

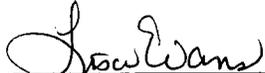
(3) *The City has adopted by reference the City of Conroe's industrial pre-treatment requirements codified as Article II, Chapter 20, Code of Ordinances, City of Conroe, dealing with discharge of industrial waste, together with such amendments thereto as the City Council of the City of Conroe, Texas shall from time-to-time adopt. A copy of "Article II. Discharge of Industrial Waste", as found in the City of Conroe's Code of Ordinances is attached hereto and incorporated herewith to this Ordinance.*

2. All Ordinances or parts of Ordinances, including Ordinance No. 79-93, as amended, which is in conflict in part or in whole with the City of Conroe's industrial pre-treatment requirements are hereby repealed.
3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.
4. This Ordinance shall take effect and be in full force and effect from and after its passage.

PASSED AND APPROVED this 25th day of October 1999.


Howard Kravetz, Mayor

ATTEST:


Lisa Evans, City Secretary

APPROVED AS TO FORM:


Larry L. Foerster, City Attorney

Larry Forrester
DD

Article II. Discharge of Industrial Wastes

Sec. 20-36. Purpose and policy.

(a) Purpose. This article sets forth uniform requirements for indirect contributors into the wastewater collection and treatment facilities of the city, and enables the city to comply with all applicable federal and state laws required by the Clean Water Act of 1977 as amended and the General Pretreatment Regulations (40 CFR Section 403).

(b) The objectives of this article are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(c) Authority. This article provides for the regulation of authorized contributors to the city's wastewater facilities through the issuance of permits to certain nondomestic users and the enforcement of general requirements, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(d) Applicability. This article shall apply to all nondomestic users of the city's wastewater facilities, whether such users are located within or outside the city boundaries.

(e) Administration. This article shall supersede the City of Conroe Ordinance No. 563-74 Divisions I and II, adopted by the city on January 8, 1974, amended by Ordinance No. 842-82 adopted on August 26, 1982. Except as otherwise provided herein, the pretreatment department of the city shall administer, implement, and enforce the provisions of this article.

Sec. 20-37. Definitions.

(a) Terms. The following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

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

Amenable to treatment means susceptible to reduction in concentration by treatment routinely provided in the city's wastewater treatment plant, to a level which is in compliance with federal and state effluent limitations for discharge into waters of the state.

Approval authority means the United States Environmental Protection Agency, Region 6.

Authorized representative of industrial user means:

(1) If the industrial user is a corporation, authorized representative shall mean:

- a. The president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation;
- b. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietorship respectively;

(3) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

(4) The individuals described in paragraphs (1)—(3) above may designate another 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 city.

Baseline monitoring report means the initial comprehensive laboratory analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process.

Biochemical oxygen demand means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature twenty (20) degrees centigrade.

Building sewer means a sewer pipe conveying wastewater from the premises of a user to the wastewater facilities.

Categorical standards, national pretreatment standard, pretreatment standard, or standard means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the "Act" which applies to industrial users.

The Code of Federal Regulations contains a codification of documents of general applicability and future effect, published by the office of the Federal Register, National Archives and Records Administration, as a Special Edition of the Federal Register.

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

City means the City of Conroe, Texas, or any authorized person acting in its behalf.

Commercial user means any industry or business that discharges less than twenty-five thousand (25,000) gallons per day but discharges nondomestic waste and in the opinion of the city has the potential to impact the POTW and/or the resulting sludge.

Composite sample means a combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample may be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during composite period (time composite).

Control authority means the City of Conroe.

Control manhole means a manhole or other facility which provides access to a building sewer and is located at some point before the building sewer discharge mixes with other discharges in the public sewer.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Environmental Protection Agency means the U.S. Environmental Protection Agency, sometimes referred to as the approval authority, 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 means any source of discharge, the construction or operation of which commenced prior to the publication 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.

Floatable grease means grease, oil or fat in a physical state such that it will separate or stratify by

gravity in water.

Garbage means animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage, and sale of food products and produce.

Grab sample means an individual sample collected in less than fifteen (15) minutes.

Grease means fatty acids, soaps, fats, waxes, petroleum products, oil and any material which is extractable by hexane or freon solvent from an acidified sample and which is not volatilized during evaporation of the solvent.

Holding tank waste means any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Indirect discharge means a discharge or introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the "Act" into the city's wastewater facilities.

Industrial user means a source of an indirect discharge.

Industrial waste means the water borne solids, liquids, and/or gaseous wastes (including cooling water), excluding normal domestic sewage, resulting from any industrial, manufacturing, trade, business, commercial, or food processing operation or process, or from the development of any natural resource, or any mixture of such solids, liquids or wastes with water or domestic sewage.

Industrial waste charge means the additional charge made on those industrial users that discharge into the sanitary sewer industrial wastes which are amenable to treatment but which exceed the concentration levels of normal domestic sewage.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the city's wastewater treatment processes or operations or its sludge processes, use or disposal; and
- (2) Causes a violation of any requirement of the city's NPDES permit or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SW-DA), (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including state regulations contained in the State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA,, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum allowable discharge limit means the maximum concentration (or loading) 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.

May is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Medical waste means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Milligrams per liter (mg/l) means a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 (pounds per gallon water) is equivalent to pounds of constituent per million gallons of water. It is the same as parts per million (ppm) for normal wastewater.

National pollutant discharge elimination system permit means a permit issued pursuant to Section 402 of the "Act."

New source means:

- (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 or 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 section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source 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 on-site construction program

1. Any placement, assembly, or installation of facilities or equipment, or
 2. 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 are 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, contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

Normal domestic sewage means a combination of the water-carried wastes, exclusive of ground, surface, and storm waters and industrial wastes, normally discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions in which the average concentration of five-day BOD and total suspended solids (TSS) does not exceed two hundred fifty (250) mg/l.

Pass through means a discharge which exits the city's wastewater treatment facility into waters of the state and/or 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 requirements of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

Person means 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.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the city's wastewater facility.

Pretreatment department, pretreatment coordinator means the department or person designated

by the city to supervise the pretreatment program, and who is charged with certain duties and responsibilities by this article or his/her duly authorized representative.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment year means the period of time that is considered when compiling the city's annual program status report for EPA.

