municipal utility districts, industrial districts, public utility districts, water improvement districts, military installations or state government facilities that establish, operate, and maintain a sanitary sewer collection system within their jurisdictional boundary and contract with the control authority to provide for the transportation and treatment of sewage generated by the entity.

Environmental Protection Agency, or EPA: The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Existing source: Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Explosion hazard meter: An explosion-proof electromechanical device designed to collect and analyze ambient air samples to determine the presence and measure the concentration of volatile, flammable, organic vapors capable of causing a fire or explosion in the presence of a source of ignition.

Flow-proportional composite sample: Shall mean the composite of two (2) or more discharge samples taken on a flow-proportional basis, to be representative of daily operations.

Fats, oils and grease (FOG): Shall mean any animal, vegetable or mineral fats, oils and/or greases, including but not limited to the following types: floatable grease of any origin; and free or emulsified grease of petroleum or mineral origin, or both, such as, cooling or quenching oil, lubricating oil, nonbiodegradable cutting oil and non-saponifiable oil.

Grab sample: A sample taken over a short period of time, not usually exceeding fifteen (15) minutes, and representative of a wastewater flow on a one-time basis. This sample is taken without regard to the flow volume or consideration of the time at which the sample is taken, as is further defined in Appendix E of 40 CFR 403.

Grease trap: Any structure or mechanical device intended to cause or facilitate the interception and separation of free and emulsified oils and grease from wastewater prior to its discharge to the regional system. All structure or devices installed for the purpose of pretreatment shall conform to the design requirements contained in the city plumbing code. Plans for such structures or devices shall be submitted to the control authority for review prior to construction or installation.

Grit trap: A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Ground water: The supply of fresh water found beneath the earth's surface, usually in aquifers, which supply wells and springs.

Holding tank waste: Any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks, or any other waste hold/hauling mechanisms.

Incompatible pollutant: All pollutants other than compatible pollutants as defined in section 34-471(6), such as, but not limited to, metals, volatile organics, and hazardous substances, etc.

Indirect discharge: The discharge or the introduction into the POTW of any pollutant from any non-domestic source, including but not limited to those sources regulated under Section 307 (b) and (c) or (d) of the Act (33 U.S.C. 1317) (including holding tank waste discharged into the regional system).

Industrial user or user (IU): Any user who contributes, causes, or allows an indirect discharge (as defined in subparagraph 34-471(6) of this section) of non-domestic pollutants or other wastewater which does not constitute a "direct discharge" to a receiving stream under regulations issued pursuant to Section 402, of the Act, (33 U.S.C. 1342).

Industrial wastewater: The liquid and waterborne pollutants resulting from processes or operations employed in business, commerce or industry as defined in the "Standard Industrial Classification Manual, 1987" office of management and budget of the federal government, as amended and supplemented from time to time, inclusive of the mixtures of any industrial wastewater pollutants with water or domestic sewage as distinct from normal domestic sewage.

Industrial wastewater advisory board: An advisory board consisting of eleven (11) members whose function is to provide information and recommendations to the control authority's board of trustees, president/CEO, and the director regarding Industrial Wastewater. The general provisions of the Federal Register, Volume 44, No. 34, Friday, February 16, 1979, Sec. 25.7 "Advisory Groups," shall serve as a guideline for the activities and structure of the board.

Industrial wastewater discharge permit: A control mechanism providing for the regulation of discharge by certain users pursuant to 40 CFR 403.8 (f)(1)(iii), the Act, the control authority pretreatment program, and this division.

Inhibition: A discharge which has a negative impact upon the biological activity of the POTW either alone or in conjunction with other discharges.

Instantaneous maximum allowable discharge limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference: A discharge which alone or in conjunction with a discharge from other sources tends to:

- (1) Inhibit or disrupt the treatment processes, operations, sludge processes, sludge use or disposal of the POTW, and
- (2) Therefore is a cause of violation of POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder (or any more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and Marine Protection, Research, and Sanctuaries Act.

Mobile dental unit: A specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations. The discharge from a mobile dental unit to the control authority must include provisions to remove dental amalgam prior to discharge to the collection system.

Monthly average limit: The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

NAICS: North American Industrial Classification System, an industrial classification system that groups establishments into industries based on the similarity in the processes used to produce the principal goods or services and the economic activities in which they are primarily engaged.

Narrative standard: Narrative criteria are statements that describe the desired water quality goal that is used when pollutants cannot be precisely measured to express the limit on a parameter in a quantitative form. This criteria is used for pollutants for which numeric criteria are difficult to specify, such as those that offend the senses (e.g., color and odor) or for requirements as might be specified in a compliance agreement (e.g., employee training or visual postings).

National pollution discharge elimination system (NPDES) permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New source:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that action, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or product equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of existing sources at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or

- (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Significant Categorical Industrial User: an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N User that never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater).

Normal domestic wastewater: The water-borne wastes normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm water, ground water and industrial waste, with a BOD normally less than two hundred fifty (250) mg/L and total suspended solids normally less than two hundred fifty (250) mg/L.

Pass through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the control authority's NPDES permit, including an increase in the magnitude or duration of a violation.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH: A measure of the acidity or alkalinity of an aqueous solution, defined as the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution, expressed in standard units.

Pollutant: A substance that alters the physical, thermal, chemical, radiological, or biological quality or properties of water; or that contaminates water to the extent that the water is rendered harmful to humans, animal life, vegetation, property, or to public health, safety, or welfare; or that impairs the usefulness of public enjoyment of the water for any lawful purpose. Pollutants include, but are not limited to, dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution prevention plan: A plan designed for the reduction of generation of hazardous waste and toxic chemicals as outlined in the Waste Reduction Policy Act of 1991 (under 30 Texas Administrative Code (TAC) 335 Subchapter Q) by avoiding the disposal or release of harmful substances into the environment by means of source reduction, waste minimization, reuse, recycling, and detoxifying treatments.

Pretreatment or treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except by diluting the concentration of the pollutants, and as prohibited by 40 CFR 403.6(d).

Pretreatment requirements: Any substantive or procedural requirement of the control authority related to industrial wastewater pretreatment that may supplement national pretreatment standard requirements imposed upon an industrial user.

Pretreatment standards: Any regulation containing prohibitive discharge standards and/or categorical pretreatment standards promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347). This term also includes local limits.

Process wastewater: Any water which, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Prohibitive discharge standards: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 34-472(1) of this division.

Publicly owned treatment works (POTW): A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the control authority. This definition includes any devices or systems used in the recycling or reclamation, collection and treatment of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a water recycling center.

San Antonio water system (the control authority): Regional water, wastewater and reuse utility system created by Ordinance No. 75686 of the City of San Antonio, passed on April 30, 1992.

Septic tank waste: Any sewage or wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage: Wastewater containing human excrement and gray water (household showers, dishwashing operations, etc.).

Shall: "Shall" is mandatory; "May" is permissive.

Sharps: Sharps means any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, and exposed ends of dental wires.

