

ORDINANCE NO. 4914

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY AMENDING “CHAPTER 16 – WATER AND LIQUID WASTE” ADDING NEW “ARTICLE VI – FATS, OILS, AND GREASE (“FOG”)” THEREBY PROVIDING FOR PROVISIONS FOR THE PROTECTION OF BOTH CITY AND REGIONAL WASTEWATER INFRASTRUCTURE FROM THE DISCHARGE OF FATS, OILS, GREASES, AND OTHER POLLUTANTS INTO THE PUBLICLY-OWNED TREATMENT WORKS SEWER SYSTEMS; MAKING OTHER RELATED AND GENERAL UPDATES TO CHAPTER 16; REVISING “APPENDIX D – COMPREHENSIVE FEE SCHEDULE” TO PROVIDE ORGANIZATIONAL UPDATES IN “ARTICLE XV – WATER AND SEWER”; AND PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, this Mesquite City Code text amendment provides for general updates to “CHAPTER 16 – WATER AND LIQUID WASTE” provisions and adds new “ARTICLE VI – FATS, OILS, AND GREASE (“FOG”)” thereby providing for provisions for the protection of both City and regional wastewater infrastructure from the discharge of fats, oils, and greases, and other pollutants into the publicly-owned treatment works (“**POTW**”) sewer systems; and

WHEREAS, adding new “ARTICLE VI – FATS, OILS, AND GREASE (“FOG”)” to CHAPTER 16 provides for new installation and maintenance requirements for any facilities that produce liquid waste, grease, oils, or grit detrimental to the City or to the North Texas Municipal Water District (“**NTMWD**”) wastewater system; provides City inspection (a minimum of once per year) of all grease traps; institutes the existing annual inspection fee of \$25 for inspection of each grease trap/interceptor; and making other general updates to all be effective January 1, 2022; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas, (“**City**”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, pursuant to Mesquite City Charter, Article III, [Section 2](#), the City shall have the power to enact and enforce ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants; and

WHEREAS, pursuant to Mesquite City Charter, Article III, [Section 16](#), the City shall have the power to build, construct, purchase, own, lease, maintain and operate, within or without the City limits, light and power systems, water systems, a sewer system or sanitary disposal equipment and appliances, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided by any applicable law of the State of Texas, as amended; and all the powers which the City might exercise in connection with such public utilities and public services under State law; and

WHEREAS, pursuant to Mesquite City Charter, Article III, [Section 23](#), the City shall have the power to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of same; and to require property owners to make connection to the sewer system, if and when available, with their premises; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

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

SECTION 1. **Recitals Incorporated.** The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. **MESQUITE CITY CODE AMENDMENT: Revising Chapter 16 – Water and Liquid Waste.**

The Mesquite City Code, as amended, is hereby amended by revising various articles, divisions, and sections within “CHAPTER 16 – WATER AND LIQUID WASTE” as identified in **EXHIBIT “A”** regarding making general updates and adding new “ARTICLE VI – FATS, OILS, AND GREASE (“FOG”).” Said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, Articles, Divisions, and Sections shall remain in full force and effect.

SECTION 3. MESQUITE CITY CODE AMENDMENT: Revising Appendix D – Comprehensive Fee Schedule.

The Mesquite City Code, as amended, is hereby amended as identified in **EXHIBIT “B”** thereby revising certain sections of the Comprehensive Fee Schedule. Said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

SECTION 4. Conflicts Resolution Clause. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

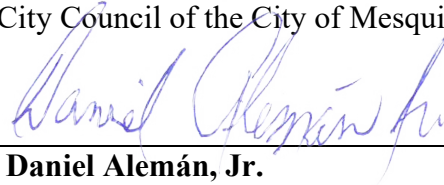
SECTION 5. Severability Clause. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, the Mesquite City Code, as hereby or previously amended, or the Mesquite Zoning Ordinance, as hereby or previously amended, which shall remain in full force and effect.

SECTION 6. Penalty Clause. Generally. Nothing in this ordinance prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by law. **Criminal.** Any violation of the provisions or terms of this ordinance by any “person,” (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)) shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00) for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file a civil action for enforcement of this ordinance. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

SECTION 7. Publication. This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. Effective Date. This ordinance after its passage and publication shall take effect on, and be in force from and after, **JANUARY 1, 2022** in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on this the **15th day of NOVEMBER 2021**.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT "A"

To Ordinance No. 4914

Mesquite City Code
CHAPTER 16 – WATER AND LIQUID WASTE

MESQUITE CITY CODE

* * *

Chapter 16 - WATER AND LIQUID WASTE

ARTICLE I. - IN GENERAL

Sec. 16-1. - Water rates.

(a) The water rates to be charged and collected by the City from all customers obtaining service from the waterworks system of the City shall be and are hereby fixed. See Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer, for applicable fees, for the following:

(b) Apartment complexes – Calculations of water rates.

(1) Calculation for minimum bill amount for apartment complexes.

a. The minimum bill amount for apartment complexes is the minimum rate charged for a 0.625 inch meter multiplied by the number of units on each metered account.

b. See Appendix D – Comprehensive Fee Schedule, Article XV, Sec. 15-100, “Residential and commercial (minimum bill by meter type).”

