Water and Sewer Use Ordinance*

No. 252.1

AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS AMENDING ORDINANCE 245 establishing standards and regulations for the protection of the City's potable water and wastewater facilities; providing definitions; requiring the supply of potable water for human consumption and preparation of food or drink; setting standards for water service pipe and fittings, distribution pipe and fittings, and the protection of the water supply against backflow and crossconnections; authorizing City personnel to enter property for inspection or maintenance; establishing method of setting user charges; authorizing the disconnection of service for nonpayment or violation of water protection standards; establishing requirements for service; providing for penalties including prosecution in the appropriate court if a state or federal statute is violated, a fine in appropriate court of up to $500 in Municipal Court for violations of Division I and/or civil damages; Assessment of Fees up to $500 by the Utilities Clerk; making it illegal to injure, tamper with or damage water distribution or treatment facilities; providing for standards for use of grease and grit traps; setting industrial waste standards; including a validity clause and the effective date of this ordinance.

WHEREAS, the City of Bevil Oaks has provided facilities for the production and distribution of potable water to promote the health, safety and convenience of its people;

WHEREAS, the control and protection of the quality of those potable water and wastewater facilities require regulations for its use and enjoyment; and

WHEREAS, existing ordinances and regulations for the use of the City's potable water and wastewater facilities must be amended and supplemented for various reasons, including requirements of the Environmental Protection Agency and the Texas Water Commission:

NOW, therefore be it ordained by the City Council of the City of Bevil Oaks, Texas:

PART I: WATER AND SEWER REGULATIONS

DIVISION I: GENERALLY

Section I
Purpose

The purpose of this ordinance shall be to establish standards for the use of the City's potable water facilities in order to maintain the systems financial stability and to protect the health and safety of it's citizens and the public.

Section II
Water service Rates

(a) Effective as of Effective Date noted below, all Water Service Rates shall be detailed in the attached Rate Schedule. The Rate Schedule may be amended from time to time with the Effective Date of such adjustment noted in the title of the Rate Schedule.

(b) The most recent Rate Schedule shall govern billing practices.

SECTION III
Wastewater Service Rates

(a) Effective as of Effective Date noted below, Wastewater Service shall be detailed in the attached Rate Schedule. The Rate Schedule may be amended from time to time with the Effective Date of such adjustment noted in the title of the Rate Schedule.

(b) The most recent Rate Schedule shall govern billing practices.

SECTION IV
Payment of Charges and Deposits

(a) All bills shall be due on the 21st of each month, unless the 21st is a Saturday, Sunday or legal holiday as defined by Federal law (5 U.S.C. 6103), in which case the bills shall be due the following business day. Payment must be made by close of business or 5 pm, whichever is earlier. For example, at 5:01 pm any unpaid bill will be assessed a late fee.

(b) Failure or refusal by any customer to pay any bill to the city, upon demand, shall constitute a breach of contract, and water and sewer service may, within ten (10) days from notice of such failure, be discontinued to the customer, and such services shall not be renewed until the customer has paid all delinquent bills, plus the following applicable service charges:

(1) Meter removed: $55.00.
(2) Service killed at the main line: $300.00.
(3) Second trip on service turn-on/Discretionary requests to shutoff: $27.50.
(4) Disconnect fee: $25.00
(5) Reconnect fee: $25.00
(6) Returned check: $35.00.
(7) Late fee: $15.00.
(8) Tampering fee: $100.00 (first occurrence)
(9) Tampering fee: $500.00 (all subsequent occurrences after first occurrence of tampering)
(10) Emergency calls for customer-side water/sewer issues: Actual costs plus call-out fee as charged by the City's utility contractor. Such fees shall be incurred and assessed

if the customer uses the after-hours emergency City service and contractor confirms the issue is on the customer's side of the water/sewer service.

(11) Sewer blockage assessment: if the a customer contacts the City's utility contractor to assess a sewer blockage and the customer does NOT have a sewer cleanout installed in on the customer's side, then the customer shall be assessed, at a minimum, the call-out fee charged by the City's utility contractor. Any additional costs incurred under the direction of the City's utility contractor to remedy a sewer blockage on the customer's side shall be assessed as incurred.

(c) Damaged equipment – actual cost for equipment and any labor charged by the City's utility contractor. Water service will be discontinued until payment for the damaged equipment is received. The City will provide a copy of the actual invoice for any replacement equipment or labor charge upon request. Charges will be invoiced at actual cost.

(d) Owner/Tenant Account Responsibility: the actual owner (as indicated by the Jefferson County Appraisal District records or recorded property records presented by owner) shall be responsible for all charges incurred by users present on the owner's property. If the owner is landlord leasing the property, whether the tenant is compliant with the City's utility account registration requirements does not affect whether the property will receive water and sewer service. The owner is responsible for paying all charges previously assessed pertaining to the residence for the owner's or the previous tenant's use, such as charges related to damages to City equipment or water used when a tenant was not present. The actual owner must have a zero balance for all water meter accounts associated with the property before any tenant is authorized to receive water service.

(c) Any meter locked out for non-payment will be reconnected within 24 hours if payment is tendered directly to a city employee during regular business hours. Otherwise, reconnections shall occur no later than the following business day following payment of all delinquent charges and surcharges.

(d) No meter will be turned on unless an applicant/user is home to verify proper functioning of all plumbing fixtures.

(e) Tampering – tampering shall be defined as any unauthorized access to the meter box or City water equipment. This shall include, but is not limited to the following: opening the meter box lid, damaging the meter box or any equipment contained therein; turning valves to stop or start water service;

(f) The City Utilities clerk may require from any applicant for water/sewer service a ~~cash~~ deposit to secure payment of water and sewer charges or any other charges that may accrue, and when such deposit is made on behalf of Home Owners it shall be One Hundred Dollars ($100.00), plus a non-refundable application fee ($10.00); for all rental tenants the deposit is two hundred and fifty dollars ($250.00), plus a non-refundable application fee ($10.00); provided, however, additional deposits may be required from any applicant to pay past due charges or to accrue for the services. Failure to pay the additional deposit will forfeit the

right to water and sewer services and the same may be discontinued five (5) days after notice to pay such additional deposit.

(g) Users who request installation of a second meter shall incur installation costs as charged by the City's utility contractor. Such charges shall include but not be limited to the following equipment and service charges: actual cost of the meter and endpoint; cost of the meter lid and box; cost of equipment and labor to install a second tap on the respective water line. All second meters shall incur an additional surcharge for administrative overhead of $3.00 per month.

(h) Payment of a delinquent account and/or for reconnection with a check from an account with insufficient funds will result in immediate disconnection. Reconnection in such instances will require payment in full with ~~cash~~, money order, credit card or cashier's check.

(i) If a user pays an account with check drawing upon an account(s) with insufficient funds more than once, the City shall require all future accounts payments be made with ~~cash~~, money order, credit card or cashier's check. Such a request shall be in writing and shall note which months' account balance were paid with checks drawn upon an account(s) with insufficient funds.

(j) Billing adjustments are given for water leaks, if requested by a user, for a monthly bill that is double their monthly average water usage; one adjustment is allowed per two year period.

(1) A user's monthly average water usage is determined by totaling a user's water usage for three months prior to the billing period for which they are requesting an adjustment and diving by three to determine a monthly average usage.

(2) The user's monthly average is deducted from the total amount of water usage shown on the bill to be adjusted, and that balance is then divided by two.

(3) The result is the amount of the adjustment to made to the user's sewer account.

(4) City personnel must be satisfied prior to a billing adjustment being made that excess usage was not due to a user's neglect in the installation, operation or maintenance of the water service. City personnel must also be satisfied that the cause of the abnormally high billing for water and sewer services was not due to increased usage by the user, but rather due to a leak in the water service system.

(5) The City must be notified within sixty (60) days following receipt of a bill for which adjustment is requested.

(6) If the City, through early detection efforts, has notified the user of a leak in the water service system, in addition to the above-stated requirements, the user shall request an adjustment and take appropriate action to remedy the leak within fifteen (15) days of notice. Otherwise, the user shall not be eligible for an adjustment.

SECTION V
Connection to water and sewer systems and fees

(a) Required. All property owners owning property within the city shall be required to to connect to the City's water and sewer system ("requirement"). The only exception to this requirement is owners of water wells who have been approved water well users as of the date of the passage of this ordinance. No new construction of wells shall be permitted at any premises including those premises currently subject to exception from this requirement. The exception from this requirement shall expire upon replacement of the current well site. Further, the exception from this requirement shall continue so long as the wells remain in continuous use and the water well users remain current on all sewer charges and minimum monthly water and wastewater use charges. Those users entitled to the exception are at the following addresses:, 13395 Wayside, , and 7080 Sweetgum; and property identified by Ordinance Variance 27.1. This exception applies exclusively to current resident owners. Any change in ownership or occupancy by tenants shall require a tap to the City's water system.

(b) Connections to be made by water utilities department; tampering, etc., prohibited.
(1) It shall be unlawful for any person or agent of any company to make connections with or any opening into the city sanitary sewer or water system.
(2) It shall be unlawful for any person or agent of any company to open, close or tamper with water system appurtenances. All water and sanitary sewer connections shall be made by City utilities personnel or persons authorized by the appointed water utilities director.
(c) Each detached dwelling unit shall be served by a separate meter. At the option of the owner, a building containing more than one dwelling unit or a mobile home park may be served by a single meter of a size to be determined by the water department. Accessory buildings, including guest quarters, may be served by the same meter that serves the main building. It shall be unlawful for any person or company to furnish water to a separate detached business or dwelling unit by means of a water hose or other similar hose connection.
(d) Customer-side shutoff valves: Each customer shall have a shutoff valve capable of shutting off all water supplied to the property installed on the customer-side of the meter.
(d) Meter and tap fees. All meters used for measuring the flow of water or sewer shall be approved by the City or its appointed director of water utilities.
(e) Connection permits required; applications. Application for connection permits shall be made in writing to the building official by the property owner or his authorized agent.

SECTION VI
Testing Water Meters

(a) Any customer to whom water is furnished through a meter shall have the right to demand that his water be tested for accuracy, and when the customer wishes such test made, he shall deposit with the water department one hundred dollars ($100.00) for each meter he desires to be tested.
(b) If any meter through which a customer is being supplied water is found, upon test, to be inaccurate by more than two (2) percent plus, the amount deposited for making such

test is to be returned to the customer and all charges against the customer shall be credited for the proportionate amount the bill is increased because of over-registration of the meter.
(c) If, upon such test, the meter if found accurate, the deposit of the customer shall be retained as a fee for making such test. If the meter is found slow by more than two (2) percent, then it will be the duty of the director to replace the meter.
(d) Any customer shall have the privilege of inspecting any meter test results upon written request.

