

4-7-20  
Agenda

# AGENDA REQUEST

2A

NO: 2020-044

☒ ORDINANCE ☐ RESOLUTION

CAPTION: An ordinance amending the code of ordinance of the City of Pasadena, Texas at Chapter 37, Industrial Waste, by amending Sections 37-113, 37-117, 37-118, 37-126, 37-127, 37-130, 37-131, 37-133, 37-134, 37-138, 37-143, 37-145, 37-147, 37-148, 37-155, 37-156 and 37-167; providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.

RECOMMENDATIONS & JUSTIFICATION: The City of Pasadena is required under the Vince Bayou wastewater treatment plant permit issued by the Texas Commission on Environmental Quality (TCEQ) to adopt and operate a pretreatment program in compliance with 40 CFR Part 403 (General Pretreatment Regulations). The City adopted the updated ordinance on December 29, 2009 with ordinance 2009-277 and on August 9, 2011 with ordinance 2011-129 and the Texas Commission on Environmental Quality (TCEQ) has provided comments on it and requested additional changes to meet the current regulations of 40 CFR Part 403.

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED: ☒

COUNCIL DISTRICT(S) AFFECTED: All

REQUIRES APPROPRIATION: ☐

See attached Certification

		COUNCIL ACTION	
REQUESTING PARTY (TYPED)		FIRST READING:	FINAL READING:
Robin S. Green, Jr. DATE: 3/10/2020			
BUDGET DEPARTMENT	<u>Schoenbein</u> MOTION	<u>Casados</u> MOTION	
PURCHASING DEPARTMENT	<u>Leamon</u> SECOND	<u>Schoenbein</u> SECOND	
APPROVED:			
<u>W. C. R. R.</u> CITY ATTORNEY	<u>4-7-20</u> DATE	<u>4-21-20</u> DATE	
<u>J. L. W.</u> MAYOR	DEFERRED: _____		

**An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 37, Industrial Waste, by amending Sections 37-113, 37-117, 37-118, 37-126, 37-127, 37-130, 37-131, 37-133, 37-134, 37-138, 37-143, 37-145, 37-147, 37-148, 37-155, 37-156 and 37-167; providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.**

WHEREAS, the City was required under the Vince Bayou wastewater treatment plant permit issued by the Texas Commission on Environmental Quality (TCEQ) to adopt and operate a pretreatment program in compliance with 40 CFR Part 403 (General Pretreatment Regulations); and

WHEREAS, the City adopted the updated ordinance on December 29, 2009 with ordinance 2009-277, and

WHEREAS, the Texas Commission on Environmental Quality provided comments on the 2009-277 ordinance and requested some changes to meet the then current regulations of 40 CFR Part 403, said changes were made on August 2, 2011 by ordinance 2011-129 and

WHEREAS, the Texas Commission on Environmental Quality has requested additional changes to meet current regulations of 40 CFR Part 403, brought about by EPA pretreatment streamlining rules; NOW THEREFORE

BE IT ORDANED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

**SECTION 1.** That the City Council hereby adopts this preamble of this ordinance.

**SECTION 2.** That Chapter 37, of the Code of Ordinances of the City of Pasadena, Texas is hereby amended as follows:

### **Sec. 37-113. Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have meanings hereinafter designated:

**Best Management Practices or BMPs.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Categorical Pretreatment Standards.** Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, parts 405-471.

**Control Authority.** The City of Pasadena as the POTW with an approved pretreatment program.

**Daily Discharge.** The discharge of a pollutant measured during a calendar day or a 4-hour period that reasonably represents the calendar day for the purpose of sampling.

**Indirect discharge or discharge.** The introduction of a pollutant into the POTW from any source regulated under Section 307 (b), (c) or (d) of the Act. .

**Industrial user or user.** An industry or business which discharges wastewater into the city's wastewater treatment plant. A source of indirect discharge. .

**Publicly owned treatment works (POTW).** A treatment works as defined by Section 212 of the Act (33 USC 1292), which is owned by the City of Pasadena. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances only if they convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the indirect dischargers and responsibility for the operation and maintenance of the treatment plant.

**Significant Industrial user (SIU).**

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
  - a. Discharges an average of twenty-five thousand (25,000) GPD or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater); or
  - b. Contributes a process wastes stream which makes up five (5) per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such user should not be considered a significant industrial user.

