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ORDINANCE NO. 2033

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 1230 BY PROVIDING CERTAIN CLARIFICATION TO THE REGULATION OF INDUSTRIAL WASTE DISCHARGES, ESTABLISHING A PERMIT SYSTEM, ESTABLISHING A SYSTEM OF CHARGES FOR SERVICES RENDERED, REGULATING UNSEWERED AND MISCELLANEOUS DISCHARGES, AND PROVIDING FOR ENFORCEMENT THEREOF; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mesquite has provided facilities for the collection and treatment of wastewater to promote the health, safety, and convenience of its people and for the safeguarding of water resources common to all, and

WHEREAS, provision has been made in the design, construction and operation of such facilities to accomodate certain types and quantities of industrial wastes in addition to normal wastewater, and

WHEREAS, it is the obligation of the producers of industrial waste to defray the costs of the wastewater treatment services rendered by the City of Mesquite in an equitable manner and, insofar as it is practicable, in proportion to benefits derived, and

WHEREAS, protection of the quality of the effluent and proper operation of the wastewater collection and treatment facilities and quality of effluent may require either the exclusion, pre-treatment, or controlled discharge at point of origin of certain types or quantities of industrial wastes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 1230 is hereby amended to read as follows, in all other respects to remain in full force and effect:

DEFINITIONS:

1. "APPROVING AUTHORITY" means the City Manager or his duly authorized representative;
2. "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions

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for five (5) days at a temperature of twenty (20) degrees centigrade;

3. "BUILDING SEWER" means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection);

4. "CITY" means the City of Mesquite, Texas, or any authorized person acting in its behalf;

5. "C.O.D." (Chemical Oxygen Demand) means 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;

6. "CONTROL MANHOLE" means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer;

7. "CONTROL POINT" means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer;

8. "GARBAGE" means 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;

9. "INDUSTRIAL WASTE" means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater;

10. "INDUSTRIAL WASTE CHARGE" means the charge made on those persons who discharge industrial waste into the City's sewerage system;

11. "MILLIGRAMS PER LITER" (mg/l) means 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;

12. "NATURAL OUTLET" means any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater;

13. "NORMAL DOMESTIC WASTEWATER" means 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 200 mg/l and BOD is not more than 200 mg/l;

14. "OVERLOAD" means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity;

15. "PERSON" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity;

16. "pH" means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration in mols per liter;

17. "PUBLIC SEWER" means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the City of Mesquite;

18. "SANITARY SEWER" means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed;

19. "SLUG" means 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;

20. "STANDARD METHODS" means 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;

21. "STORM SEWER" means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed;

22. "STORM WATER" means rainfall or any other forms of precipitation;

23. "SUPERINTENDENT" means the Water and Sewer Superintendent of the City of Mesquite or his duly authorized deputy, agent, or representative;

24. "SURCHARGE" means the charge in addition to the wastewater service charge which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal domestic wastewater;

25. "SUSPENDED SOLIDS" means 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;

26. "TO DISCHARGE" includes 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;

27. "TRAP" means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances;

28. "UNPOLLUTED WASTEWATER" means 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;
- (6) Not more than ten (10) mg/l each of suspended solids and BOD; and
- (7) Color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods;

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29. "WASTE" means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities;

30. "WASTEWATER" means 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;

31. "WASTEWATER FACILITIES" includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes;

32. "WASTEWATER TREATMENT PLANT" means any City-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers;

33. "WASTEWATER SERVICE CHARGE" means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater; and

34. "WATERCOURSE" means a natural or man-made channel in which a flow of water occurs, either continuously or intermittently;

35. "CATEGORICAL PRETREATMENT STANDARD" the wastewater discharge limits applicable to a specific category of Commercial/Industrial users as promulgated by the E.P.A. in accordance with Section 307 (b) and (c) of the Act.

#### SECTION 2. PROHIBITED DISCHARGES.

- a. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may
  - (a) injure or interfere with wastewater treatment processes or facilities;
  - (b) constitute a hazard to humans or animals; or
  - (c) create a hazard in receiving waters of the wastewater treatment plant effluent;
- b. All discharges shall conform to requirements of this ordinance.