SECTION VII
Disconnection of service

The City or its appointed water utilities director may disconnect service to any customer for any of the following reasons:

(a) Written request of the customer;
(b) Failure to pay all water and sewer charges by 5:00 pm CST the day payment is due.
(c) Existence of a known hazardous condition that could adversely affect the City or the user at whose property an adverse condition has been found.
(d) Service established through meter bypassing, unauthorized connection, or unauthorized re-connection.
(e) Tampering with water meter or other City facilities.
(f) Extending, connecting or maintaining water and/or sanitary sewer service to a non-permanent residential or commercial structure.

SECTION VIII
Right of Access to meters and utility cutoff valves

(1) At the customer's request, utility employees must present information identifying themselves as employees of the utility in order to establish the right of access.
(2) Utility employees shall be allowed access for the purpose of reading, testing, installing, maintaining and removing meters and using utility cutoff valves. Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects placed on top of meters or meter boxes, and unrestrained animals.
(3) When access is hindered on an ongoing basis, utilities may, but are not required to, make alternative arrangements for obtaining meter readings as described in paragraphs (4) and (5) of this subsection. Alternative arrangements for obtaining meter readings shall be made in writing with a copy provided to the customer and a copy filed in the City's records on that customer.
(4) If access to a meter is hindered and the customer agrees to read his own meter and provide readings to the utility, the utility may bill according to the customer's readings; provided the meter is read by the utility at regular intervals (not exceeding six months) and billing adjustments are made for any overcharges or undercharges.
(5) If access to a meter is hindered and the customer does not agree to read their own meter, the utility may bill according to estimated consumption; provided the meter is read

by the utility at regular intervals (not exceeding three months) and billing adjustments are made for any overcharges or undercharges.

(6) If access to a meter is hindered and the customer will not arrange for access at regular intervals, the utility may relocate the meter to a more accessible location and may charge the customer for the actual cost of relocating the meter. Before relocating the meter, the utility shall provide the customer with written notice of its intent to do so. The notice required under this subparagraph shall include information on the estimated cost of relocating the meter, an explanation of the condition hindering access and what the customer can do to correct that condition, and information on how to contact the utility. The notice shall give the customer a reasonable length of time to arrange for utility access so the customer may avoid incurring the relocation cost. For the first notice, any time period from 24 hours to ten days, shall be considered reasonable. For all subsequent notices, the City Utilities Clerk shall have complete discretion as to length of time to require compliance. A copy of the notice given to the customer shall be filed with the utility's records on the customer's account.

(7) If access to a meter, cutoff valve or sewer connection is hindered by the customer and the customer's service is subject to disconnection under Section IV (relating to Discontinuance of Service), the utility may disconnect service at the main and may charge the customer for the actual cost of disconnection and any subsequent reconnection. The utility shall document the condition preventing access by providing photographic evidence or a sworn affidavit. Before disconnecting service at the main, the utility shall provide the customer with written notice of its intent to do so. The notice required under this subparagraph shall include information on the estimated cost of disconnecting service at the main and reconnecting service and shall give the customer at least 72 hours to correct the condition preventing access and to pay any delinquent charges due the utility before disconnection at the main. The customer may also be required to pay the reconnect fee for nonpayment in addition to delinquent charges even if service is not physically disconnected. A copy of the notice given to the customer shall be filed with the utility's records on the customer's account.

SECTION IX

Penalty

(1) A violation of any of the rules contained in this ordinance or a doing or causing to be done by any person, persons, firm or association of any of the things or acts forbidden or made unlawful in any of the sections of this ordinance shall be deemed to constitute a violation under the terms of this ordinance and an offense and shall be punishable as such, and for each and every violation of the terms of this ordinance the person, firm, or corporation shall, upon conviction thereof in the Municipal Court be fined, not fined less than one ($1.00) dollar nor more than five hundred ($500.00) dollars and each violation shall constitute a separate offense. However, the City Clerk shall be entitled to assess a fee up to Five Hundred and no/100 Dollars ($500) for tampering with a water or sewer connection that (a) requires the use of a Utilities contractor to remedy and is (b) supported by photographic evidence of such tampering. Such photograph shall be available for

review during normal business hours by the user upon request and shall be maintained for a period of up to two (2) years.

DIVISION II: Cross-Connection Control and Prevention**

SECTION X

Purpose and Applicability
(A) The purpose of this division is:

(1) To protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system.
(2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems.

The applicability of this division is:

(3) The rules and regulations set forth herein are intended to limit backflow potential at residential, commercial and industrial facilities as well as all wholesale customers and all other connections to the city's public water system. Nothing contained herein shall be construed to prevent the city from requiring appropriate backflow prevention, including disconnection from service, for any water service that presents a backflow potential where plumbing code requirements are not sufficient to protect the city's public water system.

Cross-Connections prohibited
(B) The following acts are prohibited:

(1) No installation of potable water supply, piping, or part thereof shall be made in such a manner that allows used, unclean, polluted, or contaminated water, mixtures, gases, or other substances to enter any portion of such piping by reason of backsiphonage, backpressure, or any other cause.
(2) No person shall install any water-operated equipment or mechanism or use any water-treating chemical or substances, if it is found that such equipment, mechanism, chemical, or substance may cause pollution or contamination of the public potable water supply.
(3) No person shall connect to the public potable water system any mechanism(s) or system(s) designed to return used water to the public potable water system through any measures.
(4) No person shall connect to the public potable water system an auxiliary water system without the approval of the city.

(5) No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the public water supply is protected in accordance with the rules and regulations of the state commission on environmental quality (TCEQ) and this division. Water service shall be discontinued by the city if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ rules and this division.

SECTION XI
Definitions

The following definitions shall apply to this division:

Air gap. The unobstructed vertical distance through free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25 mm).

Auxiliary supply. Any water supply on or available to the premises other than the city's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural sources, such as, but not limited to, a well, spring, river, stream, used waters, or industrial fluids. These waters constitute an unacceptable water source over which the city does not have sanitary control.

Backflow. The undesirable reversal of flow in a potable water distribution system as a result of a cross-connection.

Backflow prevention device or assembly. Any mechanical or physical means to prevent backflow into the potable water system, including reduced pressure backflow assemblies, double check valve assemblies, atmospheric vacuum breakers, pressure vacuum breaker assemblies, or air gap. All backflow prevention assemblies must be approved by the city and shall have been manufactured in full conformance with the standards established by the American Water Works Association and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by "Specification of Backflow Prevention Assemblies" of the most current issue of the Manual of Cross-Connection Control.

City or the city. The City of Bevil Oaks or its authorized representative, which, for the purposes of implementation and enforcement of the backflow prevention program, shall normally mean representatives of water utilities.

Commission or TCEQ. The state commission on environmental quality, the regulatory agency of the state.

Cross-connection. Any actual or potential connection or structural arrangement between a potable water supply system and any plumbing fixture or any tank, receptacle equipment or device, through which it may be possible for any nonpotable, used, unclean, polluted and/or contaminated water, or other contaminant, to enter into any part of such potable water system under any condition or set of conditions.

Double check valve assembly. A backflow prevention assembly which consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks.

Person. Any individual, partnership, associations, corporations, firms, clubs, trustees, receivers, and bodies politic and corporate.

Plumbing code. The city's plumbing code as adopted under the Code of Ordinances of the city.

Potable water supply. Any water supply intended or used for human consumption or other domestic use.

Public water system or supply. Any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption. For the purposes of this division, this shall normally mean the public water supply maintained by the city.
Premises. Any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Recognized backflow prevention assembly tester. An individual meeting the requirements of the most recent revisions to title 30, Texas Administrative Code section 290.44(h)(4), and holding a current endorsement from the state commission on environmental quality or its designated agent, for the type of assembly being tested.

Reduced pressure principle assembly. A backflow prevention assembly consisting of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

Water utilities director. The person or approved contractor in charge of the city water utilities department or his/her designated representative.

SECTION XII
Responsibility for costs of compliance

The cost of complying with these regulations shall be the responsibility of the property owners and their lessees. These costs include but are not limited to the purchase, installation, testing, and repair of backflow prevention assemblies. These costs shall also include point-of-use and premises isolation assemblies.

SECTION XIII
Pressure loss

Any water pressure drop caused by the installation of a backflow prevention assembly shall not be the responsibility of the city.

SECTION XIV
Thermal expansion

It is the sole responsibility of any user who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly.

SECTION XV
Rental properties

Any person who owns or controls rental property is responsible for the installation, testing, and repair of any necessary backflow prevention assemblies on that property.

SECTION XVI
Right of entry

(a) Upon presentation of proper identification and with a homeowner's (or from person's with apparent control of the premises) consent, authorized representatives from the city shall have the right to enter any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this division. These duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, city personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.
(b) On request, the consumer shall furnish to the city any pertinent information regarding the potable water supply system on such property where cross-connections and backflow are deemed possible.

SECTION XVII
Abatement by city

(a) The city shall conduct a plumbing inspection or customer service inspection on any residential or commercial establishment served by the city's public water supply prior to providing continuous water service to all new construction, on any existing service when the water utilities director has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the customer's private distribution facilities. The purpose of the inspection is to determine compliance with this division and applicable portions of the city's plumbing code relating to cross-connection control and unsafe plumbing practices. Upon determination by the city that the residential or commercial establishment falls under the provisions of this division and requires a backflow prevention assembly, the water utilities director shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly(ies) commensurate with the degree of hazard. A copy of the notice which is issued or caused to be issued by the water utilities director shall be forwarded to the chief plumbing inspector of the city.

(b) An approved backflow prevention assembly shall be installed on each service line or point of delivery to a consumer's water system whenever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the TCEQ or the city, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the city's public water system which have been subject to deterioration in quality.

(3) In the case of premises having (i) internal cross-connections that cannot be permanently corrected or protected against, or (ii) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the city's public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in each service line.

(c) Using the city's plumbing code, TCEQ regulations and guidelines, and American Water Works Association (AWWA) recommendations, the water utilities director shall designate the type of backflow prevention assembly required for each type of establishment or hazard. In the case of conflict between these references, the more stringent standard shall apply.

(d) Any backflow prevention assembly required by this division shall be of a model and size approved by the water utilities director.

SECTION XVIII
Fire hydrant protection

An approved double check valve backflow prevention assembly or reduced pressure zone backflow prevention assembly shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the city's public water supply. A reduced pressure zone backflow prevention assembly must be installed if any contaminant other than the potable water can be introduced into the system.

