ORDINANCE NO. 2011-103

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING ARTICLE V, ENTITLED “DIRECT AND INDIRECT DISCHARGE INTO SANITARY WASTEWATER SYSTEM” OF CHAPTER 26, “UTILITIES”, OF THE CODE OF ORDINANCES OF THE CITY OF DENTON, TEXAS, RELATED TO DISCHARGE INTO THE SANITARY WASTEWATER SYSTEM; PROVIDING THE PURPOSE AND SCOPE OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION OF PROGRAM; PROVIDING PROCEDURES FOR ABATEMENT OF VIOLATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR DETERMINATION OF THE CHARACTER AND CONCENTRATION OF WASTEWATER; PROVIDING FOR APPROVAL OF PLANS, ISSUANCE OF PERMITS AND CERTIFICATION OF FINAL INSPECTIONS; PROVIDING FOR INSPECTIONS; PROVIDING RIGHTS OF ACCESS TO INDUSTRIAL USER RECORDS; PROVIDING FOR RIGHT OF ENTRY TO USERS’ PROPERTY; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING FOR BYPASS; PROVIDING FOR PUBLIC PARTICIPATION; REQUIRING CONNECTION TO THE SANITARY SEWER; PROVIDING FOR THE PROHIBITION OF DRY CLOSETS; PROVIDING FOR THE CONSTRUCTION OF SANITARY SEWERS AND CONNECTIONS; PROVIDING FOR OWNER RESPONSIBILITY FOR MAINTENANCE OF SANITARY SEWER SERVICE LINES; REQUIRING COMPLIANCE WITH BUILDING REGULATIONS; PROHIBITING CERTAIN DISCHARGES INTO THE PUBLICLY OWNED TREATMENT WORKS; PROVIDING FOR SPECIFIC POLLUTANT LIMITATIONS; PROHIBITING DISCHARGE OF WATERS NOT CONTAINING WASTEWATER TO THE WASTEWATER SYSTEM; PROHIBITING DISCHARGE OF POLLUTED WATER TO ANY STORM SEWER OR NATURAL OUTLET; PROVIDING FOR THE INSTALLATION OF TRAPS REGARDING CERTAIN DISCHARGES; REQUIRING PERMITS OF WASTEWATER DISCHARGES FROM TRANSPORT TRUCKS; REQUIRING PERMITS FOR SIGNIFICANT INDUSTRIAL USERS TO CONNECT TO THE WASTEWATER SYSTEM; PROVIDING PROCEDURES FOR OBTAINING PERMITS; PROVIDING FOR SUSPENSION OR REVOCATION OF PERMITS AND THE EFFECT THEREOF; PROVIDING FOR REINSTATEMENT OF SUSPENDED OR REVOKED PERMITS; REQUIRING NECESSARY PRETREATMENT OF WASTEWATER BY SIGNIFICANT INDUSTRIAL USERS; REQUIRING CONTROL MANHOLES; PROVIDING FOR A SURCHARGE FOR ABNORMAL STRENGTH WASTEWATER; PROVIDING FOR THE EFFECT OF THE UNITED STATES CODE OF FEDERAL REGULATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A MISDEMEANOR PENALTY NOT TO EXCEED $2,000 PER DAY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CIVIL PENALTY NOT TO EXCEED $5,000 PER DAY FOR VIOLATIONS OF THIS ORDINANCE, TOGETHER WITH OTHER DESIGNATED LEGAL AND EQUITABLE REMEDIES THAT ARE AVAILABLE TO THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the regulations of the City of Denton (“City”) relating to the discharge of wastewater to the publicly owned treatment works as prescribed in Article V of Chapter 26 of the Code of Ordinances, are in need of amendment for consistency with the pending TPDES permit (herein so called) contemplated to be issued to the City by the Texas Commission on Environmental Quality (“TCEQ”), in the near future;

WHEREAS, the TCEQ has reviewed the City’s regulations in conjunction with their review of the City’s request for the TPDES permit and has required certain amendments to Article V of Chapter 26 of the Code of Ordinances;

WHEREAS, the City has held a public meeting on June 16, 2011, relating to the revisions of Article V, “Direct and Indirect Discharge into Sanitary Wastewater System”, of Chapter 26, “Utilities”, of the Code of Ordinances of the City of Denton;
WHEREAS, the City Council of the City of Denton finds the proposed amendments to Article V of Chapter 26 of the Code of Ordinances to be in the best interest of the citizens of the City of Denton, Texas; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That Sections 26-151 through 26-209, Article V, “Direct and Indirect Discharge in the Sanitary Sewer System”, Chapter 26 “Utilities”, of the Code of Ordinances, City of Denton, Texas, are hereby amended to read as follows:

ARTICLE V. INDIRECT DISCHARGE INTO SANITARY WASTEWATER SYSTEM*

DIVISION 1. GENERALLY

Sec. 26-151. Purpose.

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Denton and enables the city to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(e) To enable the City of Denton to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

Sec. 26-152. Scope.

This article shall apply to the discharge of all water-carried wastes in the city and shall, among other things, provide for the regulation of sewer construction in areas within the jurisdiction of the city, the approval of plans for sewer construction, the quantity and quality of wastewater discharged, the degree of wastewater pretreatment required, the issuance of industrial/commercial wastewater discharge permits and of other miscellaneous permits.

(a) Industrial users within the jurisdiction of this ordinance shall comply with all Federal General Pretreatment regulations and with those Federal Categorical Pretreatment Standards applicable to each. (Title 40, Chapter I, Subchapter N, parts 403--471).
(b) Industrial users within the jurisdiction of this ordinance shall comply with all applicable sections of Chapter 26 of the Texas Water Code.

Sec. 26-153. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abnormal strength wastewater* means any wastewater having a suspended solids, BOD, COD, chlorine demand or total phosphate concentration in excess of that found in normal strength wastewater.

*Act* means Public Law 92-500, as amended, 33 U.S.C. 1251 et seq. as enacted by the United States Congress and known as the Federal Water Pollution Control Act or Clean Water Act.

*Approval authority* means the regional administrator of the EPA, or the director of a state agency delegated to act on the EPA's behalf with an approved pre-treatment program (eg, director of TCEQ).

*Approved methods* means analysis performed in accordance with 40 CFR 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act" and amendments, or with any other test procedures approved by EPA.