Significant industrial user (SIU): Any user meeting the following criteria:

- (1) Industrial users subject to categorical pretreatment standards; and/or
- (2) Any other industrial user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater;
 - (b) Contributes a process wastestream which makes up five (5) percent or more the average dry weather hydraulic or organic capacity of the treatment plant or;
 - (c) Is designated as significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (d) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and
 - (iii) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

Significant noncompliance: For the purpose of this provision, an industrial user is significantly noncompliant (SNC), if its violation meets one or more of the following criteria:

- (a) Chronic violations of numeric wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter, a numeric Pretreatment Standard or requirement, including instantaneous maximum allowable discharge limits as defined in subsection 34-471; or
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the numeric measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH.); or
- (c) Any other violation of a pretreatment standard, requirement, or effluent limit (daily maximum or longer term average, instantaneous maximum allowable discharge limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public); or
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the control authority's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge; or
- (e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; or
- (f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation or group or violations which may include a violation of Best Management Practices that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge/slug load: Any single discharge episode at a flow rate or strength which could cause a violation of the prohibited discharge standards in subsection 34-472(1) of this division, and any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The discharge episode is not required to cause or have the potential to cause pass-through or interference with the POTW processes to be considered a slug load. In addition a slug discharge shall not violate the POTW's regulations, local limits, or individual permit conditions.

Standard industrial classification (SIC): A four-digit code created by the U.S. Office of Management & Budget (1987) for statistical classification purposes that describes an industrial activity that takes place at a facility or site. It is possible for a facility or site to have multiple SIC codes depending on the varying activities that take place.

Standard methods: The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Environment

Federation. "Standard Methods" shall also mean any approved analytical procedures published by the U.S. EPA in 40 CFR Part 136.

State: State of Texas.

State waters: Water of the ordinary flow, underflow, and tides of every flowing river, natural stream or lake, and of every bay of the Gulf of Mexico, of every river, natural stream, canyon, ravine, depression, and other watershed in the state which are the property of the state.

Storm water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt runoff, rainfall runoff and surface runoff and drainage.

Technically based local limits (TBLL): Those enforceable technically based local pollutant discharge standards developed by POTWs to address federal standards as well as state and local regulations.

Texas commission on environmental quality (TCEQ): The TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, or an agent thereof.

Texas pollutant discharge elimination system (TPDES): A discharge permit issued pursuant to the authority of the Texas Commission on Environmental Quality.

Time-proportional composite sample: The composite of two (2) or more wastewater samples of equal volume taken at regular time intervals during any period of operational discharge.

Total suspended solids (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtration.

Total toxic organic (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic pollutants located in 40 CFR 122, Appendix D, Table II.

Toxic organic management plan (TOMP): A plan which specifies the toxic organic compounds used, the method of disposal used, and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

Toxic pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of Section 307(a) of the Act.

Treatment, storage and disposal facility: A facility that treats, stores and disposes of materials (including hazardous materials) and may provide transportation as defined in 40 CFR Parts 264/265, subpart A—E.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waste amalgam: Dental amalgam that is no longer suitable for use in making dental repairs such as excess mix leftover at the end of a dental procedure and amalgam removed as part of a dental repair or replacement. Removed teeth with fillings can contain amalgam and is included as waste in the definition.

Wastewater: The liquid and water-borne industrial or domestic wastes from commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are discharged into the POTW.

Water pollution: The manmade or man induced alteration of the chemical, physical, biological, or radiological characteristics of water below certain minimum desirable quality standards.

Water recycling center: That portion of the POTW which is designed to provide treatment of municipal sewage (formerly referred to as a wastewater treatment plant).

Waters of the United States: All navigable waters of the United States as defined at 33 USC 1362(7) and at 40 CFR § 122.2.

Zero discharger: An industrial user subject to categorical pretreatment standards that does not discharge any categorical waste to the sanitary sewer collection system. This IU may not discharge waste that has categorical standards to the sanitary sewer collection system as outlined under their SIU permit requirements or local limits whichever is more stringent.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-472. - Regulations.

- (1) *General discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (2) *Specific discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (a) There shall be no discharge of pollutants in amounts which would cause the discharge from a facility to have a closed cup flashpoint of less than 60° centigrade or 140° Fahrenheit using the test methods specified in 40 CFR 261.21;
 - (b) Any wastewater having a pH less than 5.5 or greater than 10.5 standard units, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW. (Any wastewater having a pH less than or equal to 2.0 or greater than or equal to 12.5 standard units is considered hazardous under 40 CFR 261.22);
 - (c) Solid or viscous substances in such quantities and/or qualities which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, solids or solids accumulation greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, asbestos, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, paint or chemical residues, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, fatty acids or esters of fatty acids, or food and vegetable wastes, sharps, regulated medical waste or used health care product (as defined in 49 CFR 173.134 Class 6, Division 6.2 cleaning wipes, articles of clothing, or bedding), or any material which can be disposed of as trash;
 - (d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which contributes, either singly or by interaction with other pollutants, to interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average daily concentration, quantities, or flow produced during normal operations;
 - (e) Any wastewater having a temperature which will inhibit biological activity in the POTW plant contributing to interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40° centigrade (104° Fahrenheit) unless the POTW treatment plant is designed to accommodate such temperature. Wastewater entering the regional collection system cannot exceed 65.5° centigrade (150° Fahrenheit) unless the quantity of heated discharge is of such volume that the total wastewater temperature at the nearest downstream manhole does not exceed 40° centigrade (104° Fahrenheit);

- (f) There shall be no discharge of any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may contribute, either singly or by interaction with other products, to interference or pass through;
- (g) In accordance with 40 CFR 403.5(b)(7) there shall be no discharge of any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, asbestos, and any other substances which the control authority, the state or EPA has notified the user is a fire or explosion hazard to the system, or presents an imminent threat to the health and safety of persons operating the system;
- (h) Any trucked or hauled pollutants, except at discharge points designated by the control authority, and in accordance with the Liquid Waste Transportation and Disposal Regulations (article V, division 4 of this chapter), as amended or replaced, and section 34-476 of this division;
- (i) Any noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to physically prevent reasonably safe entry of humans and/or equipment into the sewers for inspection, maintenance and repair purposes;
- (j) Any wastewater with any objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, ink or printer waste, and vegetable tanning solutions;
- (k) Any stormwaters, surface water, groundwater, or subsurface drainage, except as specifically authorized by the control authority;
- (l) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (m) Any substance which will cause the control authority to violate its NPDES/TPDES and/or state disposal system permit or the receiving water effluent quality standards, or fail a toxicity test;
- (n) Any agent, including but not limited to emulsifiers, surface active agents, detergents, etc. added to sand traps, grease traps, or the like, capable of passing the solid or semi-solid contents of the trap to the sewer system or any substance that may cause excessive foaming in the POTW;
- (o) Fats, oils, or greases of animal, mineral or vegetable origin in concentrations greater than two hundred (200) mg/L;
- (p) Any liquids, solids or gases, which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, or at any other point in the system, be more than five (5) percent, nor any single reading be over ten (10) percent of the lower explosive limit (LEL) of the meter. In accordance with 40 CFR 403.5(b)(1);
- (q) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, which may injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters at the effluent end of the POTW, or which exceeds the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to spent antifreeze or any pollutant identified pursuant to Section 307(a) of the Act;
- (r) Wastewaters or leachates generated from the remediation of hazardous or non-hazardous waste sites, except as specifically authorized by the control authority;
- (s) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for normal landfill disposal, land application, reclamation or reuse, or which may interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or

regulations developed under Section 405 or 503 of the Clean Water Act, or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or state criteria applicable to sludge management and/or disposal methods being used;