(1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this division. All fire hydrant water meter rentals shall meet the current requirements as provided for by the customer service section and water distribution section.

(2) Only fire hydrant water meters with approved backflow prevention assemblies are allowed to be used on fire hydrants in the city public water supply system. All fire hydrant meters shall be obtained from the city water utilities department.

(3) A deposit is required to ensure the return of all water meters and backflow prevention assemblies to the water distribution section. Failure to return the assemblies will result in forfeiture of the deposit and enforcement action may be taken against the responsible party, as allowed for in the penalty section of this division.

(4) Non-approved fire hydrant meters which are found to be in use in the city's public water system will be confiscated and not returned. Enforcement action may be taken against the responsible party, as allowed for in the enforcement section of this division.

(5) It shall be a violation of this division for anyone other than authorized employees of the city to open, tamper with, or use water from any fire hydrant without the express written permission of the city water utilities department.

SECTION XIX
Installation requirements

Backflow prevention assemblies shall be installed in accordance with the following requirements, to ensure their proper operation and accessibility:

(1) Backflow prevention assemblies shall be installed in accordance with the city's plumbing code and the manufacturer's instructions. All backflow prevention assemblies installed in accordance with this division shall be tested upon installation by a recognized backflow prevention assembly tester. The test report shall be sent to the water utilities department within ten (10) days of the installation. The assembly installer shall obtain the required plumbing permits prior to installation as required by the city's plumbing code.

(2) No part of a reduced pressure principle backflow prevention assembly shall be located in water or installed in a pit or other location subject to flooding. If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.

(3) When a backflow prevention assembly is installed to serve an entire establishment, the assembly shall be installed at the service connection of the water supply, before any branch in the line, and on private property located just inside the boundary of the city's

right-of-way. The water utilities director may specify additional areas for installation of assemblies if needed.

(4) Backflow prevention assemblies shall be protected from freezing and other severe weather conditions.

(5) All vertical installations shall be approved in writing by the water utilities director prior to installation.

(6) Backflow prevention assemblies shall be readily accessible with adequate room for maintenance and testing. Assemblies two (2) inches and smaller shall have at least six-inch clearance on all sides of the assembly. All assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, twelve (12) inches below the assembly, and thirty-six (36) inches above the assembly. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

(7) If an assembly is installed five (5) feet or higher above the ground or floor, it shall be equipped with a suitable platform for use by testing or maintenance personnel. This installation shall meet all applicable Occupational Safety and Health Administration (OSHA) regulations and occupational safety and health laws of the state.

(8) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line shall not be installed.

SECTION XX
Annual inspections and maintenance

(a) Regular inspections and testing of mechanical backflow prevention assemblies shall be conducted at least once per year by a recognized backflow prevention assembly tester on backflow prevention assemblies which are installed to provide protection against health hazards, as defined by TCEQ rules, AWWA standards, or as determined by the water utilities director. The water utilities director may also require more frequent testing in certain applications to protect against high health hazards. If, upon inspection of the backflow prevention assembly, it is deemed to not be operating properly, it is the responsibility of the establishment to immediately make all necessary repairs. It is the responsibility of the tester to report all assemblies found not to be operating correctly to the water utilities department. Test reports shall be submitted to the water utilities department within ten (10) working days of the test. Only tests conducted by recognized backflow prevention assembly testers and which are reported correctly on city report forms shall be in compliance with this division.

(b) The maintenance and repair of any backflow prevention assembly shall be the responsibility of the property owner of the premises, the lessee of the premises, or both. The backflow prevention assembly is to be installed and maintained in proper working order at all times, including repair as required. All maintenance and repair of assembly or assemblies shall be in accordance with all applicable regulations of the TCEQ and with acceptable industry practice. In the event that the water to an establishment may not be turned off for testing of the backflow prevention assembly, the establishment shall be equipped with dual backflow prevention assemblies of the same type so that testing, repair, and maintenance may be performed.

(c) No backflow prevention assembly shall be removed from use, relocated, or other assembly substituted without the approval of the water utilities director. Whenever an existing backflow prevention assembly is moved from its present location or cannot be repaired, the assembly shall be replaced with a backflow prevention assembly in compliance with this division. The new assembly shall be installed and tested in compliance with this division.

(d) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California's Manual of Cross-Connection Control. The water utilities director may require calibration reports or other documentation of compliance with this requirement.

(e) City personnel may perform inspections and request testing of backflow prevention assemblies while they are present to verify proper testing and to determine the proper operation of assemblies. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

SECTION XXI
Emergency suspension of water utility service

(a) The water utilities director may, without prior notice, suspend water service to any premises when such suspension is necessary to stop an actual or threatened backflow which:

(1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or

(2) Presents or may present imminent and/or substantial danger to the city's public water supply.

(b) As soon as is practical after the suspension of service, the water utilities director shall notify the owner or person in charge of the premises of the suspension, in person or by certified mail, return receipt requested, and shall order such person to correct the cross-connection which allowed the backflow to occur. When time permits, the water utilities director should also notify the owner or person in charge prior to suspending water service.

(c) The water utilities director shall not reinstate suspended services until:

(1) The person presents proof, satisfactory to the water utilities director, that the hazard has been eliminated and its cause determined and corrected;

(2) The person pays the city for all costs the city incurred in responding to the backflow or threatened backflow; and

(3) The person pays the city for all costs the city will incur in reinstating service.

(d) A person whose service has been suspended may appeal such enforcement action to the water utilities director, in writing, within ten (10) days of notice of the suspension.

(e) A person commits an offense if the person reinstates water service to the premises suspended pursuant to this section, without the prior written approval of the water utilities director.

SECTION XXII
Non-emergency termination of water utility service

(a) The water utilities director may terminate the city-provided water supply of any user who violates the following conditions:
(1) Refusing the water utilities director reasonable access to the water user's premises for the purpose of inspection;
(2) Hindering or denying the water utilities director access to backflow prevention assemblies;
(3) Failing to install, maintain, or test backflow prevention assemblies as required by the water utilities director and this division; or
(4) Failing to install, maintain, and operate their piping and plumbing systems in accordance with the city's plumbing code.
(b) The water utilities director will notify a water user in writing of the proposed termination of its water supply by certified mail, return receipt requested. The water user may petition the water utilities director for a reconsideration of the decision.
(c) Exercise of this enforcement option by the water utilities director shall not be a bar to, nor a prerequisite for, taking any other action against the water user.
(d) The water utilities director shall not reinstate suspended services until:
(1) The person presents proof, satisfactory to the water utilities director, that the condition has been eliminated and its cause determined and corrected;
(2) The person pays the city for all costs the city incurred in responding to the backflow or threatened backflow; and
(3) The person pays the city for all costs the city will incur in reinstating service.
(e) A person commits an offense if the person reinstates water service to the premises terminated pursuant to this section, without the prior written approval of the water utilities director.

SECTION XXIII
Penalties

(a) Criminal penalty. A person who violates a provision of this division shall be guilty of a misdemeanor punishable by a fine not to exceed two thousand dollars ($2,000.00), in accordance with section 54.001, Texas Local Government Code.
(b) Civil penalty. The city attorney is authorized to commence an action for appropriate equitable or injunctive relief in a court of competent jurisdiction, in accordance with section 54.012, Texas Local Government Code. Such relief may include:
(1) A civil penalty not to exceed one thousand dollars ($1,000.00) per violation per day;
(2) Recovery for expenses incurred by the city in responding to a violation of this division;
(3) Injunction to prevent a violation of this division; and
(4) All other damages, costs, and remedies to which the city may be entitled.

[confirm appropriate]

DIVISION 3. Grease and Grit Traps

SECTION XXIV
Purpose

The purpose of this division is to:

(1) Prevent the introduction of wastewaters containing oil and grease and/or solids in amounts which may cause stoppages or obstruction of flow, or in any other way prevent or inhibit operation of the publicly owned treatment works (POTW), including the sanitary sewer collection system and the treatment plant.

(2) Protect the environment, and the health, safety, and welfare of the public and the POTW workers.

(3) Set forth uniform requirements for the maintenance of grease traps, grit traps, interceptors, and separators.

SECTION XXV
Definitions

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius.

Bioremediation media. Bacterial cultures, enzymes, or other media which are designed to eliminate or reduce the need for the mechanical cleaning of grease traps.

City or the city. The City of Bevil Oaks, or its authorized representative, which, for the purposes of implementation and enforcement of the grease and grit trap program, shall normally mean representatives of water utilities.

Commercial grease generator. All commercial food preparation and food service establishments that may discharge grease, including but not limited to bakeries, caterers, butcher shops, cafes, clubhouses, delicatessens, hospitals, hotels, restaurants, schools, institutions, or similar places where meat, poultry, seafood, dairy products, fried foods or other foods are prepared or served, but shall not apply to any residence not used for the commercial preparation and sale of food items or to an exempt establishment.

Commercial/industrial grit generator. All commercial or industrial generators of liquid waste containing petroleum-based oil and grease wastes, and inorganic solids, including but not limited to automotive or heavy machinery repair and/or washing facilities. Those facilities monitored under the city's federally and state approved pretreatment program shall be exempted from the provisions of this division.

Director. The person in charge of water utilities for the city, or his/her authorized representative.

Exempt establishment. A commercial establishment that:

(1) Operates for a maximum duration of ten (10) days in connection with an annual event such as a fair, carnival, circus, public exhibition, or other public gathering;

(2) Sells or serves prepackaged or precooked foods that would require warning only or served without additional processing, no cooking;

(3) Serves only snow cones, drinks, or ice cream products;

(4) Bars and clubs serving drinks only and where no food is prepared;

(5) Produce markets without food grinders;

(6) Grocery or convenience stores without food preparation, meat cutting, or packaging, delicatessens, or bakeries;

(7) Day care centers that primarily serve microwave dishes, using single-service items.

Food. Any substance, whether solid or liquid, and whether of animal, vegetable, or fruit origin, intended to be used or commonly used as a food for human consumption.

Food establishment. Any place where food is manufactured, packaged, produced, processed, prepared, or served for commercial, public, or facility resident consumption. The term includes any such place regardless of whether there is a charge for the food. The term does not include private homes where food is prepared for individual family consumption.

Generator. A person who causes, creates, generates, stores, or otherwise produces liquid waste or owns property upon which liquid waste is caused, created, generated, stored, or produced, including but not limited to grease trap waste, grit trap waste, and food waste as a byproduct of a domestic or nondomestic activity other than merely as a result of mere residence at a nonbusiness location. "Generator" as used in this division includes both a commercial grease generator and a commercial/industrial grit generator.

Grease trap. A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the passage or organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grease trap waste. Any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from a grease trap for proper disposal.