*Authorized representative of the users* means:

1) If the user is a corporation:

   a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
   
   b. The manager of one or more manufacturing production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Denton.
BOD means 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, expressed in milligrams per liter.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building drain means that part of the piping of a building drainage system which receives the discharge of all soil, waste and other drainage from inside the structure and conveys the drainage to the building service line outside the foundation wall of such building.

Categorical pretreatment standard means any regulation containing pollutant discharge limits applicable to a specific category of users as promulgated by the EPA in accordance with section 307(b) and (c) of the Act. (33 U.S.C. § 1317) (40 CFR Chapter I, Subchapter N, Parts 405–471).

Chlorine demand means the difference between the amount of chlorine added to water, wastewater or industrial wastes and the amount of residual chlorine remaining at the end of a twenty-minute contact period.

COD, denoting chemical oxygen demand, means the measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. Committee means the environmental appeals committee.

Composite sample means sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample; composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

Control authority means the City of Denton acting by and through its assistant city manager – utilities.

Control manhole means an opening giving access to a service line at some point before the service line discharges to the wastewater system.

Cooling water means the water discharged from any system of condensation such as air conditioning, cooling or refrigeration.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
**Daily Maximum Limit** means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**Domestic user** means a source of the introduction of pollutants into a POTW from any source not regulated under Section 307(b), (c), or (d) of the Act.

**Dry closet** means an indoor room or an outdoor privy used as a toilet, but lacking water for conveyance of waste.

**EPA** means the United States Environmental Protection Agency or its successor agencies.

**Assistant city manager- utilities** means the chief executive officer of the utilities department of the city or his authorized deputy, agent or representative.

**Flow rate** means the quantity of wastewater that flows past a particular point in a certain period of time.

**Grab sample** means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

**Indirect Discharge or Discharge** means the introduction of pollutants into the POTW from any nondomestic source.

**Industrial/commercial user** means any non-domestic source discharging pollutants to the City of Denton POTW which is not a significant industrial user.

**Industrial/commercial wastewater discharge permit**, referred to in this article as "industrial/commercial discharge permit," means a permit required of a significant industrial user to deposit or discharge waste into any wastewater system under jurisdiction of the city.

**Industrial/commercial wastewater surcharge** means a charge, as set forth in this Code, levied on industrial/commercial users of the sewage treatment works for the additional costs of treating wastewater discharges of abnormal strength wastewater.

**Interfere** means inhibition or disruption of the wastewater system which contributes to a violation of any requirement of this article.

**Interference** means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City of Denton's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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May means that the possibility or likelihood of response exists; discretionary action.

mg/l means milligrams per liter.

Monthly Average Limit means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

New source means:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

   a. The building, structure, facility, or installation is constructed on a site at which no other source is located; or

   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

   a. Begun, or caused to begin, as part of a continuous onsite construction program:

      i. Any placement, assembly, or installation of facilities or equipment; or

      ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source, facilities or equipment; or

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b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Normal strength wastewater means wastewater which, when analyzed by the city, shows by weight a daily average of not more than two thousand eighty-five (2,085) pounds per million gallons (two hundred fifty (250) milligrams per liter) of suspended solids and two thousand eighty-five (2,085) pounds per million gallons (two hundred fifty (250) milligrams per liter) of BOD and two thousand eighty-five (2,085) pounds per million gallons (two hundred fifty (250) milligrams per liter) of COD and not more than seventy-five and one-tenth (75.1) pounds per million gallons (nine (9) milligrams per liter) of chlorine demand and forty-one and seven-tenths (41.7) pounds per million gallons (five (5) milligrams per liter) of phosphorus and which is otherwise acceptable into a public sewer under the terms of this article.

NPDES permit means the National Pollution Discharge Elimination System (NPDE'S) permit as issued pursuant to section 402 of the Act (33 U.S.C. 1342).

Objectionable waste means any wastewater that can harm the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream or otherwise endanger life, health or property or constitute a nuisance.

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

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

pH means the degree of acidity or alkalinity of a solution, expressed as the logarithm of the reciprocal of the hydrogen ion concentration in gram equivalents per liter of solution.

Point of discharge means any discernible, confined and discrete conveyance or vessel from which wastewater may be discharged into a public waterway or public wastewater system.

Polluted water means any water, liquid or gaseous waste containing any of the following: soluble or insoluble substances of an organic or inorganic nature; settleable solids that may form sludge deposits; grease and oils; floating solids which may cause unsightly appearance; color; phenols and other substances to an extent which would impart any taste or odor to the receiving stream; and toxic or poisonous substances in suspension, colloidal state, solution or gases.

POTW (publicly owned treatment works) means a treatment works as defined by, Section 212 of the Act through which the City of Denton wastewater is collected, stored, treated, recycled or reclaimed. This definition includes all sanitary sewers that convey wastewater to the contracted POTW
treatment plants. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, and users of the city's wastewater collection system. The term also means the municipality as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

(1) Discharge prohibitions and local limits established pursuant to 40 CFR 403.5; and

(2) Categorical pretreatment standards established pursuant to 40 CFR 403.6.

Privy means an outhouse or similar type small building used as a toilet where wastes are either buried on site or collected and disposed of elsewhere.

Public nuisance means all sewage, human excreta, wastewater, or other organic wastes deposited, stored, discharged or exposed in such a way as to be a potential instrument or medium in the transmission of disease to or between any person or persons.

Sanitary sewer means a sewer intended to receive domestic wastewater and admissible industrial/commercial wastewater, but to which stormwater, surface water and groundwaters are not intentionally admitted.

Septic tank means any covered watertight tank not connected to the wastewater system and which is designed for the treatment of wastewater.

Service line means that part of the horizontal piping of the building drainage system beginning at the outside foundation wall and terminating at its connection with the wastewater system.

Sewage means water which contains, or which has been in contact with organic and inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry and dishwashing detergents, and other chemical compounds and waste products.

Sewer means a pipe or conduit for carrying wastewater.

Sewer system means all facilities which are owned by the city for collecting, carrying, treating and disposing of wastewater.

Shall means the obligation or necessity to respond; mandatory action.

Significant industrial user.
(1) A user subject to categorical pretreatment standards; or

(2) A user that:
   (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
   
   (b) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
   
   (c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Significant noncompliance means:*

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC;

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City of Denton determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under provisions of the City of Denton Code of Ordinance to halt or prevent such a discharge;
(5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order to starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations which the City of Denton determines will adversely affect the operation or implementation of the local pretreatment program.

*Slug* means any discharge of wastewater concentration of any given constituent or in quantity of flow for any period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow of normal operations of the user in question.