**Significant Noncompliance.** A Significant Industrial User or any Industrial User which violates (A) through (H) of this definition is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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);

(D) 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 paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

**Slug load or slug discharge.** Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass through or could cause a violation of the prohibitive discharge standards in section 37-116 of this article or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

## **Sec. 37-117. Federal categorical pretreatment standards.**

The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

*The City of Pasadena may impose alternative limits in accordance with 40 CFR 403.5E. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.*

## **Sec. 37-118. Local Limits**

- (1) Pursuant to 40 CFR 403.8(f)(2), each POTW shall develop and enforce specific limits which are listed in subsection (3) of this section. The local limits in this section are based on the uniform concentration method and shall be applied as daily average limits. These local limits

shall continue to be reevaluated and developed as necessary and the city will effectively enforce such limits.

- (2) The specific limits on pollutants developed by the city shall apply at the final discharge point of the industrial user prior to discharging into the city's sanitary sewer system.
- (3) Specific limitations. Maximum concentration of heavy metals. Under this article, the maximum allowable concentrations of heavy metals, stated in terms of milligrams per liter (mg/l), are as follows:

Metal	Composite sample limit (mg/L)
Arsenic	2.0
Cadmium	0.2
Chromium	1.0
Copper	2.0
Lead	1.0
Mercury	0.008
Nickel	2.0
Silver	1.0
Zinc	3.0

Trace metals that are prohibited in section 37-116(26) above shall be evaluated with a local limit of 0.1 mg/l or the current minimum analytical limit (MAL), whichever is higher. The limit will be enforced at the permitted industry's discharge.

- (4) Additional parameters that are limited are as follows:

Oil and grease (petroleum or mineral products, animal or vegetable base) four hundred (400) mg/l.

pH > 5.0 but < 11.0

BOD > 250 mg/l and TSS > 250 mg/l is permissible provided that the user obtains an industrial waste permit that contains the surcharge for excess BOD/TSS strengths and the acceptance of the waste would not overload the city's POTW.

- (5) The City may develop Best Management Practices (BMPs) to implement this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Clean Water Act.
- (6) The BMPs may be used in lieu of local limits under the following circumstances :
  - (a) The BMP was developed by the Control Authority to protect against interference and pass through;
  - (b) The BMPs are to be used where numeric limits are infeasible or impractical; and
  - (c) Compliance with the terms of the BMP must be verifiable.
  - (d) The Control Authority should be able to provide an evaluation that implementation of the numeric limit, plus implementation of BMPs for specific sectors will result in meeting the calculated maximum allowable headworks loadings.
  - (e) The Control Authority is required to assign an allocation of pollutants to IUs covered by the enforceable BMPs through the calculation of maximum allowable industrial loadings and/or the calculation of separate allowable loadings for commercial facilities.

(Ord. No. 09-277, § 2, 12-29-09; Ord. No. 11-129, § 2, 8-9-11)

#### **Sec. 37-126. Additional pretreatment measures.**

- (1) Whenever deemed necessary, the director 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, separate sewage waste-streams 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.
- (2) Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interceptors units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the permittee at their own expense.
- (3) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detector meter.
- (4) The City will evaluate within one (1) year of a user being designated as a Significant Industrial User (SIU) the need for a plan or other action to control slug discharges.

#### **Sec. 37-127. Accidental spill prevention plans.**

The control authority will evaluate whether each Significant Industrial User needs a plan or other action to control slug discharges. In accordance with 40 CFR.8 (f)(2)(vi) the control authority is required to also keep records of the activities associated with slug control evaluation and results of such activities are required to be available to the approval authority upon request.

The director of public works may require any user to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the city, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The city shall determine which user is required to develop a plan and require said plan to be submitted within ten (10) days after notification by the city. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this article.

- (1) Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:
  - a. Description of discharge practices, including non-routine batch discharges;
  - b. Description of stored chemicals.
  - c. Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification must also be given for any discharge which would violate any of the standards in sections 37-116 through 37-118 of this article;
  - d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.
- (2) Users shall notify the city wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this article. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city on account thereof under state or federal law.
- (3) Within five (5) days following an accidental discharge, the user shall submit to the director of public works a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

### **Sec. 37-130. Wastewater discharge permit requirement.**

It shall be unlawful for a significant industrial user to discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director. Any violation of the terms and conditions of a wastewater permit shall be deemed a violation of this article and subject the

wastewater discharge permittee to the sanctions set out in section 37-169 through 37-188.

Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements.

### **Sec. 37-131. Wastewater discharge permitting existing and new connections.**

Any industrial user which discharges industrial waste into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the city for a wastewater discharge permit in accordance with section 37-133 below, and shall not cause and allow discharges to the POTW to continue after ninety (90) days of the effective date of this article except in accordance with a wastewater discharge permit issued by the director.

