

ORDINANCE NO. 122704

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, PROVIDING DEFINITIONS; PROVIDING FOR THE REGULATION AND CONTROL OF THE USE OF PUBLIC AND PRIVATE SEWERS; PROHIBITING CERTAIN DISCHARGES; PROVIDING FOR SAMPLING AND FLOW MEASUREMENT; PROVIDING FOR ADMINISTRATION OF THE ORDINANCE; PROVIDING REPORTING REQUIREMENTS; REGULATING SEPTIC HAULERS; PROVIDING FOR ENFORCEMENT; PROVIDING THAT FEES MAY BE ESTABLISHED; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING OPEN MEETINGS AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Sections 26.176 and 26.177 of the Texas Water Code provide that every local government which owns or operates a disposal system shall enact and enforce rules to control and regulate the type, character and quality of waste which may be discharged to the disposal system;

WHEREAS, the efficiency of the city sanitary sewer system is adversely impacted by the introduction of improper substances resulting in unnecessary expense and operational difficulty; and

WHEREAS, adoption of a comprehensive ordinance will provide a means of addressing current issues while establishing a foundation for appropriate regulation, consistent with future city growth and regulatory changes;

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

WASTE REGULATIONS

Section 1. Definition of Terms

(a) The meaning of terms and phrases used in this section shall be as follows:

Act or "the act." The Federal Water Pollution Control Act of 1972, amended by the Clean Water Act of 1977, as amended, 33 U.S.C. 1251, et seq. and further codified in 40 CFR 110, et seq.

Agricultural Waste The waterborne of solid, liquid or gaseous substances that arise from the agricultural industry and agricultural activities, including without limitation agricultural animal feeding pens and lots, structures for housing and feeding agricultural animals, and processing facilities for agricultural products. The term "agricultural waste" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farmland.

Approval Authority. The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program; the City Council in the City of Ranger

Authorized Representative of Industrial User. An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Building Drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, wastes, and other drainage pipes within the walls of the building, and conveys it to the building service connection, beginning three feet (3') outside the inner face of the building wall or foundation.

Building Service Connections. The extension from the public sewer in the street, alley or easement, or other lawful place of disposal, to the building drain.

Categorical Standards. National categorical pretreatment standards or pretreatment standard.

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

City. The City of Ranger, Texas, or any duly authorized representative acting in its behalf.

City Manager. The Chief Administrative Officer of the City of Ranger or his or her duly authorized representative acting in his or her behalf.

Control Authority. The term "control authority" shall refer to the "approval authority," defined

hereinabove; the City Council, or the Public Works Director.

Control Manhole. A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control Point. A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

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

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Texas.

Domestic Sewage or Domestic Wastewater. Waterborne wastes normally discharging into the sanitary conveniences of dwellings, including apartment houses, duplexes, motels and hotels, office buildings, factories and institutions, free of storm water, surface water and industrial wastes.

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

Garbage. Solid wastes and residue from the domestic and commercial preparation, cooking, and dispensing of food, and for the handling, storage, and sale of food products and produce.

Grab Sample. A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

Hazardous Metal. Any of the following metals in its elemental state and any of its compounds expressed as that metal: arsenic, barium, boron, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver, and zinc.

Health Officer. The duly appointed Health Officer of the City of Ranger or his or her duly authorized representative acting in his or her behalf.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 1317 of the act into the POTW (including holding tank waste discharged into the system).

Industrial User. A source of discharge which results from any process of industry, manufacturing,

trade, or business.

Industrial Wastes. The waterborne combination of solid, liquid or gaseous wastes from industrial manufacturing and storage, commercial or processing operations, or from the development of any natural resource or any mixture of these with water or domestic sewage as distinct from domestic sewage.

Industrial Waste Charge. The charge made on those persons who discharge industrial wastes into the city's sewage system.

Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 1345 of the act or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Milligrams Per Liter (mg/l). The same as parts per million and is a weight-to-volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 1317 of the act which applies to a specific category of industrial users.