*Slug load* means any pollutant discharge at a flow rate or concentration which could cause a violation of the specific prohibitions under section 26-187 or 40 CFR 403.5(b) to 403.12(f).

*Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, 1972, or latest edition.

*Standard methods* means the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

*Storm drain or storm sewer* means a public drainage pipe which carries stormwater and surface waters and drainage, but is not intended to carry wastewater other than unpolluted cooling water.

*Stormwater* means rainfall or any other form of excess water which is derived from precipitation.

*Suspended solids* means solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are removable by acceptable laboratory procedures as set forth in standard methods.

*Total dissolved solids* means the material left in the vessel after evaporation of a sample and its subsequent drying in an oven at a defined temperature.

*Toxic substance* means any substance, whether gaseous, liquid or solid, which, when discharged to the sanitary sewer in sufficient concentrations, as determined by the executive assistant city manager - utilities, may be hazardous to sewer maintenance and personnel, tend to interfere with any wastewater treatment process or to constitute a hazard to human beings or animals or to inhibit aquatic life or to create a hazard to recreation in the receiving waters of the effluent from a wastewater treatment plant.
Transport truck discharge (TTD) permit shall mean a permit to deposit or discharge septic tank, cesspool or seepage pit wastes into the wastewater system.

Trap means a device designed to skin, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances from wastewater before entering the wastewater system.

User or industrial user means a source of indirect discharge.

User charge means a charge levied on users of the wastewater system for the capital cost, as well as the operation and maintenance of such works, as set forth in this Code.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.

Wastewater means the water-carried wastes which are discharged into the wastewater system.

Water closet means a compartment or room equipped with a toilet that is properly connected to the sanitary sewer and has the means for mechanical discharge.

Sec. 26-154. Administration.

Except as otherwise provided, the assistant city manager - utilities shall administer the provisions of this article.

Sec. 26-155. Procedures for abatement of violations.

(a) Administrative Enforcement Remedies.

(1) Notice of Violation. When the assistant city manager - utilities finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the assistant city manager - utilities may serve upon that user a written notice of violation. Within the timeframe specified in this notice, which is usually but not always ten days, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the assistant city manager - utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the assistant city manager - utilities to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Administrative Orders.

i. Compliance Orders. When the assistant city manager - utilities finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager - utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate
treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

ii. Cease and Desist Orders. When the assistant city manager - utilities finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the assistant city manager - utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) Service of notice or order. Any notice or order issued under this article shall be in writing and served in person or by registered or certified mail on the record user or users of the wastewater system or other persons determined to be responsible for such violation. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(c) Appeals. Any person may appeal an order of the assistant city manager - utilities by filing a written notice of appeal with the assistant city manager - utilities on forms provided by the Utilities Administration Office. Such notice of appeal shall be filed within (10) days of service of the order.

(d) Termination of service. If no timely appeal is filed, the assistant city manager - utilities may, if a violation is continuing or reoccurring or may reoccur, terminate wastewater service to the person ordered to correct or abate such violation if such violation has not been corrected or abated within the time specified in such order.

(e) Emergency suspension of service.

(1) Suspension. The assistant city manager - utilities may, without prior notice, suspend water service, sanitary sewer service and/or storm sewer access to a user or to a person discharging to the sanitary sewer or storm sewer when such suspension is necessary in the opinion of the assistant city manager - utilities to stop an actual or threatened discharge which:

i. Presents or may present imminent substantial danger to the environment or to provided by the health or welfare of persons;
ii. Presents or may present imminent substantial danger to the POTW, storm sewer or waters of the state; or 

iii. Will cause pass through or interference of the POTW.

(2) **Notice of suspension.** As soon as is practicable after the suspension of service, the assistant city manager - utilities shall notify the user or the person discharging to the wastewater or storm sewer of the suspension, and order such person to cease the discharge immediately.

(3) **Other steps.** If a person fails to comply with a notice or order issued under subsection (a), the assistant city manager - utilities shall take such steps as it deems necessary to prevent or minimize damage to the storm sewer, POTW or waters of the state, or to minimize danger to persons. Such steps may include immediate severance of a person's sanitary sewer connection.

(4) **Reinstating service.** The assistant city manager - utilities shall reinstate suspended services to the wastewater user or to the person discharging to the storm sewer:

i. Upon proof by such person that the non-complying discharge has been eliminated;

ii. Upon payment by such person of its outstanding water, sewer and stormwater utility charges;

iii. Upon payment by such person of all costs incurred by the city in responding to the discharge or threatened discharge; and

iv. Upon payment by such person of all costs incurred by the city in reconnecting service.

(5) **Written statement.** Within five (5) days of the day of suspension of services, the wastewater user or the person discharging to the storm sewer shall submit to the assistant city manager - utilities a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence.

(6) **Right to hearing.** A person whose service has been suspended under this section may apply to the department which suspended service for a hearing on the issue of the suspension. The hearing shall be conducted in accordance with subsection (f) of this section.

(f) **Hearing and determination.**

(1) An environmental appeals committee is hereby established and authorized to hear and decide appeals from any order issued by the assistant city manager - utilities pursuant to this article. The committee shall be composed of three (3) members appointed by the city manager. No individual appointed to the committee shall be employed in the chain of command of the assistant city manager - utilities.
(2) The committee may call and hold hearings, administer oaths, receive evidence at the hearing, and make findings of fact and decisions with respect to administering its powers in this chapter.

(3) Upon the hearing, the committee shall determine if there is substantial evidence to support the assistant city manager - utilities determination and order. The decision of the committee shall be in writing and contain findings of fact. If the committee, determines that there is substantial evidence to support the determination and order of the assistant city manager - utilities, the committee shall, in addition to its decision, issue an order:

a. Requiring discontinuance of such violation or condition;

b. Requiring compliance with any requirement to correct or prevent any condition or violation; or

c. Suspending or revoking any permit issued under this article.

(4) In any decision and order issued by the committee, the order shall specify the time in which the compliance with the order must be taken. A copy of the decision and order shall be delivered to the appellant or person to whom the order is directed in person or sent to him by registered or certified mail.

(5) Should the appellant fail to comply with the order of the committee within the time specified therein, if any, the assistant city manager - utilities, in addition to any other remedy provided for in this article, may terminate sewer service to the appellant.

Sec. 26-156. Penalties.

(a) A person who violates any provision of this article shall, upon conviction by the municipal court, be punished as provided in section 1-12 of the "General Provisions" chapter of this Code.

