

ORDINANCE NO. 36-2003

AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, ARTICLE III, INDUSTRIAL WASTES, OF THE CITY OF ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City Council of the City of Abilene affirms that the City has a federal and state approved Industrial Waste Pretreatment Program, and that under Chapter 40 of the Code of Federal Regulations (CFR) the City periodically reviews its Technically Based Local Limits (TBLL) to determine compliance; and

WHEREAS, the City submitted a study of TBLL to the Texas Commission on Environmental Quality (TCEQ), formerly known as Texas Natural Resource and Conservation Commission, and the TCEQ approved a modification package, which the City must incorporate into its Industrial Waste Ordinance; and

WHEREAS, the City Council of the City of Abilene also recognizes and affirms that to help control industrial waste products that the State Plumbing Code requires appropriately installed, maintained, inspected, sized and operational grease traps for certain commercial establishments to help prevent grease related sewer main blockages and grease trap and sanitary sewer overflows; and

WHEREAS, in recognition of the City's commitment to comply with state and federal regulations and to protect the health and well being of its citizens, it has become necessary to revise and amend the Industrial Wastes Article of the Code of the City of Abilene; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 32, Utilities, Article III, Industrial Wastes, of the City of Abilene Municipal Code, be amended as set out in EXHIBIT A, attached hereto and made a part of this Ordinance for all purposes.

PART 2: That if any provision or section of this Ordinance is held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining Ordinance provisions or sections, which shall remain in full force and effect.

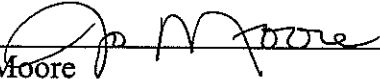
PART 3: That any person, firm, or corporation, violating any of the industrial waste provisions of this Ordinance may be assessed a civil penalty as set forth by the procedures contained in Section 32-67, Judicial Enforcement Remedies.

PART 4: That this Ordinance becomes effective September 25, 2003.

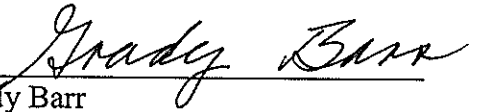
PASSED ON FIRST READING this 11 day of September, 2003.

PASSED ON SECOND AND FINAL READING after public hearing this 25 day of September, 2003.

ATTEST:

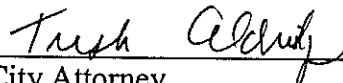


Jo Moore
City Secretary



Grady Barr
Mayor

APPROVED:



Fresh Aldridge
City Attorney

EXHIBIT A

Amend CHAPTER 32, UTILITIES, ARTICLE III, INDUSTRIAL WASTES as follows:

Sec. 32-57. General Provisions.

Add to (d) *Definitions*.

Industrial User or User. Any person who discharges industrial waste into the publicly owned treatment works (POTW), any other source of "Indirect Discharge" as defined herein, and any waste hauler discharging waste or wastewater into the POTW.

Pretreatment Standards or Standards. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

Sec. 32-58. General sewer use requirements.

Delete (d) (1) *Local limits* and Replace with.

Local Limits

- (1) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

0.80 mg/L arsenic
10.0 mg/L barium
1.00 mg/L beryllium
0.50 mg/L cadmium
0.50 mg/L chromium
1.10 mg/L copper
0.50 mg/L cyanide
0.80 mg/L lead
8.00 mg/L manganese
0.02 mg/L mercury
0.70 mg/L nickel
0.70 mg/L selenium
0.20 mg/L silver
1.80 mg/L zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Sec. 32-59. Pretreatment of wastewater.

Delete section (b) (1) through (9) and Replace with:

(b) Grease, oil and sand traps, catch basins, interceptors or hold-haul tanks; additional pretreatment measures.

- (1) Grease, oil and sand traps, catch basins, interceptors or hold-haul tanks shall be provided for the proper handling of waste containing grease in excessive amounts, sand and other prohibited materials; however, interceptors, traps and catch basins are not required for private living quarters or dwellings. All interceptors, traps and catch basins shall meet the City Plumbing Code as filed in the Code Administration. All fixtures draining to interceptors, traps and/or catch basins shall be rated as specified in the City of Abilene Plumbing Code. The Code may be revised from time to time as necessary. Hold-haul tanks shall not be connected to the sanitary sewer.
 - (a) All interceptors, traps and catch basins shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be of substantial construction and equipped with easily removable covers or grates. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.
 - (b) Where installed, all grease, oil and sand traps and/or interceptors shall be maintained by the owner or occupant at his/her own expense and in continuously efficient operation.
 - (c) A facility which generates liquid waste shall have all traps serviced by a licensed transporter at a frequency which ensures the elimination of drain blockages, overflows and emissions of concentrations of contaminants which exceed discharge limits. The Director may also require traps to be serviced on a single event basis or schedule basis if the Director deems it necessary for proper operation of trap.
 - (d) Materials removed from these facilities shall be either utilized by industry or disposed of at approved locations. The owner(s) shall verify the accuracy of the trip ticket from the transporter and maintain a copy of all trip tickets for a period of five years at the site of generation, unless otherwise approved by the city. The Director may inspect and copy these records at any time.
- (2) A generator of liquid waste shall maintain sanitary conditions, free of litter and odors. They shall also immediately report spills and accidents involving liquid waste to the Director. Spills shall be cleaned up immediately and all unsanitary conditions abated, and have materials used for abatement, such as absorbent materials, disposed of by approved means in a timely manner.
- (3) Use of hot water, enzymes, chemicals, or other agents or devices for the purpose of causing the oil, grease, or sand to pass through the trap, interceptor, or any other such facility provided is prohibited.

