

Ordinances Governing  
**INDUSTRIAL WASTE AND WATER POLLUTION CONTROL**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 09-057  
(September 22, 2009)

(Chapter Designator: INDUSTRIAL WASTE)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
92-39	04/07/92	Repeal of the existing "Industrial Waste and Water Pollution Control" Chapter, and the adoption of a new "Industrial Waste and Water Pollution Control" Chapter; providing the purpose and policy of the ordinance; providing definitions; providing regulations of publicly owned treatment works; providing for the issuance and administration of wastewater discharge permits; providing for the regulation of nonhazardous waste generation, transportation and disposal; providing for fees and surcharges; and providing for civil and criminal enforcement.
<a href="#"><u>96-68</u></a>	05/07/96	Addition of <b>Article VII</b> , <u>Backflow Devices</u> , relative to the protections required to prevent contamination to the public water supply through cross-connections.
<a href="#"><u>03-045</u></a>	04/15/03	Repeal of existing chapter and adoption of a new "Industrial Waste And Water Pollution Control" chapter, relative to new Environmental Protection Agency requirements and clarification and updating of the ordinance.
<a href="#"><u>06-047</u></a>	05/09/06	Addition of <b>Article VII</b> , <u>Backflow Prevention</u> , relative to the protections required to prevent contamination to the public water supply through cross-connections.
<a href="#"><u>09-057</u></a>	09/22/09	Repeal of the existing chapter and the adoption of a new "Industrial Waste and Water Pollution Control" Chapter, relative to new requirements, clarification and updating of the ordinance.

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**ARTICLE I**

**GENERAL PROVISIONS**

**Section 1.01 Chapter Designation**

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the "Industrial Waste and Water Pollution Control" Chapter of said Code or as the "Industrial Waste and Water Pollution Control Ordinance," and shall be referred to herein as the "Chapter."

**Section 1.02 Purpose and Policy**

This Chapter sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the City of Arlington (City) and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Chapter are:

- A. To prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge.
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will pass through the system into receiving waters or the atmosphere, or otherwise be incompatible with the system.
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- D. To provide for equitable distribution of the cost of the POTW.
- E. To prevent the entrance of pollutants into watercourses within the City and to maintain the quality of water consistent with public health and enjoyment.
- F. To ensure that the quality of wastewater treatment plant sludge is maintained at a level which allows its

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- use and disposal in compliance with applicable statutes and regulations.
- G. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
- H. To enable the City to comply with conditions of its contracts with the Trinity River Authority; and to enable the Trinity River Authority to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.
- I. To monitor and regulate the generation, transportation, and disposal of industrial and hazardous and non-hazardous wastes.

### **Section 1.03    Administration**

This Chapter shall apply to residents of the City of Arlington and to persons outside the City who by permit, contract, agreement with the City or otherwise are Users of the POTW or who conduct business in the City. Except as otherwise provided herein, the Authority shall administer, implement and enforce the provisions of this Chapter.

### **Section 1.04    Definitions**

- A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

**Abnormal Wastewater**: Wastewater having a total suspended solids content, Biochemical Oxygen Demand (BOD) content or both in excess of that allowable in normal wastewater, but which is otherwise acceptable into the POTW under the terms of this Chapter.

**Act or "the Act"**: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

**Aliquot**: A measured portion.

**Authority:** The City Manager appointed Administrator or their designees charged with the administration and enforcement of this Chapter.

**Authorized Representative of Industrial User:** An authorized representative of a User may be: (1) an owner; (2) a responsible corporate officer, if the discharger submitting the application or report is a corporation. This includes the president, vice president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; (3) an official of an association, nonprofit organization, local governmental entity, State or Federal installation having direct control of management decisions and fiscal responsibilities; (4) any partner or proprietor if the User is a partnership or proprietorship, respectively; (5) the manager of one or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (6) a duly authorized representative of an individual as specified above if such representative is responsible for the overall operation of the facilities from which the discharge originates and when written authorization for such representative is submitted to the Authority.

**Average Concentration:** The average of all "daily concentrations" obtained during a specific time period.

**BOD (Biochemical Oxygen Demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade, expressed as parts per million by weight or in terms of milligrams per liter (mg/L).

**Bypass:** The diversion of wastestreams or wastewaters from any portion of a User's wastewater treatment equipment or pretreatment facility.

**Categorical Pretreatment Standards:** Limitations on the discharge of pollutants to POTW's promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories (40 CFR 403.6 and Parts 405-471).

**City:** The City of Arlington, Texas.

**COD (Chemical Oxygen Demand):** The measure of the oxygen-consuming capacity of inorganic matter present in the water or wastewater expressed in mg/L as determined by the amount of oxidant consumed from a chemical reflux. Such term does not, however, differentiate between stable and unstable organic matter, and therefore does not necessarily correlate with BOD.

**Composite Sample:** A sample that is collected over time and formed either by continuous sampling or by mixing of discrete sampling aliquots. Composites formed by mixing discrete sampling aliquots may be collected on a flow or time proportional basis.

1. Flow proportional composite: Composed of sampling aliquots that meet one of the following conditions:
  - a. Collected at consistent time intervals and proportioned in volume according to stream flow.
  - b. Consistent volumes that are collected at time intervals proportioned according to stream flow.
2. Time proportional composite: Composed of discrete sampling aliquots of consistent volume collected at consistent time intervals irrespective of stream flow.

**Control Authority:** The Trinity River Authority of Texas as holder of the Texas Pollutant Discharge Elimination System (TPDES) permit.

**Daily Discharge:** The concentration of a substance in wastewater as determined by tests of a composite sample. When wastewaters are stored for more than a day prior to discharge, such as batch discharges, a test of a grab sample of the stored wastewater may be used to determine the daily concentration, if approval is obtained from the Authority.

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

**Discharge**: In its verb form: to deposit, conduct, drain, edit, throw, run, allow to seep or otherwise release or dispose; or to allow, permit or suffer any of these acts or omissions. In its noun form: the product of any of these acts.

**Environmental Protection Agency**: The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

**Disposal**: The discharge, deposit, injection, dumping, spilling, leaking or placing of industrial, liquid or hazardous waste into or on land, water or the POTW.

**Garbage**: Animal and vegetable wastes and/or residue from preparation, cooking and dispensing of food, and from the handling, processing, storage and sale of food products and produce.

**Generator**: A person who causes, creates, generates or otherwise produces waste.

**Grab Concentration**: The concentration of a substance allowed in a discharge as determined from a test of a grab sample.

**Grab Sample**: An individual sample which is collected over a period of time not exceeding fifteen (15) minutes.

**Hazardous Waste**: Any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics is:

1. Identified as hazardous waste in 40 CFR Part 261; or
2. Identified or listed as a hazardous waste under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361.

**Industrial Waste**: Waste resulting from any process of industry, manufacturing, trade or business, or from the development, recovery or processing of natural resources.

**Instantaneous Maximum Allowable Discharge Limit:** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Interceptor:** A device designed and installed to separate, skim, settle, filter, remove deleterious, hazardous or undesirable wastes from the wastewater.

**Interference:** Any of the following:

1. The inhibition or disruption of the Publicly Owned Treatment Works (POTW), its operations or treatment processes, or its sludge processes, use or disposal.
2. The cause of a violation of a POTW contract for sewage disposal of the POTW State Disposal System Permit or of receiving water quality standards.
3. The cause of a violation of any requirement of the Publicly Owned Treatment Works' TPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA)-(including Title II, more commonly referred to as the Resource Conservation and Recovery Act [RCRA] and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substance Act and the Marine Protection, Research and Sanctuaries Act.

**Liquid Waste:** All waste and wastewater removed from interceptors and tanks including, but not limited to, grease interceptor waste, sand and grit interceptor waste, and septage; but shall not include hazardous waste.

**Manhole:** Any opening in a public or private wastewater collection system that is designed for maintenance or personnel entry.

**May**: is permissive.

**Milligrams Per Liter (mg/L)**: An expression of concentration as 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.

**Monitored User**: Commercial and industrial users which are not classified as Significant Industrial Users and do not discharge a significant amount of regulated pollutants on a regular basis.

**National Pretreatment Standard or Pretreatment Standard or Standard**: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Users. This term includes:

1. Discharge prohibitions and local limits established pursuant to 40 CFR 403.5.
2. Categorical Pretreatment Standards established pursuant to 40 CFR 403.6.

**New Source**: 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 any of the following conditions are in effect:

1. The building, structure, facility or installation is constructed at a site at which no other source is located.
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
3. 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.

**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.

**Normal Wastewater:** Wastewater in which the average concentration of Total Suspended Solids is not more than 250 mg/L and BOD is not more than 250 mg/L, and which is otherwise acceptable to be discharged into a sanitary sewer under the terms of this Chapter.

**Over Load:** The discharge of BOD/COD, solids or wastewater volume in excess of the POTW's capacity.

**Overflow:** Any instance where wastewater flows outside of the established public or private wastewater collection system or wastewater pretreatment system.