- (t) Hazardous waste other than that allowed under the domestic sewage exemption, as provided for under 40 CFR 261.4(a)(1)(ii). Notwithstanding that exemption, there shall be no discharge of what would otherwise be considered hazardous waste unless a user can certify the following:
 - (i) The volume and toxicity of such waste has been minimized to the fullest extent possible by utilizing the best available technology and pretreatment practices.
 - (ii) The discharge of such waste is not a substitute for disposal and reporting thereof otherwise necessary under RCRA, CERCLA, SARA, TSCA, CAA, EPA, or TCEQ regulations.
- (u) Any wastewater containing antibiotics or any organism including viruses, considered pathogenic and/or detrimental to process organisms.
- (v) Wastewater containing any radioactive waste or isotopes except in compliance with applicable state or federal regulations. Greater than or in allowable concentrations by TDH regulations or other agencies.
- (w) Pesticides.
- (x) Bulk food processing wastes.
- (y) Discharge of slugs or flows which exceed the carrying capacity of the part of the collection system through which it is discharged.
- (z) Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filter, dental tools, cuspidors, or other collection devices, must not discharge to the POTW except as described in 40 CFR § 441.

The above pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. This division may be amended to regulate specific types and sources of such discharges in order to minimize or eliminate hazardous waste loadings into the POTW. When the control authority determines that a user is indirectly discharging to the POTW any of the above mentioned substances in such quantities or concentrations which may interfere with the operation or performance of the POTW, the control authority shall advise the user of the impact of the indirect discharge on the POTW and impose upon the user a schedule for termination of the discharge causing the interference.

- (3) *National categorical pretreatment standards.* The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby fully incorporated into this division.
 - (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e). The more stringent national categorical pretreatment standards shall supersede the limitations imposed under section 34-472(5) of this division for that particular category.
 - (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (4) *Technically based local limits.*
 - (a) Significant industrial users regulated by permit for identified specific pollutants and non-permitted users not regulated under BMPs yet identified as potential contributors of certain pollutants shall not discharge or allow the discharge to the regional system, wastewaters containing individually identified specific pollutants in concentrations, in solution or suspension, in excess of the limits

below. Compliance with these limits shall be determined based on the analysis of a grab sample or a combination of grab samples, time composite samples, or flow composite samples.

- (b) All samples shall be collected and analyzed in a manner consistent with the requirements of 40 CFR 136. No user as prescribed above shall discharge or allow the discharge of wastewater to the regional system having a pH less than 5.5 or greater than 10.5 standard units, and all concentrations and/or quality criteria shall apply where the effluent is discharged to the POTW. Wastewater entering the regional collection system shall not exceed 65.5 degrees Centigrade (150 degrees Fahrenheit). The following pollutant limits are established to protect against pass through and interference at the POTW. No person shall discharge wastewater containing in excess of the following:

Industrial user local limits:

- (a) 0.7 Arsenic
- (b) 0.7 Cadmium
- (c) 5.0 Chromium
- (d) 1.50 Copper
- (e) 0.17 Total Cyanide
- (f) 0.7 Lead
- (g) 0.05 Mercury
- (h) 5.5 Nickel
- (i) 0.02 Selenium
- (j) 0.50 Silver
- (k) 2.50 Zinc
- (l) 200 Fats Oil & Grease
- (m) 5.5—10.5 pH
- (n) 150 degrees Fahrenheit

Note that the above mentioned limits are reflected in units of mg/L, with the exception of pH and temperature. All limits with the exception of TSS represent the total concentration of the substance, both suspended and dissolved.

- (c) Best Management Practices (BMPs)/Pollution Prevention (P2). Users not regulated under local limits shall be regulated under the following guidelines relating to Best Management Practices and pollution prevention. Narrative BMPs may also be incorporated into individual permits.

The methodology involved in the application of Best Management Practices/Pollution Prevention may include but not be limited to the following:

- (i) Source reduction
 - Operating practices
 - Inventory control
 - Employee training
 - Spill control
 - Input Material Substitutions
 - Product Changes

Technology Changes

Process changes

Equipment changes

(ii) Recycling

Reuse

Closed loop recycling

Other recycling

Reclamation

There are existing non-permitted and/or unregistered industrial dischargers who typically have reasonable potential for violating a pretreatment standard or requirement. Therefore, the implementation of best management practices, as stipulated by the control authority, is required to control and reduce specific pollutants. The reduction of these specific pollutants at many facilities may have a significant impact on the total contribution based on the number of facilities involved. Upon determination by the control authority that it is necessary to regulate an individual user or group of industrial users based on potential for pollutants of concern, the following minimum requirements will be established to accomplish this goal:

- Industrial users within the identified grouping must either be regulated by the BMP guidelines and/or pretreatment standards (local limits).

- Users may be required to submit letters of authorization indicating the facility's intent to comply with the BMP guidelines.

- Users may register with the control authority using an online format when provided.

- The control authority may require periodic reporting by these users demonstrating compliance with the BMP guidelines such as copies of equipment maintenance records or manifest records for waste disposal, or records demonstrating employee training.

- The control authority may conduct random inspections to determine compliance independent of the information supplied by an industrial user.

(d) *Best management practices for DIU.* Implementation of BMP for DIU are required by 40 CFR § 441. These include, but are not limited to the following controls for waste amalgam.

- Waste amalgam must be discharged to a separator with ninety-five (95) percent efficiency.

- Dental unit water lines, chair side traps, and vacuum lines must not be cleaned with oxidizing or acidic cleaners, including but not limited to, bleach, chlorine, iodine and peroxide that have a pH lower than 6.0 or greater than 8.0.

(5) *State requirements.* Specific pollutant requirements and limitations which have or may be enacted by the state on indirect discharges shall immediately supersede and replace the requirements and

limitations imposed by this division when the state requirements are more stringent than either the federal or the control authority's standards or requirements.

- (6) *Control authority's right of revision.* The control authority reserves the right to amend this division at any time to establish more stringent specific pollutant limitations or requirements on indirect discharges to the regional system if deemed necessary to protect the POTW processes or to correct or prevent an effluent quality problem in treated wastewater and/or resulting sludges. The control authority also reserves the right to amend this division to comply with the general objectives and purposes presented in section 34-471 of this division.
- (7) *Prohibition of dilution.* No user shall ever increase the use of process water, unpolluted water, surface water or storm water or in any other way attempt to dilute either a direct or indirect discharge as a partial or complete substitute for adequate treatment to achieve compliance with the specific pollutant limitations contained in the national categorical pretreatment standards, or in any other specific pollutant limitations promulgated by the control authority and/or state and incorporated in this division. The control authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- (8) *Reserved.*
- (9) *Bypass.*
 - (a) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.
 - (b)
 - (1) If a user knows in advance of the need for a bypass it shall submit prior notice to the control authority, at least ten (10) calendar days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case by case basis if the oral report has been received within twenty-four (24) hours.
 - (c)
 - (1) Bypass is prohibited, and the control authority may take an enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required in this section.
 - (2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the conditions listed in this section.
- (10) *Act of God.*

If a person can establish that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was

caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 100030, § 1(Att. 1), 11-18-04; Ord. No. 101725, § 1, 11-17-05; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-473. - Wastewater pretreatment.

(1) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 34-472(1) of this division within the time limitations specified by EPA, the state, or the control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the department for review, and shall be acceptable to the division before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the control authority under the provisions of this division.