Prohibited discharge means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 20-38 of this article.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant.

Sanitary sewer means a public sewer which carries domestic wastewater and/or industrial wastes, and to which storm, surface, and groundwater is not intentionally admitted.

Sewage means human excrement and gray water (household showers, dishwashing operations, etc.).

Shall means is mandatory. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Significant industrial user means:

- (1) All industrial users subject to Federal Categorical Pretreatment Standards;
- (2) Any industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), with the exception of those industrial users which the city determines have no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;
- (3) Any industrial user that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; with the exception of those industrial users which the control authority determines have no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;
- (4) Any industrial user that has a reasonable potential for violating any pretreatment standard or

requirement or adversely affecting the POTW's operation, whether by inhibition, pass through of pollutants, sludge contamination, or endangerment of personnel of the wastewater facilities.

Significant noncompliance. An industrial user is in significant noncompliance if its violation meets one (1) or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined as those which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC - 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the POTW or 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);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR part 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) 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, or attaining final compliance;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and
- (8) Any other violation or group of violations which the POTW or control authority determines will adversely affect the apparition or implementation of the city's pretreatment program.

Slug discharge means any discharge of water, wastewater, or industrial waste which, in concentration of any given constituent or in rate of flow, exceeds for any continuous fifteen (15) minute period more than five (5) times the average twenty-four-hour concentration or flow rate for that particular discharger during normal operations.

Standard Industrial Classification Code means a classification pursuant to the Standard Industrial

Classification Manual issued by the U.S. Office of Management and Budget.

Storm sewer means a public sewer which carries storm and surface waters and drainage, but excludes normal domestic sewage and industrial wastes.

Storm water means runoff from rainfall or any other form of precipitation.

Superintendent means an authorized representative of the city who supervises the operation of the POTW and who is charged with certain duties and responsibilities by the ordinance or his/her duly authorized representative, or in his absence or inability to act the person then in charge of said system.

Total suspended solids means the total suspended matter, measured in mg/l, that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Total toxic organics means the sum of the masses or concentration of specific toxic organic compounds found in the industrial user's process discharge at a concentration greater than 0.01 mg/l. Specific toxic organic compounds are specified in categorical pretreatment standards for categorical industrial users.

Toxic organic management plan means a written plan submitted by industrial users, in accordance with the requirements specified in categorical pretreatment standards (or in accordance with the city's requirements if the industry is not a categorical industrial user), to assure that toxic organics do not routinely spill or leak into wastewater discharged into the POTW.

Toxic pollutant means any pollutants or combination of those pollutants listed as toxic in regulations promulgated by the EPA Administrator under the provision of Section 307 (33 U.S.C. 1317) of the Act.

Trap means a device designed to skim, settle, or otherwise remove floatable grease, oil, sand, flammable wastes or other harmful substances.

Treatment plant effluent means any discharge of pollutants from the POTW into waters of the state.

User means any person who has a building sewer connected to the city's sewer, or contributes, causes or permits the contribution of wastewater into the city's wastewater facilities, including those who discharge holding tank waste into the facilities.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed or discharged into or permitted to enter the wastewater facilities.

Wastewater facilities means all facilities of the city for collecting, pumping, treating, and disposing of sewage, sludges and residues.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(b) Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD—Biochemical oxygen demand
- (2) C—Celsius
- (3) CFR—The Code of Federal Regulations
- (4) City—City of Conroe
- (5) COD—Chemical oxygen demand
- (6) EPA—Environmental Protection Agency
- (7) F—Fahrenheit
- (8) gpd—Gallons per day
- (9) l—Liter
- (10) lbs/day—Pounds per day
- (11) LEL—Lower explosive limit
- (12) mg—Milligrams
- (13) mg/l—Milligrams per liter
- (14) mgd—Million gallons per day
- (15) NPDES—National pollutant discharge elimination system
- (16) pH—Potential Hydrogen
- (17) O&M—Operation and maintenance
- (18) POTW—Publicly owned treatment works

- (19) RCRA—Resource Conservation and Recovery Act
- (20) TSS—Total suspended solids
- (21) SIC—Standard industrial classification
- (22) SIU—Significant industrial user
- (23) SWDA—Solid Waste Disposal Act (42 USC 6901 et seq.)
- (24) TCLP—Toxicity Characteristic Leaching Procedure Test
- (25) TRC—Technical review criteria
- (26) TTO—total toxic organics
- (27) TOMP—Toxic organic management plan
- (28) USC—United States Code
- (29) USDA—United States Department of Agriculture

Sec. 20-38. General prohibited discharges.

(a) Generally. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interfere with the operation or performance of the city's wastewater facilities. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. No user shall contribute any of the following substances to any sanitary sewer or POTW:

- (1) Any inflows or infiltration, including but not limited to storm water, groundwater, roof runoff, subsurface drainage, noncontact cooling water, or from sources such as downspouts, yard drains, swimming pools, yard fountains or ponds, or lawn sprinklers unless specifically authorized by the superintendent.
- (2) 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, likely to cause fire or explosion or be injurious in any other way to the wastewater facilities. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. 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 and any other substance which the city, the state, or EPA has notified, or hereinafter notifies, the user is a fire hazard or a hazard to the system. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- (3) Wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods specified in 40 CFR 261.21.
- (4) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to, garbage containing particles greater than one-half ($\frac{1}{2}$) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, 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, gas, tar, asphalt residues, residues from refining or processing of fuels, or lubricating oil, mud, glass grindings or polishing wastes.
- (5) Any wastewater having a pH of less than 5.5 or higher than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the wastewater facilities.
- (6) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other 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; which injure or interfere with any wastewater treatment process; which constitutes a hazard to humans or animals; which creates a toxic effect in the receiving waters of the wastewater facilities or which exceeds the limitations set forth in a National Categorical Pretreatment Standard. A toxic Pollutant shall include but not be limited to any pollutant defined or identified pursuant to Section 307(a) of the Act.
- (7) Any noxious or malodorous liquids, gases, solids, or other wastewater either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (8) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant or results in interference with the operations of the facility, but in no case wastewater with a temperature at the control manhole which exceeds one hundred fifty (150) degrees F (sixty-five (65) degrees C) or which causes the temperature of the waste at the entrance to the wastewater treatment plant to exceed one hundred four (104) degrees F (ten (10) degrees C). In addition, no wastewater with such a temperature that will cause the temperature of the wastewater at the entrance to the wastewater treatment plant to rise more than ten (10) degrees F per hour.