**Pass Through:** Pollutant quantities or concentrations which exit the POTW into waters of the State and which, alone or in conjunction with quantities or concentrations from other sources, may cause any of the following:

1. A violation of any requirement of the POTW's TPDES permit.
2. An increase in the magnitude or duration of a violation of the POTW's TPDES permit.
3. The POTW's discharge limits to be exceeded.

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

**pH:** The logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions.

**Polluted Water:** Water and/or liquid waste containing any of the following:

1. Free or emulsified grease, and/or oil.
2. Acids or alkalis.
3. Phenols or other substances producing taste or odor in receiving water.
4. Toxic or poisonous substances in suspension, colloidal state or solution.
5. Noxious or otherwise obnoxious or odorous gases, liquids or solids.
6. More than ten (10) mg/L of Total Suspended Solids or BOD, or both.
7. Color, either True or Apparent, exceeding fifty (50) units.
8. More than 500 mg/L of dissolved solids, more than 250 mg/L of chlorides or more than 250 mg/L sulfates.
9. A pH value of less than 5.5 or greater than 11.
10. Any water or wastewater not approved for discharge into Waters of the State by the TCEQ.

**Pollutant:** Any of the individual elements, compounds, constituents or physical or chemical properties as described in this Chapter.

**Publicly Owned Treatment Works ("POTW" or "treatment works"):** A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City of Arlington and/or the Control Authority. This definition includes 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. For the purposes of this Chapter, "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 sewer collection system.

**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 discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, 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 a User.

**Pretreatment Standards:** See National Pretreatment Standard.

**Public Sewer:** Pipe or conduit carrying sanitary or storm wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the City.

**Sanitary Sewer:** A public sewer that conveys wastewater or industrial wastes or a combination thereof, and into which storm water, surface water, ground water and other unpolluted water or wastes are not intentionally passed.

**Sanitary Sewer Service:** A sewer conveying wastewater from the premises of a User to the POTW.

**Septage:** Wastes removed from a septic tank.

**Shall:** is mandatory.

**Significant Change:** An increase or decrease in the volume of wastewater discharged by more than twenty percent (20%) from the data submitted in the permit application, or the deletion or addition of any pollutant regulated by the Wastewater Discharge Permit or this Chapter. Volumes are those measured by the water service meter, a verifiable estimate, or a permanently installed effluent flow meter approved by the Authority.

**Significant Industrial User:** All Users subject to Categorical Pretreatment Standards or any User that meets any of the following conditions:

1. Discharges 25,000 gallons per day or more of industrial waste.
2. Contributes a discharge flow of five percent (5%) or more of the average dry weather hydraulic flow or organic capacity of the POTW.
3. Has a reasonable potential, in the opinion of the Authority, to adversely affect POTW operations (including but not limited to interference, pass through, sludge contamination or endangerment of POTW workers), or violate any pretreatment standard or requirement.
4. Violate any pretreatment standard or requirement as defined in the Code of Federal Regulations 40 CFR 403.
5. Upon a finding that a User meeting the criteria in Subsection (c) 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, determine that such User should not be considered a significant industrial User.

**Significant Noncompliance:** A User shall be determined by the authority to be in a state of significant noncompliance if a User's violation meets one or more criteria listed in 40 CFR 403.8(f) (2) (vii).

**Slug (Slug load):** Any volume or pollutant including oxygen demand parameters discharged at a flow rate or concentration which violates general discharge prohibitions or local limits or overloads the POTW.

**Standard:** See National Pretreatment Standard.

**Standard Industrial Classification (SIC) Code:** A code number used to identify various types of industries, published by the Superintendent of Documents, U.S. Government Printing Office.

**State:** The State of Texas.

**Storm Sewer:** All roads with drainage systems, streets, catch basins, curbs, gutters, ditches, watercourses and storm drains, which are designed or used for collecting or conveying storm water.

**Storm Water:** Any flow occurring during or immediately following any form of natural precipitation, which directly results from such precipitation.

**TPDES (Texas Pollutant Discharge Elimination System):** Texas Pollutant Discharge Elimination System permit program of the Texas Commission on Environmental Quality.

**Total Suspended Solids (TSS):** Solids that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device and expressed in milligrams per liter. Also referred to as Total Nonfilterable Residue.

**Total Toxic Organics (TTO):** A summation of the concentrations or masses of organic substances in wastewater which are the summation of all quantifiable values greater than .01 mg/L for constituents listed in 40 CFR 122, Appendix D, Table II, excluding pesticides and herbicides, found in industrial users' discharges at a concentration greater than 0.01 mg/L. Only those parameters reasonably suspected to be present, as determined by the Authority, shall be analyzed with non-categorical industries. With Categorical industries, TTOs will be sampled for as stipulated in the particular category or those parameters reasonably suspected to be present, to be determined by the Authority, where not stipulated.

**Toxic Pollutant:** Any substance that is identified as hazardous waste in 40 CFR Part 261 or established pursuant to 40 CFR Part 403.

**Transporter:** A person who owns or operates a vehicle used for the purpose of transporting waste, or a person who authorizes such operation.

**Upset:** An unintentional and temporary noncompliance with pretreatment standards caused by an act of God.

**User**: Any person who discharges or causes or permits the contribution of wastewater to the City's POTW.

**Waste**: Rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural, commercial or industrial activities.

**Wastewater**: Industrial waste, sewage or other waste including that which may be combined with any water, ground water, surface water or storm water, whether treated or untreated.

**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.

#### **Section 1.05 Abbreviations**

The following abbreviations shall have the designated meanings:

<u>BOD</u>	Biochemical Oxygen Demand
<u>CFR</u>	Code of Federal Regulations
<u>COD</u>	Chemical Oxygen Demand
<u>°C</u>	Celsius (centigrade) Temperature
<u>°F</u>	Fahrenheit temperature
<u>EPA</u>	Environmental Protection Agency
<u>mg/L</u>	Milligrams per Liter
<u>NPDES</u>	National Pollutant Discharge Elimination System
<u>POTW</u>	Publicly Owned Treatment Works
<u>SIC</u>	Standard Industrial Classification
<u>SWDA</u>	Solid Waste Disposal Act, 42 U.S.C., 6901, et seq
<u>TCEQ</u>	Texas Commission on Environmental Quality
<u>TDH</u>	Texas Department of Health
<u>TPDES</u>	Texas Pollutant Discharge Elimination System

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<u>TRA</u>	Trinity River Authority
<u>TSS</u>	Total Suspended Solids
<u>TTO</u>	Total Toxic Organics
<u>USC</u>	United States Code

(Amend Ord 09-057, 9/22/09)

ARTICLE II

REGULATION OF DISCHARGES

Section 2.01 Discharges to the POTW

Unless otherwise specified, discharge prohibitions and limits refer to the point at which a User's wastewater is discharged to the POTW.

A. **General and Specific Discharge Prohibitions.** No User shall discharge any wastewater or industrial waste to the POTW which will cause interference or pass through. These general prohibitions apply to all Users of the POTW whether or not the User is subject to Categorical Pretreatment Standards or any national, state or local Pretreatment Standards or Requirements. A User shall not allow the following discharges:

1. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient (either alone or by interaction with other substances) to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Such conditions shall be determined by exhibiting a flash point of less than 140°F (60°C). Also, at no time shall any reading on an explosion hazard meter, placed at any point in the system, be more than ten percent (10%) of the Lower Explosive Limit (LEL).
2. Solid or viscous substances which may cause obstruction or interference with the operation of the POTW including, but not limited to: garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, ashes, feathers, cinders, mud, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass hops, clippings, spent grains, spent rags, towels, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.
3. Any pollutant including oxygen demanding pollutants (BOD) released in a discharge at a flow

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- rate and/or pollutant concentration which will cause interference with the POTW.
4. Any waste or wastewater having corrosive properties capable of causing damage or injury to structures, equipment and/or personnel of the POTW, as per the specific prohibition in the applicable local limits.
  5. Any wastewater containing toxic pollutants in sufficient quantity, either individually or by interaction with other pollutants, to cause interference with the POTW, to constitute a hazard to humans or animals, to cause pass through or to exceed any limit set forth in a Pretreatment Standard.
  6. Any substance which either individually or by interaction with other wastes: (a) causes an objectionable odor, hazard to life or public nuisance; (b) prevents entry into the POTW for maintenance and repair; (c) creates any other condition deleterious to the POTW; or (d) which requires unusual provisions, attentions or expense by the Authority in response.
  7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse, and any substance which would interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with (1) sludge use or disposal criteria; (2) regulations developed under Section 405 of the Act; or (3) 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.
  8. Any wastewater with color that cannot be removed in the POTW treatment process, including but not limited to dye wastes and vegetable tanning solutions.

9. Any wastewater or substance having a temperature which exceeds 40°C (104°F) at the point of introduction to the POTW.
10. Any slug.
11. Any substance which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause a hazard to human life or to the POTW.
12. Any wastewater containing any radioactive substance of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.
13. Any wastewater which causes a hazard to human life or creates a public nuisance.
14. Any wastewater containing substances which may solidify or become viscous at temperatures between 0°C (32°F) and 40°C (104°F).
15. Any trucked or hauled waste or wastewater, unless such deposit or discharge and the designated discharge point have been approved by the Authority.
16. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that violate Pretreatment Standards.
17. Any storm water, ground water, roof runoff, subsurface drainage or drainage from downspouts, yard drains, yard fountains and ponds, or lawn sprays. Unpolluted water shall not be discharged into the POTW if an alternate acceptable means of disposal is available. If an alternate means of disposal is not available, such water may be discharged to the POTW when approved by the Authority.
18. Any wastewater containing oil and grease in excess of 200 mg/L.
19. Any wastewater with a pH of less than 5.5 or greater than 11.0.