(b) The city attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include:

(1) An injunction to prevent a violation of this chapter;

(2) Recovery for damages to the POTW or storm sewer resulting from a violation of this chapter;

(3) Recovery for expenses incurred by the city in responding to a violation of this chapter;

(4) A daily civil penalty of up to the maximum provided by Texas Local Government Code 54.017 (b) for a violation of sections 26-151 through 26-208; and

(5) All other damages, costs and remedies to which the city may be entitled.
Sec. 26-157. Determining the character and concentration of wastewater.

(a) The wastewater discharged or deposited into the wastewater system shall be subject to periodic inspection and sampling as often as may be deemed necessary by the assistant city manager - utilities. Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the wastewater system and determining the existence of hazards to health, life, limb and property.

(1) Except as indicated in section 26-157(a) subsection (2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the assistant city manager - utilities may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(b) The examination and analyses of the characteristics of waters and wastes required by this article shall be:

(1) Conducted in accordance with Section 304(h) of the Clean Water Act; 40 CFR Part 136 and amendments thereto; or any techniques approved by EPA; and

(2) Determined from suitable samples taken at the control manhole provided or other control points authorized by the city.

(c) The determination of the character and concentration of wastewater shall be made by the assistant city manager - utilities at such times and on such schedules as may be established by the assistant city manager - utilities.

(d) Any person determined to be discharging wastewater in violation of this article shall compensate the city for the cost of sampling and monitoring the discharges until such time as the discharged wastewater is in compliance with this article. The assistant city, manager - utilities shall determine the number of samples and the frequency of sampling necessary to maintain surveillance of the discharges.

Sec. 26-158. Approval of plans, issuance of permits and certification of final inspection.

(a) Wastewater system work permit required. It shall be unlawful for any user of the wastewater system to construct, reconstruct, modify, enlarge or alter any equipment, device, machinery, apparatus or facility or system or component thereof which is used or is intended to be used to treat, process, measure or convey any wastewater which is or will be discharged into the wastewater system without first obtaining a wastewater system work permit from the assistant city manager - utilities.

(b) Requirements for permit. A wastewater system work permit shall be issued when all plans, drawings and specifications are submitted in such detail as the assistant city manager - utilities
may require and the assistant city manager - utilities has determined that the work to be done will result in adequate treatment, processing, measuring and conveyance of the wastewater discharged into the wastewater system in accordance with the provisions of this article.

(c) Certificate of final inspection upon completion.

(1) Upon completion of the work to be done under the wastewater system work permit, the assistant city manager - utilities shall inspect the work and, if done in accordance with the permit, the executive assistant city manager - utilities shall issue a certificate of final inspection to the permit holder.

(2) If the completed work does not comply with the plans and specifications submitted for which the permit was issued, the assistant city manager - utilities shall require such correction as necessary before a certificate of inspection is issued.

(3) No person receiving a wastewater system work permit shall utilize or make use of any equipment, device, machinery, apparatus or facility covered by the permit until a certificate of final inspection is issued in accordance with this article.

(d) Right to inspect. No person shall refuse the assistant city manager - utilities the right to inspect any work done or required to be done under this article.

Sec. 26-159. Inspections.

Representatives of the city, the EPA, the Texas Commission on Environmental Quality and the state health department or any successor agency bearing proper credentials and identification shall be permitted to enter upon the premises of industrial users for the purpose of inspection, observation, flow measurement, sampling and testing of the wastewater system or any wastewater discharged into the wastewater system or examination of any records, files and operational activities associated with the industrial pretreatment program and generation of hazardous waste and discharges into the environment. The city will, at a minimum, inspect all Significant Industrial Users once per year.

Sec. 26-160. Access to industrial user records

(a) The assistant city manager - utilities shall have access to, and the right to inspect and copy, any and all industrial user records (documents, memorandums, reports, correspondence, and any and all summaries thereof) which pertain to that industry's discharge to the POTW, disposal and/or generation of hazardous waste and discharges into the environment.

(b) The industrial user shall be required to retain records of all information resulting from any monitoring, sampling analyses, or reporting activity required by these regulations for a minimum of five (5) years. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the assistant city manager - utilities.

(c) The constituents and characteristics of wastewater discharged by an industrial user shall not be considered confidential and shall be available to the public without restriction.
Other information obtained from documents, memorandum, reports, correspondence, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public without restriction unless the user specifically requests, in writing, at the time the information is to be obtained by the assistant city manager - utilities, that the information is to be considered confidential. Information submitted to the assistant city manager - utilities by the industrial user shall be stamped "confidential information" on each page containing such information that the industrial user wishes to be held confidential. If a claim of confidentiality is asserted, and a records request is received from the public, the assistant city manager - utilities in consultation with the city attorney shall determine if such information is protected by law from disclosure under either the Texas Open Records Act or 40 CFR Part 2 (Public Information). If the industrial user does not claim the information as confidential at the time the information is obtained by the assistant city manager - utilities, it will be available to the public without further notice.

(d) All non-domestic users shall furnish, upon request, to the city, information needed to develop a systematic program according to the pretreatment standards or requirements. The information must be available to the assistant city manager - utilities for inspection and reproduction.

Sec. 26-161. Right of entry.

The assistant city manager - utilities shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the assistant city manager - utilities ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the assistant city manager - utilities shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The assistant city manager - utilities shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s operations.

(c) The assistant city manager - utilities may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency determined by the assistant city manager-utilities to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the assistant city manager - utilities and shall not be replaced. The costs of clearing such access shall be borne by the User.
(e) Unreasonable delays in allowing the assistant city manager – utilities access to the User’s premises shall be a violation of this ordinance.

Sec. 26-162 Affirmative defense to discharge violations

If a person can establish that an event that would otherwise be a violation of article V of this chapter or a permit issued under article V of this chapter was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of this article V of this chapter or permit.

Sec. 26-163 Bypass

(a) For the purposes of this section:

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c). and (d). of this section.

(c) Bypass Notification

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the assistant manager - utilities, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the assistant manager - utilities of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The assistant manager - utilities may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Bypass

(1) Bypass is prohibited, and the assistant manager - utilities may take an enforcement action against a user for a bypass, unless

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under paragraph (c) of this section.

(2) The assistant manager - utilities may approve an anticipated bypass, after considering its adverse effects, if the assistant manager - utilities determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

Sec 26-164 Public participation

The assistant city manager - utilities shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

Secs. 26-165 to 26-170. Reserved.