Grit trap. A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Grit trap waste. Oil and grease wastes and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

Manifest. The written multi-part documentation detailing the generator of the grease trap waste, who the transporter is, and the disposal facility for the waste.

POTW. Publicly owned treatment works as defined in 40 CFR section 403.3, including any amendments thereto; the municipal wastewater treatment system including the sanitary sewer system.

Sampling port or sample well. An approved device or manhole installed in the facility sewer specifically designed to facilitate sampling of the wastewater discharge.

Sanitary sewer. The system of pipes, conduit, manholes, and treatment facilities owned or operated by the city which collect, transport, and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

Separator truck. A truck equipped with a tank or other liquid-holding container designed to separate the grease portion from the waste removed from a grease trap and to return the other liquid portion to the trap.

Total suspended solids. The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid, and which is removed by laboratory filtering.

Water quality manager. The person in charge of the city's approved pretreatment program.

SECTION XXVI
Prohibitions

(a) It shall be unlawful for a generator to introduce, or cause to be introduced, into a grease or grit trap or public sanitary sewer the following:

(1) A generator shall not allow any frying vats to discharge into a grease trap, grit trap, or sanitary sewer or allow waste oil or grease to discharge to any drain or grease trap, grit trap, separator, interceptor, or sanitary sewer. Such waste shall be placed in a container specifically designed to hold such waste and either utilized by industry or disposed of at a suitable location;

(2) A generator shall not discharge or cause to be discharged plastics, paper, nonbiodegradable oils or other nonbiodegradable materials;

(3) Any wastewaters with an oil and grease level in excess of 200 mg/l or ppm.

(b) It shall be unlawful for a generator to divert wastewater around a collection point into the sanitary sewer or to a storm drainage system.

(c) The use of separator trucks to pump grease traps and return the liquid portion to the grease trap is prohibited.

SECTION XXVII
Responsibilities of generator

(a) A generator shall provide grease traps or grit traps when, in the opinion of the water quality manager, they are necessary for the proper handling of wastewater. Appeals of the decision of the water quality manager shall be handled as provided for other appeals under section 22.02.106(c) hereof.

(b) Grease and grit traps shall be constructed to prevent fats, oils, or greases from entering the sanitary sewer in concentrations greater than 200 mg/l and shall be located so that they are easily accessible for cleaning, maintenance, and inspection. The installation of grease traps or grit traps shall comply with the requirements of the city's plumbing code.

(c) A generator shall properly install a sample port or sample well for ease in sampling the wastewater discharge from the grease or grit trap. Sample ports shall meet the following criteria:

(1) The sample port shall be installed and maintained at the generator's expense;

(2) The sample port shall be installed as close as possible to the connection to the city sanitary sewer main within the bounds of the facility property;

(3) The port shall be installed according to the specifications obtained from city water utilities. It shall be installed perpendicular to the effluent flow to allow visual observation and sampling;

(4) The port shall be accessible for monitoring authorities;

(5) New facilities being constructed shall have the sample port installed before opening for business. Established generators must install a sample port within six (6) months of approval of this division;

(6) Exempt establishments may be required to install a sample port for inspection purposes.

(d) A generator of grease trap or grit trap waste shall have the trap serviced as frequently as necessary to prevent bypass or overflow, and to insure proper operation of the trap. Such generators, at a minimum, shall have the grease or grit trap cleaned once every three (3) months.

(e) If the city determines that quarterly cleaning of a grease or grit trap is not sufficient to prevent the discharge of oil and grease in quantities less than 200 mg/l, the city will require more frequent cleaning of the grease trap.

(f) A manifest shall be generated every time the grease or grit trap is pumped or cleaned. The generator shall sign a copy of the manifest as well as the driver. It shall be the responsibility of the generator to insure they receive a copy of the manifest from the hauler after the grease or grit trap has been cleaned and that they receive a final copy of the manifest after the waste has been disposed of at the final disposal site and the disposal facility has signed the manifest. A copy of the completed manifest shall be sent to city water utilities every time the facility's grease or grit trap is serviced. The manifest must be submitted within twenty-one (21) days of the servicing of the trap.

(g) The generator shall keep copies of the completed grease or grit trap waste manifests for three (3) years.

(h) A generator shall have his trap serviced by a transporter having a valid registration with the state.

(i) Grease and grit traps shall be inspected for seepage into the surrounding media whenever the trap has been pumped. The generator shall repair, replace, or install apparatus and equipment as necessary to ensure the proper operation and function of the trap.

(j) A generator shall supervise the servicing of their grease or grit traps and shall ensure they are completely emptied by the transporter during such servicing. The transporter shall not return any material to the grease or grit trap once the trap has been cleaned.

(k) A generator shall clean up or cause to be cleaned up all spills of liquid or solid waste and shall have the waste properly disposed of by the transporter.

(l) A generator that is located in a multi-user building may be required to separate sanitary sewer flows from adjacent sites and install a water submeter to measure individual water consumption or utilize some other method approved by the water quality manager or his designee.

(m) The cost of complying with all sections of this division shall be the responsibility of the property owner and their lessees. These costs include but are not limited to any maintenance, analysis, grease or grit trap cleaning, repair, replacement, or modification, and installation of sample wells or ports.

SECTION XXVIII
Bioremediation

(a) It shall be unlawful for any generator to introduce, cause, or permit the introduction of any bioremediation media into a grease trap except as authorized by the water quality manager.

(b) Bioremediation media may be used with the water quality manager's approval if a generator proves to the water quality manager's satisfaction that:

(1) The media will be a pure, live, bacterial product and will not contain any surfactants, emulsifiers, or substances which act as a solvent for fats, oils, or greases;

(2) The amount of oil and grease discharged to the sanitary sewer after the use of the media will not exceed the discharge limits for oil and grease of 200 mg/l;

(3) The pH of the discharge will not be less than 6.0 or greater than 11.0;

(4) The use of the media will not reduce the buoyancy of the grease layer in the grease trap and will not increase the potential of oil and grease to be discharged to the sanitary sewer;

(5) The media will not be destroyed by the use of domestic or commercial disinfectants and detergents or hot water;

(6) Any waste pumped from the grease or grit trap after use of the media must be acceptable at disposal sites for the waste;

(7) The use of the bioremediation media will not cause foaming in the sanitary sewer.

Sec. 22.02.106 Request for exemption

(a) If a generator believes that quarterly pumping of their grease or grit trap is not justified, that generator must request in writing an exemption to the requirement. To qualify for the exemption:

(1) The generator must have an independent laboratory sample and analyze a monthly grab wastewater discharge sample for oil and grease;

(2) The samples shall be collected from the sample port or well;

(3) When analyzed the oil and grease must be less than 200 mg/l.

(b) If a generator believes that they do not need a grease or grit trap and do not fall into any of the exempted categories they must submit to the water quality manager the following information to prove their exemption:

(1) The name, address, and telephone number of the business;

(2) The name of the manager or other contact at the business;

(3) A description of the business;

(4) The type, size, and maintenance schedules of any wastewater pretreatment devices;

(5) The names of all haulers of any waste and recycled products who have hauled from the business in the previous year;

(6) A statement of whether employees are trained in waste disposal practices;

(7) A plan showing the locations of all water and sewer connections, fixtures, sample ports, backflow prevention devices, and any other treatment devices;

(8) A copy of all printed menus if it is an eating establishment;

(9) A description of any changes planned to the structure;

(10) Any planned significant changes to the user's operation or system which might alter the nature, quality, or volume of its wastewater;

(11) A statement as to why the generator believes it qualifies for an exemption;

(12) Any other information as may be deemed necessary by the water quality manager to evaluate the wastewater discharge.

(c) The water quality manager shall make a decision in regard to all requests. Should the generator disagree with the decision of the water quality manager, the generator may appeal such decision in writing within five (5) days after the written decision of the water quality manager. The appeal shall be to the water utilities director and shall include any evidence the generator wishes to provide to prove that the required pumping of grease or grit traps is not necessary. The decision of the water utilities director shall be final.

SECTION XXIX
Monitoring and surcharges for BOD/TSS concentrations

Generators shall, once a year, submit to the water utilities department an analytical report documenting the BOD and TSS concentration discharged to the sanitary sewer. Samples will not be taken within one week of having the grease or grit trap cleaned; exceptions shall be granted if the trap is being pumped out on a weekly basis.

SECTION XXX
Right of entry, inspection and sampling

(a) It shall be unlawful for a generator to refuse to allow the water quality manager or their authorized representative to enter their premises during business hours to determine whether the generator is complying with all the requirements of this division. A generator shall allow the water quality manager or their authorized representative access to all parts of the premises for the purposes of inspection, sampling, records examination, copying, and the performance of all other duties.

(b) If the water quality manager or their authorized representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this division, to protect the overall public health, safety, and welfare of the community, or to protect the wastewater collection system or POTW, then the water quality manager may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION XXXI
Penalties

(a) If the city determines that a generator is responsible for a blockage of a collection system line, the generator shall owe a civil penalty of five hundred dollars ($500.00) for the first violation, one thousand dollars ($1,000.00) for the second violation, and one thousand five hundred dollars ($1,500.00) for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by five hundred dollars ($500.00) and may also result in termination of services. The determination shall be made by inspecting the grease or grit traps in the area, noting their condition, and taking wastewater discharge samples from the sample ports. Those facilities which have discharges with an oil and grease above 300 mg/l, or have not had their grease or grit traps pumped out quarterly (or the documentation to prove the pumping of the grease or grit trap was not necessary), shall be considered responsible for the blockage.

(b) Any person violating any of the provisions of this division shall be subject to a written warning for the first violation, a five hundred dollar ($500.00) civil penalty for the second violation, a one thousand dollar ($1,000.00) civil penalty for the third violation, and a one thousand five hundred dollar ($1,500.00) civil penalty for the fourth violation within a two-year period. Consistent violations will result in a five hundred dollar ($500.00) increase in civil penalty and may result in termination of services.

(c) The water quality manager may suspend water service and/or wastewater service to a generator to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or to the environment, or causes interference to the POTW and/or the sanitary sewer system. Service may also be suspended if the generator refuses to abide by this division or pay any penalty issued.

(d) If a generator is penalized, they may file a written appeal to the water utilities director. The appeal must include evidence proving that the generator did not violate this division and the appeal must be filed within five (5) city working days of the generator receiving the penalty. The decision of the water utilities director shall be final.

SECTION XXXII
Adjustment of standards

The technical standards set out in this division shall be automatically adjusted to conform to any amendment to state or federal law which changes such standards. The technical standards

applicable to generators in the city shall always be the same as the standards for such generators established by state or federal law.