20. Any wastewater containing hydrogen sulfide, nitrous oxide or sulfur dioxide in excess of 10.0 mg/L (for each individual compound).

B. **Local Limits for Pollutants.** Determinations of specific elements, ions or compounds required by this regulation shall be made following the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" in 40 CFR Part 136. These pollutant limits are Technically Based Local Limits and are established to protect against pass through and interference. No person shall discharge wastewater containing concentrations in excess of the following Instantaneous Maximum Allowable Discharge Limits:

1. Metals in solution and/or suspension as determined by the "Total Metals" procedure and expressed in mg/L:

METAL	Instantaneous Maximum Allowable Discharge Limit
Arsenic	0.2
Cadmium	0.1
Chromium (total)	2.9
Copper	2.3
Lead	0.9
Mercury	0.0004
Molybdenum	0.8
Nickel	4.6
Selenium	0.1
Silver	0.8
Zinc	8.0

2. Other chemical properties or constituents as expressed in mg/L:

Constituent	Instantaneous Maximum Allowable Discharge Limit	Sample Method
Cyanide (as CN)	0.5	Grab
Total Toxic Organics	2.1	Composite and/or grab

3. When local limits, standards or requirements are adopted by the POTW other than those imposed by this Chapter, the newer stringent limits,

standards or regulations shall be applied to the Users.

4. When a User is located in an area which discharges to a POTW with more stringent local limits, standards or requirement than those imposed by this Chapter, the more stringent limits, standards or regulations shall be applied to those Users.

C. **Categorical Pretreatment Standards and State Requirements.**

1. Categorical Pretreatment Standards, Pretreatment Requirements or Pretreatment Standards promulgated by the EPA, which are more stringent than standards or requirements imposed by this Chapter, shall supersede such standards or requirements. While the Authority may attempt to notify all affected Users of the applicable reporting requirements under 40 CFR, 403.12, all Users are expected to keep themselves apprised of current City, State and Federal laws. Wastewater constituents shall be regulated by the most stringent of Federal, State or City requirements or limitations.
2. All Categorical Pretreatment Standards, lists of toxic pollutants, industrial categories and other standards and categories, which have been or which will be promulgated by the EPA, and as amended from time to time are hereby and shall be incorporated as a part of this Chapter upon becoming effective; as will EPA regulations regarding wastewater pretreatment established pursuant to the Act. Amendment of this Chapter to incorporate such lists, categories, standards and regulations as amended from time to time shall not be necessary.
3. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
4. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Authority

shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

5. 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.
6. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

D. **Interceptors Required.** Where any wastewater contains or may contain sand, grit, debris, undesirable wastes or oil and grease in excess of the allowable limit, appropriate interceptors to remove the aforementioned substances shall be provided and maintained by the User at his own expense and as required by the Authority. Such Users shall:

1. Direct all waste streams, which contain or may contain sand, grit, debris, undesirable wastes or oil and grease in excess of the allowable limit into an approved interceptor or other pretreatment device approved by the Authority.
  - a. All fixtures, equipment and drain lines located in a facility's food preparation and clean up areas shall be connected to an appropriately sized grease interceptor.
  - b. The types of equipment or fixtures that shall be connected to a grease interceptor include, but are not limited to the following: pre-rinse or pre-wash sinks or sinks in dishwashing areas; dishwashers; two or three compartment sinks; wok stoves; garbage disposals; kitchen floor drains; floor sinks; mop sinks; food prep sinks and hand sinks.
2. Provide equipment and facilities of a type, design and minimum capacity approved by the Authority.
  - a. Interceptors designed to remove oil and grease shall be designed to hold 100% of the

User's estimated waste stream for a minimum of twelve (12) minutes.

- (1) The interceptor shall have a minimum of two compartments.
- (2) The interior plumbing of the interceptor shall conform to City of Arlington specifications.
- (3) The interceptor shall be designed for the separation and retention of grease and storage of settled solids.
- (4) The interceptor shall be designed, constructed and installed for adequate load bearing capacity. The interceptor and its manhole covers shall be of a load bearing capacity in the event the interceptors are installed in a location that may accept vehicle traffic. Interceptor manhole covers shall meet or exceed American Association of State Highways and Transportation Officials standard M-306 for load bearing.
- (5) A manhole cover of at least 30 inches (") in diameter to accommodate cleaning, maintenance, and personnel entry shall be properly installed in accordance with Chapter 30 of the Texas Administrative Code or City of Arlington specifications (whichever is more stringent), at level grade, over each compartment of the interceptor.
  - (a) Bricks or any other un-approved device shall not be used to raise a manhole cover to grade or to secure the manhole cover to the interceptor.
  - (b) Manhole covers shall be installed in a manner that will prevent inflow and infiltration.
- (6) The interceptor shall be installed in a location outside of the building, and shall not be placed within proximity to

the facility that would cause any type of nuisance.

- (7) The interceptor size shall be based on the following calculation or as determined by the Authority:

Total fixture waste stream<sup>1</sup> x .6 x 12 minutes = Interceptor capacity gallons

<sup>1</sup> The total fixture estimated waste stream is determined by adding the standard Drain Fixture Units (DFUs) of all drains discharging into the interceptor and multiplying this number by 7.5.

- b. Interceptors designed to remove sand and grit shall be designed to hold 100% of the User's estimated waste stream for a minimum of thirty (30) minutes.

(1) The interceptor shall be designed for the separation and retention of sand and grit and storage of settled solids.

(2) The interceptor shall be designed, constructed and installed for adequate load bearing capacity.

(3) A manhole cover of at least 30 inches (") in diameter to accommodate cleaning, maintenance, and personnel entry shall be properly installed in accordance with 30 TAC (Texas Administrative Code) or City of Arlington specifications (whichever is more stringent), at level grade, over each compartment of the interceptor.

(a) Bricks or any other un-approved device shall not be used to raise a manhole cover to grade or to secure the manhole cover to the interceptor.

(b) Manhole covers shall be installed in a manner that will prevent inflow and infiltration.

- (4) The interceptor shall not be installed in a location or manner that would cause any type of nuisance.
- (5) The interceptor size shall be based on the following calculation or as determined by the Authority:

Total fixture waste stream<sup>1</sup> x .6 x 30 minutes = Interceptor Capacity (gallons)

<sup>1</sup> The total fixture estimated waste stream is determined by adding the standard Drain Fixture Units (DFUs) of all drains discharging into the interceptor and multiplying this number by 7.5.

- c. Interceptors of an alternative design or function are subject to review by the Authority, and may be approved on a case-by-case basis.
3. Users who discharge extraordinary amounts of abnormal waste may be required to have a higher than minimum capacity interceptor.
  4. Locate the interceptor in a manner that provides ready and easy accessibility for monitoring, cleaning and inspection.
  5. Maintain the interceptor and monitoring facility in an effective operating condition by:
    - a. inspecting the physical structure of the interceptor and monitoring facility; and
    - b. by completely cleaning the interceptor and monitoring facility and removing all accumulated wastes every six months, or at a frequency as required by the Authority, to meet regulated discharge limits or to maintain proper functionality; or
    - c. when fifty (50) percent or more of the wetted height of the interceptor, as measured from the bottom of the device to the invert of the

outlet pipe, contains floating materials, sediment, or oil and grease.

6. Chemicals, enzymes, bacteria or other chemical grease reducing agents are strictly prohibited.
7. Provide monitoring facilities as detailed in the City of Arlington Water Utilities Standard Specifications for Water and Sewer Construction, or as required by the Authority.

E. **Excessive Discharge.**

1. No User shall increase the use of potable, cleaning, or process water for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment in order to achieve compliance with this Chapter.
2. The Authority may impose mass limitations/concentrations on Users which are using dilution to meet Categorical Pretreatment Standards, requirements of this Chapter or in any other case it deems appropriate.
3. Industrial users shall provide necessary wastewater treatment to comply with the categorical standards, local limits, and established prohibitions.
  - a. Any wastewater treatment facility or process must be approved by the Authority.
  - b. Continued approval of a facility or process is contingent upon proper operation and compliance.
  - c. The wastewater treatment facility shall be maintained by the industrial user.
  - d. Plans and operating procedures shall be provided to the Authority before operating new facilities, modifications, or when desired by the Authority.

F. **Bypass and Overflow.**

1. Bypass

- a. A User shall not bypass its treatment equipment or facility without prior written approval by Authority.
- b. The User shall submit verbal notice to the Authority of an unapproved bypass within twenty-four (24) hours of the time the discharger becomes aware of the bypass. Written notice shall be provided within five (5) days of the time the discharger becomes aware of the bypass. The written notice shall include a description of the bypass and its causes, duration of the bypass, steps taken to prevent the reoccurrence of the bypass, and must be signed by the Authorized Representative of the User.