DIVISION 2. SANITARY FACILITIES REQUIRED

Sec. 26-171. Connections required.

(a) Any owner or occupant of every building where such building is within one hundred (100) feet of any city sanitary sewer and is utilized as a dwelling or residential unit shall construct or cause to be constructed a suitable water closet upon such property and shall connect or cause the water closet to be connected with the sanitary sewer in accordance with all ordinances of the city regulating such construction and shall, within thirty (30) days after written notice to do so from the assistant city manager - utilities, abate and cease to use any septic system, dry closet or privy upon such premises.

(b) Any owner or occupant of every building where such building is within three hundred (300) feet of any city sanitary sewer and is utilized as a business or commercial establishment discharging wastewater exceeding the limits established by this article shall construct or cause to be constructed a suitable water closet upon such property and shall connect or cause the water closet to be connected with the sanitary sewer in accordance with all ordinances of the city regulating such construction and shall, within thirty (30) days after written notice to do so from the assistant city manager - utilities, abate and cease to use any septic system, dry closet or privy upon such premises.

(c) The owner or occupant of any such property shall keep and maintain such water closet and all connections in good condition and free from any obstructions.

Sec. 26-172. Reserved.
Sec. 26-173. Dry closets prohibited.

It shall be unlawful for any person to build, use or maintain any privy or dry closet on any lot or land within the corporate limits of the city, except for portable sanitary privies utilized temporarily.

Sec. 26-174. Construction of sanitary sewers and connections.

The construction of sanitary sewers and connections thereto shall be as provided in the ordinances of the city.

Sec. 26-175. Owner responsible for maintenance of sanitary sewer service lines.

The city shall not be responsible for the maintenance of any building drains or service lines, and such maintenance shall be the responsibility and duty of the owner of the premises serviced by any such service line.

Sec. 26-176. Compliance with building regulations required.

Sanitary sewer service shall not be furnished to any premises where the plumbing thereof has not been installed in accordance with the building regulations or any other provisions as provided in the ordinances of the city.

Sec. 26-177. Reserved.

Secs. 26-178--26-185. Reserved.

DIVISION 3. USE OF PUBLIC SEWERS

Sec. 26-186. Discharge prohibitions.

(a) It shall be unlawful for any person to discharge or cause to be discharged into the POTW or into a natural outlet materials, waters or wastewater, if such substances may cause pass through or interference or have an adverse effect on the environment or may otherwise endanger life, health or property or constitute a public nuisance, including oxygen-demanding pollutants (BOD, etc.). In determining the acceptability of substances for discharge into the wastewater system, the assistant city manager – utilities shall give consideration to such factors as the quantities of subject substances in relation to flows and velocities in the wastewater system, materials of which the wastewater system is constructed, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of the substances in the wastewater treatment plant and such other factors which may be pertinent to such evaluation.

(b) No person shall discharge into public sewers:

(1) Any liquids, solids or gases, including but not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, peroxides, chlorates, perchlorates, bromates, carbides, carbonates, sulfides or any other, substances which are a fire or other hazard to the system, which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fires, explosions or be injurious in any other way to the facilities or operation of the wastewater system.
including wastestreams with a closed-cup flash point of less than one hundred forty (140) degrees Fahrenheit [sixty (60) degrees Celsius] using the test methods specified in 40 CFR 261.21.

(2) Any substance which causes two (2) successive readings on an explosion hazard meter to be more than five (5) percent or any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter as measured at the point where the wastewater is discharged into the wastewater system.

(3) Any wastewater having a pH less than five (5), greater than twelve point five (12.5) or any wastewater having any other corrosive property capable of causing damage or hazard to the wastewater system or any person.

(4) Any wastewater containing toxic substances in sufficient quantity that may, either singly or by interaction with other substances, injure or cause interference with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the effluent waters of the wastewater system or exceed the limitation set forth in the categorical pretreatment standards. A toxic substance shall include but not be limited to any substance identified pursuant to Section 307(a) of the Act.

(5) Any substance discharged into the wastewater system, such as residues, sludges or scums, which causes interference with the reclamation process or any substance which causes the wastewater system to be in noncompliance with sludge use or disposal guidelines or regulations developed under Section 405 of the Act or any guidelines or regulations affecting sludge use or disposal promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act and the Toxic Substances Control Act, as amended by the U.S. Congress.

(6) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) sixty-five degrees Celsius (65°C). If, in the opinion of the assistant city manager - utilities, lower temperatures of such wastewater could harm either the wastewater system, wastewater treatment process, equipment or have an adverse effect on the receiving stream or could otherwise endanger life, health or property or constitute a public nuisance, then the assistant city manager - utilities may prohibit such discharges. In no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred and four degrees Fahrenheit (104°F) forty degrees Celsius (40°C).

(7) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of two hundred (200) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) zero degrees Celsius (0°C) and one hundred fifty degrees Fahrenheit (150°F) sixty-five degrees Celsius (65°C) and which might cause obstruction of flow in the POTW resulting in interference.

(8) The assistant city manager - utilities may reject any waste which does not meet the requirements of this ordinance. The assistant city manager - utilities may require any information from an industrial user necessary to determine the characteristics of the user's wastewater discharge prior to the commencement of such discharge to the POTW.
The assistant city manager - utilities may deny or condition new, increased or changed contributions.

(9) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(10) Trucked or hauled pollutants, except at discharge points designated by the assistant city manager - utilities.

Sec. 26-187. Specific pollutant limitations.

It shall be unlawful for any person to discharge into the wastewater system, unless such discharge is allowed under the provisions of section 26-208, any of the following:

(a) The following pollutant limits apply at the point where the wastewater is discharged to the POTW and are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Daily Maximum Limits:

<table>
<thead>
<tr>
<th>POLLUTANTS</th>
<th>DAILY MAXIMUM DISCHARGE LIMITS (mg/l) Composite Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td>137.45</td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.12</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.08</td>
</tr>
<tr>
<td>Chromium</td>
<td>2.19</td>
</tr>
<tr>
<td>Chromium (VI)</td>
<td>0.66</td>
</tr>
<tr>
<td>Copper</td>
<td>0.84</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.36</td>
</tr>
<tr>
<td>Lead</td>
<td>0.51</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.0006</td>
</tr>
<tr>
<td>Molybdenum</td>
<td>1.18</td>
</tr>
<tr>
<td>Nickel</td>
<td>1.10</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.09</td>
</tr>
<tr>
<td>Silver</td>
<td>0.13</td>
</tr>
<tr>
<td>Zinc</td>
<td>0.96</td>
</tr>
</tbody>
</table>

All concentrations for pollutants are for "total" values unless otherwise indicated.