#### SECTION 3. CHEMICAL DISCHARGES.

- a. No discharge to public sewers may contain:
  - (a) cyanide greater than 1.0 mg/l;
  - (b) fluoride other than that contained in the public water supply;
  - (c) chlorides in concentrations greater than 250 mg/l;
  - (d) gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
  - (e) substances causing an excessive Chemical Oxygen Demand (COD);
- b. No waste or wastewater discharged to public waters may contain:
  - (a) strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
  - (b) 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° Centigrade);

- (c) Objectionable or toxic substances, exerting an excessive chloring requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials; or
  - (d) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of Section 2 (a).
- c. No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 10.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and 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. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

**SECTION 4. HEAVY METALS AND TOXIC MATERIALS.**

- a. No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.
- b. The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods" are:
- |                      |       |       |
|----------------------|-------|-------|
| (1) Arsenic          | 0.05  | mg/l; |
| (2) Barium           | 5.0   | mg/l; |
| (3) Boron            | 1.0   | mg/l; |
| (4) Cadmium          | 0.11  | mg/l; |
| (5) Chromium (Total) | 2.77  | mg/l; |
| (6) Cooper           | 3.38  | mg/l; |
| (7) Cyanide          | 1.20  | mg/l; |
| (8) Lead             | 0.69  | mg/l; |
| (9) Managnese        | 1.0   | mg/l; |
| (10) Mercury         | 0.005 | mg/l; |
| (11) Nickel          | 3.98  | mg/l; |
| (12) Selenium        | 0.02  | mg/l; |
| (13) Silver          | 0.1   | mg/l; |
| (14) Zinc            | 2.61  | mg/l; |
- c. No other heavy metals or toxic materials may be discharged into public sewers without a permit from the Approving Authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.
- d. Prohibited heavy metals and toxic materials include but are

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not limited to:

1. Antimony;
2. Beryllium;
3. Bismuth;
4. Cobalt;
5. Molybdenum;
6. Tin
7. Uranyl ion;
8. Rhenium;
9. Strontium;
10. Tellurium;
11. Herbicides;
12. Fungicides; and
13. Pesticides.

SECTION 5. GARBAGE.

- a. No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half (1/2) inch in any dimension 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 (3/4) horsepower (0.76 hp metric) or greater.

SECTION 6. STORM WATER AND OTHER UNPOLLUTED DRAINAGE.

- a. No person may discharge to public sanitary sewers
  - (a) Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;
  - (b) Unpolluted cooling water;
  - (c) Unpolluted industrial process waters; or
  - (d) Other unpolluted drainage.
- b. In compliance with the Texas Water Quality Act and other statutes, the Approving Authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

SECTION 7. TEMPERATURE. No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit.

SECTION 8. RADIOACTIVE WASTES.

- a. No person may discharge radioactive wastes or isotopes into public 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 public sewers

SECTION 9. IMPAIRMENT OF FACILITIES.

- a. No person may discharge into public sewers any substance capable of causing
- (a) Obstruction to the flow in sewers;
  - (b) Interference with the operation of treatment processes of facilities; or
  - (c) Excessive loading of treatment facilities.
- b. Discharges prohibited by Section 9 (a) include, but are not limited to materials which exert or cause concentrations of
- (a) Inert suspended solids greater than 250 mg/l including but not limited to
    1. Fuller's earth;
    2. Lime slurries; and
    3. Lime residues;
  - (b) Dissolved solids greater than 500 mg/l including but not limited to
    1. Sodium chloride; and
    2. Sodium sulfate;
  - (c) Excessive discoloration including but not limited to
    1. Dye wastes; and
    2. Vegetable tanning solutions; or
  - (d) BOD, COD or chlorine demand in excess of normal plant capacity.
- c. No person may discharge into public sewers any substance that may
- (a) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
  - (b) Overload skimming and grease handling equipment;
  - (c) 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
  - (d) Deleteriously affect the treatment process due to excessive quantities.
- d. No person may discharge any substance into public sewers which
- (a) Is not amenable to treatment or reduction by the processes and facilities employed; or
  - (b) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet 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

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- (a) Impair the treatment process;
- (b) Cause damage to collection facilities;
- (c) Incur treatment costs exceeding those for normal wastewater; or
- (d) Render the waste unfit for stream disposal or industrial use.

f. No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including but not 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. Unground 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.

SECTION 10. COMPLIANCE WITH EXISTING AUTHORITY.