## 2. Overflow

- a. A User shall not cause, permit, or otherwise allow any wastewater to flow outside of the established public or privately owned wastewater collection or wastewater pretreatment system.
- b. Immediately upon becoming aware of the overflow, the user must take all necessary steps to cease the overflow, including but not limited to clean up and disinfection of the affected area.
- c. The User shall submit verbal notice to the Authority of an overflow within one (1) hour of the time the discharger becomes aware of the overflow. Written notice shall be provided within five (5) days of the time the discharger becomes aware of the overflow. The written notice shall include a description of the overflow and its causes, duration of the overflow, steps taken to cease and prevent the reoccurrence of the overflow, and must be signed by the User.
- d. When deemed necessary by the Authority for the public health, safety and general welfare, the Authority may, at its discretion, abate an overflow. Any and all costs incurred by the Authority to abate an overflow including but not limited to

cleaning and disinfecting the affected area is the responsibility of User who caused, permitted, or otherwise allowed the overflow to occur. The Authority may seek to recover such costs from the User who caused, permitted, or otherwise allowed the overflow to occur.

- G. **Right of Revision.** The Authority reserves the right to establish by ordinance or in wastewater discharge permits, more stringent limitations, standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.
- H. **Hazardous Waste Discharges.** Users shall notify in writing the Authority, the EPA Regional Waste Management Division Director and the Texas Commission on Environmental Quality's Hazardous and Solid Waste Division Director of any discharge into the POTW of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Any notification under this paragraph must be submitted in conformance with 40 CFR Part 403.

## **Section 2.02 Accidental and Slug Discharges**

Each User shall provide protection from accidental or slug discharges of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental or slug discharges shall be provided and maintained at the Owner's or User's cost and expense. At the discretion of the Authority, Users may be required to submit comprehensive plans that detail proposed facilities and specify operating procedures to provide protection. Such plans shall be designed by a registered (in Texas) professional engineer and submitted to the Authority for review, and shall be approved by the Authority before construction of the facility may begin. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

- A. **Accidental Discharge Plan.** When the Authority requires a plan, the plan shall contain, at a minimum, each of the following elements:

1. Description of discharge practices, including nonroutine batch discharges.
  2. Description of stored chemicals.
  3. Procedures for immediately notifying the Authority of slug discharges, batch discharges and any discharge that would violate a general discharge prohibition or local limit under Section 2.01 of this Chapter, and procedures for follow-up written notification within five (5) days.
  4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
  5. Specific directives assigning responsibilities for notification and establishing time tables for instruction of affected personnel.
- B. **Immediate Notice.** In the case of an accidental discharge, the User shall immediately telephone and notify the Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- C. **Written Notice.** Within five (5) days following an accidental or slug discharge, the User shall submit to the Authority 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 liability for any expense, loss, damage or other liability which may be incurred as a result of damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- D. **Notice to Employees.** A User shall permanently post on the User's bulletin board or other prominent place a notice directing employees who to call in the event of an accidental or slug discharge. A User shall ensure that all its employees who may cause, suffer or

discover such a discharge are instructed in the emergency notification procedure.

**Section 2.03 Act of God Provision**

- A. An event that would otherwise be a violation that is caused solely by an act of God, war, strike, riot or other catastrophe, is not considered a violation.
- B. In any enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot or other catastrophe shall have the burden of proof.
- C. In the event that the User proves (A) and (B) above, the User shall control or cease production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

(Amend Ord 09-057, 9/22/09)

ARTICLE III

WASTEWATER DISCHARGE PERMITS AND ADMINISTRATION

Section 3.01 Permit Required

A. Significant Industrial Users and Monitored Users.

1. All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain and renew as necessary a wastewater discharge permit before connecting to or discharging to the POTW. All existing Significant Industrial Users connected to or discharging to the POTW shall obtain a wastewater discharge permit.
2. Commercial and Industrial Users which discharge abnormal wastewater or which are capable of discharging abnormal wastewater and which do not discharge a significant amount of regulated pollutants on a regular basis, may be classified by the Authority as Monitored Users and required to obtain a wastewater discharge permit. Examples include automotive service shops, small food processors and photographic developing shops.

B. Permit Application. Users required by the Authority to obtain a wastewater discharge permit shall, within thirty (30) days of being notified of such requirement, complete and submit an application in a form provided by the Authority. Proposed new Significant Industrial Users shall apply at least ninety (90) days prior to connecting to or discharging to the POTW. The User is required to fully complete all sections of the permit application and return the application to the specified address by the defined time. The application shall at a minimum meet the requirements of the Control Authority and all state and federal agencies.

C. Permit Issuance. The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the furnished data, the Authority may issue a wastewater discharge permit subject to the terms and conditions provided herein, and shall charge the User a fee as may be established from time to time by resolution of the City Council.

D. **Permit Conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this Chapter and User charges and fees established by the City. Permits shall contain the following:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed the maximum duration as defined in this Chapter.
2. Statement of nontransferability.
3. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
4. Effluent limits based on applicable pretreatment standards.
5. Self monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location(s), sampling frequency, and sample type.
6. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
  - a. Limits on the maximum wastewater constituents and characteristics.
  - b. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - c. Requirements for the installation and maintenance of inspection and sampling facilities, and access thereto by the Authority.
  - d. Location of approved discharge points.
  - e. Specifications for self-monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
  - f. Compliance schedules and associated progress reporting requirements.

- g. Requirements for submission of technical reports or discharge reports.
  - h. Requirements for maintaining and retaining records relating to wastewater discharge as required by this Chapter and affording Authority access thereto.
  - i. Requirements for User to report in writing any new introduction of wastewater constituents, any change greater than 20% in flow or in concentrations of wastewater constituents, changes in the schedule of batch discharges and/or any plans for the installation of new processes.
  - j. Requirements for notification of the Authority in cases of accidental or slug discharge as per Section 2.02 or as required by any section of this Chapter.
  - k. Other conditions as deemed appropriate by the Authority to ensure POTW compliance with wastewater disposal contracts and to ensure User compliance with this Chapter.
  - l. The Authority may impose mass limitations on a User in order to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate.
- E. **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 of less than a year and/or may be stated to expire on a specific date. The terms and conditions of the permit shall be subject to modification by the Authority according to the following Subsection (F) during the term of the permit. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change.
- F. **Permit Modification.** The Authority may modify a permit for good cause, including but not limited to the following:

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1. Revision of or addition to federal, state or local pretreatment standards or requirements. With the promulgation of a Categorical Pretreatment Standard, the permit shall be revised to require compliance with that standard within the time frame prescribed, if the User is subject to that standard.
2. Material or substantial alterations or additions to the User's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
3. Change in any condition on the part of the User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the City/POTW collection and treatment systems, City/POTW personnel or the receiving waters.
5. Violation of any terms or conditions of the permit.
6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
7. Revision to include a variance from such Categorical Standards pursuant to 40 CFR 403.13.
8. To correct typographical or other errors in the permit.
9. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws or rules and regulations.
10. Filing of a request by the permittee for a permit modification, revocation and rescission, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

G. **Permit Transfer.** Wastewater discharge permits are issued to a specific User for a specific operation. A

- wastewater discharge permit shall not be reassigned, transferred or sold to a new Owner, new User, different premises or a new or changed operation.
- H. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by a permit issued pursuant to this Chapter, the permittee must submit an application for a new permit at least sixty (60) days before the expiration date of the existing permit.
- I. **Continuation of Expired Permits.** An expired permit will continue to be effective and enforceable until the permit is reissued. The permittee will not be subject to penalties if:
1. The Permittee has submitted a complete permit application at least sixty (60) days prior to the expiration date of the User's existing permit.
  2. The failure to reissue prior to expiration of the previous permit is not due to any act or failure to act on the part of the Permittee.
- J. **Extra Jurisdictional Users.**
1. Any Significant Industrial User or Monitored User located beyond the corporate limits of the City, who discharges wastewater into the POTW, shall submit a wastewater discharge permit application as described within this Chapter and obtain a permit. The Significant Industrial Users located beyond the City limits shall submit such application to the Authority ninety (90) days prior to any proposed discharge into the POTW.
  2. Subsection (J)(1) shall not apply to Users in neighboring jurisdictions which have an agreement with the City for access to the POTW requiring such jurisdictions to implement and enforce pretreatment program requirements. The City may enter into an agreement with the neighboring jurisdiction in which a Significant Industrial User is located to provide for the implementation and enforcement of pretreatment program requirements against said User.
  3. Significant Industrial Users and Monitored Users located outside the corporate limits of the City and neighboring jurisdictions which have

agreements for access to the POTW shall provide the Authority with all reports, data and other materials necessary for the Authority and POTW to maintain compliance with state and federal rules and regulations.

K. **Wastewater Discharge Permit Appeals.** Any person, including the applicant, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance or denial.

1. Failure to submit a petition for review, within the defined time, shall be deemed to be a waiver of the administrative appeal.
2. 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.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. A decision to not reconsider a wastewater discharge permit, to not issue a wastewater discharge permit or to not modify a wastewater discharge permit or a deemed denial, shall be considered final administrative action for purposes of judicial review.

