

ORDINANCE NO 2020-O-151

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS AMENDING CHAPTER 31, ARTICLE II, DIVISION 3 – USE OF PUBLIC SEWERS OF THE CODE OF ORDINANCES BY ADDING NEW DEFINITIONS AND ABBREVIATIONS, DELETING OLD DEFINITIONS, CREATING A LOCAL LIMITS TABLE, REQUIRING ADDITIONAL WASTEWATER PRETREATMENT MEASURES, REQUIRING ADDITIONAL INFORMATION ON WASTEWATER DISCHARGE PERMIT APPLICATIONS, ALLOWING ADDITIONAL INFORMATION TO BE INCLUDED IN WASTEWATER DISCHARGE PERMITS, REQUIRING ADDITIONAL REPORTING REQUIREMENTS FOR MEASUREMENT OF POLLUTANTS, REVISING REQUIREMENTS FOR PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE, INCREASING THE WASTEWATER DISCHARGE PERMIT FEE FROM \$50 TO \$150, AND AUTHORIZING ANALYTICAL FEES BASED ON VENDOR PRICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS The City has the authority to deny or condition new or increased contributions to the wastewater system; and

WHEREAS the City may issue significant industrial user discharge permits to maintain efficient function of its wastewater system; and

WHEREAS the City may require monitoring and reporting by industrial users of its wastewater system; and

WHEREAS the City is authorized to collect fees for the maintenance of its wastewater system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. The City of Laredo Code of Ordinance, Chapter 31, Utilities, Article II, Sewer and Sewage Disposal, Division 3, Use of Public Sewers, is hereby amended as follows:

ARTICLE II.- SEWER AND SEWAGE DISPOSAL

DIVISION 3. - USE OF PUBLIC SEWERS

Sec. 31-51.2. - Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BMPs – Best Management Practices

BOD —Biochemical oxygen demand

CFR —Code of Federal Regulations

COD —Chemical oxygen demand

EPA —U.S. Environmental Protection Agency

gpd —Gallons per day

mg/l —Milligrams per liter

NSCIU-Non-Significant Industrial User

POTW —Publicly owned treatment works

RCRA —Resource Conservation and Recovery Act

SIC —Standard industrial classification

SIU-Significant Industrial User

SNC-Significant Noncompliance

TCEQ-The Texas Commission on Environmental Quality

TPDES —Texas Pollutant Discharge Elimination System

TSS —Total suspended solids

U.S.C. —United States Code

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-51.3. - Definitions.

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

- (a) *Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (b) *Approval authority.* The Texas Commission on environmental Quality (TCEQ).
- (c) *Authorized representative of the user.*
 1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one (1) or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and 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 user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 4. The individuals described in paragraphs 1. through 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.
- (d) Best Management Practices. The term "best management practices" or BMPs means the schedules of activities, prohibitions of practices, maintenance procedures and other management practices to achieve compliance with sections 31-52(1)(a) General Prohibitions and 31-52(1)(b) Specific Prohibitions of this code. 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.
- ~~(e)~~ ~~(f)~~ Biochemical oxygen demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees Centigrade, usually expressed as a concentration (e.g. mg/l).
- ~~(f)~~ Categorical Industrial User. Any existing or new user subject to categorical pretreatment standards.
- ~~(g)~~ ~~(e)~~ Categorical pretreatment standard or categorical standard. Any regulation containing pollutant-discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.
- ~~(h)~~ ~~(f)~~ City. The City or the City Council of Laredo.
- ~~(i)~~ Control Authority. The City of Laredo.
- ~~(j)~~ ~~(g)~~ Composite sample. A sample which is taken from a wastewater over a period of time greater than fifteen (15) minutes, formed by an appropriate number of discrete samples which are:
1. Collected at equal time intervals and combined in proportion to the wastewater flow, or
 2. Are equal volumes taken at varying time intervals in proportion to the wastewater flow, or
 3. Equal volumes taken at equal time intervals.
- ~~(k)~~ Daily average limit. The average allowable daily discharge.
- ~~(l)~~ Daily discharge. The discharge of a pollutant measured during a 24-hour period.
- ~~(m)~~ Daily maximum limit. The highest allowable daily discharge.
- ~~(n)~~ ~~(h)~~ Director. The utilities director, the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.
- ~~(o)~~ ~~(t)~~ Environmental Protection Agency or EPA. The U.S. environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.
- ~~(p)~~ ~~(t)~~ Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