National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 1342 of the act.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of Section 1317 of the act and 40 CFR, Section 403.5.

Natural Outlet. A point of discharge into any receiving water, such as a watercourse, pond, ditch, lake or other body of surface or ground water.

New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing categorical pretreatment standard (Section 1317 of the act) which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

Normal Domestic Sewage or Normal Domestic Wastewater. Domestic sewage for the City of

Ranger for which the concentration of suspended solids is established as two hundred (200) parts per million parts by weight and for which the concentration of five (5) day biochemical oxygen demand (B.O.D.) is established as two hundred fifty (250) parts per million parts by weight.

Other Waste. Any garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, salt water, or any other substance, other than sewage, industrial waste, recreational waste, or agricultural waste, that may cause impairment to the quality of water. This also includes tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farmland that may cause impairment of the quality of the water in the state.

Overload. The imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

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

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, which is expressed in grams per liter of solution.

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

Pollution. The man-made or man-induced alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

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

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-quarter (1/4) inch in any dimension.

Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 1292 of the act which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this section, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Public Sewer. A sewer in which all abutting properties shall have equal right under its control by a public authority.

Rainwater. The surface and subsurface water created by rainfall or any other of the forms of precipitation.

Rainwater runoff. Any flow occurring during or following any form of natural precipitation and resulting therein.

Recreational Waste. The waterborne solid, liquid, or gaseous substances, that emanate from any public or private park, or recreational area.

Sanitary Sewer. A public sewer carrying sewage or wastewater and to which storm, surface, and ground waters are not intentionally or legally admitted.

Septic Hauler. Any person who contributes, causes, or permits the contribution of holding tank waste into the city's POTW.

Sewage or Wastewater. Any combination of waterborne wastes from residences, business buildings, institutions, property and commercial, agricultural and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewage Treatment Plant or Wastewater Treatment Plant. Any arrangement of devices and structures used for the treatment of sewage.

Sewage Works. All facilities used for collecting, transporting, pumping, treating, and disposing sewage, or sewage processing materials or waste.

Sewer. A pipe or conduit used for carrying sewage and wastewater.

Sewer System. A pipeline, conduit, storm sewer, canals, pumping station, force mains, and all other

constructions, devices, and appurtenant appliances used to transport waste.

Shall is mandatory; "may" is permissive.

Significant Industrial User. Any industrial user of the city's wastewater disposal system who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or
- (2) Has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system, or
- (3) Has in his or her wastes toxic pollutants as defined pursuant to Section 1317 of the act or Texas Statutes and Rules, or
- (4) Is found by the city, (state control agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

Slug. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Standard Methods. The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved, and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.

State. State of Texas.

Storm Sewer or Storm Drain. A sewer which carries rain and surface waters and drainage, but excludes domestic sewage and industrial wastes.

Superintendent. The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance or his or her duly authorized representative; the Public Works Director in the City of Ranger.

Suspended Solids. The quantity of those solids, expressed in parts per million parts by weight, that either floating on the surface, or are in suspension in the water, sewage, or other liquids, and which are removable by a laboratory filtration device in accordance with procedures set forth in "Standard Methods."

To Discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the environmental protection agency under the provision of Section 1317 of the act or other acts.

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

Unpolluted Wastewater. Wastewater containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Water Commission; and,
- (7) Color not exceeding fifty (50) units as measured by the platinum-cobalt method of determination as specified in "Standard Methods."

User. Any person(s) who contributes, causes or permits the contribution or discharge of wastewater into the city's POTW.

Waste. Any combination of sewage, industrial waste, recreational waste, agricultural waste or other waste as defined herein.

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

Wastewater Contribution Permit. As set forth in Section 5 of this ordinance.

Watercourse. A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

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

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

- (1) BOD - Biochemical oxygen demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical oxygen demand.
- (4) CWA – Clean Water Act
- (5) EPA - Environmental Protection Agency.
- (6) l - Liter.
- (7) mg - Milligrams.
- (8) mg/l - Milligrams per liter.
- (9) NPDES - National pollutant discharge elimination system.
- (10) POTW - Publicly owned treatment works.
- (11) SIC - Standard industrial classification.
- (12) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (13) USC - United States Code.
- (14) TSS - Total suspended solids.