(2) *Additional pretreatment measures.*

- (a) Whenever deemed necessary, the control authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division.
- (b) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Types of traps, sumps, interceptors and/or filters such as, but not limited to, lint, grease, oil, grit and sand shall be provided by the user when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing grease and oil, or grit; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the control authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Refer to the liquid waste transportation regulations, section 34-518(1)(c) for specific guidelines pertaining to the maintenance of such interceptors and/or sumps.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

As specified in the user's permit or this division, the industrial user shall effectively monitor the operation and efficiency of all pretreatment facilities, and the quantity and quality of the treated discharge emanating from the user's facility. Samples and measurements taken shall be representative of the monitored activity. Monitoring for the parameters indicated in an industrial user's permit or in this division must be conducted according to test procedures approved under 40 CFR 136 and 40 CFR 403.

- (e) Dental industrial users must install, operate, and maintain an amalgam separator that meets the following requirements:
 - (i) Compliant with either the American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) including Technical Addendum (2011), or the International Organization for

Standardization (ISO) 11143 Standard (2008), or subsequent versions so long as that version requires amalgam separators to achieve at least a ninety-five (95) percent removal efficiency. Compliance must be assessed by an accredited testing laboratory under ANSI's accreditation program for product certification or a testing laboratory that is a signatory to the International Laboratory Accreditation Cooperation's Mutual Recognition Arrangement. The testing laboratory's scope of accreditation must include ANSI/ADA 108-2009 or ISO 11143.

- (ii) The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
 - (iii) A DIU subject to this ordinance that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies the requirements of paragraphs (e)(i) and (ii) of this section until the existing separator is replaced as described in paragraph (e)(v) of this section or until the effective date of this ordinance, whichever date is sooner.
 - (iv) The amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).
 - (v) In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (e)(i) and (ii) of this section as soon as possible, but no later than ten (10) business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.
 - (vi) The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.
 - (vii) For multiple offices located in a single building or complex sharing plumbing and vacuum systems (such as a school or dental complex) the DIUs may be able to install a larger separator rather than each office individually. Individual compliance reports are still required.
- (3) *Slug control plan.* Within one (1) year of the effective date of the IU permit issuance date the control authority shall evaluate whether each significant industrial user needs a plan to control slug discharges. The control authority may require any user to develop, submit for review, and implement such a plan. In the event of a slug discharge by the IU, the facility will be required to revise, update the slug control plan and perform necessary upgrades to prevent reoccurrence. A plan shall address, at a minimum, the following:
- (a) Description of discharge practices, including nonroutine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by sections 34-473(4) and 34-473(5) of this division, including any discharge that would result in a violation under 40 CFR 403.5(b) with procedures for followup written notification within five (5) calendar days, and
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (4) *Reporting of slug/accidental discharges.* In the case of a slug discharge, including any accidental spill or noncustomary batch discharges, the user shall notify the department and the appropriate water recycling center immediately by telephone and provide the following information:

- (a) Time of discharge.
- (b) Location of the discharge.
- (c) Type of waste.
- (d) Concentration and volume discharged.
- (e) Corrective actions taken.
- (f) Water recycling center receiving the waste.

Within five (5) calendar days following an accidental or slug discharge, the user shall submit to the control authority, or to the designated representative, a written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The results of the report will be documented and available to the control authority upon request. Such notification shall not relieve the user of any responsibility for, expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, the environment or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed by this division or other applicable law. Failure to notify the director of a slug or accidental discharge may result in legal action or discontinuation of service; and may be deemed a separate violation of this division.

- (5) *Toxic organic management plan.* All industrial users in the electroplating, metal finishing, copper forming, aluminum forming, coil coating and electrical and electronic components categories may submit a toxic organic management plan (TOMP) in lieu of annual monitoring for total toxic organics (TTO) as referenced in 40 CFR 413.03(b), 40 CFR 433.12(b) and 40 CFR 469.13(b) respectively. Specifically after initial monitoring in year one (1) the TTO monitoring in years two (2), three (3), four (4) and five (5) of the permit cycle may be waived by the control authority upon approval and proper implementation of the TOMP. After approval the TOMP will be incorporated by reference as a narrative BMP into the discharge permit. The plan must specify at a minimum the following:
 - (a) A complete inventory of all toxic organic chemicals, defined in this division as TTO, with corresponding MSDS sheets in use or identified through sampling and analysis of the wastewater from regulated process operations detected above 0.01 mg/l (Organic constituents of trade-name products should be obtained from the appropriate suppliers as necessary). All analyses must conform with 40 CFR Part 136 Methods.
 - (b) Descriptions of the methods of disposal other than dumping used for the inventoried compounds, such as reclamation, contract hauling, or incineration;
 - (c) The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, non-contact cooling water, groundwater, surface waters; i.e., spill prevention, control and countermeasures (SPCC) plan; or any other location which allows discharge of the compounds; and
 - (d) Determinations or best estimates of the identities and approximate quantities of toxic organic pollutants used in as well as discharged from the regulated manufacturing processes. Compounds present in wastestreams that are discharged to sanitary sewers may be a result of regulated processes or disposal, spills, leaks, rinse water carryover, air pollution control, and other sources. The Control Authority reserves the right to verify compliance with the TTO requirement through its own sampling program.
- (6) *Notice to employees.* All industrial users shall take necessary and reasonable measures to insure that all appropriate employees are advised of the notification procedure to be used in the event of an accidental or slug discharge.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-474. - Wastewater discharge permit application.

(1) *Wastewater discharges.*

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the control authority. Those potential SIUs already discharging may continue to do so provided a permit application is submitted to the control authority in a timely manner for review and final determination.
- (b) The control authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.
- (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 34-481, 34-482, and 34-483 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

(2) *Wastewater discharge permit application.*

- (a) Significant industrial users shall, pursuant to the control authority's approved pretreatment program, obtain an industrial wastewater discharge permit, and shall complete and file an application on a form prepared by the control authority. (Refer to section 34-480 concerning confidential or proprietary information). The information requested shall at a minimum include the following items:
 - (1) Name(s), address(es) including the legal description, location(s);
 - (2) Name(s), official title(s), and address(es) of the owners and/or operators;
 - (3) The identity of the authorized representative including his or her name, official title, address, and date of birth;
 - (4) SIC number(s) according to the current edition of the Standard Industrial Classification Manual, 1987, bureau of the budget, as amended;
 - (5) A list of all environmental control permits held by or for the facility;
 - (6) The nature and concentration of any pollutants in the discharge which are limited by a city, state or federal pretreatment standard (sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended);
 - (7) Time and duration of contribution;
 - (8) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (9) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, sewer connections, and appurtenances by size, location and elevation;
 - (10) Number of employees, hours of operation of plant and, if required in accordance with other provisions herein, the proposed or actual hours of operation of pretreatment system;
 - (11) Description of activities, facilities and plant processes on the premises, including all materials which are, or could be, discharged;
 - (12) Each product by type, amount, process(es), and rate of production, if applicable;
 - (13) Type and amount of raw materials processed (average and maximum per day), if applicable;
 - (14) Current slug/spill plan as identified in 40 CFR 403.8(f)(2)(v);

- (15) Description of on-site storage and off/on-site disposal of waste not disposed of to the sanitary sewer.
 - (16) A list and description of the waste transporters and disposal facilities (with their EPA/TCEQ/the control authority identification numbers).
 - (17) A list and description of the pollution prevention activities in the past 5 to 10 years.
 - (18) Any other relevant information as may be deemed by the director to be necessary to evaluate the permit application, or as required under section 34-476(5) of this division.
 - (19) NAICS number(s) according to the current edition of the North American Industrial Classification System Manual, 1997, Office of Management and Budget (OMB), as amended.
- (b) It shall be the permittee's continued duty to provide, when requested by the control authority, information necessary to ensure current information and data required as part of the permit application. Such requests by the control authority may be presented to the permittee in writing, or by a representative of the control authority at the time of an inspection. Failure to provide such information will be considered a violation of this division.
- (c) Incomplete or inaccurate permit applications will not be processed and will be returned to the user for revision.
- (3) *Wastewater discharge registration*
- (a) (Non-significant industrial users)

The control authority may require other users to obtain a wastewater discharge registration application as necessary to carry out the purposes of this division.

