

ORDINANCE NO. O-12-48

AN ORDINANCE OF THE CITY OF MISSOURI CITY AMENDING CHAPTER 86, UTILITIES, OF THE MISSOURI CITY CODE; PROVIDING REGULATIONS FOR THE DISCHARGE OF INDUSTRIAL WASTES TO THE SANITARY SEWERS AND TO THE CITY'S PUBLICLY OWNED TREATMENT WORKS; REGULATING WASTEWATER AND MISCELLANEOUS DISCHARGES; PROVIDING FOR A PERMIT SYSTEM FOR DISCHARGE OF INDUSTRIAL WASTES INTO SANITARY SEWERS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Missouri City (the "City") provides facilities for the collection and treatment of wastewater, including contracting for the treatment of wastewater in appropriate wastewater facilities, to promote the health, safety and convenience of its citizens and for the safeguarding of water resources common to all;

WHEREAS, the City must operate its facilities in compliance with the Federal Water Pollution Control Act, United States Environmental Protection Agency (EPA) regulations, Texas Commission on Environmental Quality (TCEQ) regulations, and other federal, state and local laws;

WHEREAS, protection of the quality of the effluent and proper operation of sanitary sewers and wastewater facilities may require either the exclusion, pretreatment, or controlled discharge at the point of origin of certain types and/or quantities of industrial wastes;

WHEREAS, it is the obligation of the dischargers of industrial wastewater to defray the costs of the wastewater treatment services required of and provided by the City in an equitable manner and, insofar as it is practicable, in proportion to benefits derived;

WHEREAS, the objectives of this ordinance, include, but are not limited to the following:

To prevent the introduction of pollutants into the City's wastewater facilities which will interfere with the operation of the facilities or contaminate the resulting sludge;

To prevent the introduction of pollutants into the City's wastewater facilities which will pass through the facilities into receiving waters or the atmosphere or otherwise be incompatible with the facilities; and

To provide for equitable distribution of the cost of the operation, maintenance and improvement of the City's wastewater facilities;

WHEREAS, this ordinance provides for the regulation of direct and indirect dischargers to the City's wastewater facilities through the issuance of permits to certain non-domestic users and the enforcement of general requirements, authorizes monitoring and enforcement activities, requires

user reporting, and provides for setting of fees for the equitable distribution of costs resulting from the program established herein; and

WHEREAS, this ordinance applies to all users of the City’s wastewater facilities, whether such users are located within or outside the boundaries of the City, and, except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this ordinance; and, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY THAT:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. The Missouri City Code is hereby amended by adding a new division 3 of article 1 chapter 86 to provide as follows:

**“CHAPTER 86
UTILITIES**

ARTICLE 1.

. . . .

**DIVISION 3. REGULATION OF DISCHARGE OF INDUSTRIAL WASTES INTO
SANITARY SEWERS**

Sec. 86-31 Definitions

As used in this article:

Approving authority. The City Manager or his duly authorized representative.

Biochemical oxygen demand (BOD). The quantity of oxygen by weight, expressed in mg/L, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees centigrade (20°C.).

Building sewer. The extension from a building drain to the sanitary sewer or other place of disposal (also called the house lateral and house connection).

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

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

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

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

Industrial user. Any source of industrial waste discharged directly or indirectly to wastewater facilities.

Industrial waste. Waste resulting from any process of industry, manufacturing, trade, or business, or from the development of any natural resource, or any mixture of such waste with water or normal wastewater (constituting industrial wastewater), or distinct from normal domestic wastewater.

Industrial waste fees. The fees made on those persons who discharge industrial wastes into sanitary sewers that include an industrial user connection fee and an annual industrial user fee specified in a resolution adopted by the City council establishing a schedule of fees, which may be revised from time to time.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of the City's Texas Pollutant Discharge Elimination System (TPDES) 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 more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

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

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

Normal domestic wastewater. Wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 220 mg/L, BOD is not more than 205 mg/L, and NH₃-N is not more than 35 mg/L.

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

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

Person. Any individual and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity.

pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Publicly Owned Treatment Works or POTW. A treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to and through, and including the wastewater treatment plant. 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. For purposes of this ordinance, the terms "Sanitary sewer system" and "POTW" may be used interchangeably.