Section 2. Use of Public Sewers and Private Sewers

(a) Required Use of Public Sewers

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any manner on public or private property within said city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, pollutant, or other objectionable waste except as hereinafter provided.
- (2) No person shall individually discharge or cause to be discharged to any creek, stream, watercourse, lake, pond or tank, or on any land within said city, or in any jurisdiction of said city, any sanitary sewage, industrial wastes or other waters, except where such discharge is made in accordance with a valid permit from the Texas Water Commission, or as hereinafter provided.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within said city, or in any jurisdiction of said city.
- (4) The owner of any establishment, house, building or property used for human occupancy, employment, recreation, or industrial or commercial purpose shall install at his or her own expense suitable facilities for conveying all industrial wastes, sanitary sewage and all other sewage to the proper public sewer, except when the said public sewer is more than two hundred feet (200') from his or her nearest property line; connection to the public sewer shall be made under the terms of applicable ordinances of said city.
- (5) No person shall discharge or cause to be discharged any wastes, except domestic sewage and swimming pool waters, from any industrial or commercial establishment, building or property into public sewers without obtaining a permit from said city as outlined herein.
- (6) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters, lawn spray drainage or yard fountain or pond waters to any sanitary sewer.
- (7) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a creek, stream, watercourse, pond, lake or tank, or land area approved by said city.
- (8) Yard fountain or pond waters may be discharged, upon approval of said city, to a storm sewer or creek, stream, watercourse, pond, lake, or land area.

(b) Private Sewage Disposal

- (1) Where a public sanitary sewer or combined sewer is not available under the provisions of paragraph (a)(4) hereof, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (2) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Public Works Director, which the applicant shall supplement with any plans, specifications, and other information that shall be deemed necessary by said Public Works Director. A permit and inspection fee as provided by the City Council and Public Works Director shall be paid to said city at the time the application is filed.
- (3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director. The Public Works Director shall have the right and privilege to inspect any such work at any stage of construction and, in any event, the applicant for the permit shall notify the Public Works Director when the work is ready for final inspection, and before any underground portions are covered. Such inspection shall be made at the discretion of the Public Works Director.
- (4) The types, capacities, location, and layout of a private disposal system shall comply with all recommendations and requirements of the Texas State Department of Health and/or the Texas Water Commission and/or the successors of either. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one (1) acre. No septic tank or cesspool shall be allowed to discharge to any creek, stream, watercourse, pond, lake or land area.
- (5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in paragraph (b)(4) hereof, a direct connection shall be made to the public sewer at the property owner's expense in compliance with this section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material to the satisfaction of said Public Works Director.
- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times to the satisfaction of said Public Works Director, at no expense to said city.
- (7) No statement contained in this section shall be construed to interfere with any additional requirements that may be made by the Health Officer of the city.
- (8) When a public sewer becomes available, the building sewer shall be connected to said public sewer within sixty (60) days and the private sewage disposal system shall be abandoned, cleaned, and filled within ninety (90) days of such connection in accordance with paragraph (b)(3) hereof.

Section 3. Regulation and Control of Public Sewers

(a) Prohibited Discharge to Public Sewers

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (B) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of one milligram per liter (mg/l) as CN in the wastes as discharged to the public sewers. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 1317 of the act.
 - (C) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment plant.
 - (D) Solids or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater treatment plant such as, but not limited to, ashes, cinders, sand, mud, straw, metal shavings, glass, rags, feathers, fibrous materials, rope, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, bones, and paper dishes, cups, milk cartons, either whole or ground by garbage grinders.
- (2) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes in any sewer of the city or on any land within the jurisdiction of the city except as hereinafter provided. The substances prohibited are:
 - (A) Industrial Wastes, either liquid or vapor, having a temperature higher than one hundred four degrees Fahrenheit (104°F) (forty degrees centigrade (40°C)) in such volume as to interfere with operation of the POTW.
 - (B) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of fifty (50) milligrams per liter (mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).
 - (C) Any garbage that has not been shredded to such degree that all particles will be transported

freely under normal hydraulic conditions within the sanitary sewers, with no particles greater than one-quarter (1/4") in any dimension.