Division 4. Water and Sewer Line Extensions

SECTION XXXIII
Definitions

As used in this division, the following terms shall have the respective meanings ascribed to them:

Boundary sanitary sewer lift station. A sanitary sewer lift station built for serving a specific development, which can also serve property not included in the development but adjacent to it that may develop in the future.

Boundary sewer. A sewer installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Boundary water line. A water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Department. The water utilities department of the city.

Development. A subdivision, as defined in the city's subdivision regulations.

Director. The director of the water utilities department or his appointed representative.

Engineer. A professional engineer licensed by the state.

Lot. Land occupied or intended for occupancy by a main building together with its accessory buildings, and the yard and parking spaces required, and having its principal frontage upon a street as defined herein.

Owner's front footage. Owner's front footage, for purposes of determining pro rata charges to be paid by the owner of a lot for sewer service or water service and for which there will be no reimbursement, shall be determined by the owner's lot condition, as follows:

(1) Regular lot. A lot generally rectangular in shape. Front footage of a regular lot shall be measured along the property line facing the street.

(2) Irregular lot. Any lot of a nonrectangular shape, except the radial lot defined below. The front footage of an irregular lot shall be equal to one front foot for each one hundred twenty-five (125) square feet of lot area, but shall never exceed the maximum measured width of the lot at any depth of the lot, parallel to the street line.

(3) Radial lot. A lot abutting a curved street and in general having sides which are radial to the street. Front footage of a radial lot shall be measured as the chord distance at a point twenty-five (25) feet from the front property line.

(4) Corner lot. A lot situated on the corner of a block and having more than one side facing a street. Front footage shall be measured along the side of the lot to which service connection is made.

Pro rata. The charge per front foot of abutting land to be paid by the lot owner or owner of a development to aid in defraying the cost of supplying sewer service or water service (as the case may be) to their lot or site. The amount of the charge will be determined by the department.

(1) Single pro rata. The charge based on the front footage of abutting land on only one side of the street or easement.

(2) Double pro rata. The charge based on the front footage of abutting land on both sides of the street or easement.

Street. A public thoroughfare which has been dedicated or deeded to the public for public use, which has been officially approved by the governing body of the city, and which affords the principal means of access to property abutting it.

SECTION XXXIV
Purpose and scope

The purpose of this article is to establish a policy for the city for extending sanitary sewer and water lines and for the sewer and water service connections to such extensions, and to establish rules governing such extensions and connections. The article also establishes rules governing the construction of sanitary sewer lift stations. It is not the intention of this article to obligate, and the city shall not be obligated to participate in or proceed with any construction covered by this article when funds are not available or when, in the discretion of the director of water utilities, the construction is not practical. It is not the intention of this article to limit the right of the city to extend sanitary sewer or water lines at its own cost and collect the charges herein set forth from the applicants for sewer or water service, and such right is herein reserved. The city shall own all sewer lines, water lines, and sanitary sewer lift stations, including service connections, constructed and accepted under the terms of this article.

SECTION XXXV
General rules for extensions

Sanitary sewer lines or water lines will be extended in the city in accordance with the following rules:

(1) Individual lots. Sanitary sewers and water lines of proper size will be extended by the city in its easements and streets to serve individual lots, according to the following rules:

(A) For the first three hundred (300) feet of the extension (not including the width of street intersections and alleys), the lot owner requesting extension shall pay single pro rata for the distance of the extension. This pro rata is reimbursable as hereinafter provided, except for the pro rata paid on the owner's front footage.

(B) For the remainder of the extension required to install the sewer or water line across the total width of the lot of the owner requesting extension, the lot owner shall pay double pro rata. This pro rata is reimbursable as hereinafter provided, except for the pro rata paid on the owner's front footage.

(C) Should the lot owner requesting extension require a sewer or water line in excess of the size required by the city, the owner shall pay all additional costs for the oversize sewer or water line.

(D) In addition to the payments specified above, the lot owner or customer must pay the appropriate service connection charges before service connections can be made.

(E) No construction shall be scheduled nor begun by the city until all extension charges have been paid to the city.

(2) Developments. The owner of a development shall pay for and install all sewer and water lines and necessary appurtenances thereto within the boundaries of the development.

The city will extend sewers or water lines of proper capacity outside the boundaries of the development to service the development after the following applicable requirements have been satisfied:

(A) The owner of the development shall pay all costs for installation of sewer or water line extensions required to extend services to the boundary of the development.

(B) Should the extension involve the construction of a boundary sewer or boundary water line, the owner of the development shall pay double pro rata to the city based on the footage of the development property abutting the boundary sewer or boundary water line, as applicable.

(C) Should the city require water line extensions or interior water lines larger in size than required for the development so long as said water lines are between the sizes of six (6) inches and sixteen (16) inches, inclusive, the city shall pay one and one-half (1.5) times the difference in cost of materials for said water lines. Also, due allowance shall be made to the owner of the development for intersections and alleys crossed, outside the development.

Should the city require sewer line extensions or interior sewers larger in size than required for the development, the city shall pay for that portion of material cost over and above such requirements. Also, due allowance shall be made to the owner of the development for intersections and alleys crossed, outside the development.

(D) No sewer or water line extension shall be scheduled until all charges specified herein have been paid by the owner of the development to the city.

SECTION XXXVI
Extensions outside of city

The city may, with specific approval of the city council, extend sewer or water service outside of the city, according to the following rules:

(1) The provisions of **SECTION XXXV**, with the exception of the reimbursement provisions, shall apply to sewer and water line extensions outside the city limits.

(2) Any lot owner applying for service connections to sewers or water lines extended under the terms of this division shall pay single pro rata on the owner's front footage.

(3) All applicants for sewer or water service shall pay double the service connection charge applicable within the city.

(4) There shall be no reimbursement for extensions outside the city.

SECTION XXXVII
Construction requirements

(a) Before work begins under a contract for construction of sewers or water lines in a development, proof of the following must be submitted to the director by the owner of the development:

(1) All construction will be in accordance with department approved plans and specifications.

(2) The contractor has public liability insurance acceptable to the city in the amount of not less than two hundred fifty thousand dollars/five hundred thousand dollars ($250,000.00/$500,000.00) for bodily injury and twenty thousand dollars ($20,000.00) for property damage.

(b) When all of the requirements of this section have been met, the director will issue a letter to the owner of the development giving permission to begin construction.

(c) All sewer and water line installations shall be designed in accordance with criteria and specifications established by the department.

(d) All engineering services shall be provided by the city for extensions to individual lots with costs thereof included in the total cost of construction.

(e) All engineering services required, including resident inspection, for construction of sewers or water lines within the boundaries of developments shall be furnished by the development's

engineer. Plans, specifications and contract documents shall be approved by the department prior to construction.

(f) Responsibility for resident inspection of construction shall be included in and be a part of the engineering services set forth above. During actual construction, the engineer, or his representative, shall be on the site at all times. The engineer shall have the right to halt construction when there is an indication that the plans and specifications are not being or have not been followed until such deviations are corrected to his satisfaction. The engineer shall, upon satisfactory completion of the project, issue to the director a letter certifying the construction meets the requirements of all the plans and specifications and was completed to the satisfaction of the engineer.

(g) In addition to the resident inspection specified above, and where resident inspection is not a responsibility of the department, department inspectors shall visit the site periodically and, upon project completion, shall recommend to the director that final approval be given.

(h) The owner of a development desiring sewer or water line extension to its boundary shall submit a written request to the director listing the lots and blocks of the property abutting the extension. Two (2) approved plats of the area to be served shall be included with the request and become the property of the city. If the area for which service is requested is part of a larger area owned or controlled by the owner of the development and which can reasonably be expected to require future extensions, then two (2) preliminary plats of the larger area shall also be submitted showing a tentative design of overall layout for the entire area.

SECTION XXXVIII
Sanitary sewer lift stations

(a) If a boundary sanitary sewer lift station is required to provide sanitary sewer service to the development, the developer should be responsible for the design and construction costs of such sanitary sewer lift station and all related appurtenances.

(b) The city may require the developer to increase the structure, motor, and pump sizes of the sanitary sewer lift station to accommodate future developments in the area. If funds are available, the city will participate in the construction cost for acreage outside the limits of the proposed development. The city's participation value shall be determined by the number of acres outside the limits of the proposed development multiplied by the sanitary sewer lift station construction cost per acre at the time of installation. The city will not participate in any cost if the structure is sized for the proposed subdivision and additional wastewater flow to the sanitary sewer lift station will only require pump and motor changes and/or modifications.

(c) The owners of future adjacent developments that have to discharge wastewater to an existing boundary sanitary sewer lift station, must reimburse the city or the developer of the sanitary sewer lift station. The pro-rata reimbursement will be determined based on the total acreage the sanitary sewer lift station was required to accommodate and the sanitary sewer lift station construction cost per acre. The reimbursement value shall be determined by number of acres added to the sanitary sewer lift station multiplied by the construction cost per acre at the

time of installation. The owners of the new developments will also be responsible for any and all required changes and/or modifications to the existing pumps and motors.

(d) The construction cost of a sanitary sewer lift station shall be obtained through a bidding process abiding by state procurement laws to guarantee compatible pricing to the city and the developers. The date when the sanitary sewer lift station was built will not affect the content of this section.

PART II: INDUSTRIAL WASTES STANDARDS***

DIVISION I: GENERALLY

SECTION I
Definitions

As used in this article, the following terms shall have the respective meanings ascribed to them:

Act of God or unpreventable event. The affirmative defense that, if a person can establish that an event that would otherwise be a violation of this article or a permit issued under this article was caused solely by an act of God, war, strike, riot, or other catastrophe, and was unpreventable, then the event is not a violation of this article or the permit.

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

Administrative orders. Enforcement documents which direct an industrial user to undertake or cease specific activities. The orders may take the form of cease and desist orders, consent orders, show cause orders, or compliance orders.

Administrator. The Region 6 Administrator of the Environmental Protection Agency or his duly authorized representative.

Approval authority. The executive director of the state commission on environmental quality (TCEQ). The TCEQ received the authorization to implement the NPDES program in Texas.

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

(1) An owner;

(2) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(3) Any partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(4) A duly authorized representative of the individual above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, as specified in 40 CFR section 136, expressed in milligrams per liter.

Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

Chemical oxygen demand (COD). The measure of the oxygen-consuming capacity of inorganic and organic matter present in water, sewage, industrial waste, or other liquid under standard laboratory procedures as specified in 40 CFR section 136, expressed as milligrams per liter.

Composite sample. A compound sample created by combining samples taken at different times.

Control authority. The City of Bevil Oaks.

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the state.

Director. The water utilities director of the city, or his authorized deputy, agent or representative.