Regulatory guidance documents. Documents providing additional guidelines for how the City will address the regulation, management, and enforcement of the direct and indirect discharge of industrial waste to and through, and including, the wastewater treatment plant. In the event these documents shall conflict with this Ordinance, the Ordinance shall override such documents.

Sanitary sewer. A public pipe or conduit that conveys domestic wastewater or industrial wastes, or a combination of both, to the wastewater treatment plant, and into which storm water, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Sanitary sewer system. See definition of POTW.

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

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

Storm sewer. A public pipe or conduit which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Storm water. Rainfall or any other forms of precipitation.

Superintendent. The Assistant City Manager in charge of the City's Public Works Department or his or her duly authorized deputy, agent or representative.

Suspended solids (SS). Solids measured in mg/L, that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

TCEQ. Texas Commission on Environmental Quality, or its successor agency.

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

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

Unpolluted water. Water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;

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

Wastewater. A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.

Wastewater facilities. Includes all facilities for collection, pumping, processing, treating, and disposing of wastewater, industrial wastes, and sludge, including, but not limited to, the wastewater treatment plant.

Wastewater treatment plant. Any City owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludge from the sanitary sewers.

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

Sec. 86-32 Prohibited discharges

(a) No person may discharge directly or indirectly to sanitary sewers any waste which by itself or by interaction with other wastes may:

- (1) Cause pass through or interference with wastewater treatment processes or facilities;
- (2) Constitute a hazard to humans or animals; or
- (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this article.

Sec. 86-33 Chemical discharges

(a) No discharge to sanitary sewers may contain:

- (1) Cyanide greater than 0.5 mg/L;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than 250 mg/L;
- (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
- (5) Substances with a COD concentration greater than 500 mg/L for any daily composite sample or 1,000 mg/L for any grab sample.

(b) No waste or wastewater discharged to sanitary sewers may contain:

- (1) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (2) Fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Centigrade);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of subsection (a) above.

(c) No waste, wastewater, or other substance may be discharged directly or indirectly into sanitary sewers which has a pH lower than 6 or higher than 9, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the approving authority. No waste, wastewater or substance may be discharged which, after treatment of the composite wastewater, results in concentration limits exceeding requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

Sec. 86-34 Hazardous metals and toxic materials

(a) No discharges may contain concentrations of hazardous metals in amounts in excess of the limits specified in subsection (b) of this section.

(b) Concentrations of hazardous metals, in terms of milligrams per liter (mg/L), for discharge to inland waters, and determined on the basis of individual sampling in accordance with Standard Methods shall not exceed (in mg/L):

Metal	Average	Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3
Barium	5.0	7.5	15.0
Cadmium	0.083	0.125	0.250
Chromium	5.0	7.5	15.0
Copper	0.6	0.9	1.8
Lead	0.4	0.6	1.2
Manganese	2.0	3.0	6.0
Mercury	0.0005	0.001	0.002
Nickel	5.0	7.5	15.0
Selenium	0.467	0.7	1.4
Silver	0.006	0.009	0.018
Zinc	2.0	3.0	6.0

(c) No other hazardous metals or toxic materials may be discharged into sanitary sewers without an industrial waste permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(d) No person may discharge without an industrial waste permit from the approving authority any other hazardous materials at any concentration, including, but not limited to, the following hazardous materials:

- (1) Antimony;
- (2) Beryllium;
- (3) Bismuth;
- (4) Cobalt;
- (5) Molybdenum;
- (6) Uranylion;
- (7) Rhenium;
- (8) Strontium;
- (9) Tellurium;
- (10) Herbicides;
- (11) Fungicides; and
- (12) Pesticides.

(e) No discharge may contain Polychlorinated Biphenyls (PCBs).

Sec. 86-35 Particulate size

(a) In accordance with Sec. 86-19, no person may discharge garbage or other solids into sanitary sewers unless such is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in sanitary sewers. Particles greater than one-half ($\frac{1}{2}$) inch in any dimensions are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric or greater).