- (D) Any waters or wastes containing storing acid pickling wastes or plating solutions if not treated prior to discharge in accordance with this section.
- (E) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by said Public Works Director in compliance with applicable state or federal regulations.
- (F) Any waters or wastes having a pH in excess of 10.0.
- (G) Any of the hazardous metals, in solution or suspension, or other pollutants in concentrations exceeding the following as stated in terms of milligrams per liter (mg/l) or parts per million, parts by weight:

<u>Metal</u>	<u>Maximum Limit</u>
Antimony	0.02
Arsenic	0.05
Barium	3.0
Cadmium	0.5
Chromium	3.0
Copper	0.5
Lead	1.0
Manganese	1.0
Mercury	0.005
Nickel	1.0
Selenium	0.05
Silver	0.1
Zinc	5.0

<u>Pollutant</u>	<u>Maximum Limit</u>
Ethyl benzine	0.1
Methylene chloride	0.1
Napthalene	0.1
Penthochlorophenol	0.1
Phenol	0.10

Bis (2-ethylhexyl) phthalate	0.10
Butyl benzyl phthalate	0.10
Di-N-Butyl phthalate	0.10
Di-ethyl phthalate	0.10
Toluene	0.1

or elements in quantities or concentrations which will damage collection and/or treatment facilities or are detrimental to sewage treatment processes.

No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

Prohibited hazardous materials include, but are not limited to:

Boron;
 Beryllium;
 Bismuth;
 Cobalt;
 Molybdenum;
 Uranyl ion;
 Rhenium;
 Strontium;
 Tellerium;
 Herbicides;
 Fungicides;
 Pesticides.

- (H) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the collection sewers or in receiving waters of the wastewater treatment plant.
- (I) Any noxious or malodorous gases or substances capable of creating a public nuisance or injury or interference with the facilities involved in the collection and treatment of sewage.
- (J) Any waters or wastes which may contain more than 0.2 milligrams per liter (mg/l) of dissolved sulfides expressed as S.
- (K) Materials which exert or cause:
 - (i) Unusual concentration of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids in excess of five hundred (500) mg/l

greater than those in the water supply such as, but not limited to, sodium chloride and sodium sulfate. The limit for chlorides shall be two hundred fifty (250) mg/l;

- (ii) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
- (iii) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (L) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of state and federal agencies having jurisdiction over discharge to the receiving waters.
- (M) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under the act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (N) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (O) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (P) Any water or waste containing pollutants in excess of the limits established by applicable categorical pretreatment standards.
- (Q) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (3) When the Public Works Director determines that a user(s) is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Public Works Director shall:
 - (A) Advise the user(s) of the impact of the contribution on the POTW; and

(B) Develop effluent limitation(s) for such user to correct the interference with the POTW.

(b) Control of Admissible Wastes

(1) If any waters or wastes proposed to be discharged to the public sewers contain the substances or possess the characteristics enumerated in paragraph (a)(1) and (2) hereof, and which in the judgment of said Public Works Director, may have a deleterious effect upon the sewer collection system, wastewater treatment plant processes or equipment or receiving waters, or which otherwise creates an imminent or substantial endangerment to the public health, safety or welfare, or the environment, or which constitutes a public nuisance, or causes interference to the POTW or causes the city to violate any condition of its NPDES permit, said Public Works Director may:

(A) Reject the wastes;

(B) Require pretreatment to an acceptable condition for discharge to the public sewers (dilution shall not constitute pretreatment);

(C) Require control over the quantities and rates of discharge;

(D) Require payment to cover the added cost of handling and treating the wastes in proportion to the cost of handling and treating normal domestic sewage; or,

(E) Require any combination of (B), (C) or (D) hereinabove described.