- (q) ~~(k)~~ *Grab sample*. A sample which is taken from a wastewater without regard to the flow in the wastewater and over a period of time not to exceed fifteen (15) minutes.
- (r) *High-strength waste*. Means any waters or wastewater having a concentration of biochemical oxygen demand or total suspended solids more than that found in normal waste but otherwise acceptable for discharge to the POTW in accordance with the requirements of this chapter.
- (s) ~~(l)~~ *Indirect discharge or discharge*. The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act.
- (t) *Industrial waste*. Waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of such waste with water or normal wastewater, or distinct from normal domestic wastewater. By definition, industrial waste also includes restaurant operations and other food processing operations.
- (u) ~~(m)~~ *Instantaneous maximum allowable discharge limit*. 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.
- (v) ~~(n)~~ *Interference*. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's TPDES permit(s) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations; section 405 of the Act; the Solid Waste Disposal Act, including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations "Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (w) *Local Limit*. Specific discharge limits developed and enforced by the city of Laredo upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b)
- (x) ~~(o)~~ *Medical waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (y) *Monthly average limit*. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (z) ~~(p)~~ *New source*.
1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of 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 subsections 1.b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site-preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which 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, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (aa) ~~(q)~~ Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (bb) Normal domestic wastewater. Wastewater excluding industrial wastewater discharged by a person into sanitary sewer and in which the average concentration of total suspended solids and five-day BOD does not exceed 250 mg/l each
- (cc) ~~(r)~~ Pass through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's TPDES permit(s), including an increase in the magnitude or duration of a violation.
- (dd) ~~(s)~~ Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
- (ee) ~~(t)~~ pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (ff) ~~(u)~~ Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (gg) Pollution Prevention. Means the reduction of waste generate at a source including a practice that:
- (1) reduces the amount of a hazardous substance, pollutant, or contaminant entering a wastestream or released into the environment before recycling, treatment, or disposal, or
 - (2) reduces a hazard to public health and the environment associated with the release of a hazardous substance, pollutant, or contaminant.
- (hh) ~~(v)~~ Pretreatment. 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (ii) ~~(w)~~ Pretreatment requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

- (jj) ~~(x)~~ Pretreatment *standards* or *standards*. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (kk) ~~(y)~~ Prohibited *discharge standards* or *prohibited discharges*. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this chapter.
- (ll) ~~(z)~~ Publicly owned *treatment works* or *POTW*. A "treatment works," as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This definition includes the five (5) wastewater treatment plants (WWTP), any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (mm) Process wastewater: means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- (nn) ~~(aa)~~ Septic *tank waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (oo) ~~(bb)~~ Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (pp) ~~(cc)~~ Significant *industrial user*.
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 blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent 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. The control authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the industrial never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the control Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The Industrial User annually submits the certification statement required in § 403.12(g) together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.
- (4) ~~(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 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.
- (qq) ~~(dd)~~ Slug *load* or *slug*. Any discharge of a nonroutine, episodic nature, including but not limited to accidental spill or a noncustomary batch discharge, which has a reasonable potential to

cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

- (rr) ~~(ee)~~ Standard *industrial classification (SIC) code*. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (ss) ~~(ff)~~ Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (tt) ~~(gg)~~ Suspended *solids*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (uu) ~~(hh)~~ User or *industrial user*. A source of indirect discharge.
- (vv) ~~(ii)~~ Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (ww) ~~(jj)~~ Wastewater *treatment plant* or *treatment plant*. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-52. - General sewer use requirements.