- (9) Any pollutants, including oxygen demanding pollutants (BOD5, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the wastewater facilities. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed, for any period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentrations, quantities, or flow rate for that particular discharge during normal operations.
- (10) A volume of flow which will cause the influent flow to the wastewater treatment facility to exceed 2.5 times the average dry weather flow or 1.5 times the average wet weather flow for a period longer than one (1) hour. The design and installation of surge basins shall be subject to the review and approval of the city and to the requirements of all applicable laws.
- (11) Radioactive materials or isotopes of such half life or concentration which permit a transient concentration higher than the maximum allowable discharge limit as specified by the governing standards of all local, state, and federal regulatory agencies.
- (12) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (13) No wastes, including any liquid, solid or septic tank wastes which are generated at residential, commercial or industrial facilities, shall be discharged to the sanitary sewer system except at discharge points designated by the POTW prior to discharge. This includes wastes which are transported via truck, rail, or any other transportation means. Further the discharge of hazardous wastes as defined in Section 1004 of the Resource Conservation and Recovery Act) into a pipeline connected to the public sewer, which is dedicated to only the discharge of hazardous waste, is prohibited.
- (14) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (17) Any discharge of fats, oils, or greases or animal or vegetable origin is limited to 100 mg/l.
- (18) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (19) Any medical wastes, except as specifically authorized by the pretreatment coordinator in a wastewater discharge permit.

(b) Storage and process area drains. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or material storage areas where prohibited wastes are present must discharge to the industrial user's pretreatment facility before connecting with the POTW or contained for collection and disposal by other means than discharge to the Conroe Sewer System.

(c) Local limits. No user shall discharge wastewater with pollutant concentrations in excess of the concentrations set forth in Table 1. Industrial users shall be allocated mass limits for BOD and TSS not to exceed twenty (20) percent of the Maximum Allowable Headworks Loading.

Table 1. Local Limits on Discharges to the City of Conroe, Southwest Wastewater Treatment Plant

Parameter	Base Value of Surcharges	Daily Maximum
BOD5[CoC1][CoC1]210 mg/l	Case-by-case mass limit basis	
TSS	250 mg/l	Case-by case mass limit basis
Oil & Grease		100 mg/l
pH		5.5—9.5 S.U.*
Arsenic		0.4 mg/l
Cadmium		0.096 mg/l
Chromium		3.996 mg/l
Copper		1.194 mg/l
Lead		0.347 mg/l
Mercury		0.0008 mg/l
Nickel		3.996 mg/l
Silver		0.016 mg/l
Zinc		0.32 mg/l
Cyanide		0.15 mg/l

*Note: Standard pH units

(d) Dilution

(1) No industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard, a discharge permit, or this article.

- (2) The pretreatment department may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(e) Federal categorical pretreatment standards. The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(f) City's right of revision. The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section 20-36 of this article or the general and specific prohibitions in section 20-38 of this article.

Sec. 20-39. Pretreatment of wastewater.

(a) Pretreatment facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all prohibitions, local limits and the categorical pretreatment standards set (refer to sections 20-38 and 20-41 respectively) with the time limitations specified by the EPA, the state, or the pretreatment department—whichever is more stringent. Any facilities required to pretreatment wastewater to a level acceptable to the city shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the POTW under the provisions of this article.

(b) Additional pretreatment measures. Whenever deemed necessary, the superintendent may require industrial 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 industrial user's compliance with the requirements of this article.

Sec. 20-40. Industrial user wastewater discharge permits.

(a) Purpose.

- (1) Local limits and applicable National Pretreatment Standards shall be enforced through individual industrial user permits.
- (2) It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, into the city's sanitary sewer system without first obtaining an industrial user's permit. Any violation of the terms of a wastewater discharge permit shall be deemed a violation of this article. 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.

(3) The pretreatment department may require other industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.

(b) Wastewater discharge permitting extra jurisdictional industrial users.

(1) Any existing significant industrial user located beyond the city limits shall submit a wastewater discharge permit application within ninety (90) days prior to any proposed discharge into the POTW.

(2) Alternately, the city may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

(c) Wastewater survey. When requested by the pretreatment department all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The pretreatment department is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this article.

(d) Permit application.

(1) Existing industrial users shall apply for a permit within ninety (90) days after the effective date of this article. Proposed new source industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the city's wastewater facilities. In support of the application the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location of user's facility (if different from the address);
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics including, but not limited to, those mentioned in section 20-38 of this article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures contained in 40 CFR Part 136;
- d. Time and duration of contribution;
- e. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials and chemicals which are or could be discharged accidentally or intentionally.

- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The following conditions shall apply to this schedule:
 - 1. 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - 2. No increment referred to in subparagraph 1. shall exceed nine (9) months.
 - 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the city.
- j. Each product produced by type, amount, process, or processes and rate of production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
- m. Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(2) The pretreatment department will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the pretreatment department may issue an industrial user wastewater discharge permit subject to such terms and conditions as deemed reasonable and necessary. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(e) Permit duration. Industrial user discharge permits will be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than five (5) years at the discretion of the pretreatment department.

(f) Permit renewal. Industrial users shall apply for reissuance of permits at least ninety (90) days prior to the expiration of the existing permit. Provided that such application has been filed in a timely manner, the terms and conditions of the permit shall continue in full force and effect until a new permit

has been issued or denied.

(g) Permit modification.

(1) The permit may be modified for good cause including, but not limited to, the following:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- b. Material, substantial alterations, additions to the discharger's operation processes, discharge volume, or characteristics of the wastewater which were not considered in drafting the effective permit;
- c. A change in any condition, in either the industrial user or the POTW, that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses threat to the city's collection and treatment systems, POTW personnel, or the receiving waters;
- e. Violation of any terms or conditions of the permit;
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- h. Correction of typographical or other errors in the permit;
- i. Transfer of the facility ownership and/or operation to a new owner/operator; or
- j. Upon request of the permittee (provided such request does not create a violation of any applicable requirements) standards, laws, rules, or regulations.