When the control authority requires a user to register its wastewater discharge that user shall obtain a wastewater discharge registration application, and shall complete and file an application on a form prepared by the control authority. (Refer to section 34-480 concerning confidential or proprietary information). The information requested may include the following items:

- (1) Name(s), address(es) including the legal description, location(s);
- (2) Name(s), official title(s), and address(es) of the owners and/or operators;
- (3) The identity of the authorized representative including his or her name, official title, address, and date of birth;
- (4) NAICS number(s) according to the current edition of the North American industrial classification system, 1997 office of management & budget, as amended;
- (5) A list of all environmental control permits held by or for the facility;
- (6) The nature and concentration of any pollutants in the discharge which are limited by a city, state or federal pretreatment standard (sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended);
- (7) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, sewer connections, and appurtenances by size, location and elevation;
- (8) Number of employees, hours of operation of facility
- (9) Description of activities, facilities and plant processes on the premises, including all materials (material safety data sheets) which are, or could be, discharged;
- (10) Pretreatment device details;
- (11) Daily discharge / flow information

- (12) Any other relevant information as may be deemed by the control authority to be necessary to evaluate the registration application, or as required under sections 34-474(2b) and 34-475 of this division.
- (b) *Dental industrial user registration.* As required by 40 CFR § 441 the DIU is required to submit a one-time compliance report to the control authority. The deadline for existing facilities is to submit the report no later than October 12, 2020, or ninety (90) days after a transfer of ownership. For new sources, the report must be submitted no later than ninety (90) days following the introduction of wastewater into the POTW. The report may be submitted in writing or by an online registration. The report shall include the following information:
 - (1) Signed and certified by a responsible corporate officer, a general partner or proprietor, or a duly authorized representative in accordance with the requirements of 40 CFR § 403.12(l).
 - (2) Facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s);
 - (3) A description of the operation of the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, the model and year of installation.
 - (4) Certification that the amalgam separator or equivalent device is designed and will be operated and maintained to meet the requirements specified in 40 CFR § 441.30 or 40 CFR § 441.40.
 - (5) Certification that the dental discharge is implementing BMPs specified in 40 CFR § 441.30(b) or 40 CFR § 441.40(b) and will continue to do so.
 - (6) The name of the third-party service provider that maintains the amalgam separator or equivalent devices operated at the dental office, if applicable. Otherwise a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with 40 CFR § 441.30 or 40 CFR § 441.40.

The control authority will evaluate the data furnished by the user and may require additional information. A wastewater discharge registration shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The control authority may require periodic self-monitoring analysis of the user's wastestream for compliance and / or surcharge assessment. The Control Authority may require periodic cleaning and maintenance of any pretreatment device in accordance with section 34-518 of this article.

- (4) *Certification: data accuracy, truthfulness and completeness.* All wastewater discharge permit applications, required documents, and other specified documents submitted to the control authority must contain the following certification statement, and must be signed by the authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (5) *Wastewater discharge permit decisions.* The control authority will evaluate the data furnished by the user and may require additional information. Within sixty (60) calendar days of receipt of a complete wastewater discharge permit application, the control authority will determine whether or not to issue a

wastewater discharge permit. The control authority may deny any application for a wastewater discharge permit.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-475. - Wastewater discharge permit issuance process.

Within sixty (60) calendar days from the date the permit application is approved (section 34-474(4)), the control authority shall issue the wastewater discharge permit to the user.

- (1) *Permit duration.* Permits issued to significant industrial users shall be issued for a period of five (5) years or for a period of less than (5) years if established by the control authority. The terms and conditions of the permit are subject to modification by the department during the term of the permit as limitations or requirements as identified in this division are modified, or other just cause exists that warrants modification.
- (2) *Permit contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Permits shall, at a minimum, address the following:
 - (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - (b) A statement that the wastewater discharge permit is non-transferrable without prior notification to and authorization from the department in accordance with section 34-475(4) of this division;
 - (c) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a regional system sewer, and/or for the monitoring, sampling, testing, and analysis thereof;
 - (d) Limits on the average and maximum wastewater constituents and characteristics;
 - (e) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (f) Requirements for installation and maintenance of inspection and sampling facilities, including technical data relative to location, slope, and capacity of piping used in the sampling facility or discharge point;
 - (g) Specifications for monitoring programs which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (h) Compliance schedules for the installation of technology needed to meet applicable pretreatment standards and requirements, including specific dates and increments of progress. Compliance schedules shall be filed according to sections 34-478(1)(c)(7) and 34-478(2) of this division;
 - (i) Requirements for submission of technical reports or discharge reports;
 - (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Control Authority and affording the control authority access thereto as specified in 40 CFR 403.12(o);
 - (k) Requirements for reporting the introduction of any new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the regional system;
 - (l) Requirements for reporting accidental and/or slug discharges as per the provisions of this division;

- (m) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (n) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
 - (o) A statement of applicable civil and criminal penalties for violation of the permit and/or this division;
 - (p) Other conditions as deemed appropriate by the control authority to ensure compliance with this division, including but not limited to, self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type;
 - (q) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
- (3) *Wastewater discharge permit modification.* The control authority may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to the POTW, the control authority personnel, the receiving waters, its sludge or recycled water quality, and/or upset to the wastewater treatment plant;
 - (e) Violation of any terms or conditions of the wastewater discharge permit;
 - (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (g) Revision of a categorical pretreatment standard pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the wastewater discharge permit; or
 - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator, or to reflect a change in the authorized representative including date of birth;
 - (j) The director reserves the right and shall have the authority to deny any increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.
 - (k) To change from a discharge to zero discharge permittee, or vice versa, the control authority may require all unsettled violations be resolved through the control authority legal department.
- (4) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the control authority and the control authority approves the wastewater discharge permit transfer. The notice to the control authority must include a written certification by the new owner or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur;
 - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit; and

- (d) States whether liabilities for past or present permit violations will become the responsibility of the new owner/operator.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer, and shall constitute a violation of this division.

- (5) *Wastewater discharge permit revocation.* The control authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the control authority of changed conditions pursuant to section 34-478(5) of this division;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring or surveillance equipment;
 - (f) Refusing to allow the control authority timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division; or
 - (n) Failure to provide, operate and maintain, at all times, wastewater pretreatment equipment as is necessary to comply with this division.

Wastewater discharge permits shall be voidable upon cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user, however, liability for violations of previous permits will not be extinguished by the issuance of a new permit.