- a. Unless exception is granted by the Approving Authority, the public sewer system shall be used by all persons discharging:
  - (a) Wastewater;
  - (b) Industrial waste;
  - (c) Polluted liquids; or
  - (d) Unpolluted waters or liquids.
- b. Unless authorized by the Texas Water Quality Board, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property in or adjacent to any:
  - (a) Natural outlet;
  - (b) Watercourse;



- (c) Storm sewer; or
  - (d) Other area within the jurisdiction of the City.
- c. The Approving Authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

SECTION 11. APPROVING AUTHORITY REQUIREMENTS.

- a. If discharges of proposed discharges to public sewers may
- (a) Deleteriously affect wastewater facilities, processes equipment, or receiving waters;
  - (b) Create a hazard to life or health; or
  - (c) Create a public nuisance;
- the Approving Authority shall require
- 1. Pretreatment to an acceptable condition for discharge to the public 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 included under subsection (a) of this section
- c. The Approving Authority shall reject wastes when
- (a) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and
  - (b) The discharger does not meet the requirements of subsection (a) of this section.

SECTION 12. 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.
- 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.

SECTION 13. REQUIREMENTS FOR TRAPS.

- a. Discharges requiring a trap include
- (a) Grease or waste containing grease in excessive amount.
  - (b) Oil;
  - (c) Sand;

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- (d) Flammable wastes; and
- (e) Other harmful ingredients.
- b. Any person responsible for discharges requiring a trap shall at his own expense and as required by the Approving Authority
  - (a) Provide equipment and facilities of a type and capacity approved by the Approving Authority;
  - (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.

SECTION 14. 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

- a. Install an accessible and safely located control man-hole;
- b. Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
- c. Maintain the equipment and facilities.

SECTION 15. SAMPLING AND TESTING.

- a. Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works 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 ordinance shall be
  - (a) Conducted in accordance with the latest edition of "Standard Methods"; and
  - (b) 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.
- d. The City may select an independent firm or laboratory to determine flow, BOD, and suspended solids.
- e. The City is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

SECTION 16. PAYMENT AND AGREEMENT REQUIRED.

- a. Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- b. When discharges of industrial waste are approved by the Approving Authority, the City or its authorized representative shall enter into an agreement or arrangement providing
  - (a) Terms of acceptance by the City; and
  - (b) Payment by the person making the discharge.

SECTION 17. INDUSTRIAL WASTE SURCHARGE.

- a. If the volume or character of the Waste to be treated by the City does not cause overloading the sewage collection, treatment, or disposal facilities of the City, then prior to approval,
- (a) The City and the person making the discharge shall enter into an agreement which provides that the discharger pay an industrial waste charge to be determined from the schedule of charges.
- b. If the volume or character of the waste to be treated by the City requires that waste water collection, treatment, or other disposal facilities of the City be improved, expanded, or enlarged in order to treat the waste, then prior to approval, the City and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the City may incur due to acceptance of the waste.
- c. The agreement entered into pursuant to sub-section
- (a) of this section shall include but not be limited to
- (a) Amortization of all capital outlay for collection and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating waste;
- (b) Operating and maintenance costs including salaries and wages, power cost, cost of chemicals and supplies, proper allowances for maintenance, depreciation, overhead, and office expenses.

SECTION 18. SCHEDULE OF CHARGES. Industrial waste charges shall be calculated by the following formula:

$$IC = jv + v (a (BOD-200) + b(TSS-200))$$

- IC = Industrial Charge
- V = Volume discharged in millions of gallons
- j = Basis rate (\$2 for the first 10,000 gallons and .10 a thousand thereafter)
- a = BOD surcharge factor (.25 cents for each milligram gr/liter)
- b = TSS surcharge factor (.25 cents for each milligram gr/liter of TSS solids discharged into the sanitary sewer system)
- BOD = 5 day c 20°C BOD of the industrial waste (mg/L) to be measured at intervals from composite samples
- TSS = Suspended solids of the industrial waste (mg/L) to be measured at intervals from composite samples.

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SECTION 19. BILLING. Industrial waste surcharges provided for in this ordinance shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges shall be paid at the same time that the water, sewer and sanitation charges of the person become due and payment for water, sewer and sanitation services shall not be accepted without payment also of sewer service charges and surcharges.

SECTION 20. ADJUSTMENT OF CHARGES.