Domestic wastewater. Waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, free from stormwater, surface water, and industrial waste. Normal domestic wastewater shall mean "normal" sewage for the city, in which the following average concentrations are established:

(1) BOD = 250 milligrams per liter of wastewater.

(2) COD = 550 milligrams per liter of wastewater.

(3) TSS = 300 milligrams per liter of wastewater.

(4) O and G = 200 milligrams per liter of wastewater.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes as required in appendix E of 40 CFR section 403.

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

(1) Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;

(2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act, chapter 361 Health and Safety Code, or the Administrator, U.S. Environmental Protection Agency (EPA), pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and as may be amended in the future.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or other duly authorized official of said agency.

Extraterritorial jurisdiction. An area outside the corporate limits of a municipality as defined in Local Government Code, section 42.021.

Garbage. Solid waste from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce. Properly shredded garbage has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

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

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

Industrial user. Any person, business or governmental agency that discharges nondomestic waste to the city wastewater treatment system.

Industrial waste. All gases, solids or liquids resulting from any industrial, manufacturing, food processing, oil and/or gas well and/or gas field site operations or processes, or from the development of any natural resource, or any mixture of these with water or domestic wastewater.

Industrial wastewater discharge permit. A permit required of all significant industrial users to deposit or discharge industrial wastewater to the city's wastewater treatment system. This permit does not grant a waiver to allow discharge of any waste prohibited by this article or allow discharge of any waste that exceeds the limits or is in violation of the requirements of this article.

Interference. The inhibition or disruption of the wastewater treatment system which contributes to a violation of any requirement of the city's TPDES permit. This term includes prevention of

sewage sludge use or disposal by the wastewater treatment plant in accordance with section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the wastewater treatment plant.

Maximum discharge limit. The flow limitations as prescribed to collection system capacity and allowable head loading at the POTW.

May. "May" is a permissive or discretionary statement.

Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, wastewater product, or finished product.

Nonhazardous waste hauler permit. A permit required of all persons engaged in draining, flushing, or cleaning out any tanks containing chemical liquid wastes, septic tank wastes, oil and grease trap wastes, or any type of domestic or nondomestic waste within the city. This permit shall also be required of all persons transporting such wastes into the city for final disposal.

National categorical pretreatment standard or pretreatment 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 a specific category of industrial users.

Natural outlet. Any outlet to a watercourse, pond, ditch, lake or other body of surface water or groundwater.

National Pollutant Discharge Elimination System or NPDES permit. A permit issued by the EPA pursuant to section 402 of the Act.

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 and such standards are thereafter promulgated in accordance with that section, provided that the source meets the requirements listed in 40 CFR section 403.3(k), including any amendments thereto.

Oil and grease (O and G). The total quantity of material recovered under standard laboratory procedures as specified in 40 CFR section 136, expressed as milligrams per liter.

Pass-through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the POTW's TPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal

representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

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

Pollutant. Any substance discharged into a POTW or its collection system which is prohibited or limited by section 22.03.002 of this article. This term includes dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

POTW. Publicly owned treatment works as defined in 40 CFR section 403.3, including any amendments thereto; the municipal wastewater treatment system.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging to the wastewater treatment system.

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

Pretreatment 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 industrial users. This term includes prohibitive discharge limits.

Public sewer. A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Sanitary sewer. A sewer which carries wastewater to which storm, surface, and ground waters are not intentionally admitted.

Significant industrial user. Any industrial user who:

(1) Has a discharge flow of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater) of an average of twenty-five thousand (25,000) gallons or more per average work day;

(2) Has a flow greater than ten (10) percent of the average daily flow in the city's wastewater treatment system;

(3) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(4) Is subject to requirements under the national categorical pretreatment standards under 40 CFR section 403.6 and 40 CFR chapter I, subchapter N, including any amendments thereto;

(5) Has a reasonable potential in the opinion of the director to adversely affect the POTW's operation, or for violation, [of] any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6) including any amendments thereto).

Significant noncompliance. Instances of SNC are industrial user violations which meet one or more of the following criteria:

(1) Violations of wastewater discharge limits.

(A) Chronic violations. Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).

(B) Technical review criteria (TRC) violations. Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period.

(C) The TRC applies to those measurements found to be 1.4 times the limit for BOD, TSS, fats, oil, and grease, and 1.2 times the limit for all other pollutants except pH.

(D) Any other violation(s) of an effluent limit (average or daily maximum) that the city believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.

(E) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.

(2) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within thirty (30) days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the city considers to be significant.

Shall. "Shall" is a mandatory statement.

Slug. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards of this article or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standard Methods. The examination and analytical procedures set forth in the latest EPA approved edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater.

Storm sewer. A sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial waste.

Texas Commission on Environmental Quality, state commission on environmental quality, or TCEQ. The TCEQ, the administrator, or other duly authorized official of said agency.

Texas Pollutant Discharge Elimination System or TPDES permit. A permit issued by the state commission on environmental quality under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general areawide basis.

Total suspended solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering, as specified in Standard Methods, expressed in milligrams per liter.

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

Unpolluted water or waste. Any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic poisonous substances in suspension, colloidal state or solution; and noxious and odorous gases. It shall contain not more than ten (10) milligrams per liter each of suspended solids and BOD. The color shall not exceed fifty (50) parts per million as measured by the platinum-cobalt method as listed in Standard Methods.

Wastewater. The liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the wastewater treatment system.

Wastewater treatment system. All facilities for collecting, pumping, treating, and disposing of wastewater.

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

SECTION II
Use of public sewers

(a) General discharge prohibitions. No user may introduce into the POTW any pollutant(s) which cause pass-through or interference. No user shall contribute, directly or indirectly, any of the following described materials, waters, or wastes. These prohibitions apply to all dischargers into the wastewater treatment system, whether or not the user is subject to any national categorical pretreatment standard, any permit requirements as a significant user, or any other national, state or local standards or requirements:

(1) Any discharges with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge to the system, be more than five percent (5%) nor any single reading over ten (10) percent of the lower explosive limit of the meter. Prohibited materials include gasoline, benzene, naphtha, fuel oil or any other flammable or explosive liquid, solid or gas.

(2) 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.

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substances which cause obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment system.

(4) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees centigrade), or which will cause the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit (5.5 degrees centigrade) per hour, or a combined total increase of plant influent temperature to one hundred four (104) degrees Fahrenheit (40 degrees centigrade).

(5) Any wastewater having a pH less than six (6.00) or higher than eleven (11.00) or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater treatment system.

(6) Any garbage that has not been properly shredded.

(7) Any waste or water containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such material at the wastewater treatment plant or in the collection system.

(8) Any discharges that result in toxic gases, fumes, or vapors in a quantity capable of causing a potential health and safety hazard to either the public or wastewater treatment personnel or any noxious or malodorous gas or substance capable of creating a public nuisance.

(9) Any water or waste containing a toxic or poisonous pollutant in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or cause the city to violate its TPDES permit for receiving water quality standards. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(10) Any wastewater with objectionable color not removed in the treatment process.

(11) Any wastewater exceeding the local limits set by the control authority and approved by the administrator. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following:

(A) Any heavy metals, in solution or suspension, in concentration exceeding the following local limit (in milligrams per liter):

Arsenic	4.0
Cadmium	0.3
Chromium (total)	21.0
Copper	1.0
Lead	1.8
Mercury	0.005
Nickel	4.0
Selenium	1.4
Silver	3.0
Zinc	8.0

(B) Any phenols greater than ten (10.0) milligrams per liter.

(C) Any cyanide greater than one and four-tenths (1.40) milligrams per liter as CN.

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. The

limits will apply to end of pipe of wastewater stream and/or process waste stream as determined by state and federal regulations. The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(12) Any chloride concentrations great enough to raise the chloride content of the POTW effluent above 400 mg/l.

(13) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released as a slug flow which will cause interference to the wastewater treatment plant.

(14) Any wastewater containing any radioactive waste or isotopes of such concentration as may exceed applicable state or federal regulations.

(15) Any substance which may cause the wastewater treatment plant's effluent or any other product of the wastewater treatment system such as residues, sludges, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. Industrial user facilities utilizing or otherwise handling chemical substances in such a manner that may generate either characteristic or listed hazardous waste shall be required by the director to perform hazardous waste determinations on their process waste and/or wastewater.

(16) Any fat, oil, or grease in excess of two hundred (200) milligrams per liter.

(17) Any petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass-through.

(18) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(b) Dilution. No user shall increase the use of potable or process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the local limits or the applicable pretreatment standards. The city may impose mass limitations on users that are using dilution to meet the pretreatment standards or requirements of this article, or in other cases where the imposition of mass limitations is deemed appropriate by the city.

(c) Discharge of manufacturing, industrial, etc., wastewater.

(1) When the director determines that a user is contributing to the wastewater treatment system any of the above enumerated substances in such amounts as to interfere with the operation of the system, the user shall be advised of the impact on the system and effluent limitations for such user will be developed to correct the interference, or the waste will be prohibited from entering the system.

(2) Where acids or chemicals damaging to sewer lines or treatment processes are released to the system, causing rapid structural deterioration and/or interfering with proper treatment of wastewater, and/or presenting imminent danger to wastewater treatment personnel, the director is authorized to immediately terminate service until such time as the user's discharge is in compliance with this article.

(d) Discharge of stormwater, etc., to sanitary sewer prohibited. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage or unpolluted industrial process water to any sanitary sewer without prior written approval of the director.

(e) Designation of sewers for stormwater, etc. In compliance with applicable state and federal statutes, the director may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (d) of this section may be discharged.

(f) Compliance with existing authority.

(1) Unless exception is granted by the director, the public sewer system shall be used by all persons discharging:

(A) Wastewater;

(B) Liquid industrial wastes; or

(C) Polluted liquids.

(2) Unless authorized by the state commission on environmental quality and/or EPA, no person may deposit or discharge any waste included in subsection (1) of this subsection on public or private property in or adjacent to any:

(A) Natural outlet;

(B) Watercourse;

(C) Storm sewer; or

(D) Other area within the jurisdiction of the city.

(3) The director shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of the laws, regulations, ordinances, rules and orders of federal, state, and local government.

(g) General permits. All significant industrial users shall obtain an industrial wastewater discharge permit. All existing significant users connected or contributing to the wastewater treatment system shall obtain an industrial wastewater discharge permit within 30 days after the effective date of this article.