- (6) *Wastewater discharge permit renewal.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit renewal by submitting a complete permit application, in accordance with section 34-474(2) of this division, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. Failure to reapply for a permit may result in an enforcement action.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-476. - Liquid waste transportation regulations.

Liquid waste transporter permits will be issued in accordance with the provisions of Article V, Division 4 of this chapter, the liquid waste transportation and disposal regulations, as amended.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-477. - Compliance monitoring.

(1) *Monitoring facilities.*

- (a) Industrial users shall install and maintain monitoring facilities that allow inspection, surveillance and sampling at the discharge point and/or internal drainage systems located on private property. Permanent flow measurement, metering and/or totalizing devices for surcharge calculations and/or determination of the mass of pollutants discharged shall be required when deemed appropriate by the control authority. These facilities shall be provided by the industrial user and operated at the user's expense. All devices installed by an industrial user used to measure water and/or wastewater flow and quality shall be calibrated at a minimum of one (1) time per calendar year to ensure accuracy. The monitoring facility should normally be situated on the user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed on the sidewalk area and located so that it will not create a public safety hazard nor be obstructed by structures, landscaping, or parked vehicles. To establish water consumption of users on water wells, metering devices shall be installed, operated and maintained by the user.
- (b) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) For multiple use buildings (i.e. shopping centers, medical service buildings, office buildings, etc.) having only one master water meter, or multiple meters paid by one person or company, and/or where the building is served by a common sewer lateral, one permit may be issued to the water bill addressee. In this case, the addressee shall be responsible for:
 - (1) The installation, operation, and maintenance of any required pretreatment device or monitoring station;
 - (2) Compliance with all provisions of this division and/or applicable pretreatment standards or requirements; and
 - (3) The payment of all sampling and analysis fees, surcharges, and any fines or penalties imposed. If in the judgment of the director, the quality of wastewaters from the separate users is such that separate pretreatment or monitoring facilities is appropriate, the director may require separate facilities. In this case, all of the aforementioned requirements shall apply to the individual users.
- (d) There shall be adequate lighting of and ample room in or near such sampling manhole or facility to safely allow inspection personnel to position sampling, monitoring or surveillance equipment and prepare field samples for analysis. Whether construction on public or private property, the sampling and monitoring facilities shall be provided in accordance with the regional system requirements and all applicable local construction standards and specifications, including applicable requirements contained in the plumbing code, chapter 10 of the City Code, as amended or as may be amended.

(2) *Inspection and sampling.*

- (a) The control authority and EPA and/or TCEQ representatives shall have the right to inspect the facilities of any industrial user to ascertain whether the purposes of this division are being met and all applicable requirements are being fulfilled. Industrial users and their employees shall allow authorized regulatory representatives displaying proper identification ready access to the premises at all reasonable times for the purpose of: inspecting wastewater generating operations and processes; wastewater flow monitoring and sampling; examination and reproduction of

business records pertinent to water and wastewater volume and quality; including hazardous and non-hazardous waste manifests; inspection of potential slug-related discharges; and where applicable, making photographic documentation and obtaining other information necessary to ascertain and ensure that the correct data and information submitted in the facility's permit application, and assure and assess compliance by users with pretreatment standards and requirements. Inspection frequency is at a minimum conducted once per year, and the frequency will depend on the nature and type of industrial processes as is specified in the control authority's pretreatment program. Failure to allow access, to permit photographic documentation, or to allow copying of pertinent records will be considered a direct violation of this division.

- (b) The control authority shall have the right to install, or require the installation of monitoring, testing, and surveillance equipment (including adequate lighting) and to take samples (including independent samples) of any indirect discharge at any reasonable time in accordance with the applicable provisions of this division. Where an industrial user has safety and/or security measures in force which require user issuance of special safety equipment and/or proper identification and clearance before allowing entry into their premises, the user shall make the necessary arrangements with their security guards or similar personnel, so that upon presentation of suitable identification, personnel from the control authority, the state, or EPA will be permitted to enter any or all areas of the user's facility, without delay, for the purpose of performing responsibilities reasonably associated with those stated above and reasonably required to accomplish the purposes and objectives of this division.
 - (c) Results of concentration and constituent analysis of wastewater from samples collected from any industrial user may be determined by the control authority or its authorized agent, the approval authority, a professional engineer contracted by the discharger, or by any other qualified party approved by the control authority.
 - (d) If the industrial user elects to contract with a professional engineer or other qualified party for sampling and analysis of wastewater, all results of such sampling and analysis shall be submitted to the director, and all reports submitted shall contain a statement certifying that the samples collected and values reported are developed in accordance with the collection and analytical procedures contained in section 34-474 of this division, 40 CFR 403.12, and the appropriate federal categorical pretreatment standards, as applicable. Each significant industrial user will be sampled at least twice each year, or more frequently if required by the local pretreatment program.
 - (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (3) *Search warrants.* Failure to allow access to a building, structure, or property, or any part thereof, when the control authority personnel is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the control authority designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the control authority may seek issuance of a search warrant from the municipal magistrate of the city or the County Judge of Bexar, or any judge of appropriate jurisdiction.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 100030, § 1(Att. 1), 11-18-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-478. - Reporting requirements.

- (1) *Baseline monitoring reports.*

- (a) Within either six (6) months after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed in paragraph (c) below.
- (b) At least ninety (90) days prior to the commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in paragraph (c) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (c) Users described above shall submit the information set forth below:
 - (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) *Measurement of pollutants.* Information regarding pretreatment standards sampling include the following:
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or by the control authority of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and average concentrations, (or mass where required), shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 34-478(910 and 11) of this division. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the CA or the applicable Standards to determine compliance;
 - (iii) Sampling must be performed in accordance with procedures set out in section 34-478(10) of this division.
 - (iv) The submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (v) the baseline monitoring report shall indicate the time, date, and place of sampling and the methods of analysis, and shall certify that such sampling and analysis is representative or normal work cycles and expected pollutant discharge to the CA.
 - (6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - (7) *Compliance schedule.* If additional pretreatment and/or additional operation and maintenance is necessary to meet the pretreatment standards, then the shortest schedule by which the user will provide such additional pretreatment and/or operation and

maintenance will be utilized. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 34-478(2) of this division.

- (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 34-474(3) of this division.
- (2) *Initial database monitoring.* The permittee shall initially document six (6) consecutive months of discharge monitoring to determine compliance with effluent standards established in the permit. If any discharge is found to be in violation of the permit limits, the permittee shall develop corrective measures to achieve and maintain consistent compliance. Techniques specified in 40 CFR 403 and 40 CFR 136 shall be used to collect and analyze any wastewater samples in connection with this database monitoring requirement.
- (3) *Compliance schedules and progress reports.* The following conditions shall apply to the compliance schedule required by section 34-478(1)(c)(7) of this division.
 - (a) The compliance schedule shall allow the user to voluntarily establish goals and time frames for meeting those goals for installing, modifying, and/or maintaining pretreatment equipment and/or practices to identify and resolve conditions in their operation which have resulted in noncompliance. The user shall notify the control authority within five (5) working days from the initial compliance schedule meeting, stating whether or not they will enter into a compliance schedule. Within fifteen (15) working days of the initial compliance schedule meeting, the user shall submit a proposed compliance schedule to the control authority for review. No enforcement action will be taken against the user for instances of noncompliance which occur during an approved compliance schedule. Such instances of noncompliance may be the subject of enforcement at a later date should the user commit violations after the expiration of the applicable compliance schedule. Users must remain compliant for a minimum of one calendar year from the expiration date of the schedule. The ~~director~~CA may issue ~~one~~an extension to the user, if the user can document progress toward meeting the compliance schedule and the request for additional time is valid and reasonable;
 - (b) The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - (c) No increment referred to above shall exceed nine (9) months; however, the duration of the compliance schedule and any individual increment shall be determined at the discretion of the control authority;
 - (d) The user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 - (e) In no event shall more than nine (9) months elapse between such progress reports to the control authority.
- (4) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in this division. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of

production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this division.