(b) Other metals not listed in subsection (1)(a) of this section which will, in the opinion of the assistant city manager - utilities, damage the wastewater system or interfere with the treatment process;

(c) Toxic organics found in quantifiable concentration greater than 0.01 mg/l (10 ppb) shall not total more than 2.13 mg/l for any discharge. Any organic compound considered toxic by the assistant city manager - utilities and reasonably expected to be found in the industrial user's discharge may be included in the calculations of total toxic organics if detected in any industry's discharge in quantifiable concentration greater than 0.01 mg/l;

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(d) Any radioactive wastes or isotopes into the public wastewater system without permission of the city;

(e) Quantities of flow, concentrations or both which constitute a slug;

(f) Materials or substances which cause:

1. Concentrations of suspended solids or BOD in excess of two hundred fifty (250) mg/l;
2. Concentrations of phosphorous exceeding five (5) mg/l;
3. Discolorations, such as but not limited to dye waters and vegetable tanning solution.

(g) National categorical pretreatment standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N are hereby incorporated.

(h) Waters contaminated by petroleum fuel or petroleum substances according to the following effluent limitations (TPDES GENERAL PERMIT NO. TXG 830000; under provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code):

<table>
<thead>
<tr>
<th>POLLUTANTS</th>
<th>DAILY MAXIMUM DISCHARGE LIMITS (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Petroleum Hydrocarbons (TPH)</td>
<td>15</td>
</tr>
<tr>
<td>Total Lead</td>
<td>0.10</td>
</tr>
<tr>
<td>Benzene</td>
<td>0.005</td>
</tr>
<tr>
<td>Total BTEX</td>
<td>0.10</td>
</tr>
<tr>
<td>Polynuclear Aromatic Hydrocarbons (PAH)</td>
<td>0.01</td>
</tr>
<tr>
<td>MTBE</td>
<td>0.24</td>
</tr>
</tbody>
</table>

1. The above constituents shall be measured or analyzed as follows:

A. TPH must be analyzed using Texas method 1005.

B. BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes (EPA Method 8260 B).

C. PAH shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylen, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorine, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.

D. MTBE, as referenced above, is methyl tert-butyl ether.

(i) The pollutant limits in (b) through (f) and (h) of this section will be applied to Industrial/Commercial Users through inclusion in an Industrial/commercial wastewater discharge permit when the assistant city manager – utilities determines that the pollutant(s) is reasonably expected to be present in the Industrial/Commercial User's Indirect Discharge.
Sec. 26-188. Discharge of waters not containing wastewater.

(a) It shall be unlawful for any person to discharge unpolluted waters into the wastewater system. Except with the approval of the assistant city manager - utilities or as otherwise provided in this article, no stormwater connection from any building or yard nor any drain from any catchbasin, lake, swamp, or pond nor any outlet for surface water, stormwater or groundwater of any kind shall be connected to the wastewater system.

(b) Within any area served by a separate sanitary sewer and a storm sewer, no stormwater shall be allowed to enter the sanitary sewer from waste or vent pipes of any building. Within any such area no downspout, roof leaders, gutters, other pipes or drains such as channels which may at any time carry stormwater, surface drainage derived from hydraulic pressure or from well points or lake water shall be connected with any sanitary sewer.

Sec. 26-189. Discharge to a natural outlet.

It shall be unlawful for any person to discharge polluted water to any storm sewer or natural outlet within the area served by the city, except where suitable treatment has been provided in accordance with the provisions of this article and except where a Federal National Pollutant Discharge Elimination Systems (NPDES) permit has been duly issued and is currently valid for such discharge. A valid copy of such a permit and any modifications thereof must be filed with the assistant city manager­ utilities.

Sec. 26-190. Wastewater discharges requiring traps.

All persons discharging oil, grease, and flammable wastes or other harmful substances in amounts that, in the opinion of the assistant city manager - utilities, will impede or stop the flow in the wastewater system shall install a trap before the point of discharge into the wastewater system. Any person responsible for discharges requiring a trap shall, at his own expense and as required by the city:

(a) Provide equipment and facilities of a type and capacity approved by the city;

(b) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and

(c) Maintain the trap in effective operating condition.

Sec. 26-191. Wastewater discharge from transport trucks.

(a) Permit required. All persons owning or operating a vacuum truck, cesspool pump truck, liquid wastewater transport truck or other vehicle shall not discharge or unload any septic tank, seepage pit, interceptor or cesspool contents from such vehicle without first having received a valid transport truck discharge (TTD) permit.

(b) Permit fee. TTD permits shall be issued by the assistant city manager - utilities upon proper application and payment of a fee established by the city council and on file in the office of the city secretary. All TTD permits shall be valid for one (1) year.
(c) Unloading or discharge of waste or wastewater. It shall be unlawful for any person holding a TTD permit to unload or discharge any waste or wastewater except in a manner and at a place as specified by the assistant city manager - utilities. Before discharging under a TTD permit, the assistant city manager - utilities may require the person holding such permit to furnish a sample of the contents of the material to be discharged as a prerequisite to discharging into the wastewater system. The assistant city manager - utilities may refuse permission to discharge abnormal strength wastewater into the wastewater system.

(d) Rates for discharge. Any person discharging or unloading normal strength wastewater under a TTD permit into the wastewater system shall be charged at the regular commercial sewer rates. Any person discharging abnormal strength wastewater under a TTD permit into the wastewater system shall be charged an industrial/commercial surcharge rate.


DIVISION 4. INDUSTRIAL OR COMMERCIAL WASTEWATER DISCHARGE

Sec. 26-201. Permit--Required.

(a) It shall be unlawful for any significant industrial user to connect to the wastewater system or to discharge wastewater to the wastewater system without first obtaining an industrial/commercial wastewater discharge permit from the assistant city manager - utilities.

(b) All significant industrial users discharging wastewater into the wastewater system prior to the effective date of the ordinance from which this article is derived may continue that discharge one hundred eighty (180) days after such effective date. Prior to the expiration of the one-hundred-eighty-day period, the significant industrial user shall apply for an industrial/commercial wastewater discharge permit from the assistant city manager - utilities.