New industrial users located within the city limits shall submit such permit applications to the director ninety (90) days prior to any proposed discharge into the POTW.

### **Sec. 37-133. Wastewater discharge permit application contents.**

In order to be considered for a wastewater discharge permit the permittee must submit the information required by section 37-145(2) of this article. When a pretreatment process is required, plans must be submitted and stamped by a registered professional engineering licensed to practice in the State of Texas. The director shall approve a form to be used as a permit application.

Categorical users submitting the following information shall have complied with 40 CFR 403.12(b). In addition, the following may be requested:

- (1) *Identifying information.* The user shall submit the name and address of the facility including the name of the operator and owners;
- (2) *Permits.* The user shall submit a list of all environmental control permits held by or for the facility;
- (3) *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees, hours of operations; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes, site plans, floor plans, mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- (4) *Flow measurement.*
  - a. *Categorical user:* The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - i. Regulated or manufacturing process streams; and
    - ii. Other streams as necessary to allow use of the combined waste stream formula [40 CFR § 403.6(e)].



b. *Noncategorical User:* The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- i. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the director of public works.

The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurements of pollutants.*

a. *Categorical user:*

- i. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
- ii. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pretreatment standards or as required by the city of regulated pollutants (including standards contained in sections 37-116 through 37-118, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in section 37-155 and 37-156. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the City or applicable standards to determine compliance with the standard.
- iii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
- iv. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) for a categorical user, this adjusted limit along with supporting data shall be submitted as part of the application.

b. *Noncategorical user:*

- i. The user shall identify the applicable pretreatment standards for its wastewater discharge.
- ii. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the city of regulated pollutants contained in sections 37-116 through 37-118, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in section 37-155 and section 37-156. Where the standard requires compliance with a BMP or pollution alternative, the user shall submit documentation as required by the City or applicable standards to determine compliance with the standard.

- iii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
- iv. Where the director of public works developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

### **Sec. 37-134. Application signatories and certification.**

All wastewater discharge permit applications and user reports must be signed by the proper official as described below and contain the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (1) By a responsible corporate officer, if the Industrial User submitting the reports required by this ordinance is a corporation. For the purpose of this ordinance, a responsible corporate officer means:
  - a. A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the Industrial User submitting the reports required by this ordinance is a partnership, or sole proprietor respectively.
- (3) By a duly authorized representative of the individual designated in section 1 or 2 of 37-134 above if:
  - (i) The authorization is made in writing by the individual described in section 1 or 2 of 37-134 above;
  - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as plant manager, operator of a well, or well field superintendent, or a person of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

- (iii) The written authorization is submitted to the Control Authority.
- (4) If an authorization under paragraph (3) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) above must be submitted to the Control Authority prior to or together with and reports to be signed by the authorized representative.

#### **Sec. 37-138. Wastewater permit—Contents.**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the director of public works to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Wastewater discharge permits must contain the following conditions:

- a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- c. Applicable pretreatment standards and requirements, including any special state requirements, effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- d. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record keeping requirements (three years which includes BMPs). These requirements shall include an identification of pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- e. Requirement for immediate notification to the city where self-monitoring results indicate noncompliance;
- f. Requirement to report a bypass of a pretreatment facility;
- g. Requirement to report immediately to the city all discharges, including slug loadings, that could cause problems to the POTW;
- h. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the city within thirty (30) days after becoming aware of the violation;

#### **Sec. 37-143. Wastewater discharge permit—Reissuance.**

All industrial users shall apply for a wastewater discharge permit reissuance by submitting a complete wastewater discharge permit renewal application in accordance with Sec. 37-133, sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit.

#### **Sec. 37-145. Baseline monitoring reports.**

- (1) Within one hundred eighty (180) days after the effective date a categorical pretreatment standard, or final administrative decision on a category determination under 40 CFR

403.6(a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in subsection (2)a.—h., below. Ninety days prior to commencement of a discharge, new sources and sources that become industrial users subsequent to promulgation of an applicable categorical standard shall be required to submit to the city a report which contains the information in subsections (2) a.—h., below. Any new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

- (2) The industrial user shall submit the information required by this section including:
- (a) *Identifying information.* The name and address of the facility including the name of the operator and owners.
  - (b) *Wastewater discharge permits.* A list of any environmental permits held by or for the facility.
  - (c) *Description of operation.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (d) *Flow measurements.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula as set out in 40 CFR 403.6(e).
  - (e) *Measurement of pollutants.*
    - i. Identify the categorical pretreatment standards applicable to each regulated process.
    - ii. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with sample procedures set out in section 37-156. Submit documentation to demonstrate compliance with a BMP where a require BMP or pollution prevention (P2) alternative is part of the categorical standard.
    - iii. Sampling must be performed in accordance with procedures set out in section 37-156.
  - (f) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by the qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.
  - (g) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion of this schedule

shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 37-149 of this article.