Sec. 86-36 Storm water and other unpolluted drainage

(a) No person may discharge to sanitary sewers:

- (1) Unpolluted storm water, surface water, groundwater, roof run-off or subsurface drainage, including, but not limited to, swimming pool drainage;
- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process waters; or
- (4) Other unpolluted drainage; or make any new connections from inflow sources.

(b) In compliance with the Chapter 26 of the Texas Water Code and other statutes and regulations, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) above may be discharged.

Sec. 86-37 Temperature

No person may discharge any substance having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (65 degrees Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase (1) at a rate of ten degrees (10°) Fahrenheit or more per hour or (2) to one hundred ten degrees (110°) Fahrenheit.

Sec. 86-38 Radioactive wastes

(a) No person may discharge radioactive wastes or isotopes into sanitary sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into sanitary sewers.

Sec. 86-39 Impairment of facilities

(a) No person may discharge into sanitary sewers any substance capable of causing:

- (1) Obstruction to the flow in sanitary sewers;
- (2) Interference with the operation of treatment processes of facilities; or
- (3) Excessive loading of treatment facilities.

(b) Discharges prohibited by subsection (a) include, but are not limited to, materials which exert or cause concentrations of:

(1) Inert suspended solids greater than 250 mg/L, including, but not limited to:

(A) Fuller's earth;

(B) Lime slurries; and

(C) Lime residues;

(2) Dissolved solids greater than 500 mg/L, including, but not limited to:

(A) Sodium chloride; and

(B) Sodium sulfate; or

(3) Excessive discoloration including but not limited to:

(A) Dye wastes; and

(B) Vegetable tanning solutions.

(c) No person may discharge into sanitary sewers any substance that may:

(1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;

(2) Overload skimming and grease handling equipment;

(3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or

(4) Deleteriously affect the treatment process due to excessive quantities.

(d) No person may discharge any substance into sanitary sewers which:

(1) Is not amenable to treatment or reduction by the processes and facilities employed; or

(2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot comply with the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) The approving authority shall regulate the flow and concentration of slugs when they may:

- (1) Impair the treatment process;
- (2) Cause damage to collection facilities;
- (3) Incur treatment costs exceeding those for normal wastewater; or
- (4) Render the effluent unfit for stream disposal or industrial use.

(f) No person may discharge into sanitary sewers solid or viscous substances in sufficient quantity or size which may violate subsection (a) of this section. Such substances shall include, but not be limited to:

- (1) Ashes;
- (2) Cinders;
- (3) Sand;
- (4) Mud;
- (5) Straw;
- (6) Shavings;
- (7) Metal;
- (8) Glass;
- (9) Rags;
- (10) Feathers;
- (11) Tar;
- (12) Plastics;
- (13) Wood;
- (14) Underground garbage;
- (15) Whole blood;
- (16) Paunch manure;

- (17) Hair and fleshings;
- (18) Entrails;
- (19) Paper products, either whole or ground by garbage grinders;
- (20) Slops;
- (21) Chemical residues;
- (22) Paint residues; or
- (23) Bulk solids.

Sec. 86-40 Compliance with existing authority

(a) Unless an exception is granted by the approving authority, the sanitary sewer system shall be used by all persons discharging:

- (1) Wastewater;
- (2) Industrial waste; and/or
- (3) Polluted liquids.

(b) Unless authorized by TCEQ, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property or into or adjacent to any:

- (1) Natural outlet;
- (2) Watercourse;
- (3) Storm sewer; and/or
- (4) Other area within the jurisdiction of the City, not including sanitary sewers.

Sec. 86-41 Approving authority requirements

(a) If discharges or proposed discharges to sanitary sewers may:

- (1) Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
- (2) Create a hazard to life or health; or
- (3) Create a public nuisance;

the approving authority, notwithstanding Sec. 86-19, shall require:

- (1) Pretreatment to an acceptable condition for discharge to the sanitary sewers;
- (2) Control over the quantities and rates of discharge; and
- (3) Payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is subject to regulation under subsection (a) of this section.

(c) The approving authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of subsection (a) of this section.