(5) *Periodic compliance reports.*

(a) All ~~significant~~categorical industrial users shall, at a frequency determined by the control authority, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 34-474(3) of this division. In cases where the Pretreatment Standard requires compliance with a BMP or P2 alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) All wastewater samples must be representative of the user's discharge.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in section 34-478(10) of this division, the results of this monitoring shall be included in the report.

(d) All significant industrial users shall submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards that are taken from any permitted sample point and analyzed as outlined in 34-478 (10). The SIU must submit documentation required by the CA within 45 days of the analysis.

(6) *Notification of changed conditions.* Each user must notify the control authority promptly, in writing, of any planned substantial or significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater, including a change in the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p).

(a) The control authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 34-474(2) of this division.

(b) The control authority may issue a wastewater discharge permit under section 34-475 of this division or modify an existing wastewater discharge permit under section 34-475(3) of this division in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

(7) *Notification of potential problems.* In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, the user shall immediately telephone and notify the control authority and the appropriate wastewater treatment plant of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such discharge, the user shall submit a detailed written report describing the items as referenced in sections 34-473(4) and 34-473(5) of this division.

(8) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis, and submit the results of the repeat analysis to the Control Authority within ~~thirty~~ forty-five (3045) days after becoming aware of the violation. The user is not required to resample if the Control Authority monitors at the user's facility at least once a month, or if the Control Authority samples between the user's initial sampling and when the user receives the results of this sampling. All sampling and notification performed by the user under this section shall comply with the requirements of 40 CFR 403.12 (g).

(9) *Notification of the discharge of hazardous waste.* Unless otherwise permitted by this division, the discharge of hazardous waste into the POTW is strictly prohibited and constitutes a violation of this

division. Should a user discharge hazardous waste, said user must comply with the following provisions:

- (a) Any user who commences the discharge of hazardous waste shall notify the control authority, the POTW, the EPA regional waste management division director, and the TCEQ, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). All SIU's who commence discharging after the effective date of this rule shall provide notification no later than one hundred and eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 34-478(1), 34-478(3) and 34-478(4) of this division.
 - (b) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA regional waste management division director, and the TCEQ of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - (c) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (d) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.
- (10) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. All analytical results submitted to the control authority shall include supporting quality assurance/quality control documentation.
- (11) *Sample collection.* All sample collection should be performed pursuant to the applicable requirements of 40 CFR 403.12 and by appropriate EPA Guidance, including preservation and compositing techniques.
- (a) Except as indicated in subparagraph (b), the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not infeasible, the control authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. IU facilities that discharge batch discharges or have discharge that are less than 24 hours in duration must have sampling collection techniques documented in the IU discharge permit. Self-monitoring samples collected must still provide a representative sample of normal daily regulated processes and activities.
 - (b) Samples for compliance monitoring for oil and grease, temperature, pH, cyanide, phenols, sulfides, total residual chlorine and volatile organic compounds must be obtained using grab collection techniques and follow preservation and compositing techniques as outlined in the 40 CFR § 403.12 and 40 CFR § 136.
 - (c) Any change to the permitted sampling locations requires prior notification and approval by the control authority.
 - (d) For sampling required in support of BMR and 90 day reports required in 40 CFR 403.12 a minimum of four grab samples are required for pH, cyanide, total phenols, O&G, sulfide and VOCs

for new IUs, existing IUs that make changes or install new treatment, for existing IUs for which historical sampling data does not exist or in cases where the existing data does not represent the current discharge and could not be used to justify a lower number of minimum grab samples.

- (12) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not transmitted through or by a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (13) *Record keeping.* Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under subsection 34-472(4)(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Documentation shall include all necessary data and reports necessary to show compliance with the narrative BMP as described in the IU Permit. These records shall remain available for a period of at least three (3) years by both the IU and CA. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

For DIUs the maintenance records shall include the following documentation:

- The date;
- Person conducting the inspection;
- Results of the inspection of each amalgam separator;
- A summary of any action or repairs needed;
- The type of amalgam retaining container or equivalent;
- The dates that amalgam is collected or shipped for proper disposal in accordance with 40 CFR § 261.5(g)(3);
- The name of the treatment, storage and disposal facility receiving the containers;
- Repair or replacement of the device including the date, person making the repair or replacement and a description of the repair or replacement to include the make and model.

A copy of the manufactures operating manual shall be available onsite for the current device. These records shall remain available for a period of at least three (3) years by both the IU and the control authority. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

- (14) *DIU one-time compliance reporting* . Existing DIU established prior to July 14, 2017 must install compliant amalgam separators by July 14, 2020 and complete a one-time compliance report as described in 40 CFR § 411 by October 12, 2020 or ninety (90) days after transfer of ownership. New DIU established on or after July 14, 2017 must install complaint amalgam separators prior to any discharge to the POTW and complete a one-time compliance report as outlined in 40 CFR § 411 no later than ninety (90) days following the introduction of wastewater into the POTW. The DIU shall

submit a copy of the one-time compliance report either online or by mail to the control authority as required.

(15) Existing or new Industrial Users having a pretreatment standard or permit requirement implemented with or met by a BMP requirement shall report information as may be necessary to determine compliance with the standard, including but not limited to Baseline Monitoring reports, 90 day compliance reports, Semi-annual reports and compliance milestone reports or other reports as may be required by individual permits or BMP Programs.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Sec. 34-479. - Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the control authority's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests in writing, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law or federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall be stamped "confidential business information" on each page containing such information and shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES / TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-480. - Publication of users in significant noncompliance.

The control authority shall publish annually, in any paper of general circulation within the jurisdiction served by the POTW that provides meaningful public notice, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in section 34-471.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14)

Sec. 34-481. - Enforcement.

Users who violate any term or condition of this division or of their permit shall be subject to enforcement action by the control authority. Such enforcement action will be applied in accordance with the enforcement response plan and may include legal action or other appropriate enforcement remedies as provided for below:

- (1) *Enforcement response plan.* In accordance with 40 CFR 403.8(f)(5)(ii), the control authority has in use an enforcement response plan (ERP), including an enforcement response guide (ERG)

which shall be used by the control authority in initiating and, if necessary, in escalating, enforcement responses with regard to any instance of user noncompliance. The ERP is subject to change as required, and is consistent with approval authority procedures and guidelines.