### **Section 3.02 Notification and Reporting Requirements**

A. **Baseline Report.** Within 180 days following the effective date for new or revised Categorical Pretreatment Standards, or at least ninety (90) days prior to commencement of the introduction of wastewater into the POTW by a new User, any User subject to a Categorical Pretreatment standard shall submit to the Authority a report (in a form provided by the Authority), indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Categorical Pretreatment Standards are being met on a consistent basis and, if not, what additional operation

and maintenance or pretreatment is necessary to bring the discharge into compliance with the applicable Categorical Pretreatment Standards. This report shall be signed by an authorized representative of the User and certified by a qualified professional as stated in 40 CFR Part 403.

B. **90 Day Compliance Report.** Within ninety (90) days following the date for a User's final compliance with applicable Categorical Pretreatment Standards, or within ninety (90) days following commencement of the introduction of wastewater into the POTW by a new User, any User subject to Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance or pretreatment is necessary to bring the discharge into compliance with the applicable Categorical Pretreatment Standards or requirements. This report shall be signed by an authorized representative of a User.

C. **Periodic Compliance Reports.**

1. Any User subject to Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of prohibited or regulated substances in its wastewater which substances are limited by Pretreatment Standards. These reports shall be based on sampling and analysis performed in accordance with permit requirements. Reports are required after the compliance date established for a Categorical Pretreatment Standard, or in the case of a new User, after commencement of the discharge, and are to be submitted every six months, or more frequently if required by the Authority.

2. In addition, where applicable, the report described in the preceding paragraph shall include a record of all measured or estimated average and maximum daily flows. Flows shall be reported on the basis of actual measurement. Where cost or feasibility considerations justify, the Authority

may accept reports of average and maximum flows estimated by verifiable techniques. The Authority, taking into consideration extenuating factors, may authorize the submission of said reports for months other than those specified above.

- D. **Reporting Additional Monitoring.** If a User is subject to the reporting requirements of this section and monitors any pollutant more frequently than required by the Authority using the procedures described in this Chapter, the results of this monitoring shall be included in the report.
- E. **Noncategorical Significant Industrial User Reporting.** Noncategorical Significant Industrial Users shall submit to the Authority at least once every six (6) months, on dates specified by the Authority, a description of the nature, concentration and flow of the pollutants required to be reported by the Authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in this Chapter. If determined necessary by the Authority, this sampling and analysis may be performed by the Authority instead of the Noncategorical Significant Industrial User.
- F. **Required Notifications to the Authority.** A User shall report the following to the Authority:
1. If sampling performed by a User indicates a violation, the User shall notify the Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. The Authority may require additional sampling to verify that the violation has been corrected.
  2. A User shall notify the Authority of any significant changes to the User's operations or discharge which might alter the nature, quality or volume of its wastewater. Unless approved by the Authority, notification shall be made at least thirty (30) days before the change. The Authority may deny or condition new or increased discharges of pollutants or changes in the nature of

pollutants to the POTW by Users, where such discharges do not meet applicable Pretreatment Standards and Requirements or where such discharges would cause interference to the POTW.

3. A User which experiences an Upset shall inform the Authority within twenty-four (24) hours of becoming aware of the commencement of the Upset. When such information is given verbally, the User shall also file a written report within five (5) working days. The report shall include all of the following:
  - a. A description of the discharge and cause of noncompliance.
  - b. The period of noncompliance, including the exact dates and times it started and ended, or if it has not yet been corrected, the time by which compliance is reasonably expected to occur.
  - c. All steps taken or planned by the User to reduce, eliminate and prevent recurrence of the noncompliance.
  - d. Hazardous waste discharges as specified in Section 2.01.
  - e. Any bypass as specified in Section 2.01.
  - f. Accidental or slug discharges as specified in Section 2.02.

- G. **Signature Requirement for Reporting.** All User reports shall contain the following certification statement and shall be signed by an authorized representative of the User:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 knowingly doing so."

**Section 3.03 Monitoring Facilities**

- A. The Authority may 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 internal drainage systems. The monitoring facility should normally be situated on the User's premises, and located so that it will not be obstructed by landscaping or vehicles. 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.
- B. Whether constructed on public or private property, the sampling and monitoring facilities shall be installed as detailed in the City of Arlington Water Utilities Standard Specifications for Water and Sewer Construction, or as specified by the Authority. Construction shall be completed within thirty (30) days following written notification by the Authority.

**Section 3.04 Inspection, Sampling and Flow Measurement**

- A. A local government has the same power as the TCEQ has to enter public and private property within its territorial jurisdiction to make inspections and investigations of conditions relating to water quality. The local government in exercising this power is subject to the same provisions and restrictions as the TCEQ, to-wit:

"The members of the commission (TCEQ) and employees and agents of the commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the commission. Members, employees, or agents of the commission and commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to

remove or remediate a condition related to the quality of water in the state. Members, employees, commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the executive director may invoke the remedies authorized in Section 26.123 of this code."

- B. The Authority shall have the right to set upon the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering or measuring operations.
- C. All industrial waste and wastewater discharged or deposited into the POTW shall be subject to periodic inspection and sampling as often as may be deemed necessary by the Authority. Should a User desire such monitoring be performed at some time other than that scheduled by the Authority, such special scheduling may be made by the Authority at the expense of such User or person.
- D. The inspectors, agents or representatives of the Authority charged with the enforcement of this section shall be deemed to be performing a governmental function for the benefit, health and welfare of the general public.

**Section 3.05 Sampling and Analysis**

All analyses required by this Chapter shall be performed in accordance with procedures 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 EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or if the EPA determines that the Part 136 techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods, or any other sampling and analytical procedures,

including procedures suggested by the POTW or other parties, and approved by the EPA.

**Section 3.06 Pretreatment**

- A. Users shall provide necessary wastewater pretreatment as required to comply with this Chapter and shall achieve compliance with all Categorical Pretreatment Standards within the time limitations as specified by Pretreatment Requirements. Any facilities required to treat wastewater to a level acceptable to the Authority shall be provided, operated and maintained at the User's expense.
- B. A User shall submit to the Authority for review detailed plans designed by a professional engineer registered in Texas, showing the pretreatment facility and operating procedures. The plans must be acceptable to the Authority before User commences 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 a discharge acceptable to the Authority under the provisions of this Chapter.
- C. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes.

**Section 3.07 Preservation, Retention and Production of Records**

- A. User shall make available to the Authority upon request all records relating to compliance with this Chapter. All Users subject to this Chapter shall retain and preserve for no less than three (3) years, all such records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the User. Users shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for permit.

- B. User shall retain and preserve all records which pertain to matters which are the subject of any enforcement or litigation activities brought by the Authority until all enforcement activities have concluded and all periods of limitation for appeals have expired.

**Section 3.08 Confidential Information**

- A. Information and data about a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agencies without restriction unless otherwise protected by law. Wastewater constituents and characteristics will not be recognized as confidential information.
- B. When a person furnishing a report claims and informs the Authority that portions of the report contain trade secrets or secret processes to the extent allowed by the Texas Public Information Act and other law, such information shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this Chapter. 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 reports.

**Section 3.09 Users Which Discharge Abnormal Wastewater**

The discharge of abnormal wastewater by a User shall be subject to approval and possible limitation by the Authority. Such discharges shall subject the User to a sewage surcharge in accordance with Article V of this Chapter. Any such User may be required to apply for a permit if deemed necessary by the Authority.

(Amend Ord 09-057, 9/22/09)

**ARTICLE IV**

**NONHAZARDOUS WASTE TRANSPORTATION**

**Section 4.01 Administration and Enforcement**

The Authority is authorized to enforce this article.

**Section 4.02 Exemption**

Persons disposing of waste from their personal recreational vehicles, boats and travel trailers are exempt from the provisions of this article.

**Section 4.03 General Requirements for Transporters**

- A. No person shall vacuum, flush or service portable chemical toilets, septic tanks, grease interceptors, sand interceptors or grit interceptors, or other similar devices, for the purpose of transporting liquid waste or toilet waste to a disposal site, or transport such waste without a valid nonhazardous waste transportation permit issued by the Authority.
- B. Transporters of liquid waste and portable chemical toilet waste shall use only those disposal sites which have been approved by the Texas Commission on Environmental Quality and/or the Authority.
- C. Upon delivery of liquid waste or portable chemical toilet waste to a disposal site, the Transporter shall inform the disposer of the nature of the waste.
- D. Transporters of liquid waste and portable chemical toilet waste shall maintain their vehicles to the specifications of Section 4.08.
- E. A Transporter shall not commingle hazardous waste with liquid waste or chemical toilet waste.
- F. A Transporter shall remove the entire contents of any tank or trap he services.
- G. A Transporter shall not dispose of liquid waste or chemical toilet waste into grease interceptors, grit

interceptors, sand interceptors, septic tanks or the POTW.

H. A Transporter shall document the size of the interceptor; condition of interceptor and plumbing; location of interceptor on the generator's facility; and any abnormal conditions found in the interceptor around the site. This information shall be reported to the Authority at least once a year.