Sec. 86-42 Approving authority review and approval

(a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes as part of the application process described in Sec. 86-46.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

Sec. 86-43 Requirements for traps

(a) Discharges requiring a trap include:

- (1) Grease or waste containing grease in excessive amounts;
- (2) Oil;

- (3) Sand;
- (4) Flammable wastes; and
- (5) Other harmful ingredients.

(b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:

- (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
- (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
- (3) Maintain the trap in effective operating condition.

Sec. 86-44 Requirements for building sewers

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (1) Install an accessible control manhole;
- (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste;
- (3) Install safety equipment and facilities, including but not limited to, steps and ventilation, where needed;
- (4) Maintain the equipment and facilities; and
- (5) Secure an industrial waste permit as provided in Sec. 86-46.

Sec. 86-45 Sampling and testing

(a) For any industrial users authorized by the approving authority to discharge industrial waste pursuant to an industrial waste permit, sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the wastewater facilities and determining the existence of hazards to health, life, limb, and property.

(b) Examination and analyses of the characteristics of waters and wastes required by this section shall be:

- (1) Conducted in accordance with the latest edition of Standard Methods; and
- (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(c) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

(d) City may select an independent firm or laboratory to determine flow, BOD, and suspended solids, if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.

Sec. 86-46 Industrial waste permit

(a) Any person seeking to discharge industrial waste into the City sanitary sewer system shall apply for an industrial waste permit on the application form provided by the approving authority and shall pay the industrial waste fees in the amounts specified in a resolution adopted by the city council establishing a schedule of fees, which may be revised from time to time.

(b) When the City approves the submitted application described in subsection (b) and proposes to grant the industrial user an industrial waste permit authorizing the discharge of industrial waste into the City sanitary sewer, the City or its authorized representatives shall enter into an agreement with the industrial user providing:

- (1) Terms of acceptance by the City;
- (2) Payment of required industrial waste fees by the person making the discharge, in accordance with the industrial waste fees specified in a resolution adopted by the city council establishing a schedule of fees, which may be revised from time to time;
- (3) Sanitary sewer connection procedures and requirements shall be in accordance with the technical codes adopted by the City;
- (4) An application approved with industrial user connection fee and annual industrial user fee paid;
- (5) Required installation and operation of necessary facilities and of pretreatment facilities, if needed;
- (6) Sampling and analysis to determine quantity and strength of waste when directed by the City; and

(7) Construction of sanitary sewer connections shall be approved by City inspectors prior to sanitary sewer use.

(c) The approving authority shall develop an application form for an industrial waste permit in accordance with regulatory guidance documents duly adopted by the City.

Sec. 86-47 Savings clause

A person discharging wastes into sanitary sewers prior to the effective date of this article may continue to so discharge such wastes without penalty as long as he:

- (1) Does not increase the quantity or decrease the quality of discharge without permission of the approving authority; and
- (2) Has discharged the waste at least six (6) months prior to the effective date of this article.

Sec. 86-48 Conditions for industrial waste permits

(a) The City may grant an industrial waste permit to persons meeting all requirements of the savings clause provided that the person:

- (1) Submit an application as described in Sec. 86-46(a) within one hundred twenty (120) days after the effective date of this section;
- (2) Has complied with all requirements regarding entering into an agreement with the City as provided in Sec. 86-46(b);
- (3) Secure approval by the approving authority of plans and specifications for any facilities when required; and
- (4) Provide a sampling point, when requested by the City, subject to the provisions of this article and approval of the approving authority.

(b) The City may grant an industrial waste permit to a person applying for a new discharge provided that the person:

- (1) Comply with the requirements of Sec. 86-46;
- (2) Meet all conditions of subsection (a)(3)-(4) above; and
- (3) Secure an industrial waste permit prior to discharging any waste.

(c) The approving authority shall develop an industrial waste permit in accordance with regulatory guidance documents duly adopted by the City.

Sec. 86-49 Reporting conditions

(a) When requested by the Superintendent, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for prohibiting commencement of service or terminating service, as applicable, to the industrial user and shall be considered a violation of this division.

(b) The industrial user shall submit all of the following:

(1) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from regulated processes.