(2) Industrial users shall be informed of any changes in their permits in a timely manner. Changed or new conditions in a permit shall include a reasonable time for compliance.

(3) The filing of a request by the permittee for a permit modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(h) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article, and all other applicable regulations, user charges, and fees established by the city. Permits will contain, but not be limited to, the following items applicable to this article and other pretreatment regulations:

(1) Limits on the average and maximum wastewater constituents and characteristics based on applicable general pretreatment standards in 40 CFR 403 of the Code of Federal Regulations, categorical pretreatment standards, local limits, and state and local law; including those which become effective during the term of the permit.

(2) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;

- (3) Requirements for installation of pretreatment technology pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules, as required;
- (7) Requirements for development and implementation of accidental discharge and spill prevention plans, or other special conditions including management practices necessary to adequately prevent, unanticipated, or routine discharges;
- (8) Requirements for submission of technical reports or discharge reports;
- (9) Requirements for notification of the pretreatment department of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirement for notification of excessive, accidental, or slug discharges;
- (11) A statement that compliance with the permit does not relieve the permittee of the responsibility for compliance with all applicable Federal Pretreatment Standards, including those which become effective during the term of the permit;
- (12) A statement of duration, which in no event shall exceed five (5) years;
- (13) A statement of nontransferability without the prior approval of the POTW and provision for a copy of the existing control mechanism to the new owner or operator;
- (14) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sample frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law;
- (15) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (16) Other conditions as deemed appropriate by the city to ensure compliance with this article, and state and federal laws, rules, and regulations.

(i) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different location, or a new or changed operation without the prior written approval of the city. Notification to the city must include a written certification by the new owner and/or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- (2) Identifies the specific date on which the transfer is to occur.
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(j) Permit appeals.

- (1) An industrial user may appeal the denial or the requirements of the discharge permit by writing the director of public works within thirty (30) days of notice of denial or receipt of the permit. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. The appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit. The effectiveness of the permit shall not be stayed pending a reconsideration by the city. If, after considering the petition and any arguments put forth by the pretreatment coordinator or superintendent, the director of public works determines that reconsideration is proper, it shall remand the permit back to the pretreatment department for reissuance in conformity with the determination of the public works director. Those permit provisions being reconsidered by the pretreatment department shall be stayed pending reissuance. In the event of permit denial, a request for reconsideration submitted to the public works director shall be sufficient to initiate the appeal process.
- (2) The city's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of the final city action must do so by filing a complaint with the District Court of Montgomery County, Texas within thirty (30) days.

Sec. 20-41. General pretreatment standards.

(a) Control of discharges. The city shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The city shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.

(b) Pretreatment requirements. If the pretreatment department determines that an existing or proposed discharge into the wastewater facilities may deleteriously affect the wastewater facilities or

receiving waters, create a hazard to life or health, cause the treatment plant to violate its NPDES permit requirements, or create a public nuisance, it may require any one (1) or more of the following:

- (1) Pretreatment to an acceptable condition for discharge into the wastewater facilities;
- (2) Control over the quantities and rates of discharge; and
- (3) Industrial waste charge payments sufficient to compensate the city for the cost of handling and treating the waste. The POTW may deny or condition new or 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 discharge permits.

(c) Authority to set pretreatment standards. The POTW may deny or condition new or 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 discharge permits.

(d) Pretreatment facilities. When pretreatment of waste is required as a condition for acceptance of the waste into the city's sanitary sewer, the owner of the premises from which the waste is discharged shall plan, construct, operate and maintain waste treatment facilities in an efficient manner at his sole cost and expense. Plans for such facilities must be submitted to the city for approval prior to beginning installation or construction. In the event that the installation of pretreatment facilities is necessary for a user to meet applicable federal pretreatment standards, the pretreatment department shall establish and enforce deadlines for the installation of such facilities.

(e) Monitoring equipment and facilities. The pretreatment department may require, to be provided and operated at the user's own expense, monitoring equipment and facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. Monitoring facilities shall normally be located on the user's premises, but the pretreatment department may, when a location would be impracticable or cause undue hardship on the user, allow the facility to be constructed in the public street or road right-of-way and located so that it will not be obstructed by landscaping or parked vehicles, nor create any undue hazard to vehicular and pedestrian traffic. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(f) Federal Categorical Pretreatment Standards. Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, such federal standards, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The pretreatment department shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

Sec. 20-42. Accidental discharge and spill prevention.

- (a) Slug discharge control plans. The city shall evaluate significant industrial users every two (2)

years to determine whether each such significant industrial user needs a plan to control slug discharges. For the purposes of this section, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge. If the POTW determines that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (1) A description of discharge practices, including nonroutine batch discharges;
- (2) A description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate any prohibition specified in section 20-38 of this article, with procedures for follow-up written notification within five (5) days;
- (4) If necessary, procedures to prevent an adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plan site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(b) Notification of slug discharges.

- (1) In the case of a slug discharge, it is the responsibility of the user to immediately telephone and notify the city's superintendent or pretreatment coordinator of the incident and provide the following information: location of discharge, date and time thereof, type of waste, concentration volume, and corrective actions.
- (2) Within five (5) days following a slug discharge, the user shall submit to the pretreatment department a detailed written report describing the cause of the discharge, the impact on the user's compliance status, the duration of the discharge (including exact dates and times), and if not corrected, the anticipated time the noncompliance is expected to continue, the type, concentration, and volume of waste discharged, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the city's wastewater facilities, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liabilities which may be imposed by this article or other applicable law.

(c) Cost and clean-up. Any related costs, including fines, fees or court costs, involved in the cleaning up of a slug discharge shall be paid by the industrial user causing such discharge. This shall include the costs of cleaning up the city's wastewater facilities, and the costs shall include any labor, equipment, or materials involved. The cleaning up of the city's wastewater facilities shall be completed by the city's operators or other contractors approved by the city.

Sec. 20-43. Tenant responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this article.

Sec. 20-44. Vandalism.

No person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the sanitary sewer or POTW.

Sec. 20-45. Toxic organic management plan (TOMP).

(a) Authority to require a TOMP. The city may require an industrial user to prepare a toxic organic management plan that meets city approval.

(b) Failure to implement TOMP. Failure to administer the approved plan will be in violation of the terms of this article and may result in termination of an industrial user's permit.