(h) Nonhazardous waste hauler permits. No person shall drain, flush or clean out any tanks or basins containing chemical liquid wastes, septic tank wastes, oil and grease trap wastes, or any other type of domestic or nondomestic liquid wastes and dispose of such wastes into the city's sanitary sewer system unless such person is issued a permit by the city. Any disposal site within the city, and method of disposal, must be approved by the director. Copies of trip tickets shall be maintained and made available for inspection at any reasonable time.

(i) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The director will attempt to notify all affected users of the applicable reporting requirements under 40 CFR section 403.12; however, it will be incumbent on all users to keep themselves apprised of current local, state, and federal laws.

(j) Excessive discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this article. Flow restrictions may apply where an industrial user's flow exceeds twenty (20) percent of the POTW's average daily flow.

(k) Accidental discharges. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. The following requirements also apply:

(1) Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. When required by the director, detailed plans showing facilities and operating procedures to provide this protection shall be submitted for review and shall be approved before construction of the facility. All existing users shall submit the above information when required by the director, within ninety (90) days of written notice.

(2) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the wastewater treatment plant superintendent of the incident. The notification shall include location of discharge, type of waste, concentration, volume, and corrective actions.

(3) Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater treatment system, fish kills, or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(4) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(5) Failure to notify the director of an accidental discharge may result in legal action or discontinuation of utility service.

(l) Pretreatment. Where necessary to comply with the provisions of this article, the user shall provide, at his expense, such preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within acceptable limits, or to control the quantities and rates of discharge of such waters or waste. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director and the chief plumbing inspector, and no construction of such facilities shall be commenced until said approvals are obtained in writing. The following requirements also apply:

(1) Grease, oil, and sand traps shall be provided for the proper handling of liquid wastes containing grease or flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for premises used exclusively as private living quarters or dwelling units.

(2) Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be located as to be readily and easily accessible for cleaning and inspection.

(3) Where preliminary treatment facilities are provided for any waters or waste, they shall be maintained continuously in satisfactory and effective operation by the user at his expense.

(m) Inspection manhole. When required by the director, an industrial user shall install a suitable inspection manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the director and the chief plumbing inspector. The manhole shall be installed and maintained by the user at his expense.

(n) Inspection, sampling, and analysis. The city shall inspect the facilities of any user to ascertain whether the requirements of this article are being met. All users designated as significant industrial users shall be inspected and sampled a minimum of once per year. This shall not prohibit the city from more frequent sample collection or inspections. Persons or occupants of the industrial user facility where wastewater is created or discharged shall allow the director and/or his representatives (the state (TCEQ) and EPA, along with other city personnel) ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling for routine or independent samples, records examination, or in the performance of any of their duties. The city shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and

clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city will be permitted to enter without delay, for the purpose of performing their specific responsibilities. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the Act and contained in 40 CFR, part 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR, part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the administrator. All users who are required by this article to develop data for submittal to the city shall comply with this subsection.

(o) Existing pretreatment. Detailed plans showing any pretreatment facilities and operating procedures required to meet pretreatment standards or permit requirements shall be submitted to the city for review, and shall be acceptable to the city before construction of the facilities. The review of such plans and procedures will in no way relieve the user from the responsibility of modifying the facility, as necessary, to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(p) Noncompliance. The city shall annually publish in the Beaumont Enterprise newspaper or similar, general-distribution newspaper a list of the users which were in significant noncompliance, as defined by the EPA, of any pretreatment standards, permit requirements, or other provisions of this article. The notification shall also summarize any enforcement action taken against the users during the same twelve (12) months.

(q) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information entitled to protection as trade secrets of the user. When requested by the user, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the TPDES permit, the state disposal system permit and/or pretreatment program and other judicial reviews or enforcement proceedings by state or federal agencies. Any information requested to be held confidential shall be stamped "confidential business information" on each page containing such information. Confidential information will be treated in accordance with the city's written confidential statement procedure. Wastewater constituents and characteristics will not be recognized as confidential information.

(r) State requirements. Requirements and limitations on discharges, issued by the state, shall apply in any case where they are more stringent than requirements and limitations in this article.

(s) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater treatment system if deemed necessary to meet or comply with new federal or state regulations.

SECTION III
Permits

(a) Industrial wastewater discharge permit application. Users required to obtain an industrial wastewater discharge permit (significant users) shall complete and file with the city an application in the form prescribed by the city. Existing significant users shall apply for an industrial wastewater discharge permit within thirty (30) days after the effective date of this article, and proposed new significant users shall apply at least ninety (90) days prior to connecting to or contributing to the wastewater treatment system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, mailing address, and location (if different from the mailing address);

(2) SIC number according to the most recent edition of Standard Industrial Classification Manual, Office of Management and Budget;

(3) Wastewater constituents and characteristics, including, but not limited to, those mentioned in Part II, Section II of this article, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 CFR, part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and existing or proposed monitoring facilities and appurtenances by the size, location, and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) The nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major comments, commencing construction, etc.);

(B) No increment referred to in subsection (9) shall exceed nine (9) months;

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director;

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of the pretreatment system;

(13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

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

(b) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a standard, has not previously submitted an application for an industrial wastewater discharge permit as required by subsection (a), the user shall submit an industrial waste permit application to the city within three (3) months of the promulgation of the national categorical pretreatment standard.

(c) Extraterritorial jurisdiction industrial users. Any user located beyond the city limits required to obtain an indirect discharge permit shall submit a permit application within ninety (90) days prior to discharging to the POTW as outlined in subsection (a) of this section, and be subject to all requirements of this article.

(1) If the industrial user is within a jurisdiction where the city does not have the legal authority to enforce this article as written, a multi-jurisdictional agreement shall be filed with the municipality or county in which the industrial user is located.

(2) Any industrial user that is outside of the city limits shall request its municipality jurisdiction to enter into a multi-jurisdiction agreement with the city.

(d) Temporary indirect discharge permits. The city may issue indirect discharge permits to address temporary nondomestic discharges to the POTW. Each temporary discharge must receive prior written approval from the city. Wastewater sources that are subject to temporary permitting include, but are not limited to, stormwater, groundwater, cooling water, process water, cleanup water from spills, leaking underground storage tanks, and monitoring wells. Each temporary discharge permit must be reviewed and reissued if the user wishes to discharge past the original expiration date. Users issued temporary indirect discharge permits shall pay all applicable charges and fees and meet such other conditions as required by the city.

(e) Permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits shall contain the following provisions to insure compliance with permit conditions:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on the maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities, and for offering the city access thereto;

(5) Specifications for self-monitoring requirements shall include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports;

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording the city access thereto;

(9) Requirements for notification of the director of any new introduction of wastewater constituents, any substantial change in volume or character of the wastewater constituents being introduced into the wastewater treatment system and any plans for the installation of new processes;

(10) Requirements for notification of potential problems, including slug loading and accidental discharges;

(11) Requirements for hazardous waste determinations on waste and wastewater generated at the permitted facility;

(12) Other parameters or conditions as deemed appropriate by the director to ensure compliance with this article;

(13) The permittee may be required to conduct effluent monitoring at an increased frequency when effluent parameters are violated during the permit period.

(f) Denial. The city reserves the right to deny or condition new or increased contributions of pollutants to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its TPDES permit.

(g) Permit duration. Permits shall be issued for a specific time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may change as limitations or requirements as identified in Part II, Section II are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(h) Permit transfer. Industrial wastewater discharge permits are issued to a specific user for a specific operation. A permit shall not be reassigned, transferred or sold to new owner, new user, different premises, or a new or changed operation without the approval of the city.

(i) Reporting requirements for permittee. The following shall apply to reporting requirements under this section:

(1) Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater to the wastewater treatment system, any user subject to categorical pretreatment standards and requirements shall submit to the director a report indicating the nature, concentration, and flow of all pollutants

in the discharge from the regulated process which are limited by categorical pretreatment standards. The average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards shall be included in the report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the user into compliance. This statement shall be signed by an authorized representative of the user, and certified by a professional engineer.

(2) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director a report for continued compliance no less than twice a year as determined by the pretreatment year, unless required more frequently in the pretreatment standard or by the director or the approval authority, indicating the nature, concentration, and flow of the pollutants in the effluent which are limited.

(3) All significant industrial users, whether or not subject to categorical pretreatment standards, shall submit once every six months on dates specified by the director and/or [sic] periodic discharge monitoring reports as required in the user's permit, indicating the nature, concentration, and flow of pollutants in the effluent which are limited by pretreatment standards or permit requirements.

(4) Where an industrial user's or the city's sampling data indicates a violation of effluent parameters, other than surchargeable parameters, the industrial user must repeat sampling and analysis for the parameter(s) violated and submit the analytical results to the director within thirty (30) days.

(5) The city will, on occasion, do monitoring in lieu of the user; however, the user shall compensate the city for cost of the monitoring, including sampling, analysis, labor, and reporting.

(6) These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques specified in 40 CFR section 136 and amendments thereto.

(7) The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or permit requirements or in other cases where the imposition of mass limitations is appropriate. In such cases the user's discharge monitoring reports shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the city, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard, or as deemed necessary by the city.

(8) Application signatories and certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(9) Monitoring reports to demonstrate continued compliance. Periodic reports required shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city, of pollutants contained therein which are limited by the applicable pretreatment standards.

(10) The frequency of monitoring will be established according to requirements for assessing and ensuring compliance with applicable pretreatment standards and requirements. The monitoring will be conducted during the period covered by the report, which data is representative of conditions occurring during the reporting periods.

(11) Records shall include for all samples:

(A) Chain of custody with the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(B) Dates analyses were performed;

(C) Who performed the analyses;

(D) The analytical techniques/methods used;

(E) The results of such analyses; and

(F) The quality control and assurance performed to validate the analyses.

(12) Noncompliance reporting. An industrial user shall give twenty-four (24) hours' notice of becoming aware of a noncompliance with pretreatment standards and/or requirements. A written report shall be submitted with explanation of the reason for the noncompliance within five (5) days after becoming aware of the noncompliance. The industrial user shall conduct repeat analysis, within thirty (30) days of the first noncompliance, to show continued compliance.

(13) Report-keeping requirements. Any industrial user subject to the reporting requirements established in this article shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the director and the administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director or the administrator.

(j) Monitoring facilities. All significant industrial users shall provide a suitable inspection manhole to allow inspection, sampling, and flow measurement, as required by Part II, Section II(m).

(k) Nonhazardous waste transporter permits. The following provisions shall apply to all persons required to obtain a nonhazardous waste hauler permit for the purpose of transporting nonhazardous waste as required by Part II, Section II (h) of this article:

(1) Persons requesting a nonhazardous waste hauler permit shall make application on a form provided by the city and provide such information as the city may reasonably request and shall have obtained a state commission on environmental quality sludge transporter registration number.