(1) *Prohibited discharge standards.*

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than five (5.0) or more than eleven (11.0), or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than three-eighths (3/8) inch or one (1) centimeter in any dimension;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature greater than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade);
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
 7. 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;

8. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 31-53.4 of this chapter;
 9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's TPDES permit;
 11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
 12. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;
 13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 14. Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
 15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- (c) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (2) *National categorical pretreatment standards.* The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
 - (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
 - (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (3) *State pretreatment standards.* State pretreatment standards located at 30 TAC part 1 chapter 315 subchapter A (TCEQ Rule 315.1) are hereby incorporated.
- (4) *Local limits.* Local limits are set forth in Resolution No. 2003-R-099, as amended, and apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

<u>Local Effluent Limitations</u>	
<u>Parameter</u>	<u>Daily Maximum (mg/l)</u>
Flow	<u>Report (gpd)</u>
Arsenic (T)	<u>3.04</u>
Cadmium (T)	<u>5.60</u>
Chromium (T)	<u>3.52</u>
Copper (T)	<u>2.72</u>
Cyanide (T)	<u>2.72</u>
Lead (T)	<u>3.52</u>
Mercury (T)	<u>0.09</u>
Nickel (T)	<u>3.52</u>
Selenium (T)	<u>3.04</u>
Silver (T)	<u>0.90</u>
Zinc (T)	<u>4.30</u>
Oil and Grease	<u>300</u>
<u>(T) - Total</u>	<u>(gpd) gallons per day</u>

- (5) Best Management Practices. The director may require a person discharging to the POTW to adopt and implement best management practices, source reduction and pollution prevention practices necessary to implement Local Limits and the requirements of Section 31-52 (1)
- (6) ~~(5)~~ City's right of revision. The city reserves the right to establish, by municipal code, resolution, or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- (7) ~~(6)~~ Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-53. - Pretreatment of wastewater.

- (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in subsection 31-52(1) of this chapter within the time limitations specified by EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.
- (2) Additional pretreatment measures.

- (a) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
 - (b) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 - (c) 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 interception 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 user at their expense.
 - (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - (e) Interference with grease traps, grit trap, or sanitary sewer. A person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference of a grease trap, grit trap, or sanitary sewer.
- (3) *Accidental discharge/slug control plans.* ~~At least once every two (2) years,~~ The director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control Slug discharges. This determination shall be documented and the results of the determination shall be available to the approval authority upon request. Within one year of being designated as an SIU, whether each such SIU needs a plan or other action to control slug discharges. The director may require any user to develop, submit for approval, and implement such a plan or take such other action that any be necessary to control slug discharges. Alternatively, the director may develop such a plan for any user.

An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the director of any accidental or slug discharge, as required by subsection 31-56(6) of this chapter; and
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (4) *Hauled wastewater.*
- (a) Septic tank waste may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate section 31-52 of this chapter or any other requirements established by the city. The director may require septic tank waste haulers to obtain wastewater discharge permits.
 - (b) The director shall require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
 - (c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples

of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-54. - Wastewater discharge permit application.

- (1) *Wastewater analysis.* When requested by the director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (2) *Wastewater discharge permit requirement.*
 - (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to subsection 31-54(3) of this chapter may continue to discharge for the time period specified therein.
 - (b) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
 - (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in sections 31-60 through 31-62 of this chapter. 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) *Wastewater discharge permitting; existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the director for a wastewater discharge permit in accordance with subsection 31-54(5) of this chapter, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the director.
- (4) *Wastewater discharge permitting; new connections.* Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with subsection 31-54(5) of this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- (5) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The director may require all users to submit as part of an application the following information:
 - (a) All information required by subsection 31-56(1)(b) of this chapter;
 - (b) Description of activities, facilities, and plant processes on the premises, 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;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Each product produced by type, amount, process or processes, and rate of production;

- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (g) Time and duration of discharges; and
- (h) The design and installation of equipment and process which conform to all applicable statutes, codes, ordinances and other laws included in the plans and specifications for the pretreatment facilities as required by the control authority; and
- (i) ~~(h)~~ Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

- (6) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification 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."
- (7) *Wastewater discharge permit decisions.* The director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-55. - Wastewater discharge permit issuance process.