(c) TOMP development steps. Industrial users may be required to implement either or both of the following steps and report the results to the city prior to preparation of a TOMP.

(1) Process engineering analysis. A process engineering analysis to determine the source and types of toxic organic compounds found in the facility's wastewater discharge, including sources and compounds that could reasonably be expected to enter the wastewater in the event of spills, leaks, etc., based on the type of operations conducted. Such an analysis should be based on the results of one (1) or more analyses of the plant's wastewater for toxic organic pollutants. The process engineering analysis should include:

- a. An examination of published reports on the specific industry;
- b. A water flow diagram to identify all possible wastewater sources;
- c. A list of raw materials used in the industrial processes, including chemical additives, water treatment chemicals and cleaning agents, and the wastewater stream that each regulated toxic organic could potentially enter;
- d. A comparison of the toxins found in the effluent with the list of raw materials and selection of the most probable wastewater source(s) of toxic organic pollutants;
- e. An evaluation of the toxins found in the effluent, but not on the raw materials list, and a determination of those formed as reaction products or by-products;
- f. An examination of sources such as equipment corrosion or raw materials' impurities that could result in release to wastewaters of toxic organic pollutants.

(2) Pollutant control evaluation. An evaluation of the control options that could be implemented to eliminate the toxic compounds(s) or the sources or potential sources of toxic organic

compounds introduction to the treatment system. This may include in-plant modifications, solvent or chemical substitution, partial or complete recycle, reuse, neutralization, and operation changes. The analysis should be conducted on a case-by-case basis for each source or potential source of toxic pollutant discharge. Also, an evaluation of the available control options and the advantages and disadvantages of each must be conducted.

(d) Preparation of toxic organic management plan. The city may require that a toxic organic management plan include, but not be limited to, the following:

- (1) A complete inventory of all toxic organic chemicals in use or identified through sampling and analysis of the wastewater from process operations (regulated and/or unregulated). Organic constituents of trade-name products should be obtained from the appropriate suppliers as necessary;
- (2) Descriptions of the methods of disposal other than dumping used for the inventoried compounds, such as reclamation, contract hauling, or incineration;
- (3) The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, noncontact cooling water, groundwater, storm sewer, surface waters (same as an accidental discharge and spill prevention plan), or any other location which allows discharge of the compounds; and
- (4) Determinations or best estimates of the identities and approximate quantities of toxic organic pollutants used as well as discharged from the regulated and/or unregulated processes.
- (5) A description of how employees will be trained in the proper handling, disposal, and clean-up of toxic organics.
- (6) A statement concerning the facilities and frequencies at which inspections which will be conducted, and whom they will be conducted by, to insure proper management of toxic organics.

(e) Certification statement. The following certification statement must be submitted by industrial users at the time of submission of a toxic organic management plan and with each subsequent self monitoring report.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the TTO limitations, I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last report. I further certify that this facility is implementing the toxic organic pollutant management plan submitted to the City of Conroe."

Sec. 20-46. Inspection, sampling, and testing industrial users.

- (a) Inspection.

- (1) The city shall be allowed to inspect any facilities, equipment, practices, or operations which are associated with the industrial users discharge into the POTW to ascertain whether the purpose of this article, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. The city shall be allowed to have access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. All records must be kept in accordance with the condition of the users discharge permit.
- (2) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities. The city will conduct at a minimum of one (1) inspection at each SIU annually.

(b) Retention of records. Permitted industrial users shall retain and make available for copying, all records and information required to be retained under this article. These records shall be retained at their premises for a period of at least three (3) years from the date such samples were taken. Record keeping requirements outlined in 40 CFR 403.12(o)(1—3) must be followed.

(c) Sampling.

- (1) The pretreatment department is authorized to require samples of wastewater discharges from industrial users as often as necessary to adequately monitor and control their discharge. In the event the pretreatment department requires such samples, a user shall retain the services of a reputable commercial laboratory and pay all costs of sample collection and laboratory services to determine and report the wastewater characteristics.
- (2) The city shall sample and analyze the effluent from significant industrial users at least once a year. Samples may be randomly collected at users' facilities by the city or its authorized representative. The cost of such sampling and laboratory analyses shall be paid by the industrial users.
- (3) All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons approved by the EPA.
- (4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or

verbal request of the pretreatment department and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

- (5) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this article.

(d) Determination of noncompliance. The city may use a grab sample(s) to determine noncompliance with pretreatment standards.

Sec. 20-47. Reporting requirements for permittees.

- (a) Self-reporting requirements.

- (1) To demonstrate continued compliance, significant noncategorical industrial users shall submit to the pretreatment department a description of the nature, concentration, and flow of pollutants in their discharge, at the frequency specified in industrial users discharge permit, with the minimum frequency being once every six (6) months. The reports shall be based on sampling and analysis performed during the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto.

- (2) This sampling and analysis may be performed by the city in lieu of the significant noncategorical industrial user. Where the city itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report; however, the significant noncategorical industrial user must reimburse the city for its cost of sampling and analysis.

- (b) Self-reporting requirements for categorical industrial users.

- (1) All categorical industrial users must comply with 40 CFR Section 403.12(b and d) regarding submission of baseline monitoring reports and ninety-day compliance reports.

- (2) To demonstrate continued compliance, categorical industrial users shall submit to the pretreatment department a report indicating the nature and concentration of pollutants in their effluent which are limited by categorical pretreatment standards, a record of measured or estimated average and maximum daily flows for the reporting period, a description of the nature, concentration, and flow of the pollutants in their discharge, and production data in accordance with 40 CFR 403.12(e)(3). The reports are due at least once every six (6) months, unless more frequent reporting is specified in the industrial users discharge permit. The reports shall be based on sampling and analysis performed during the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto.

- (c) Noncompliance reporting requirements. If sampling performed by an industrial user indicates a violation, the user shall notify the pretreatment department within twenty-four (24) hours of becoming

aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the pretreatment department within thirty (30) days after becoming aware of the violation. Resampling is not required if the city performs sampling at the industrial users facility at a frequency of at least once per month or if the city conducted monitoring between the time the sample was collected, indicating the violation, and the time the analytical results were received by the city.