(2) All applicants shall submit for inspection by the city each vehicle the applicant proposes to use to transport liquid waste. Each vehicle shall be constructed, equipped and identified in accordance with the following provisions:

(A) Business name in three-inch-high or larger letters shall be permanently displayed on both sides of the vehicle;

(B) Vehicle shall be equipped for safe operation;

(C) Vacuum tanks and associated piping shall be liquid tight and permanently attached to the vehicle;

(D) Piping, valves, and connections shall be accessible and easy to clean;

(E) Inlet and outlet of tank to be constructed so that collected waste will not spill during filling or transfer, or during transport.

(3) A permit shall be issued by the city upon proof by the applicant that he has adequate and proper equipment to perform the services contemplated, and has sufficient knowledge of chemical hazards and septic tank or other sewage disposal system construction to perform the services contemplated in a safe and competent manner.

(4) The legal company name and number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(5) Upon payment of the fee, the city shall issue a permit to haul nonhazardous wastes. A nonhazardous waste permit shall be issued for a one-year period and shall be nontransferable.

(6) The following conditions shall apply to all nonhazardous waste hauler permits:

(A) A permit to transport nonhazardous waste issued by the city prohibits the hauling of hazardous waste and the co-mingling of hazardous waste with nonhazardous waste.

(B) The city shall be notified of management changes during the permit period, and provided with the new manager's name.

(C) The flushing of solids from a grease or sand trap into the sanitary sewer system is strictly prohibited.

(7) The director may reject the disposal of any waste exhibiting chemical characteristics or concentrations that exceed the limitations set forth in Part II, Sections I and II.

(8) The director may suspend or revoke the permit of a vehicle which is being operated in violation of this section, and he may authorize the holding of the vehicle until the violation is corrected.

(9) Copies of trip tickets, as required by federal, state, or local regulation, shall be maintained for a minimum period of five (5) years and shall be made available for inspection by the director at any reasonable time. All wastes disposed within the city shall be noted on trip tickets prescribed by the city and shall contain the following:

(A) Name and permit number of hauler;

(B) Name of driver;

(C) Date(s) of waste pickup;

(D) Name, address, and phone number of generator(s);

(E) Description of wastes (chemical name, commercial name, etc.), and total gallons of wastes to be discharged;

(F) Hauler's state commission on environmental quality registration number.

(10) The director may revoke a permit if it is determined that a permittee:

(A) Has violated a provision of this article;

(B) Has failed to pay a required fee;

(C) Has failed to comply with maintenance or inspection requirements;

(D) Has violated applicable federal or state regulations pertaining to the collection, transportation or disposal of wastes;

(E) Has falsified information on the hauler's permit application.

(11) A permittee whose permit is suspended or revoked shall not dispose of any waste materials within the jurisdiction of the city.

SECTION IV
Enforcement

(a) Harmful contributions. The director may suspend the water service, wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the director, in order to:

(1) Stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or to the environment, causes interference to the POTW or causes the city to violate any condition of its TPDES permit;

(2) Prevent the discharge of prohibited substances to the POTW (or the environment);

(3) Prevent the continual violation of a wastewater discharge permit.

Any person notified of a suspension of the water service, wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection. The director may reinstate the wastewater discharge permit and/or the wastewater treatment service, or water service, upon proof (i) of the elimination of the noncomplying discharge or provision of adequate pretreatment facilities to comply with the discharge permit, (ii) payment of costs incurred by the city, and (iii) submission of information as deemed necessary by the director for permit modification. A detailed written statement by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(b) Revocation of permit. Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

(1) Failure of the user to factually report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the permit.

(c) Notification of violation. Whenever the city finds that any user has violated this article, an industrial wastewater discharge permit, or any prohibition, limitation or requirement contained therein, the city may serve upon such person a written notice stating the nature of the violation. Within five (5) days of the date of the notice, the user shall submit to the city satisfactory evidence of correction of the violation.

(d) Administrative order. If the industrial user fails to correct a violation within fifteen (15) days of receiving a notification of violation, the city shall issue an administrative order for the correction of this violation. The user is not relieved of responsibility for unauthorized discharges which occur within the 15-day interval.

(e) Show cause hearing. The city may order any user who causes or allows an unauthorized discharge to enter the waste treatment system to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the date, time and place of a hearing to be held by the city council regarding why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(1) The city council may conduct the hearing and take the evidence, or may designate a representative or committee to:

(A) Issue, in the name of the city council, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(B) Take the evidence.

(C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to the city council.

(2) At any hearing held pursuant to this article, testimony must be taken under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(3) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless the unauthorized discharge is properly treated, or otherwise prevented from entering the wastewater treatment system, or proof of an act of God event is shown. Further orders and directives as are necessary and appropriate may be issued.

(f) Legal action. If any user discharges sewage, industrial waste or other waste into the city's wastewater treatment system contrary to the provisions of this article, federal or state pretreatment requirements, or any other orders of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the city municipal court, or the appropriate state court.

(1) Injunctive relief. When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or federal or state requirement, the city through the city attorney may commence an action for the issuance of a temporary or permanent injunction, as appropriate, in municipal court or the appropriate state court, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Fraud and false statements. Any reports or other documents required to be submitted or maintained under this article or user permits shall be subject to:

(A) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;

(B) The provisions of section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

(C) The provisions of section 309(c)(6) regarding responsible corporate officers

SECTION V
Fees and surcharges

(a) Industrial wastewater discharge permits. For each industrial wastewater discharge permit or nonhazardous waste hauler permit issued pursuant to this article, each user shall pay a fee as established by the city manager for the duration of the permit. Permits may remain in full force for a period of three (3) years from the date of issuance, unless sooner revoked, and shall be nontransferable.

(b) Monitoring fees. Each significant user for which the city has reporting requirements under EPA national categorical pretreatment standards or its TPDES permit shall compensate the city for the cost of sampling and laboratory service required for monitoring discharges. The director shall determine the number of samples and the frequency of sampling necessary to comply with the reporting requirements.

(c) Monitoring fees associated with compliance schedules. Any industrial user placed on a compliance schedule will pay for associated sampling and analytical services to monitor return to compliance.

(d) User surcharge.

(1) Users discharging industrial wastewater which exhibit none of the characteristics of waste prohibited herein other than excessive oxygen demand and suspended solids, but having a concentration in excess of normal sewage as defined in Part II, Section I as normal domestic wastewater, may be accepted for treatment if the user agrees to a surcharge over and above the regular sewer rates as established by the city. The method for computing the surcharge shall be based on the following formula:

Oxygen demand surcharge (BOD or COD)

$$Co = [Bc\ (AB)]\ Vu \text{ or } Co = [Cc\ (AC)]\ Vu$$

Total suspended solids surcharge (TSS)

$$Cs = [Sc\ (AS)]\ Vu$$

Total surcharge

$$Ct = Co + Cs$$

Where:

Co = Surcharge for excessive BOD or COD, whichever is higher.

Cs = Surcharge for excessive total suspended solids.

Ct = Total surcharge.

Bc = BOD cost per milligram per liter per million gallons.

Cc = COD cost per milligram per liter per million gallons.

Sc = Total suspended solids cost per milligram per liter per million gallons.

AB = User BOD - Normal BOD = (BOD - 250).

AC = User COD - Normal COD = (COD - 550).

AS= User TSS - Normal TSS = (TSS - 300).

Vu = Volume from user per month in million gallons (MG).

(2) Surcharges for BOD, COD, and TSS shall be as established under Part I, Section II(a), water and sewer regulations generally.

(3) The combined totals of the oxygen demand and suspended solids surcharges shall equal the total surcharge to be billed. The basis for determining the surcharges shall be reviewed as deemed necessary by the director and shall be adjusted to reflect any change in wastewater treatment cost.

(4) Determination of the average concentration of strength of the user's waste shall be made by the city based on tests conducted on representative samples collected by the city at least once each year. However, the user may request in writing that parallel sampling and tests at all times be made by the user and the city, in which case the surcharge may be made, assuming city approval of the user's test methods, using the average of comparable values obtained by the user and the city.

SECTION VI
Power and authority of enforcing agents

The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties whenever necessary to conduct an inspection or to enforce any of the provisions of this article. The director or his authorized representative may enter all properties at all reasonable times to inspect the same or to perform any duty imposed upon the city by this article. If such entry is refused, or if no owner or other person having charge or control of the property can be located, the director or his authorized representative shall have recourse to every remedy provided by law to secure entry.

SECTION VII
Penalties; costs

(a) Civil penalties. Any person who is found to have violated an order of the city council or failed to comply with provisions of this article, and the orders, rules, regulations and permits issued hereunder, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars ($2,000.00) as prescribed by state law. Each day in which any such violation shall continue shall be deemed a separate offense.

(1) In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporter's fees and other expenses of litigation, and any other expense, loss or damage occasioned by the city by reason of such violation, by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.

(2) The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars ($2,000.00) as prescribed by state law.

(c) Administrative fines. When the city finds that a user has violated or continues to violate any provision of this article, an indirect discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount of one thousand dollars ($1,000.00) per day per violation. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(d) Criminal prosecution. A user who willfully or negligently violates any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine or imprisonment, or both.

*** State law references–Plumbing and sewers, V.T.C.A., Local Government Code, sec. 214.011 et seq.; water system in Type-A general-law municipality, V.T.C.A., Local Government Code, sec. 552.015.**

****State law references–Backflow prevention for water closet plumbing fixtures or other equipment, V.T.C.A., Occupations Code, sec. 1301.501; licensing and registration of persons who perform duties relating to public water supplies, V.T.C.A., Health and Safety Code sec. 341.034 and V.T.C.A., Water Code ch. 37; endorsement of water supply protection specialists, V.T.C.A., Occupations Code sec. 1301.357.**

****** State law references–Adoption of rules to control and regulate disposal system waste, V.T.C.A., Water Code, sec. 26.176; water pollution control duties, V.T.C.A., Water Code, sec. 26.177.**

DIVISION IV: SEVERABILITY, EFFECTIVE DATE AND VALIDITY

SECTION I: Repealing Clause
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION II: Effective Date
This Ordinance shall be effective from fourteen (14) days after its passage and the publication of the caption of this Ordinance, May 9, 2012.

SECTION III: Severability
That if any section, subsection, sentence, clause or phrase of the Ordinance, or the application of the same to particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portions of this Ordinance and to such end the various portion and provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED AND EFFECTIVE FROM this 18th day of May, 2023.

ATTEST:

Barbara Emmons

Barbara Emmons, Mayor
City of Bevil Oaks, Texas

Doug Mullins

City Secretary
City of Bevil Oaks