(a) Application. Significant industrial users required to obtain an industrial/commercial wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city and accompanied by a fee established by the city council and on file in the office of the city secretary. New significant industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the wastewater system for an industrial/commercial wastewater discharge permit. In support of the application, the significant industrial user shall submit the following information:

1. All information required by (f)(1) of this section.

2. Name, address, and location, if different from the address;

3. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
(4) Wastewater constituents and characteristics, including but not limited to those mentioned in 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 the Act and contained in 40 CFR, Part 136, as amended;

(5) Time and duration of contribution;

(6) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any;

(7) Site plans, floor plans, mechanical and plumbing plans and details to show all service lines, sewer connections and appurtenances by size, location and elevation;

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

(9) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city law or regulation or by the state or categorical pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis;

(10) If additional pretreatment and/or operation and maintenance will be required to meet the categorical pretreatment standards, the shortest schedule by which the significant industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. The following conditions shall apply to this schedule:

i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the significant industrial user to meet the applicable categorical pretreatment standards, e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction.

ii. No increment referred to in subsection (a)(10)i. of this section shall exceed nine (9) months.

iii. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the significant industrial user shall submit a progress report to the assistant city manager - utilities 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 significant industrial 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 assistant city manager - utilities.

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

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

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

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

(b) Modifications. Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial/commercial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a significant industrial user subject to a categorical pretreatment standard has not previously submitted an application for an industrial/commercial wastewater discharge permit, the significant industrial user shall apply for an industrial/commercial wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable categorical pretreatment standard. In addition, the significant industrial/commercial user with an existing industrial/commercial wastewater discharge permit shall submit to the assistant city manager - utilities, within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by subsections (a)(8) and (a)(9) of this section.

(c) Conditions. Industrial/commercial wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, significant industrial user charges and fees established by this Code. Permits shall contain the following:

(1) The unit charge or schedule of significant industrial user charges and fees for the wastewater to be discharged to the wastewater system;

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

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

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specifications for monitoring programs which may 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 city access thereto;

(9) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;

(10) Requirements for notification of slug discharges;

(11) Other conditions as deemed appropriate by the city to ensure compliance with this article and requirements of 40 CFR 403.8(f).

(d) Duration. Permits shall be issued for a specified time period not to exceed three (3) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specified date. The significant industrial user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the significant industrial user’s existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit. The significant industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change.

(e) Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the assistant city manager - utilities, and the assistant city manager - utilities approves the wastewater discharge permit transfer. The notice to assistant city manager - utilities must include a written certification by the new owner or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility’s operations and processes;

(B) Identifies the specific date on which the transfer is to occur; and

(C) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. A copy of the existing control mechanism will be provided to the new owner or operator by the permittee and the Assistant City Manager – Utilities.

(f) Reporting requirements for permittee. The permittee shall submit the following reports:

(1) All significant industrial users, including new sources, that are subject to categorical pretreatment standards must submit baseline monitoring reports (BMRs) to the assistant city manager - utilities in accordance with 40 CFR 403.12(b).

   i. Identifying information. The name and address of the facility, including the name of the operator and owner.

   ii. Environmental permits. A list of any environmental control permits held by or for the facility.
iii. **Description of operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

iv. **Flow measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

v. **Measurement of pollutants.**

1. The categorical pretreatment standards applicable to each regulated process.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by assistant city manager - utilities of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 26-157(b) of this article.

3. Sampling must be performed in accordance with procedures set out in section 26-157(a)(1) and (2) of this ordinance.

vi. **Certification.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

vii. **Compliance schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule shall contain:

1. Progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operations);

2. No increments referred to above shall exceed nine (9) months;
3. The user shall submit a progress report to the assistant city manager - utilities no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

4. In no event shall more than nine (9) months elapse between such progress report to the assistant city manager - utilities.

viii. **Signature and certification.** All baseline monitoring reports must be signed and certified in accordance with section 26-202(f)(12) and (f)(13) of this article.

(2) Within ninety (90) days following the commencement of the contribution of wastewater into the POTW, any significant industrial user classified as a regulated categorical standard industry, and therefore subject to Federal Categorical Pretreatment Standards, shall submit to the assistant city manager - utilities a ninety-day compliance report in accordance with 40 CFR 403.12(d).

(3) Significant industrial users not classified as categorical standard industries may, at the discretion of the assistant city manager - utilities, be required to submit a baseline monitoring report and/or a ninety-day compliance report.

(4) Regulated categorical standard industries subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of new sources, after commencement of the discharge to the POTW, shall submit a semi-annual compliance report to the assistant city manager - utilities in accordance with 40 CFR 403.12(e).

(5) Significant industrial users, not subject to federal categorical limitations, may be required to submit a semi-annual compliance report to the assistant city manager - utilities in accordance with 40 CFR 403.12(h).

(6) Semi-annual compliance reports required under subsection (f)(4) and (5) of this section shall be based on sampling and analytical data collected during the period covered by the report by both the assistant city manager - utilities and the industrial user if self-monitoring is performed. Sampling and analytical data shall be representative of the conditions occurring during the reporting period.

(7) Significant Industrial Users shall perform self-monitoring sampling and analysis of the regulated process wastestream(s) at a minimum frequency of once during each semi-annual compliance reporting period, unless the Control Authority performs the required sampling in lieu of the industrial user pursuant to 40 CFR 403.12(g) and 40 CFR Part 403.12(h).

(8) Self-monitoring samples shall be collected, preserved and analyzed in accordance with approved methods.
(9) For each self-monitoring samples, the industrial user shall submit an industrial self-monitoring sampling report which shall include:

i. The date, exact place, sampling method, preservation method, times of sampling and the name(s) of the person(s) taking the samples;

ii. The dates the analyses were performed;

iii. The analytical techniques/method used; and

iv. The results of the analyses.

(10) For categorical industries, at least once during each semi-annual compliance reporting period, self-monitoring samples shall be analyzed for all federally regulated parameters.

(11) If self-monitoring indicates a violation, the industrial user shall notify the assistant city manager - utilities within twenty-four (24) hours of receiving the results. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis within thirty (30) days after becoming aware of the violation. For industrial users required to self-monitor each month, the next month's self-monitoring may be used as the repeat sampling so long as the sample is analyzed for the violating parameter and the thirty-day submission deadline is observed.

(12) All compliance reports, self-monitoring sampling reports and applications for industrial/commercial wastewater discharge permits must be signed by an authorized official of the industrial user in accordance with 40 CFR Part 403.12(1). The authorized official may designate a representative, in writing, to the assistant city manager - utilities. The authorization must specify either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, or having overall responsibility for environmental matters for the industrial user. If the authorization becomes invalid because of changes in responsibilities or personnel, a new written authorization must be submitted to the assistant city manager - utilities prior to or along with any report being signed and submitted by the new representative.