- a. The City shall adjust surcharges at least annually to reflect changes in the characteristics of wastewater based on the results of sampling and testing.
- b. Increases in surcharges shall be retroactive for two billing periods and shall continue for six (6) billing periods unless subsequent tests determine that the surcharge should be further increased.
- c. The City shall review at least annually the basis for determining surcharges and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.
- d. The City shall bill the discharger by the month and shall show industrial waste surcharges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

SECTION 21. SAVINGS CLAUSE. A person discharging industrial wastes into public sewers prior to the effective date of this ordinance may continue without penalty so long as he:

1. Does not increase the quantity of quality of discharge, without permission of the Approving Authority;
2. Has discharged the industrial waste at least six (6) months prior to the effective date of this ordinance; and
3. Applies for and is granted a permit no later than one hundred twenty (120) days after the effective date of this ordinance.

SECTION 22. CONDITIONS OF PERMITS.

- a. The City may grant a permit to discharge to persons meeting all requirements of the Savings Clause provided that the person:
  - (a) Submit an application within ninety (90) days after the effective date of this ordinance on forms supplied by the Approving Authority; (see attachment 1)

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- b. Secure approval by the Approving Authority of plans and specifications for pretreatment facilities when required; and
- (a) 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 met.
  - (b) If additional pretreatment and/or construction will be required to meet the Categorical Pretreatment Standards, the shortest schedule by which the major user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for applicable Categorical Pretreatment Standard. The following conditions shall apply to this schedule:
    1. 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 major 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, etc.).
    2. No increment referred to in paragraph 1 shall exceed nine (9) months.
    3. Not later than fourteen (14) days following each date in the schedule, and the final date for compliance, the major user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the major user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.
    4. Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
      - (1) Payment of charges;
      - (2) Installation and operation of pretreatment facilities; and
      - (3) Sampling and analysis to determine quantity and strength; and

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5. Provides a sampling point subject to the provisions of this ordinance and approval of the Approving Authority. A person applying for a new discharge shall:
  - (1) Meet all conditions of subsection (a) of this section; and
  - (2) Secure a permit prior to discharging any waste.

SECTION 23. POWER TO ENTER PROPERTY.

- a. The Superintendent and other duly authorized employees of the City, State, or Federal governments bearing proper credentials and identification are entitled to enter any industrial/commercial user on public or private property at any reasonable time for the purpose of enforcing this ordinance.
- b. Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.
- c. Except when caused by negligence or failure of the company to maintain safe conditions, the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.
- d. 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 purpose of:
  - (a) Inspection, observation, measurement, sampling, records examination or repair;
  - (b) Maintenance of any portion of the sewerage system lying within the easements; and
  - (c) 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.
- e. No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

SECTION 24. AUTHORITY TO DISCONNECT SERVICE.

- a. The City may terminate waste and wastewater disposal service and disconnect any industrial customer from the system when
  - (a) Acids or chemicals damaging to sewer lines

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- or treatment process are released to the sewer lines or deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- b. 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 customer is delivering wastewater to the City's system that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment; or
  - c. The industrial customer:
    - (a) Discharges industrial waste or wastewater that is in violation of the 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 public sewers.
  - b. If service is disconnected pursuant to subsection (a) 2. of this section, the City shall
    - (a) Disconnect the customer;
    - (b) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
    - (c) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

SECTION 25. NOTICE.

- a. The City shall serve persons discharging in violation of this ordinance with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.
- b. The City shall publish annually in the Mesquite Daily News a list of major users that significantly violated applicable Pretreatment Standards or other pretreatment requirements during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against the users during the same period.

SECTION 26. CONTINUING PROHIBITED DISCHARGES. No person may continue discharging in violation of this ordinance beyond the time limit provided in the notice.

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SECTION 27. PENALTY.

- a. A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.00 for each act of violation and for each day of violation.
- b. In addition to proceeding under authority of subsection (a) of this section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

SECTION 28. FAILURE TO PAY. In addition to sanctions provided for by this ordinance, 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.

SECTION 29. 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 negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

SECTION 30. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.


SECTION 31. EFFECTIVE DATE. The fact that our present ordinance is inadequate to control wastewater discharges, creates an urgency and an emergency for the preservation of public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of May, A.D., 1984.

  
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 Mrs. Brunhilde Mystrom  
 Mayor

ATTEST:

APPROVED AS TO FORM:

  
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 Lynn Prugel  
 City Secretary

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 Elland Archer  
 City Attorney