(2) Approval for discharge of industrial wastes into any public sewer shall be evidenced by a permit from the city stating the allowable conditions of waste discharge. Any person now discharging industrial wastes in any public sewer shall file an application for a permit within one hundred twenty (120) days from the effective date of this ordinance. Any person desiring to commence discharging industrial wastes after this ordinance becomes effective shall obtain a permit prior to commencing the discharge of such wastes into any public sewer.

(3) Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city, and no construction of such facilities shall be commenced until said approvals are obtained in writing and the discharge permit secured. This provision shall not constitute a responsibility of said city for designing or warranting the performance of such systems.

(4) Any location where waste contains excessive amounts of grease, oil, sand, flammable waste or other harmful ingredients a trap shall be required.

- (A) At the direction of the Public Works Director, any user may be directed to install traps as a condition of use of the City of Ranger's wastewater system.
- (B) They shall be constructed and maintained continuously in satisfactory and effective operation by the owner at his or her expense and of a type and capacity approved by the Public Works Director.
- (C) Any trap required under this section shall be located and designed to allow easy access, cleaning and inspection.
- (D) Users required to maintain traps will allow the Public Works Director access to enter the property and inspect the traps at the discretion of the Public Works Director.
- (5) Where industrial wastes will not cause damage to the collection system or impair the treatment processes in the reasonable judgment of the Public Works Director, the discharges of the wastes which exceed 250 MG/L BOD, 250 MG/L TSS and 20 MG/L NH₃ may be charged a surcharge in accordance with the current sewer rate structure.
- (6) Where industrial wastes are discharged that will not cause damage to the collection system or impair the treatment process in the reasonable judgment of said Public Works Director; and the biological oxygen demand (BOD) does not exceed two hundred fifty (250) parts per million parts, and the suspended solids do not exceed two hundred fifty (250) parts per million parts, the wastewater quantity handling and treating charge by said city shall be the applicable established sewer rates.

Section 4. Sampling and Flow Measurement of Industrial Wastes

- (a) Any person having a proprietary interest in any property or premises from which industrial wastes are originated and discharged to the sewer collection system of said city shall, within one hundred twenty (120) days of written notice to said person having said proprietary interest, install, or cause to be installed, a suitable control manhole near the outlet of each sewer, drain, pipe, channel or other connection which delivers said wastes emanating from said property or premises to the sewer collection system of said city. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans and specifications approved by said Public Works Director. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. Duly authorized personnel of said city shall have the right of access to the control manhole and any flow measuring devices at any time.
- (b) The owner of any property or premises from which industrial wastes are originated and discharged to the sewer collection systems of said city shall, within one hundred twenty (120) days of written notice to any person having a proprietary interest in said property or premises, install, or cause to be installed, a suitable flow measuring device acceptable to said Superintendent adjacent to or within the control manhole.

(c) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event the owner does not provide an adequate control manhole, samples shall be taken in the plant at their origin, and shall be assessed on the basis herein set forth until such control manhole is provided.

(d) Sampling and testing of the industrial waste discharge shall be accomplished by the city at such intervals deemed necessary to maintain a control over the discharge from the property or premises. Test results of a sampling shall be considered as the condition of the waste being discharged until the next sampling.

(e) Sampling and testing of the industrial waste discharge for the purpose of establishing the rate of a surcharge, if any, shall be accomplished at least annually at the expense of the city but may be done at more frequent time intervals if it is deemed necessary by said Public Works Director to maintain control over the discharge.

(f) In the event no waste flow measurement of the discharge is available, the metered water consumption shall be used as the waste discharge flow. The metered water consumption shall be that volume recorded by said city, where public water supply is used, together with authentic records of consumption from any private sources used. Measurement of water from private sources shall be done at the expense of the owner in a manner approved by said city, and such metering records and equipment shall be available to a duly authorized person from said city at all times.

(g) The specific analysis or analyses required or condition of discharge prevailing shall determine whether a twenty-four (24) hour composite sample or a grab sample of the waste shall be collected.