- (2) *Legal action.* In addition to any other remedies provided by this division, the control authority may, at any time, seek legal and/or equitable remedies, or prosecute criminal charges against any person, corporation or other entity believed to be in violation of this division, the provisions of an industrial wastewater discharge permit and/or any federal or state law or regulations governing water quality or industrial wastewater pretreatment over which the control authority has been given enforcement powers. The control authority legal staff is hereby authorized and instructed to commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code, or any other applicable local, state, or federal code or statute. The control authority may require that an enforcement meeting be held prior to implementing legal action; however, such a meeting shall not be a bar against or prerequisite for taking any enforcement action against the user.
- (3) *Notice of violation (NOV).* When the control authority determines that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve (either personally or by registered or certified mail, return receipt requested) upon that user a written notice of violation. Within fifteen (15) working days of the mailing date or personal delivery date of such notice, an explanation for the violation and measures taken and/or to be taken for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this response in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (4) *Response by the industrial user to the notice of violation.* The industrial user responding to receipt of a notice of violation shall file a written response in the following form:
 - (a) The industrial user shall submit a written report within the fifteen (15) working days designated in section 34-481(3) to the director. If the violation involves a discharge that is prohibited, or exceeds quantity, quality, or concentration limitations, the report shall contain information regarding the time, date, location, cause, source, quantity, quality and concentration of the discharge and the corrective measures actually taken, or to be taken, by the industrial user to correct and prevent any similar recurring discharges. If the violation is an administrative or procedural violation, the report shall contain information regarding corrective measures and time schedules the industrial user has adopted to assure expeditious compliance.
 - (b) Should the recipient of a notice of violation fail to respond in writing to the director within the initial fifteen (15) working day response period as required in section 34-481(3), above, the user shall be considered in violation of this division with each day resulting in a separate violation. Such failure to respond may be cited by the director in any legal proceeding in the appropriate municipal, county, district, or federal court.
- (5) *Injunctive relief.* When the control authority finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may petition the court through the control authority legal staff for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (6) *Consent orders.* The director or his designated representative is hereby empowered to enter into consent orders, assurances of voluntary compliance, establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have legal force and effect and shall be judicially enforceable. The director may require that a compliance schedule pursuant to sections 34-478(1)(c)(7) and 34-478(3) of this division be included and followed as a condition of the order. No order shall in any way waive a national categorical pretreatment standard.
- (7) *Compliance schedule.* The compliance schedule is discussed in sections 34-478(1)(c)(7) and 34-478(3) of this division.
- (8) *Compliance orders.* When the director or his designated representative finds that a user has violated or continues to violate the division, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within fifteen (15) calendar days. If the user does not come into compliance within fifteen (15) calendar days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and/or management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
- (9) *Emergency suspension.* The director may unilaterally order the suspension of water and/or wastewater service(s) to any user in order to prevent or eliminate an indirect discharge which may cause imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant interference with the POTW, or violations of the Control Authority, TCEQ or NPDES permit conditions. Concurrent with ordering such a suspension, the director shall issue a written report containing information and investigative data and the notice of violation and suspension order upon which the director relies in ordering the suspension of service(s). A copy of this report will be expeditiously forwarded to the affected industrial user.
 - (a) The director shall order reinstatement of any discontinued water and/or wastewater service(s) upon presentation to him by the industrial user of a registered professional engineer's report or other written proof acceptable to the control authority that the dangerous discharge has been eliminated and that recurrence is not likely.
 - (b) Costs incurred by the control authority or its agents in detecting, investigating, monitoring, measuring and eliminating the dangerous discharge, along with any disconnect and reconnect fees, shall be reimbursed to the control authority by the user(s) responsible for the dangerous discharge within sixty (60) days of billing. Any property damage to the POTW or its appurtenant structures resulting from the dangerous discharge shall also be borne by the user(s) responsible for the discharge.
 - (c) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing under sections 34-481(10) and 34-481(11) of this division.
- (10) *Cease and desist orders.* When the control authority finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (a) Immediately comply with all requirements; and

- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (11) *Termination of discharge.* In addition to other provisions of this division, any user who violates the following conditions of this division, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:
 - (a) Violation of wastewater discharge permit conditions;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
 - (e) Violation of the pretreatment standards in section 34-472 of this division.
 - (f) Failure to provide, operate and maintain, at all times, wastewater pretreatment equipment, as is necessary to comply with this division.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472, § 1(Exh. A), 6-19-14)

Sec. 34-482. - Penalties.

(1) *Penalties for violations.*

- (a) *Criminal.* A conviction for violation of this division shall constitute a class C misdemeanor. A person convicted of a violation of this division shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this division.
 - (b) *Civil.* A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such offense continues shall be considered a new violation for purposes of enforcing this division, and calculating the amount of civil penalties.
- (2) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this division or pursuant to any condition or provision of an industrial wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inoperable monitoring, sampling or surveillance devices or improperly impedes an inspection procedure required or authorized under this division and/or any industrial wastewater discharge permit, shall upon conviction, be punished by a criminal fine of not less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2,000.00) or a civil penalty not to exceed five thousand dollars (\$5,000.00) per violation per day. A person found guilty of damaging equipment used or necessary for monitoring compliance with an industrial wastewater discharge permit and/or this division, shall also be liable for the cost associated with replacing or repairing such equipment. Reports and other documents required to be submitted or maintained in accordance with 40 CFR 403.12 shall further be subject to Provisions Governing Fraud and False Statements as provided for at 40 CFR 403.12(n).

- (3) *Damage, theft and vandalism.* A person found responsible of damaging, stealing, or vandalizing Control Authority equipment, used or necessary for monitoring compliance with an industrial wastewater discharge permit and/or this division, shall also be liable for the cost associated with replacement or repair of such equipment.
- (4) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-483. - Supplemental enforcement action.

- (1) *Performance bonds.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment

standard or requirement, unless such user first files a satisfactory bond, payable to the control authority, in a sum not to exceed a value determined by the control authority to be necessary to achieve consistent compliance.

- (2) *Liability insurance.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (3) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be terminated. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (4) *Public nuisances.* A violation of any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the control authority for any costs incurred in removing, abating, or remedying said nuisance, which shall include, but is not limited to, industrial waste solids accumulation wastewater odors, vapors, and/or objectionable color(s) of the sanitary and/or storm sewer.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-484. - Fees.

It is the purpose of this section to provide for the recovery of costs from users of the control authority wastewater disposal system for the implementation and continued operation of the pretreatment program established herein. All industrial users shall pay the following fees, as appropriate, and in accordance with the current fee schedule, within thirty (30) days of billing:

- (a) A permit application fee;
- (b) A permit fee;

- (c) Sampling fee;
- (d) Analysis fee;
- (e) Environmental assessment;
- (f) A permit registration fee;
- (g) Other fees as the control authority may deem necessary to carry out the requirements contained herein, such as, but not limited to emergency response fees, special sampling fees, monitoring equipment reset fees, etc. These fees relate solely to the matters covered by this division and are separate from all other fees, fines, and penalties chargeable by the control authority or any other agency.

The special services charges outlined in Schedule E, industrial waste fee schedule, relating to industrial waste permits and services shall be lawful rates charged by the system effective January 1, 2019. The Schedule E charges shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero) between the Consumer Price Index for All Urban Consumers (CPI-U) as it is calculated by the United States Bureau of Labor Statistics at the end of the month of July prior to the next year and as it was calculated at the end of the month of July one year earlier. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2011-12-08-1004, § 2(Exh. L), 12-8-11; Ord. No. 2015-11-19-0956, § 4(Att. III), 11-19-15, Res. No. 16-302, Att. IV; Ord. No. 2017-12-07-0928, § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19)

Secs. 34-485—34-510. - Reserved.