(d) Extra sampling data from significant industrial users. If a significant industrial user monitors any pollutant more frequently than required by the city, using the procedures specified in 40 CFR Part 136 and amendments thereto, the results shall be included in the industrial users self monitoring report.

(e) Signatory and certification requirements. All reports must be signed by an authorized representative of the industrial users' respective industry as defined by CFR 403.12(1) and certified using the certification statement specified in 40 CFR 403.6(a)(2)(ii) and any other certification statements required by the city.

(f) Fraud and false statements. The reports and other documents required of the industrial users are subject to the provisions of 18 U.S.C. 101 relating to fraud and false statements and the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation, or certification in reports required under the Act and the provisions of Section 309(c)(6) regarding responsible corporate officers.

(g) Notification of changed discharge. All industrial users shall promptly notify the pretreatment department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(h) Notification of potential problems. All industrial users shall notify the pretreatment department immediately of all discharges that could cause problems to the POTW.

(i) Timing.

(1) Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U. S. Postal Service, the date of receipt of the report shall govern.

(2) Due dates falling on a weekend will be due the following Monday. Reports due on a holiday will be due on the day following the holiday.

Sec. 20-48. Hazardous waste notification.

(a) User notification to POTW of hazardous waste discharges. Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which is not identified in the self monitoring requirements of the industrial discharge permit, and, 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). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user.

- (1) An identification of the hazardous constituents contained in the wastes;
- (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
- (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

(b) Reporting period for hazardous waste notification. All notifications must take place within one hundred eighty (180) days of the effective date of this ordinance. Industrial users who commence discharging after the effective date of this ordinance shall provide the notification no later than one hundred 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.

(c) Discharger exemptions. Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 251.33(e), requires a one-time notification.

(d) Subsequent notifications. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(e) Notification as a result of changes to regulations. 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 industrial user must notify the POTW, and the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(f) Program certification. In addition to the above notification requirements, the industrial 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.

Sec. 20-49. Fees.

In addition to the wastewater service charges made by the city, all customers of the city that discharge industrial wastewater into the POTW shall pay the fees provided for herein. These fees may

include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspecting, sampling, and analyzing procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications and permits;
- (5) Fees for removal by the city of pollutants otherwise subject to National Categorical Pretreatment Standards;
- (6) Other fees as the city may deem necessary to carry out the requirements contained herein.

Sec. 20-50. Enforcement.

(a) Enforcement response plan. The city shall develop and implement an enforcement response plan which contains detailed procedures indicating how the city will investigate and respond to instances of industrial user noncompliance in accordance with 40 CFR 403.8(f)(5). The major types of enforcement responses to be implemented by the city are identified below:

(b) Enforcement actions.

- (1) Notification of violation. Whenever the pretreatment coordinator finds that any user has violated or is violating this article or its discharge permit or any prohibition contained herein, the pretreatment coordinator shall serve upon such person a written notice stating the nature of the violation. When required by the pretreatment coordinator, within thirty (30) days from the date of the notice the industrial user shall submit a detailed explanation concerning the cause of the violation and actions that will be taken to circumvent future violations. Submission of this plan in no way relieves the user of liability for any action occurring before or after receipt of the notice of violation.
- (2) Consent orders. The pretreatment coordinator is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.
- (3) Show cause hearing.
 - a. The director of public works may order any individual user which causes or contributes to violation(s) of this article or wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, to show cause before the director why a

proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

- b. The director of public works shall conduct any show cause hearing ordered pursuant to this section and may:
 1. Issue notices requesting the attendance of witnesses and the production of evidence relevant to matters involved in such hearing;
 2. Take evidence;
 3. Make findings; and
 4. Order, on behalf of the city, any enforcement action authorized pursuant to this article which he shall deem reasonably necessary upon the basis of such findings.
 - c. The director of public works shall afford reasonable opportunity for any person who is the subject of a proposed enforcement action to present evidence and to question all persons who shall appear at such hearing. Any person who shall be the subject of such hearing may be represented by legal counsel.
- (4) Compliance order. When the director of public works, upon the basis of evidence received at a show cause hearing ordered pursuant to this section, finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder or any other pretreatment standard or requirement, he may issue an order to the industrial user responsible for the discharge directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices. 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 a violation, including any continuing violation.
- (5) Cease and desist orders. When the director of public works, upon the basis of evidence received at a show cause hearing ordered pursuant to this section, finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
- a. Comply forthwith; or
 - b. Take such appropriate remedial or preventive action as may be needed to properly address

a continuing or threatened violation, including halting operations and terminating the discharge.

(5) Emergency suspensions.

- a. The pretreatment coordinator is authorized, without prior notice or hearing, to immediately suspend the wastewater service and/or industrial user permit when such suspension is necessary, in the opinion of the pretreatment coordinator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any conditions of its NPDES permit.
- b. Any person notified of a suspension of the wastewater treatment service and/or the industrial user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to immediately comply voluntarily with the suspension order, the pretreatment department shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment. The pretreatment department shall reinstate the industrial user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
- c. Any person so notified of the emergency suspension of any permit pursuant to this section shall be directed to appear and show cause before the director of public works as provided by this article why such suspension should not be confirmed or why such other proposed enforcement action should not be ordered.

(7) Termination of permit.

- a. An industrial user which is responsible, in whole or in part for imminent endangerment shall submit to the pretreatment department, a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of the hearing described in the paragraph above.
- b. Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section.
 1. Failure to notify the city of significant wastewater prior to the changed discharge.
 2. Failure to provide prior notification to the city of changed condition.
 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
 4. Falsifying self-monitoring reports.
 5. Tampering with monitoring equipment.
 6. Refusing to allow the city timely access to the facility premises and records.
 7. Failure to meet effluent limitations.
 8. Failure to pay fines.
 9. Failure to pay sewer charges.

10. Failure to meet compliance schedules.
 11. Failure to complete a wastewater survey or the wastewater discharge permit application.
 12. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.
 13. Failure to provide an advance notice of the transfer of a permit facility.
- c. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause before the director of public works why the proposed action should not be taken.
 - d. Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.
- (8) Water supply severance. Whenever an industrial user has violated or continues to violate the provisions of this article or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (9) Administrative fines.
- a. When the pretreatment coordinator finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount not to exceed two thousand dollars (\$2,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
 - b. Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. The director of public works shall convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
 - c. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the user.
- (10) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this article or permit or order issued hereunder or any other pretreatment requirement, the pretreatment department, through the city attorney, may petition the court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.
- (11) Judicial relief and administrative penalty by the Environmental Protection Agency. The Environmental Protection Agency may seek judicial relief and may also use administrative

penalty authority when the POTW has sought a monetary penalty which the Environmental Protection Agency believes to be insufficient.