- (1) *Wastewater discharge permit duration.* A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (2) *Wastewater discharge permit contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director 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.
 - (a) Wastewater discharge permits must contain:
 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection 31-55(5) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits, Including Best Management Practices, based on applicable pretreatment standards;
 4. Self-Monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice to be

monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
6. The Control Authority has the authority to deny any new or increased IU Contributions.

(b) Wastewater discharge permits may contain, but shall not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the 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;
3. Requirements for the development and implementation of ~~spill~~ Slug discharge control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. ~~The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;~~ A statement of the management and treatment unit charge or schedule of charges and fees for wastewater discharge to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(3) *Wastewater discharge permit appeals.* The director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- d. If the director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court for the County of Laredo within 90 days.
- (4) *Wastewater discharge permit modification.* The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
 - e. Violation of any terms or conditions of the wastewater discharge permit;
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - h. To correct typographical or other errors in the wastewater discharge permit; or
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (5) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur; and
 - c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

- (6) *Wastewater discharge permit revocation.* The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the director of changed conditions pursuant to subsection 31-56(5) of this chapter;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Tampering with monitoring equipment;
 - f. Refusing to allow the director timely access to the facility premises and records;
 - g. Failure to meet effluent limitations;

- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- (7) *Wastewater discharge permit reissuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with subsection 31-54(5) of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.
- (8) *Regulation of waste received from other jurisdictions.*
 - a. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the director shall enter into an inter-municipal agreement with the contributing municipality.
 - b. Prior to entering into an agreement required by paragraph a., above, the director shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the director may deem necessary.
 - c. An intermunicipal agreement, as required by paragraph a., above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in the local limits resolution. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's municipal code or local limits;
 - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the director; and which of these activities will be conducted jointly by the contributing municipality and the director;
 - 4. A requirement for the contributing municipality to provide the director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - 5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-56. - Reporting requirements.

(1) *Baseline monitoring reports.*

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (b), below.

At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (b) Users described above shall submit the information set forth below.
 1. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 2. *environmental permits.* A list of any environmental control permits held by or for the facility.
 3. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 4. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 5. *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process- and any new categorical regulated processes for existing sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, 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 procedures set out in subsection 31-56(10) of this chapter. Where the Standard requires compliance with a BMP or pollution alternative, the User shall submit documentation as required by the director or the applicable Standards to determine compliance with the standard.

- c. Sampling must be performed in accordance with procedures set out in subsection 31-56(11) of this chapter.
 6. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 7. *Compliance schedule.* 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 and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 6.2 of this chapter.
 8. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection 31-54(6) of this chapter.
- (2) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection 31-56(1)(b)7. of this chapter:
 - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - (b) No increment referred to above shall exceed nine (9) months;
 - (c) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 - (d) In no event shall more than nine (9) months elapse between such progress reports to the director.
- (3) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections 31-56(1)(b)4.—6. of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 31-54(6) of this chapter.
- (4) *Periodic compliance reports.*
 - (a) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. Noncategorical SIUs are required to report data obtained through appropriate sampling and analysis performed during the period covered by the report which data are representative of conditions occurring during 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 director or the Pretreatment Standard necessary to determine the compliance of the user. All periodic compliance reports must be signed and certified in accordance with subsection 31-54(6) of this chapter.

- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - (c) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in subsection 31-56(11) of this chapter, the results of this monitoring shall be included in the report.
 - (d) Upon written request by a user, the city may collect sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis. Such users shall not be required to submit periodic compliance reports.
- (5) *Reports of changed conditions.* Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
- (a) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 31-54(5) of this chapter.
 - (b) The director may issue a wastewater discharge permit under subsection 31-54(7) of this chapter or modify an existing wastewater discharge permit under subsection 31-55(4) of this chapter in response to changed conditions or anticipated changed conditions.
 - (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.
- (6) *Reports of potential problems.*
- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
 - Notification of discharge of hazardous waste: the user shall immediately notify the Control Authority of any discharges of hazardous waste.
 - (b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
 - (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (7) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require.

- (8) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the director monitors at the user's facility at least once a month, or if the director performs sampling at the user samples between the time the user's initial sampling when the initial sampling was conducted and the time when the user or the director receives the results of this sampling, or if the director has performed the sampling and analysis in lieu of the industrial user.
- (9) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- (10) *Sample collection.*
- (a) Except as indicated in Section B, b and c below, the user must collect wastewater samples using 24-hour flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, unless the director may authorize the use of time proportional composite sampling or a grab sampling is authorized by the director. Where time-proportional composite sampling is authorized by the director, the samples must be representative of the discharge, minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-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 the other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (1) and (3) of this section [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 may authorize a lower minimum. For the reports required by paragraphs subsection (4) of this section (40 CFR 403.12 (e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.
- (11) *Reserved.*
- (12) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (13) *Recordkeeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter 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 Section 31-52 (5). 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 the city, or where the user has been specifically notified of a longer retention period by the director.

- (14) *Fraud and false statements.* Reports and other documents submitted or maintained are subject to:
- (a) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;
 - (b) The provisions of section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
 - (c) The provisions of section 309(c)(6) [of the Act] regarding responsible corporate officers.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-59. - Publication of users in significant noncompliance.

The director shall publish annually, ~~in the largest daily newspaper published~~ a newspaper of general circulation that provides meaningful public notice within the City in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d), or (h) of this section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of ~~wastewater~~ all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 31-52, the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Section 31-52 daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation of a pretreatment standard or requirement as defined by Section 31-52 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the director believes 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s) which may include violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-64. - Miscellaneous provisions.

Pretreatment charges and fees. The city may assess reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program including, but not limited to:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications shall be charged at the rate of one hundred and fifty dollars (~~(\$50.00)~~ (\$150.00) per application;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users shall be charged at the rate of one hundred dollars (\$100.00) per event; The analytical fees will be separately charged based on approved vender price.
- (c) Fees for reviewing and responding to accidental discharge procedures and construction shall be charged at the rate of one hundred dollars (\$100.00) per event;
- (d) Fees for filing appeals shall be charged at a rate of one hundred fifty dollars (\$150.00) per appeal; and
- (e) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Secs. 31-65—31-77. - Reserved.

Section 2. Severability.

If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in effect as if the unconstitutional or invalid portion had not been adopted.

Section 3. Repeal law in conflict.

All ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

Section 4. Publication.

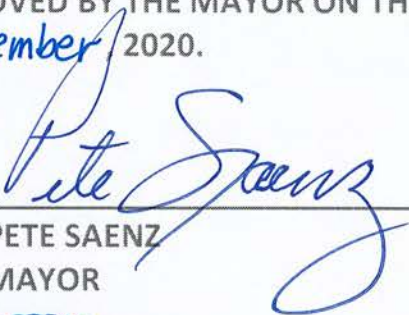
This Ordinance shall be published according to Section 2.09 (D) of the Charter of the City of Laredo.

Section 5. Effective date.

This Ordinance shall take effect as of
Section
2.09 (B).

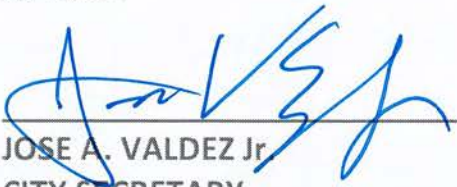
, pursuant to the City Charter,

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
THE 16th DAY OF November 2020.