(2) Flow measurement. Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams.

(3) Sampling. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) 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 Sec. 86-50(a) below. Sampling must be performed in accordance with procedures set out in in accordance with Sec. 86-50(b) below.

(4) Certification. A statement reviewed by the industrial 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.

Sec. 86-50 Analysis and sampling

(a) Analytical Requirements

(1) All pollutant analyses, including sampling techniques, to be submitted as part of the application for an industrial waste permit or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA and TCEQ.

(2) The City may select an independent firm or laboratory to collect and analyze samples for which the City is responsible for under this division.

(3) The City has the authority to reject data from laboratories which do not have adequate quality assurance and/or quality control procedures. Data submitted in monitoring reports to the City must be legally defensible and admissible as evidence in a court of law. Laboratories must utilize proper chain-of-custody procedures to ensure such admissibility.

(b) Sample Collection

(1) Except as indicated in (2) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible or the industrial user has requested additional sampling options, the Superintendent may authorize the use of time proportional sampling or through a minimum of four 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 chemicals must be obtained using grab collection techniques.

(3) All samples are to be collected according to the provisions of 40 CFR 136, including use of applicable collection and preservation techniques. All samples must be submitted for analysis prior to expiration of any holding time. All sampling events shall be documented on chain of custody forms.

Sec. 86-51 Recordkeeping

(1) Any industrial user subject to reporting requirements established in this division shall maintain records of all information resulting from any monitoring activities required by this division. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (b) Dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

(2) Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this division. These records shall remain available for a period of at least three years from the date of the sample. This period shall be

automatically extended for the duration of any litigation concerning compliance with this division, or where the industrial user has been specifically notified of a longer retention period by the Superintendent.

Sec. 86-52 Power to enter property

(a) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article in accordance with 33 U.S.C. § 1318.

(b) Anyone acting under this authority shall observe the rules and regulations concerning safety, internal security, and fire protection of the establishment located on such property.

(c) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification are entitled to enter all private properties through which the City holds a negotiated easement for the purposes of:

- (1) Inspection, observation, measurement, sampling or repair;
- (2) Maintenance of any portion of the sanitary sewer system lying within the easements; and
- (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

Sec. 86-53 Authority to disconnect service

(a) Notwithstanding section 86-21, the City may terminate water and wastewater service and disconnect the industrial user from the sanitary sewer system when:

- (1) Acids or chemicals which may damage the sewer lines or treatment process are released to the sanitary sewer, potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the City that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the user is delivering wastewater to the sanitary sewer system that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment; or
- (3) The industrial user:
 - (A) Discharges waste or wastewater that is in violation of the industrial waste permit issued by the approving authority;

(B) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

(C) Fails to pay monthly bills for water and sanitary sewer services when due;
or

(D) Repeats a discharge of prohibited wastes to sanitary sewers in violation of sections 86-32 through 86-39 as stated above.

(b) If service is discontinued pursuant to subsection (a)(2) of this section, the City shall:

(1) Disconnect the user;

(2) Supply the user with the governmental agency's report and any other pertinent information; and

(3) Continue disconnection until such time as the user provides pretreatment/additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes.

Sec. 86-54 Notice of Violation

Whenever the Superintendent finds that any industrial user has violated, is violating, or continues to violate this division, an industrial waste permit or order issued hereunder, or any other pretreatment requirement, the Superintendent may serve upon said industrial user a written notice of violation. Each day or part of a day during which noncompliance occurs constitutes a separate violation. Within ten (10) days of the receipt of this notice, 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 industrial user to the Superintendent. Submission of this plan in no way relieves the industrial 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 City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Sec. 86-55 Administrative Orders.

The Superintendent is hereby empowered to enter into and issue administrative orders to allow for voluntary compliance by an industrial user, to require industrial user compliance within a defined time period, and/or to require an industrial user to cease and desist violations and comply immediately with all requirements. Administrative orders may also terminate an industrial user's authority to discharge or terminate water/wastewater services if the industrial user does not comply with all requirements. Such orders may include compliance schedules and/or require specific action to be taken by the industrial user to correct the noncompliance within a time period. An administrative order does not release an industrial user from liability for any violation, including any continuous violation. Issuance of an administrative order shall not be prerequisite for taking any other action against an industrial user.