(12) Industrial Wastewater surcharge.

- a. The industrial wastewater surcharge is a reimbursement for exceptional treatment costs imposed on industrial users for exceeding the Conroe wastewater treatment plan design criteria for domestic strength wastewater concentrations. Assessment of surcharges does not alleviate the industrial user of the responsibility to comply with pretreatment requirements. Consistent noncompliance by an industrial user will result in enforcement actions as defined by this article. Surcharges shall be calculated as follows:

S = unit cost of treating suspended solids/\$lb.

S1 = TSS level in monthly sample (in mg/l)

B = unit cost of treating BOD \$/lb.

B1 = BOD level in monthly sample (in mg/l)

Bd = BOD level in plant design criteria for domestic wastewater
= 210 mg/l Base value from which the surcharge is calculated)

Sd = TSS level in plant design criteria for domestic wastewater
= 250 mg/l (Base value from which the surcharge is calculated)

Cd = COD level in plant design criteria for BOD domestic wastewater
= 460 mg/l (Base value from which the surcharge is calculated)

Surcharge for TSS = $S \times (S1 - Sd) \times 8.34 \times \text{discharge (in MGD)}$

Surcharge for BOD = $B \times (B1 - Bd) \times 8.34 \times \text{discharge (in MGD)}$

- b. The costs of treating total suspended solids and BOD shall be adjusted annually to reflect increases or decreases in wastewater treatment costs based on the previous year's experience. The initial coefficients of costs for use in the foregoing formula shall be: S = \$0.13/lb. and B = \$0.27/lb.
- c. The pretreatment department shall bill the discharger by the month and shall invoice industrial waste charges separate from the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

(13) Monthly surcharge for all other contaminants. Industrial users shall be assessed a surcharge of twenty-five dollars (\$25.00) per contaminant per day for all other violations of the

industrial pretreatment ordinance. Monthly surcharges is not a penalty payment for violations of the industrial users discharge permit but a reimbursement for exceptional treatment costs due to the additional pollutant loading of the treatment plant. Assessment of surcharges does not alleviate the industrial user of the responsibility to comply with pretreatment requirements. Consistent noncompliance by an industrial user will result in enforcement actions as defined by this article.

(14) Civil penalties.

- a. Any user who is found to have violated an order of the city council or who failed to comply with any provision of this article, a wastewater discharge permit, or the orders, rules, regulations and permits issued hereunder, shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
- b. The city may recover reasonable attorney's fees, court costs, court reporters' fees, other expenses of litigation and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city. A lien against the individual user's property will be sought for unpaid charges, fines and penalties.

(15) Criminal penalties. Any user who shall violate any of the provisions of this article or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) a day for each violation. Each day during which such violation shall continue to exist shall constitute a separate and distinct offense.

(16) Falsifying information. Any person who knowingly makes any false statements, representations, or certifications in any applications, record, report, plan or other document filed or required to be maintained pursuant to this article or industrial user permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) for each separate violation.

(17) Supplemental enforcement action.

- a. Performance bonds. The pretreatment coordinator may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this article, or any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the pretreatment coordinator to be necessary to achieve consistent compliance.
- b. Liability insurance. The pretreatment coordinator may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this article, any order, or a previous wastewater discharge permit issued hereunder, 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.

- c. Public nuisances. Any violation of this article, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the pretreatment department. Any person(s) creating a public nuisance shall be subject to reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

Sec. 20-51. Public notification.

In accordance with 40 CFR Part 403.8(f)(2)(vii), at least annually, the city will provide public notification, in the largest daily newspaper in Conroe, the industrial users which, during the previous twelve (12) months, were significantly violating applicable pretreatment standards or other pretreatment requirements.

Sec. 20-52. Interceptor requirements.

(a) Interceptor requirement.. Grease, oil, sand and lint interceptors shall be provided when, in the opinion of the city, they are necessary to prevent grease in excessive amounts, flammable wastes, sand, lint, or other objectionable waste from entering the sanitary sewer system. All interceptors shall be of a type and capacity approved by the city and shall be located as to be easily and safely accessible for cleaning and inspection. All interceptors shall be continuously maintained in satisfactory and effective operation by the industrial user at the user's expense.

(b) Storage and disposal of grease and solids. Industrial users who generate waste grease should store it in grease containers and obtain a waste grease service company to disposal.

(c) Prohibition of sludge discharge. In no instance should waste grease that is generated at a facility be discharged to any drains or the interceptor.

(d) Recovery of maintenance expenses.

(1) Any maintenance expenses incurred by the city due to prohibited discharges from interceptors, or any other expenses attributable thereto, will be charged to the industrial user or users identified by the city as being in violation of the provisions contained herein and therefore solely responsible for, or responsible for contributing to, such unlawful discharge.

(2) Refusal by an industrial user to reimburse the city for maintenance expenses shall constitute a violation of the provisions contained herein and may result in civil action or severance of the user's water supply.

(e) Pumping schedules. Interceptors should be pumped at a frequency that will eliminate the possibility of intercepted waste entering the sanitary sewer system. The amount of waste that may be accumulated in an interceptor prior to pumping is dependent upon the loading of the interceptor and the

impact that industries in a particular service area, as a whole, may have on the POTW.

(f) Disposal of wastes from interceptors. Storage, handling, transportation and disposal of all wastes from interceptors shall be performed in accordance with applicable federal, state, and local regulations that pertain to the type and/or class of waste. Materials removed from waste interceptors must be disposed of at legally designated locations for those specific type wastes. Failure to dispose of waste properly may result in civil action by the city.

(g) Records.