1. If an interceptor is found to be in a condition that would inhibit its functionality, the Transporter shall notify the Authority within (24) twenty-four hours.

2. If a grease interceptor is found to be overflowing, or if there is evidence of a previous overflow, the Transporter shall notify the Authority within (24) twenty-four hours.

**Section 4.04 General Requirements for Generators**

A. A generator of liquid waste or portable chemical toilet waste shall:

1. Have such waste removed from his premises only by a Transporter who holds a valid nonhazardous waste transportation permit issued by the Authority.

2. Not have hazardous waste in combination with liquid waste or portable chemical toilet waste removed from his premises by a Transporter operating under a nonhazardous waste transportation permit.

3. Not require, permit or allow a Transporter to remove less than the entire contents of the generator's interceptors, tanks or chemical toilets.

4. Shall mark each interceptor at the facility, for identification purposes.

B. A generator of liquid waste:

1. Shall not permit a Transporter to remove such waste from his premises until the Transporter has presented to the generator for completion a City

of Arlington Liquid Waste Transportation Trip Ticket.

2. Shall accurately complete and sign the generator information section of the trip ticket, and ensure that the Transporter has noted on the trip ticket the number of gallons of waste removed.
3. Shall keep a copy of the third page of all trip tickets on-site for a period of two (2) years and shall make them available for inspection by the Authority at all reasonable times.

**Section 4.05 General Requirements for Disposal Sites**

- A. All disposal and/or transfer sites, within the jurisdiction of this Chapter, receiving liquid waste or portable chemical toilet waste shall be approved and monitored by the Authority.
- B. All methods of disposal and treatment of liquid waste and portable chemical toilet waste at such sites shall be approved and monitored by the Authority.
- C. A person who owns, operates or is in control of a disposal site receiving liquid waste or portable chemical toilet waste shall:
  1. Obtain all licenses and permits required by federal, state or local law for such site, and shall remain in compliance with the provisions of such licenses and permits.
  2. Accept waste only from a Transporter holding a valid permit to transport such waste.
  3. Accept only those classes of waste the site is authorized to accept under the provisions of its permits or licenses.
- D. A person who owns, operates or is in control of a disposal site receiving liquid waste shall:
  1. Accurately complete and sign the disposal site section of the trip ticket utilized by a Transporter.

2. Maintain trip ticket copies for a period of three (3) years and make all records required to be maintained at the site available for inspection by the Authority at any reasonable time.

**Section 4.06 Mobile Treatment of Waste**

- A. No person shall engage in the on-site or mobile treatment or processing of liquid waste or portable chemical toilet waste:
  1. Without a valid nonhazardous waste transportation permit issued by the Authority (for mobile treatment or processing).
  2. Without first demonstrating to the satisfaction of the Authority the capability of the Transporter, the mobile treatment vehicle or the on-site treatment process to consistently meet the discharge requirements of this Chapter.
- B. A person who engages in the on-site or mobile treatment or processing of liquid waste or portable chemical toilet waste shall comply with all requirements of the TCEQ regarding permits and operation.
- C. A person who engages in the on-site or mobile treatment or processing of liquid waste:
  1. Shall not discharge wastewater from the treatment process into the POTW without providing a single permanent site, which has a Wastewater Discharge Permit issued by the Authority.
  2. Shall dispose of solid waste from the treatment process only at a disposal site approved by the TCEQ.

**Section 4.07 Trip Ticket System**

There is hereby created a manifest system, consisting of a five (5) part liquid waste transportation trip ticket, which shall be used to document the generation, transportation and disposal of liquid waste generated in the City. The system shall be used as follows:

- A. A Transporter shall purchase trip ticket books from the Authority, for the fee set out in Article V.
- B. A Transporter shall utilize one (1) trip ticket for each interceptor serviced; shall present the trip ticket to the generator to complete and sign the generator's section; shall present the trip ticket to the disposer to complete and sign the disposal site's section; and shall complete and sign the Transporter's section of the trip ticket.
- C. The Transporter and generator shall sign the first part of the trip ticket at the time of waste removal.
- D. The Transporter shall leave the second part of the trip ticket with the generator.
- E. The disposer shall sign the first part of the trip ticket at the time of waste disposal.
- F. The Transporter shall leave the third part of the trip ticket with the disposer.
- G. The Transporter shall keep the fourth part of the trip ticket for five (5) years and shall make it available for inspection by the Authority at all reasonable times.
- H. The Transporter shall forward the completed fifth part of the trip ticket to the generator within fifteen (15) days after disposal.
- I. The Transporter shall deliver to the Authority, at the designated offices of the City of Arlington, the first part of all completed trip tickets. Delivery shall be by the tenth (10th) day of the month following the month in which the ticket was completed, or at the order of the Authority.
- J. A Transporter shall immediately provide to the Authority all of its incomplete trip ticket books at the order of the Authority.
- K. Trip ticket discrepancies are differences between the quantity or type of waste designated on the trip ticket, and the quantity or type of waste a facility actually received. Upon discovering a discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator or owner or operator of the

receiving facility. If the discrepancy is not resolved within fifteen (15) days after delivering the waste, the transporter must immediately submit to the Authority a letter describing the discrepancy and attempts to reconcile it, and a copy of the trip ticket.

**Section 4.08 Transportation Permit Application**

A person required by this Chapter to have a nonhazardous waste transportation permit shall do all of the following:

- A. Complete a permit application on a form prescribed by the Authority.
- B. Provide any additional information requested by the Authority.
- C. Submit, with the application, a photocopy of the applicant's driver's license.
- D. Provide the Authority with a list of all disposal sites the person proposes to use.
- E. Demonstrate to the Authority that he has sufficient knowledge of tanks, interceptors and sewage disposal systems to perform the services contemplated in a safe and competent manner.
- F. Purchase and keep in full force and effect public liability insurance in the amounts required by state law, or obtain a certificate of self insurance as provided by state law, to secure payment of all lawful and proper claims arising out of the operation of each permitted vehicle. A written statement from an authorized agent of the applicant's insurance carrier verifying the issuance of such insurance shall be filed with the Authority before any permit is issued. All such verifications of insurance shall provide for a thirty (30) day cancellation notice to the Authority.
- G. Submit for inspection, by the Authority, each vehicle the applicant proposes to permit for waste transportation. Each vehicle shall meet all of the following requirements:

1. The business name and address of the applicant shall be permanently displayed on both sides of the vehicle in letters of a minimum height of three inches (3") in a color contrasting to their background. The address shall state the city and state. If the applicant's business is not within a municipality, the name of the county and state will be sufficient.
2. The vehicle shall be clean and odor free.
3. The vehicle shall display current state registration tags and inspection certificate.
4. The vehicle shall have a single tank permanently mounted and designed to transport wastes; portable tanks or other containers temporarily installed in vehicles are prohibited.
5. All piping, valves and connectors shall be permanently attached to the tank or vehicle.
6. The tank shall be liquid tight.
7. The tank shall be constructed so that every interior and exterior portion can be easily cleaned.
8. All piping, valves and connections shall be accessible and easy to clean.
9. Any inlet or opening of the tank shall be constructed so that collected waste will not spill during filling, transfer or during transport.
10. All outlet connections shall be constructed so that no waste will leak, run or spill out of the vehicle.
11. All outlets shall be of a design and type suitable for the waste handled and capable of controlling flow or discharge without spillage or undue spray on or flooding of immediate surroundings while in use.
12. All pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the type of waste handled; be capable

of being easily disassembled for cleaning; and operate without spillage, spray or leakage.

13. All tank valves shall have a safety plug or cap.

**Section 4.09 Issuance of a Transportation Permit**

- A. The Authority may issue a nonhazardous waste transportation permit after the applicant pays all applicable fees and meets all applicable requirements within this Chapter, unless the Authority has cause to deny such permit.
- B. A permit shall be valid for the year in which it is issued, unless suspended or revoked.
- C. A permit shall not be transferable.
- D. A separate permit number shall be issued for each company.
- E. The Authority shall designate on the permit the waste authorized to be transported in each vehicle and shall list each permitted vehicle.
- F. The Authority shall issue a certificate for each permitted vehicle, and a Transporter shall display a valid certificate or facsimile issued by the Authority on the rear wall of the waste tank of each permitted vehicle.

**Section 4.10 Permit Conditions**

A person who has been issued a nonhazardous waste transportation permit by the Authority shall comply with all of the following conditions:

- A. The permit holder shall display the vehicle certificate number issued by the Authority on each side of the vehicle, in a color contrasting with the background and in letters and numbers of a minimum height of three inches (3"). The permit numbers shall be preceded by the capital letters ARL.
- B. The permit holder shall notify the Authority of any management changes in the business during the time the

- permit is in effect and shall provide the Authority with a photocopy of the new manager's driver's license.
- C. The permit holder shall notify the Authority of any additional disposal sites it wants to utilize during the permit period.
  - D. The permit holder shall maintain insurance as required by this Chapter and shall immediately inform the Authority of any changes in its insurance carrier, policy or insured status.
  - E. The permit holder shall display the City of Arlington permitted waste transporter sticker on the rear of the waste tank of each vehicle that is permitted.