Section 5. Administration

(a) Wastewater Discharges

It shall be unlawful to discharge without a city permit to any natural outlet within the City of Ranger, or in any area under the jurisdiction of said city, and/or to the POTW any wastewater except as authorized by the Public Works Director in accordance with the provisions of this section.

(b) Wastewater Contribution Permits

(1) *General Permits.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to

the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this section.

- (2) *Permit Application.* Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a fee as provided for by the City Council. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this section, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information.
 - (A) Name, address, and location, (if different from the address);
 - (B) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (C) Wastewater constituents and characteristics including but not limited to those mentioned in Section 3(a) as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to the act and contained in 40 CFR, Part 136, as amended.
 - (D) Time and duration of contribution;
 - (E) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
 - (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - (G) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - (H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (I) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (ii) No increment referred to in subparagraph (i) above shall exceed nine (9) months.
- (iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Public Works Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six (6) months elapse between such progress reports to the Public Works Director.
- (J) Each product produced by type, amount, process or processes and rate of production;
- (K) Type and amount of raw materials processed (average and maximum per day);
- (L) Number and type of employees, and hours of operation of plant and proposed or actual hours or operation of pretreatment system;
- (M) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided herein.

- (3) *Permit Modifications.* Within six (6) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by Section 5(b), the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Public Works Director within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by

subparagraphs (H) and (I) of Section 5 (b)(2) herein.

- (4) *Permit Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this section and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:
 - (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
 - (B) Limits on the average and maximum wastewater constituents and characteristics;
 - (C) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (D) Requirements for installation and maintenance of inspection and sampling facilities;
 - (E) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (F) Compliance schedules;
 - (G) Requirements for submission of technical reports or discharge reports (see Paragraph (C) above);
 - (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
 - (I) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (J) Requirements for notification of slug discharges;
 - (K) Other conditions as deemed appropriate by the city to ensure compliance with this section.
- (5) *Permit Duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in Section 3 herein are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit

shall include a reasonable time schedule for compliance.

- (6) *Permit Transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- (c) Reporting Requirements for Permittee
 - (1) *Compliance Date Report.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
 - (2) *Periodic Compliance Reports.*
 - (A) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Public Works Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Public Works Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period, exceeded the average flow reported in Section 5 (b)(3). At the discretion of the Public Works Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Public Works Director may agree to alter the months during which the above reports are to be submitted.
 - (B) The Public Works Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitation is appropriate. In such cases, the report required by subparagraph (A) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Public Works Director, of pollutants contained therein

which are limited by the applicable pretreatment standards. The frequency or monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to the act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

- (C) Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.
- (D) *Monitoring Facilities.* The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There should be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operation condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

- (E) *Inspection and Sampling.* The city may inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and (where the NPDES state is the approval authority) EPA shall have the right to set upon the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so, that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (F) *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply with this section and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

The city may annually publish in the official local newspaper a list of the users, if any, which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

- (G) *Confidential Information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten (10) day notification is given to the user.

- (H) *Federal Categorical Pretreatment Standards.* Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal

standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this section. The Public Works Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

- (I) *Modification of Federal Categorical Pretreatment Standards.* Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 -- "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.
- (J) *State Requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or more stringent than those in this ordinance.
- (K) *City's Right of Revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives set forth by the state and federal government.
- (L) *Accidental Discharges.*
 - (i) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by February 28, 2005. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.

- (ii) *Written Notice.* Within five (5) days following an accidental discharge, the user shall submit to the Public Works Director 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 ordinance or other applicable law.
- (iii) *Notice to Employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Section 6. Regulation of Septic Haulers

(a) Septic Hauler Permits

- (1) *Permits.* All septic haulers proposing to contribute to the POTW shall obtain a septic hauler permit before contributing to the POTW. All septic haulers now contributing to the POTW shall obtain a septic hauler permit within one hundred eighty (180) days after the effective date of this ordinance.
- (2) *Permit Application.* Septic haulers shall complete and file with the city an application in the form prescribed by the city, and accompanied by a fee appropriated by the City Council. In support of the application, the septic hauler shall submit, in units and terms appropriate for evaluation, such information as may be prescribed by the city.
- (3) *Permit Conditions.* Septic hauler permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the city.
- (4) *Permit Duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The septic hauler shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are identified under the terms of this ordinance, or if other just cause should exist.
- (5) *Permit Transfer.* Septic hauler permits are issued to specific permit holders for specific operations. A septic hauler permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior express written approval of the city. Any succeeding owner or user of a septic hauler permit shall also comply with the terms and conditions of the existing permit.