(13) All compliance reports, self-monitoring sampling reports and applications for industrial/commercial wastewater discharge permits must include the statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervised in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."
(14) All industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings by the industrial user.

(15) An industrial user shall notify the assistant city manager - utilities, the EPA regional waste management division director, and the state hazardous waste authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with 40 CFR 403.12 (p)

(16) Each user must notify the Assistant City Manager – Utilities of any planned changes to the user’s operations or system which might alter the nature, quality, or volume of its wastewater at least 90 (ninety) days before the change.

   i. The Assistant City Manager – Utilities may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

   ii. The Assistant City Manager – Utilities may issue an industrial/commercial wastewater discharge permit or modify an existing permit in response to changed conditions or anticipated changed conditions.

   iii. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, the discharge of any previously unreported pollutants, changes or additions in process(es) which generate wastewater, or changes to pretreatment facilities.

(17) The reports and other documents required to be submitted or maintained under this section shall be subject to:

   i. The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;

   ii. The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation, or certification;

   iii. The provisions of Section 309(c)(6) of the Act regarding responsible corporate offices; and

   iv. The applicable provisions of this ordinance.

Sec. 26-203. Same--Suspension or revocation.

(a) Permit not a vested right. A permit issued under this article does not become a vested right in the person holding the permit.

(b) Grounds for suspension or revocation. A permit issued under this article may be revoked or suspended upon any of the following grounds:
(1) The permittee has or is violating one (1) or more provisions of this article;

(2) The permittee has failed or is failing to comply with one (1) or more conditions of a permit;

(3) There is a change in conditions which requires elimination or modification of the discharge covered by a permit;

(4) Revocation or suspension is necessary in order to prevent harm or damage to the wastewater system or treatment process or is necessary to protect the health or welfare of persons, animals or property;

(5) The permit was obtained by misrepresentation or failure to disclose all relevant facts.

(c) Procedure for suspension or revocation. The assistant city manager - utilities may issue an order suspending or revoking a permit issued under this article upon the grounds specified in this article. Such order shall state the grounds therefore and shall be served upon the permittee in person or by certified or registered mail. Such order of suspension or revocation shall become effective after five (5) days from the date of service, unless the permittee within such five-day period files an appeal and filing fee in accordance with section 26-155 of this article.

(d) Procedure for appeals from order of revocation or suspension. Appeals from the order of the assistant city manager - utilities suspending or revoking a permit shall be processed and heard in accordance with procedures for other appeals as set forth in section 26-155.

Sec. 26-204. Same--Effect of suspension or revocation.

Any permittee who receives an order from the assistant city manager - utilities revoking or suspending a permit required under this article shall discontinue any discharge covered by the permit after five (5) days from notice of such order, unless within such five-day period the permittee appeals such order to the environmental appeals committee. Any permittee who has been notified by the assistant city manager - utilities of a suspension or revocation of a permit and does not appeal such order or any permittee who has been notified of the order of the committee, after a hearing, of the revocation or suspension of a permit and who continues a discharge covered by a permit after the effective date of the revocation or suspension of the permit may have sewer service terminated by the assistant city manager - utilities.

Sec. 26-205. Same--Reinstatement of suspended or revoked permit.

(a) The assistant city manager - utilities shall reinstate a suspended industrial/commercial wastewater discharge permit upon satisfactory proof to the assistant city manager - utilities of corrective action of the permittee of the conditions or discharge for which the permit was suspended.

(b) A user whose industrial/commercial wastewater discharge permit has been revoked must, apply for a new permit and comply with all provisions and conditions required as though a permit had not been issued for such user.
Sec. 26-206. Pretreatment of industrial wastewater.

Significant industrial users shall provide necessary wastewater treatment as required to comply with this article and the categorical pretreatment regulations. All wastewater treatment and treatment systems shall be provided, operated and maintained at the user’s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the assistant city manager - utilities for review before construction of such facilities. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the assistant city manager - utilities 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. All records relating to compliance with the categorical pretreatment standards shall be made available to officials of the Environmental Protection agency or city upon request.

Sec. 26-207. Control manhole.

As a prerequisite to receiving an industrial/commercial wastewater discharge permit, the assistant city manager - utilities may, when necessary to monitor wastewater discharged into the wastewater system, require a significant industrial user to install a suitable control manhole together with such meters, equipment and appurtenances as deemed necessary by the assistant city manager-utilities in order to adequately sample and measure such wastewater. All required control manholes shall be located so as to permit unrestricted access by the assistant city manager-utilities.

Sec. 26-208. Industrial/commercial wastewater surcharge.

If abnormal strength wastewater is acceptable for discharge into the wastewater system under the provisions set forth in the industrial/commercial wastewater discharge permit, an industrial/commercial wastewater surcharge shall be added to the base charge to cover the additional cost of treating abnormal strength wastewater. Such surcharge shall be calculated as follows:

\[ Cu = Vu \left[ (Bu - 250) B + (Su - 250) S \right] \]

Where:

- \( Cu \) is the surcharge for user X.
- \( Vu \) is the billing volume for user X.
- \( Bu \) is the tested BOD level for user X or two hundred fifty (250) mg/l, whichever is greater.
- \( B \) is the unit cost factor for treating one (1) unit- of BOD per one thousand (1,000) gallons.
- \( Su \) is the tested SS level for user X or two hundred fifty (250) mg/l, whichever is greater.
- \( S \) is the unit cost factor for treating one (1) unit of SS per one thousand (1,000) gallons.

The terms and provisions set forth in this chapter referencing and/or incorporating provisions contained in the Code of Federal Regulations (CFR) are intended to adopt such sections to the CFR as they exist at the time of passage of this ordinance and as the CFR may be subsequently amended.

SECTION 2. It is hereby declared to be the intention of the City Council of the City of Denton, Texas, that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable. If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portion despite any such invalidity.

SECTION 3. That any person who shall violate any provision of this ordinance, or fails to comply therewith or with any requirements thereof, or a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a daily fine not to exceed two thousand dollars ($2,000) per day and subject to a daily civil penalty not to exceed the sum of five thousand dollars ($5,000) per day. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed, or continued, and upon conviction or adjudication of any such violations such person shall be punished within the limits above.

SECTION 4. This ordinance shall become effective fourteen (14) days from the date of its passage. The City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 21st day of June, 2011.

MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

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