**Section 4.11 Denial of Transportation Permit**

- A. The Authority may deny a nonhazardous waste transportation permit based on any of the following:
  - 1. The applicant has previously transported liquid waste or portable chemical toilet waste without a permit issued by the Authority.
  - 2. The applicant's vehicles submitted for inspection do not meet the criteria of Subsection 4.08.
  - 3. The applicant is not qualified under Subsection 4.08.
  - 4. The applicant has violated a provision of this Chapter.
  - 5. The applicant has failed to pay all fees required of him by Article V.
- B. An applicant whose permit has been denied will be notified by the Authority in writing within thirty (30) days of the denial. The Authority shall set forth the grounds for the denial and duration of denial.
- C. The applicant shall have fifteen (15) days from the date of receipt of the denial letter to submit a written appeal to the Authority. Such appeal shall set forth any inaccuracies in the Authority's denial letter and explain how they are inaccurate. The Authority may hold a hearing to take evidence on the appeal.

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- D. Failure of the Authority to act upon the written appeal within thirty (30) days of its receipt shall be deemed to be a denial of the appeal. The denial of an appeal shall constitute exhaustion of administrative remedies.

(Amend Ord 09-057, 9/22/09)

**ARTICLE V**

**FEES AND CHARGES**

**Section 5.01 Purpose**

It is the purpose of this Chapter to provide for the recovery of costs from Users of the City's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in this article.

**Section 5.02 Permit Fees**

- A. **Users**. Users issued a wastewater discharge permit shall pay a fee as may be established by resolution of the City Council. Such fee shall be included in the User's utility bill.
- B. **Wastehaulers**. At the time of inspection of a vehicle for issuance of a nonhazardous waste transportation permit, a Permittee shall have paid in full a non-refundable fee as may be established by resolution of the City Council. A separate fee shall be charged for each vehicle. The fee shall cover the cost of the permit for the entire duration of the current permit year, as well as any other costs associated with the application and inspection process.

**Section 5.03 Monitoring, Sampling and Analytical Fees**

- A. **Significant Industrial Users**. Discharges of Significant Industrial Users may be sampled by the Authority, as described within this Chapter, and the Users charged for the monitoring, sampling and analytical costs.
- B. **Monitored Industrial Users**. Discharges of Monitored Industrial Users may be sampled by the Authority, as described within this Chapter, and the Users charged for the monitoring, sampling and analytical costs.
- C. **Users Discharging Abnormal Waste Water**. Any abnormal wastewater discharged by a User may be sampled by the Authority and the User charged for the monitoring, sampling and analytical costs.

- D. **Classified Group Users**. Discharges of Classified Group Users may be sampled by the Authority and the Users charged for the monitoring, sampling and analytical costs.
- E. **Users Found In Violation**. Any User found in violation shall pay for the associated sampling and analytical services for any sampling which detects a violation and/or sampling required by the Authority to verify or monitor User compliance efforts.
- F. **Determination of Monitoring Fees**. Monitoring fees shall be based on the actual costs to the City for labor, supplies and equipment utilized in sampling, flow monitoring, laboratory analysis, other testing or monitoring and reporting performed to determine compliance with this Chapter. The equipment cost may be based on useful life, capital depreciation and operation and maintenance costs. The Authority may review these fees and recommend any adjustments necessary to reflect true cost to the City. Such fees shall be established by resolution of the City Council.

**Section 5.04 Manifest System Fees**

Nonhazardous waste transporters may be charged a manifest fee to recover printing and handling costs for trip ticket books. This fee shall be reviewed and adjusted as necessary by the Authority to reflect true costs to the City. Such fees shall be established by resolution of the City Council.

**Section 5.05 Abnormal Wastewater Surcharge**

- A. **Applicability and Computation**. Any person who discharges abnormal wastewater shall pay a monthly surcharge to the Authority. Computations of surcharge shall be based on the following formula:

**Total Surcharge** = TSS Surcharge plus BOD Surcharge

where

**TSS Surcharge** = (TSS unit cost) (Excess Strength TSS)

**BOD Surcharge** = (BOD unit cost) (Excess Strength BOD)

where

**TSS unit cost** = Unit cost of treatment chargeable to total suspended solids and expressed in dollars per pound.

**BOD unit cost** = Unit cost of treatment chargeable to BOD and expressed in dollars per pound.

**Excess strength TSS** = The amount of total suspended solids in a User's wastewater which exceeds the maximum for normal wastewater and is expressed in pounds (mg/L excess TSS x 8.34 x billed wastewater in million gallons).

**Excess strength BOD** = The amount of BOD in a User's Wastewater which exceeds the maximum for normal wastewater and is expressed in pounds (mg/L excess BOD x 8.34 x billed wastewater in million gallons).

Values of the unit costs of treatment for TSS and BOD will be based on costs to the City for waste treatment, collection system operation and maintenance, and any other costs as related to abnormal wastewater discharges. These values shall be reviewed by the Authority who may recommend adjustments as necessary to reflect true costs to the City. Such values shall be established by resolution of the City Council.

B. **Classified Group Users.**

1. The Authority shall classify commercial and industrial establishments which routinely discharge abnormal wastewater into the following groups:

Group I **EATING PLACES:** Includes restaurants, bars, lounges and other establishments which engage in preparation of foods or beverages which are served directly to the consumer.

Group II **EQUIPMENT SERVICE FACILITIES:** Includes establishments which perform washing, cleaning or servicing of automobiles, trucks, buses, machinery or equipment. This class includes public facilities, facilities limited to specific companies

and attended and coin-operated establishments.

Group III **FOOD AND KINDRED PRODUCTS PROCESSING:**

Includes commercial establishments which package, process or distribute food, food products, grains or produce other than those included in Group I.

2. The Authority may establish additional groups as deemed necessary to recover costs of treatment and maintenance from other Users who discharge abnormal wastewater.
3. The Authority shall assess a surcharge rate for each class group based on waste strength determinations established by averaging grab or composite samples or both, taken from a representative number of establishments in each group and shall apply this rate to the billed or metered wastewater as determined in Section 5.06. These surcharge rates shall include cost factors for monitoring, sampling and analytical costs; collection system maintenance and operation costs (due to abnormal wastes); and City's grease abatement program costs. The Authority shall then add the appropriate surcharge to billings for water and sanitary sewer service for such classed group User and each establishment.
4. If an establishment contains operations from more than one of the classified groups, and the Authority determines that the surcharge rate for a particular group would not adequately compensate the City for its cost of treatment, the Authority may assess a surcharge rate based on a proportional average of all the group rates involved or he may require the establishment to be billed a surcharge computed according to the requirements of Subsection 5.05.
5. The owner or agent of the owner of an establishment classified into a User group may elect to have the surcharge billed according to Subsection 5.05 rather than this section, by making application to the Authority and paying the required sampling costs.

6. The Authority may, from time to time, revise group surcharge rates based on analysis of current samples. Such rates shall be established by resolution of the City Council.

**Section 5.06 Determination of Flow**

- A. The volume of flow used in computing abnormal wastewater surcharges shall be based upon billed wastewater as shown in records maintained by Arlington Water Utilities.
- B. The Authority may require any User who procures any part or all of its water supply from sources other than the Arlington Water Utilities, all or part of which is discharged into the POTW, to install and maintain, at the User's expense, water or sewer meters of the type approved by the Authority.
- C. In those circumstances where a User desires a credit for metered water being consumed but not being discharged to the POTW, a volume credit shall be allowed if said User installs an effluent meter or meters to measure wastewater flow. Said meter shall be installed and maintained at the User's expense, be installed pursuant to plans and specifications approved by the Authority and be installed in an approved location. Additionally, the User shall have the meter calibrated annually in the presence of the Authority, and shall provide the Authority with a certified calibration statement for such meter. The meter shall have a totalizer device.
- D. If a User desires a credit for metered water being consumed but not being discharged to the POTW, and such User is located in a manner that effluent meters may not be properly located, the Authority shall determine the quantity or quality of the water or wastewater in any manner or method it may find practicable.
- E. If the Authority finds that it is not practicable to measure the quantity or quality of water or wastewater discharged to the POTW by the aforesaid meters or monitoring devices, the Authority shall determine the quantity or quality of the water or wastewater in any manner or method it may find practicable.

**Section 5.07    Special Charges**

- A.    The Authority shall have the right to recover all extraordinary costs incurred due to a User's wastewater discharge to the collection system when it is determined by the Authority that extra costs were incurred by the City in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes of excessive strength or unusual character.
  
- B.    The Authority shall have the right to recover any and all costs incurred by the Authority to abate a User's overflow when it is determined by the Authority that it was necessary for the Authority to abate, including but not limited to cleaning and disinfecting the affected area, for the public health, safety and general welfare.