PETE SAENZ
MAYOR

ATTEST:



JOSE A. VALDEZ Jr
CITY SECRETARY



APPROVED AS TO FORM:



RENE C. BENAVIDES
CITY ATTORNEY

Final Reading of Ordinances 18.

City Council-Regular

Meeting Date: 11/16/2020

Initiated By: Riazul Mia, Assistant City Manager

Staff Source: Arturo Garcia, Jr., P.E. - Utilities Director

SUBJECT

2020-O-151 An Ordinance of the City of Laredo, Texas amending Chapter 31, Article II, Division 3 – Use of Public Sewers of the Code of Ordinances by adding new definitions and abbreviations, deleting old definitions, creating a local limits table, requiring additional wastewater pretreatment measures, requiring additional information on wastewater discharge permit applications, allowing additional information to be included in wastewater discharge permits, requiring additional reporting requirements for measurement of pollutants, revising requirements for publication of users in significant noncompliance, increasing the wastewater discharge permit fee from \$50 to \$150, and authorizing analytical fees based on vendor prices; providing that this ordinance shall be cumulative; providing a severability clause; providing for publication; and declaring an effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

NA

PREVIOUS COUNCIL ACTION

Council passed the Chapter 31 (Utilities) Ordinance in 2003.

BACKGROUND

The Chapter 31 (Utilities) Ordinance was passed by City Council in 2003 through Ordinance 2003-O-209. Since this passage this amendment is to make modification to pre-treatment requirements streamlining rule as required by Texas Commission on Environmental Quality (TCEQ).

COMMITTEE RECOMMENDATION

None

STAFF RECOMMENDATION

Staff recommends amending this ordinance.

	Fiscal Impact
Fiscal Year:	2021
Budgeted Y/N?:	N
Source of Funds:	Permit Fees
Account #:	

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

Estimated additional revenues, due to this increase are minimal, based on history and on number of new industrial user applications and/or renewals.

Attachments

2020-O-151 Final Reading

For Rent/Lease | For Rent/Lease

CHERRY HILLS APARTMENTS

Currently accepting applications for 1,2,3, and 4 bedroom apartments.
 All applications will be placed on existing waiting list.
 Rental assistance is available through program Please apply in person at 1300 E Calton Rd
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Legals/Public Notices

Legals/Public Notices

ORDINANCE NO. 2020-O-151

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS AMENDING CHAPTER 31, ARTICLE II, DIVISION 3 - USE OF PUBLIC SEWERS OF THE CODE OF ORDINANCES BY ADDING NEW DEFINITIONS AND ABBREVIATIONS, DELETING OLD DEFINITIONS, CREATING A LOCAL LIMITS TABLE, REQUIRING ADDITIONAL WASTEWATER PRETREATMENT MEASURES, REQUIRING ADDITIONAL INFORMATION ON WASTEWATER DISCHARGE PERMIT APPLICATIONS, ALLOWING ADDITIONAL INFORMATION TO BE INCLUDED IN WASTEWATER DISCHARGE PERMITS, REQUIRING ADDITIONAL REPORTING REQUIREMENTS FOR MEASUREMENT OF POLLUTANTS, REVISING REQUIREMENTS FOR PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE, INCREASING THE WASTEWATER DISCHARGE PERMIT FEE FROM \$50 TO \$150, AND AUTHORIZING ANALYTICAL FEES BASED ON VENDOR PRICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

L-19

Legals/Public Notices

Legals/Public Notices

ORDINANCE NO. 2020-O-150

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION FOR MULTIFAMILY DWELLINGS, PROVIDE REQUIREMENTS FOR MULTIFAMILY DWELLINGS REGARDING GARBAGE ACCUMULATION AND COLLECTION, REQUIRING NEWLY CONSTRUCTED MULTIFAMILY DWELLINGS TO HAVE AN ENCLOSURE OF GARBAGE CONTAINER AND REQUIRING OWNERS OF MULTIFAMILY DWELLINGS WITH ILLEGAL DUMPING VIOLATIONS TO INSTALL CAMERAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

L-18