Sec. 86-56 Order to Show Cause.

The Superintendent may order any industrial user which causes or contributes to violation(s) of this division, industrial waste permit, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the industrial user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the industrial user.

Sec. 86-57 Emergency suspensions

After informal notice to the industrial user as provided in the regulatory guidance documents, the Superintendent may immediately suspend an industrial user's discharge whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend an industrial user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any industrial user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the industrial user has been ordered to terminate its discharge.

(b) An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent, prior to the date of any show cause hearing under Sec. 86-56.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Sec. 86-58 Injunctive relief

Whenever an industrial user has violated a pretreatment standard or requirement or, continues to violate the provisions of this division, industrial waste permits or orders issued hereunder, or any

other pretreatment requirement, the Superintendent may petition the appropriate court of competent jurisdiction through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial waste permit, order, or other requirement imposed by this division on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

Sec. 86-59 Civil penalties

(a) If an industrial user has received actual notice of this division and has violated or continues to violate this division, any order or industrial waste permit hereunder, or any other pretreatment standard or requirement, the City may initiate a suit:

- (1) to recover a civil penalty not to exceed \$5,000 a day for each violation;
- (2) to obtain injunctive relief as provided in Sec. 86-58;
- (3) to recover reasonable fees and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City; or
- (4) for other available relief.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Each day or part of a day during which noncompliance occurs constitutes a separate violation. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

Sec. 86-60 Criminal penalties

(a) Any industrial user that violates any provision of this division, any orders or industrial waste permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) per violation per day. Each day that a violation is allowed to continue shall be deemed a separate offense.

(b) Any industrial user that introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00). This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) Any industrial user that makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this division or pursuant to an industrial waste permit or order, or who falsifies, tampers with or renders inaccurate any monitoring device or method required under this division shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) per violation per day.

(d) A culpable mental state is not required for the commission of an offense under this division.

Sec. 86-61 Failure to pay

In addition to sanctions provided for by this article, the City is entitled to exercise sanctions provided for by the other ordinances of the City for failure to pay the bill for water and sanitary sewer service when due.

Sec. 86-62 Penalty for criminal mischief

The City may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person causing loss by tampering with or destroying sanitary sewers or wastewater facilities.”

Section 3. The Missouri City Code is hereby amended by renumbering sections 86-31, 86-32, 86-33, 86-34, and 86-35 of Article II of Chapter 86 as new sections 86-91, 86-92, 86-93, 86-94, and 86-95 of Article II of Chapter 86, respectively; by renumbering sections 86-81 and 86-82 of Division 2 of Article III of Chapter 86 as new sections 86-141 and 86-142 of Division 2 of Article III of Chapter 86, respectively; and by renumbering sections 86-101, 86-102, 86-103, 86-104, and 86-105 of Article IV of Chapter 86 as new sections 86-161, 86-162, 86-163, 86-164, and 86-165 of Article IV of Chapter 86, respectively.

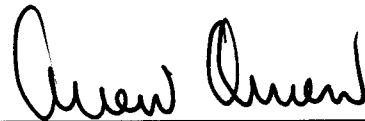
Section 4. Repeal. Any other ordinance or any part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 5. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. This Ordinance shall become effective as of January 1, 2013.

PASSED and APPROVED on first reading this 5th day of November, 2012.

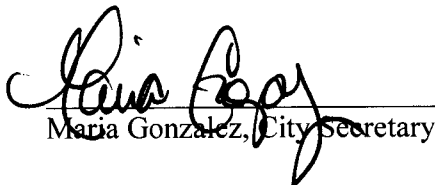
PASSED, APPROVED and ADOPTED on second and final reading this 19th day of November, 2012.

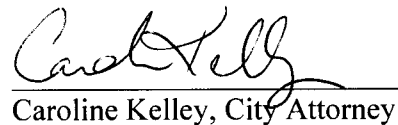


Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:



Maria Gonzalez, City Secretary

Caroline Kelley, City Attorney