- (h) *Baseline monitoring reports.* All baseline monitoring reports must be signed and certified in accordance with section 37-134.

#### **Sec. 37-147. Report on compliance with categorical pretreatment standard deadlines.**

Within 90 days following the date for completion with applicable categorical pretreatment standards, or in the case of a new source following the commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city a report containing the information described in section 37-145(2)d.—f. For industrial user subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in term allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 37-134. Industrial Users must submit documentation to demonstrate compliance with a BMP where a required BMP or pollution prevention (P2) alternative is part of the categorical standard.

#### **Sec. 37-148. Periodic compliance reports.**

- (1) Any significant industrial user subject to a pretreatment standard shall during June and December each year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standard and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by [the Superintendent] or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with section 37-134 of this article.

#### **Sec. 37-155. Record keeping requirements.**

Users subject to the reporting requirements of this article shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under this Article. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the director of public works.

The control authority is required to maintain records of all information resulting from any monitoring activities required by 40 CFR Part 403, including documentation associated with BMPs.

### **Sec. 37-156. - Sampling and analytical requirements.**

(1) Except as indicated in subsection (2) and (3) below, the user must collect wastewater samples using twenty-four-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the pretreatment coordinator ~~superintendent~~ assigned/designated by the director of public works. Where time proportional composite sampling or grab sampling is authorized by [the city], the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected but authorized by [the city], as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) For sampling required in support of baseline monitoring, ~~and~~ ninety-day compliance reports, for new users, for existing users that make changes or install new treatment or existing users for which historical data does not exist or does not represent current discharge conditions, required under 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director of public works may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and (h), the director of public works shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(3) Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the city and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR § 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

(4) All sample results shall indicate the time, date and place of sampling and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

(5) All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(6) The Control Authority is required to document site-specific circumstances and allow alternative sampling by including the alternate sampling by including the alternate sampling in the IU control mechanism. The Control Authority is required to document how alternate sampling are

representative of the discharge. The Control Authority is authorized to require that more than 4 grab samples be taken and analyzed to ensure that sampling is representative. Where the Control Authority cannot verify that previous techniques were representative, such data will not support the use of alternative sampling practice.

(Ord. No. 09-277, § 12-29-09)

### **Sec. 37-167. Publication of industrial users.**

The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) per cent 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, including instantaneous limits;
- (2) Technical review criteria (TRC) violation, defined here as those in which thirty-three (33) per cent or more 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), including instantaneous limits;
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long term average) that the director 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 POTWs exercise of its emergency authority under 40 CFR 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, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) 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;
- (8) Any other violation or group of violations which the director determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 3. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or in conflict with this Ordinance.

SECTION 4. That all rights and remedies which have accrued in favor of the City under this chapter and amendments thereto shall be and are preserved for the benefit of the City.

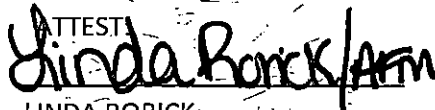
SECTION 5. That the City Council of the City of Pasadena, Texas does hereby declare that if any Section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

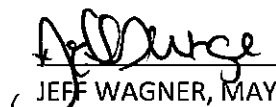
SECTION 6. That it shall be unlawful and a misdemeanor to violate any provision or requirement hereof and any person convicted of violating any provision, restriction, requirement, or prohibition of this chapter for which no specific penalty is provided shall be fined in a sum of not less than seventy-five dollars (\$75.00) and not more than two thousand dollars (\$2,000.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.


SECTION 7. That the City Council officially determines that a sufficient notice of date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the posting thereof:

PASSED ON THIS FIRST READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the 7<sup>th</sup> day of April, A.D., 2020.

APPROVED this the 7<sup>th</sup> day of April, A.D., 2020.

ATTEST  
  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

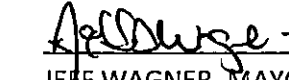
  
JEFF WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS


APPROVED  
  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS




PASSED ON SECOND AND FINAL READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the 21<sup>st</sup> day of April, A.D., 2020.

APPROVED this the 21<sup>st</sup> day of April, A.D., 2020.

  
JEFF WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:  
  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:  
  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

AmendCode37IndustrialWaste2020