(Amend Ord 09-057, 9/22/09)

**ARTICLE VI**

**ENFORCEMENT**

**Section 6.01 Violations Declared Public Health Nuisances**

- A. The following are hereby declared to be public health nuisances:
1. A violation of Section 2.01 of this Chapter, regulating discharges to the POTW;
  2. A violation of Section 4.03 of this Chapter, regulating the transportation of liquid waste and portable chemical toilet waste;
  3. A violation of Section 4.04 of this Chapter, regulating the generation of liquid waste and portable chemical toilet waste;
  4. A violation of Section 4.05 of this Chapter, regulating disposal sites for liquid waste and portable chemical toilet waste; and
  5. A violation of Section 4.06 of this Chapter, regulating the mobile treatment of liquid waste and portable chemical toilet waste.
- B. The Authority may abate the above-listed nuisances in accordance with Article IV of the "Nuisances" Chapter of the Code of the City of Arlington, or in any other manner authorized by law.

**Section 6.02 Notification of Violation and Correction Plan**

The Authority shall notify the Person of a violation by providing written notice on such Person stating the nature of the violation. The Person shall respond in writing within thirty (30) days of delivery of the notice of violation. The notice of violation shall be deemed delivered when it is personally delivered to the Person or mailed to the last known address of the Person. The Person's response shall state its position with respect to the violation. The Authority may thereafter establish a written correction plan to remedy the violation.

**Section 6.03 Criminal Penalty**

A person who violates any provision of this Chapter is guilty of a misdemeanor and, each day the violation continues shall be a separate offense. If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required and the offense is one of strict liability. A strict liability offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). If a culpable mental state is alleged in an offense, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each violation.

**Section 6.04 Civil Penalty**

The City Attorney is authorized to commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction. Such relief may include any of the following:

- A. Injunction to prevent a violation of this Chapter.
- B. Recovery for damages to the POTW or Storm Sewer resulting from violation of this Chapter.
- C. Recovery for expenses incurred by the City in responding to a violation of this Chapter.
- D. A civil fine of up to One Thousand Dollars and No Cents (\$1,000.00) per day for a violation of Article II or III of this Chapter.
- E. All other damages, costs and remedies to which the City may be entitled.

**Section 6.05 Right of Entry**

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Authority has reasonable cause to believe that there exists in any vehicle, in any building or upon any premises any condition or violation of this Chapter, the Authority may enter such vehicle, building or premises at all reasonable times to inspect the same or to perform any duty imposed by this Chapter in accordance with this Section. If such vehicle, building or premises are occupied, he shall first present

proper credentials and request entry. If such vehicle, building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the vehicle, building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the vehicle, building or premises can be located, the Authority shall have recourse to every remedy provided by law to secure entry.

**Section 6.06 Publication of Violators**

The Authority shall cause to be published annually a list of Users who significantly violated pretreatment requirements, as defined and required by 40 CFR 403, during the previous twelve (12) months. The term significant noncompliance shall mean any of the following:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-(6-)month period exceed 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 percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6-)month period equals or exceeds the product of the 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 that the Authority 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 Authority's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within a stipulated deadline 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.
- H. Any other violation(s) which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

**Section 6.07 Emergency Suspension of Service**

- A. **Suspension.** The Authority may, without prior notice, suspend water service and/or sanitary sewer service access to a User or to a person discharging to the Sanitary Sewer when such suspension is necessary in the opinion of the Authority based on reliable information considered by the Authority to stop an actual or threatened discharge which may result in any of the following:
  - 1. Presents or may present imminent substantial danger to the environment or to the health or welfare of persons.
  - 2. Presents or may present imminent substantial danger to the POTW, Storm Sewer or Waters of the State.
  - 3. May cause pass through or interference of the POTW.
- B. **Notice of Suspension.** As soon as is practicable after the suspension of service, the Authority shall notify of the suspension the User or the Person discharging to the POTW or Waters of the State, and order such Person to cease the discharge immediately.
- C. **Other Steps.** If a person fails to comply with an order issued under Subsection (B), the Authority shall take such steps as it deems necessary to prevent or minimize

damage to the POTW or Waters of the State, or to minimize danger to persons. Such steps may include immediate severance of a person's sanitary sewer connection.

- D. **Reinstating Service.** The Authority shall reinstate suspended services to the User or to the person discharging to POTW or Waters of the State upon the User meeting all of the following conditions:
1. Upon proof by such person that the noncomplying discharge has been eliminated.
  2. Upon payment by such person of its outstanding water, sewer and storm water utility charges.
  3. Upon payment by such person of all costs incurred by the City in responding to the discharge or threatened discharge.
  4. Upon payment by such person of all costs incurred by the Authority in reconnecting service.
- E. **Written Statement.** Within five (5) days of the day of suspension of services, the User shall submit to the Authority (if the discharge was to the POTW) a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence.
- F. **Right to Hearing.** A person whose service has been suspended under this section may apply to the department which suspended service for a hearing on the issue of the suspension. The hearing shall be conducted in accordance with Section 6.12 of this article.

**Section 6.08 Revocation of Wastewater Discharge Permit**

- A. After notice and hearing the Authority may revoke a User's wastewater discharge permit if the User or Person:
1. Commits one or more violations of this Chapter, or applicable state or federal laws or regulations.
  2. Fails to factually report the wastewater constituents and characteristics of its discharge.

3. Fails to report significant changes in its operations or wastewater constituents and characteristics.
  4. Refuses reasonable access by the Authority to the User's premises and records for the purpose of inspection or monitoring.
  5. Violates any condition of its permit.
- B. If the Authority revokes a wastewater discharge permit, the Authority may cause the User's sanitary sewer service, water service or both to be immediately severed.

**Section 6.09 Suspension or Revocation of Nonhazardous Waste Transportation Permit**

After notice and hearing, the Authority may revoke or may suspend for up to one (1) year a nonhazardous waste transportation permit if the permit holder or employee of the permit holder:

- A. Commits one (1) or more violations of this Chapter, or applicable state or federal laws or regulations.
- B. Violates any condition of the permit.
- C. Refuses reasonable access by the Authority to trip ticket copies.
- D. Refuses reasonable access by the Authority to the permit holder's vehicles for the purpose of inspection to determine continued compliance of such vehicles with this Chapter.

**Section 6.10 Non-emergency Disconnection of Water and Sewer Services**

- A. After notice and hearing, the Authority may disconnect a User's water and/or sanitary sewer service if the User:
  1. Violates or continues to violate the conditions of his wastewater discharge permit.

2. Violates pretreatment standards or requirements.
3. Fails to obey a correction order issued by the Authority.
4. Violates or continues to violate any other provision of this Chapter.

**Section 6.11 Show Cause Hearing**

**A. General Provisions.**

1. When notice is required to be given to a person under this Article, it shall be in writing and mailed certified mail, return receipt requested, to that person's last known mailing address or by electronic transmission if an electronic email or fax number was provided by the person.
2. Notice shall specify the date, time and place of the hearing.
3. Notice shall be deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.
4. For purposes of this section, the Authority shall be empowered to administer oaths and to promulgate procedural rules for the conduct of hearings.
5. Whenever any deadline specified in this section falls upon a Saturday, Sunday or a City recognized holiday, the deadline shall be the next regular City business day.
6. The date of an order or ruling required to be made under this section shall be deemed to be the date it is signed.
7. The administrative remedies set forth in this section shall be in addition to any criminal penalties or civil remedies provided in the ordinances of this City or the laws of this state.

**B. Hearing Process.**

1. Upon determining that reason exists to revoke a User's wastewater discharge permit, to suspend or

revoke a Person's nonhazardous waste transportation permit, or to disconnect a Person's water and/or sewer service under Section 6.11, the Authority may schedule a hearing directing the Person to show cause to the Authority why such action should not be taken against him.

2. Upon receipt of a request by a Person whose water service, and/or sanitary sewer service was disconnected pursuant to Section 6.08, the Authority shall schedule a show cause hearing for a time no later than ten (10) days following receipt of the request, directing the person to show cause why such action should not have been taken.
3. The Authority shall send notice of the hearing to the Person.
4. After the conclusion of the hearing, the Authority shall take written findings of fact and conclusions of law and shall issue a written order without undue delay.
5. If the Authority revokes a wastewater discharge permit, it shall cause the User's sanitary sewer service, water service or both to be immediately severed.

**C. Appeal.**

1. A User or Person whose water service or sanitary sewer service has been suspended or disconnected, or whose permit has been revoked; or a User or Person who for any reason has received an adverse ruling of the Authority; may appeal an adverse ruling of the Authority to an appeals officer designated by the City Manager.
2. Notice of appeal shall be filed with the Authority no later than 5:00 p.m. on the tenth (10th) calendar day following the date of the Authority's order.
3. Notice of appeal shall be in writing and shall specify the grounds upon which the appeal is based.

4. The Authority shall immediately transmit to the appeals officer all papers and any other items constituting the record of the action from which the appeal is taken.
5. An appeal to the appeals officer shall stay the order of the Authority, unless the Authority certifies through written affidavit that a stay would cause imminent peril to life or property. In such a case, the order shall not be stayed otherwise than by a restraining order granted by a court of record.
6. A hearing on the appeal shall be conducted no later than the tenth (10th) working day following the date the appeal is filed.
7. The appeals officer shall make a written ruling following the hearing finding that the order of the Authority is either upheld, reversed or modified.
8. This appeal shall exhaust all administrative remedies of the person.

(Amend Ord 09-057, 9/22/09)