(b) Reporting Requirements for a Permittee

Each septic hauler shall be required to register at the POTW each time a load of waste is discharged into the POTW.

(c) User Fees

Septic haulers shall be charged a user fee each time a load is discharged into the POTW. The fee shall be as provided by the City Council.

Section 7. Enforcement

(a) Harmful Conditions

The city may suspend any wastewater treatment service and/or a wastewater contribution permit when such suspension is deemed necessary, in the opinion of the Public Works Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the public health, safety or welfare, to the environment, or creates a public nuisance, or causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

In the event wastewater treatment service is suspended due to any threat identified by the Public Works Director, the person so notified may appeal to the City Council which shall meet to consider the appeal within ten (10) days of the date of appeal. Except in the event of a finding of imminent threat, no service shall be suspended, pursuant to this paragraph, except upon ten (10) days notice and opportunity to appeal directly to the City Council.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individual. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(b) Revocation of Permit

Any user who violates the following conditions of this section, or applicable state and federal

regulations, is subject to having his or her permit revoked in accordance with the procedures of Section 7:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;
 - (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
 - (4) Violation of conditions of the permit and/or this ordinance.
- (c) Notification of Violation

Whenever the city finds that any user has violated or is violating this ordinance or any limitation or requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(d) Show Cause Hearing

- (1) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a legal entity.
- (2) The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:
 - (A) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (B) Take the evidence;
 - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence,

together with recommendations to the City Council for action thereon.

- (3) At any hearing held pursuant to this section, testimony taken must be under oath and recorded electronically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (4) After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and such are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) Legal Action

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this county.

Section 8. Fees

(a) Purpose

It is the purpose of this subsection to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the City Council.

(b) Charges and Fees

The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees of monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;

- (6) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;
- (7) 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 section and are separate from all other fees chargeable by the city.

Section 9. Right of Access

Duly authorized representatives of said city, bearing proper identification and credentials, shall be permitted access to control manholes, traps, flow metering stations, flow meters and flow records for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Section 10. Penalties for Violation

- (a) Any person found to be violating any provision of this section shall be served by said city with written notice stating the nature of the violation, and providing a reasonable time limit for the satisfactory correction thereof. The time interval shall take into account, among other factors, the nature and magnitude of corrective measures indicated. The offender shall, within the period stated in such notice, make the necessary corrections and/or additions, and permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in Section 10(a) hereof may be summarily disconnected from the sanitary sewer and/or water service, such disconnection and any eventual reconnection to be at total expense of the customer.
- (c) Where acids or chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, said city is authorized to immediately terminate any and/or all water and sewer services furnished by said city by such measures as are deemed necessary to protect the facilities.
- (d) Any person violating any of the provisions of this section shall become liable to the city for any expense, loss, or damage occasioned by said city by reason of such violation.
- (e) Any person violating any portion or provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by the assessment of a fine appropriated by the City Council, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(f) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater contribution, or septic hauler permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine as provided for in Section 10(e).

Section 11. General Provisions

(a) Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict only.

(b) Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion be inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

(c) Effective Date


This Ordinance shall, upon final passage, be published in the official newspaper of the City of Dublin, Texas, as required by law and shall become effective ten (10) days after the date of the last publication thereof.

(d) Open Meetings

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code.*

PASSED AND APPROVED this 10th day of JANUARY, 2005.

CITY OF RANGER, TEXAS


Raymond Hart, Mayor
City of Ranger

ATTEST:


Art Camacho Jr., City Secretary