- (1) Transportation and disposal of waste from interceptors shall be documented by means of a liquid waste manifest.
- (2) A copy of all manifests signed by the transporter shall be maintained at the site of the interceptor for a period of three (3) years. Manifests must be available to the city at all times.
- (3) A copy of manifests signed by the disposal company shall be mailed to the pretreatment coordinator at least quarterly.
- (4) Failure of an industrial user to obtain a manifest from the transporter may result in a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) per violation.
- (5) Failure of an industrial user to obtain a copy of a liquid waste manifest signed by the disposal company, at the city's request, or the inability of the user to produce evidence that a request for the document has been made and follow-up action has been taken to assure proper execution and routing of manifests in the future may result in a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) per violation.

(h) Inspections.

- (1) Periodic inspections of interceptors will be conducted by the city's pretreatment department; however, it is the responsibility of the industrial users to assure that interceptors are properly maintained.
- (2) Interceptors which are located in parking lots or other areas where vehicles may reasonably be expected to be parked must be protected by a permanent barrier, railing, or other means, at the owner's expense, if it is determined necessary by the pretreatment department to ensure continued and uninterrupted access to the interceptor.
- (3) If at any time, as the result of an inspection, the pretreatment department determines that the condition of an interceptor is such that it has the potential to adversely affect the sewerage system, the pretreatment department shall request that the interceptor be pumped within a specified period of time.

- (4) Failure to comply with a request to pump an interceptor within a given period of time constitutes a violation of the provisions contained herein and may result in civil action by the city and/or a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) per day of violation. Prolonged negligence by a user in having an interceptor pumped may result in the city engaging the services of a waste hauler to pump the interceptor. If such situation occurs, the city's cost for having the interceptor pumped will be passed on to the user, in addition to the appropriate fine.
- (i) Permitting.
- (1) Industrial users who, at the city's discretion, receive interceptor discharge permits will be classified as "nonsignificant" industrial users.
- (2) Interceptor discharge permits shall be issued to industrial users who the city determines have a potential to adversely affect the city's POTW due to any of the following:
- a. The volume of objectionable waste generated that must be removed prior to discharging into the POTW;
 - b. The adverse impact that waste from a heavy industrial area, as a whole, may have on the city's collection system;
 - c. A facility's previous history of prohibited discharge violations; or
 - d. The use of microorganisms as a means of reducing interceptor pumping frequencies.
- (3) Interceptor discharge permits shall specify the minimum frequency at which users must have wastes removed from their interceptors; however, it is the responsibility of the user to have wastes removed more frequently than specified in the permit during situations when excessive waste is generated.
- (4) The permitted user must give the pretreatment department an advanced notice when unscheduled pumping is required due to excessive waste loading.
- (5) Interceptor discharge permits may be modified or terminated when deemed necessary by the pretreatment department.
- (6) Requests for permit modification, revocation, or termination by the user must be submitted in writing to the public works director.
- (7) Industrial users who are permitted due to a request to use micro-organisms as a means of reducing pumping frequency will be required to have their interceptors inspected by the pretreatment department at a frequency to be specified by the pretreatment coordinator. The cost of inspections will be passed on to the industrial user.
- (j) Enforcement of interceptor requirements. Enforcement of the provisions of this section shall

also be in accordance with the provisions of section 20-50, Enforcement, with the exception of subsection (b)(14), Civil penalties. Civil penalties for violations of the provisions of this section shall not exceed five hundred dollars (\$500.00) per day for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover other expenses of litigation by appropriate suit at law against the person found to have violated this section of the ordinance or the orders, rules, regulations and permits issued hereunder.

(k) Construction and operation and maintenance of interceptors.

(1) Should the city determine that an interceptor is required at a facility or that an existing interceptor needs to be upgraded, the city may request construction accordingly.

(2) Should construction be required, the industrial user shall submit a construction schedule to the pretreatment department within sixty (60) days from notification of the required construction. The schedule shall include the name, address, and telephone number of the plumber who will do the work and the dates that installation will commence and be completed.

(3) Proper authorization must also be obtained from the city's building inspection department. Reconstruction of existing facilities shall be in accordance with the requirements of Chapter 15 of the city's plumbing code.

(4) Failure to comply with any of the above requirements may result in severance of water service or civil action by the city.

(l) Grease trap additives.

(1) The city prohibits the use of emulsifying agents and the sole use of enzymes, which have not proven to be effective in the elimination of oil and grease. Industrial and/or commercial users who intend to use microorganisms as a means of reducing grease in interceptors must first request an industrial user interceptor permit from the city and provide the city with technical data concerning the type of microorganism to be used. Those users who were using microorganisms prior to adoption of this article must apply for a permit and provide the required technical data within sixty (60) days of the effective date of this article. The use of microorganisms does not eliminate the need to pump grease from interceptors. Grease trap pumping frequencies will be based upon solids accumulation in the trap.

(2) The pretreatment department has the authority to prohibit the use of any particular type of microorganism, or microorganisms as a whole, if there is reason to believe that the use of such additives may result in an adverse impact on the POTW.

(3) Industrial users who use microorganisms must maintain records at the facility which indicate the most recent date of application, the volume added, and the depth of the grease at the time of the application. These records must be maintained at the site for a period of one (1) year and the information must be available to the city at all times. Failure to maintain this

information at the site may result in a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) per violation.

(4) Microorganisms which are used in interceptors must be EPA and USDA approved.

Sec. 20-53. Right of entry.

(a) Legal authority. The pretreatment coordinator and other authorized representatives or employees of the city, bearing proper credentials and identification, shall be permitted to enter immediately upon any premises in which a wastewater source is located, or in which any records required to be maintained pursuant to this article are located, and may have access to and copy any records, and conduct any inspection, observation, measurement, sampling, or testing necessary to enforce this article.

(b) Search warrants. If the city has been refused access to a building, structure or property or any part thereof, and if the pretreatment department has demonstrated probable cause to believe that there may be a violation of this article or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the city attorney, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the pretreatment department in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Sec. 20-54. Confidentiality/trade secrets.

Any information submitted to the city by an industrial user may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission, by stamping the words "confidential business information" on each page containing such information. The industrial user must demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes or methods of projection entitled to protection as trade secrets under applicable state law. If no claim is made at the time of submission, the city may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedure in 40 CFR Part 2 (Public Information), but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and enforcement proceeding involving the person furnishing the report. Effluent data (wastewater constituents characteristics) as defined by 40 CFR 2.302 will not be considered confidential under any circumstances and shall be available to the public without restrictions.