- (4) Carwash Facilities, Service Stations and Similar Installations. All wash facilities shall be protected from rain and runoff.
- a. *Existing Installations.* Those facilities in operation as of September 1983, having drainage from those areas protected from the rain and runoff and provided with grease, oil, and sand traps as specified in Section 32-59 2A. above, and which are in use, shall be connected to the sanitary sewer.
 - b. *New Installations.* Facilities constructed after September 1983 shall be provided with grease, oil, and sand traps as specified in Section 32-59 2A. above with discharge into the sanitary sewer.
- (5) Machine Shop, Garages, Special Manufacturing Facilities. Drainage from the work area of machine shops or of any industry that manufactures, rebuilds or overhauls motors, engines, transmissions, hydraulic systems or similar machinery may be discharged to the sanitary sewer only if the effluent can meet all the requirements of this ordinance.
- (6) Steam Cleaning and Chemical Cleaning Facilities. Drainage from steam cleaning and/or chemical cleaning facilities shall not be discharged to the sanitary sewer unless a facility or process is provided that will consistently and constantly produce an effluent containing no hazardous waste or other pollutant that will cause pass through or interference.
- (7) Any sewer line stoppage, damage or restriction of flow caused by an illegal discharge shall be considered a violation of this ordinance and the person or persons responsible will be held liable.
- (8) Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (9) The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (10) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Delete Sec. 32-59 Pretreatment of water, section (d) and Replace with

(d) *Hauled Waste and Wastewater.*

- (1) No waste hauler may discharge any industrial waste or wastewater, septic tank waste, chemically-treated human waste, and/or any trap waste into the POTW without first obtaining a wastewater discharge permit from the Director. The Director may

prohibit the discharge of any such hauled industrial waste. The Director also may issue wastewater discharge permits to any generators of hauled industrial waste discharged. The discharge of hauled waste is subject to all other requirements of this ordinance.

- a. Trip tickets. Persons who collect and transport waste subject to control under state rule 30 TAC 312.145 shall maintain a record of each individual collection and deposit. Such records will be in the form of a trip ticket and shall include:

Name, address, telephone, and Texas Commission registration number of transporter;

Name, signature, address, and phone number of the person who generated the waste and the date collected;

Type and amount(s) of waste collected or transported;

Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

Date and place where the waste was deposited;

Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited; and;

Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

The volume of the grease and grit trap or the septic tank.

- b. Records and reporting of trip tickets shall be maintained as follows:

One part of the trip ticket shall have the generator and transporter information completed and given to the generator at the time of waste pickup;

The remaining parts of the trip ticket shall have all required information completely filled out and signed by the appropriate party before distribution of the trip ticket;

One part of the trip ticket shall go to the receiving facility;

One part shall go to the transporter, who shall retain a copy of all trip tickets showing the collection and disposition of waste;

One copy of the trip ticket shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility;

Copies of trip tickets shall be retained for five years and be readily available for review by city or be submitted to the city upon request.

- (2) Waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the waste hauler to provide a waste analysis of any load prior to discharge.
- (3) Industrial waste haulers who discharge any industrial waste or wastewater into the POTW must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The Director may require such waste-tracking forms to be provided by haulers of non-industrial trap waste, septic tank waste, or chemically treated human waste that is discharged into the POTW.
- (4) Any person hauling industrial waste or wastewater, septic tank waste, chemically-treated human waste, and/or trap waste generated within the Abilene city limits that is not discharged into the POTW must provide written notice of such waste hauling to the Director specifying, at a minimum, the name and address of the waste hauler and the location at which the waste is disposed of. The Director may prohibit disposal within the City of any such hauled waste.

Sec. 32-62. Reporting requirements.

Add to (k) *Sample Collection.*

- (3) All samples collected for analysis shall be accompanied by a properly completed Chain of Custody form.

Add (n) *Fraud and False Statements*

The reports and other documents required to be submitted or maintained by local, state, or federal law shall be subject to:

- (1) The provisions of 18 U.S.C. Section 1001 regarding fraud or false statements;
- (2) The provisions of 309 (c) (4) of the Act, as amended, governing false statements, representations, or certifications; and
- (3) The provisions in section 309 (c) (6) of the Act regarding responsible corporate officers.

Sec. 32-64. Confidential Information.

Delete in its entirety and Replace with

Information and data on a user obtained from reports, surveys, wastewater discharge permit application, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any claim of confidentiality must be made at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 32-69. Affirmative Defenses.

Add (c), *Act of God.*

In an action brought in municipal or state court, if a person can establish that an event that would otherwise be a violation of a pretreatment ordinance or a permit issued under this ordinance was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.