(2) Calculation for gallons of water consumed for apartment complexes.

a. Apartment complexes with more than one (1) unit are billed by dividing the total number of gallons consumed by the number of units in the apartment complex and computing the bill as though each unit was a separate residence using the average number of gallons.

b. See Appendix D – Comprehensive Fee Schedule, Article XV, Sec. 15-100, “Apartments (rate per unit per 1,000 gallons).”

~~(1) Residential and Commercial Water Rates – Minimum Bill.~~

~~0.625 inch meter.
1.000 inch meter.
1.500 inch meter.
2.000 inch meter.
3.000 inch meter.
4.000 inch meter.
6.000 inch meter.~~

~~(2) Apartments Water Rates – Minimum Bill. The minimum bill amount for apartment complexes is the minimum rate charged for a 0.625 inch meter multiplied by the number of units on each metered account.~~

~~(3) Volumetric Rates.~~

~~0—1,000 Gallons.
1,001—5,000 Gallons.
5,001—10,000 Gallons.
10,001—50,000 Gallons.
50,001—70,000 Gallons.
70,001—500,000 Gallons.
Over 500,000 Gallons.~~

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~~Apartment complexes with more than one (1) unit are billed by dividing the total number of gallons consumed by the number of units in the apartment complex and computing the bill as though each unit was a separate residence using the average number of gallons.~~

~~(4)(c)– City of Mesquite’s Water Rates. The City of Mesquite’s water accounts (i.e. the City’s account(s), not “customer accounts”) shall be charged for all consumption in excess of one thousand (1,000) gallons at the same rate that the City pays North Texas Municipal Water District per one thousand (1,000) gallons.~~

(Code 1960, § 18-18.1; Ord. No. 2629, § 1, 9-18-89; Ord. No. 2766, § 1, 9-16-91; Ord. No. 2834, § 1, 9-21-92; Ord. No. 2901, § 1, 9-20-93; Ord. No. 3452, § 1, 9-17-01; Ord. No. 3525, § 1, 9-16-02; Ord. No. 3605, § 1, 9-15-03; Ord. No. 3677, § 1, 9-20-04; Ord. No. 3893, § 1, 9-18-07; Ord. No. 3993, § 1, 9-15-08; Ord. No. 4065, § 1, 9-21-09; Ord. No. 4114, § 1, 9-20-10; Ord. No. 4173, § 1, 9-19-11; Ord. No. 4233, § 1, 9-17-12; Ord. No. 4282, § 1, 9-6-13; Ord. No. 4336, § 1, 9-15-14; Ord. No. 4349, § 1, 1-5-15; Ord. No. 4394, § 1, 9-21-15; Ord. No. 4446, § 1, 9-19-16; Ord. No. 4514, § 1, 9-18-17; Ord. No. 4606, § 1, 9-17-18; Ord. No. 4701, § 1(Exh. A(XVI.A.)), 8-19-19)

Sec. 16-2. - Deposits for service.

A deposit shall be made at the time of making application for water service and must remain in force as long as the customer is receiving service. The minimum amount of which shall be as follows:

- (1) Initial deposit and requirements for the following:
 - a. Residential.
 - b. Commercial.
 - c. This deposit shall remain in effect at all times until service is terminated.
 - d. See Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer, for applicable fees.

Commercial customers whose deposits are calculated to be two hundred fifty dollars (\$250.00) or larger, may elect to place a surety bond or an irrevocable letter of credit or may execute an assignment of a savings account to the City in lieu of a cash bond. Any surety bond, letter of credit or assignment of a savings account must be in a form and format approved by the City. If a commercial customer's deposit that is placed in the form of a surety bond, letter of credit or savings account expires or is cancelled for any reason, such deposit must be replaced within thirty (30) days of notice of such expiration or cancellation.

Residential and commercial customers must provide identification of the person in whose name the service is to be billed by supplying a driver's license number or other identification showing proof of name.

- (2) *Additional deposits—Residential.* When and if it is found that the deposit required, and as collected according to the above schedule, is not sufficient to protect the City from losses, and it becomes necessary to disconnect service to any customer because of nonpayment of his water utility bill, the City shall require an additional minimum deposit or three (3) months' estimated water utility bill, whichever is larger, before water service is reconnected. Nonpayment of a customer's water charge occurs when a two-month bill is not paid on the due date specified on the water utility bill as defined in Section 16-3. See Appendix D – Comprehensive Fee Schedule, Article XV– Water and Sewer, for applicable fees.
- (3) *Same—Commercial.* When and if it is found that the deposit required, and as collected according to the above schedule, is not sufficient to protect the City from losses, and it becomes necessary to disconnect service to any customer because of nonpayment of his water utility bill, the City shall require an additional minimum deposit or three (3) months' estimated water utility bill, whichever is larger, before water service is reconnected. Nonpayment of a customer's water

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charge occurs when a two-month bill is not paid on the due date specified on the water utility bill as defined in Section 16-3. See Appendix D – [Comprehensive Fee Schedule, Article XV – Water and Sewer](#), for applicable fees.

- (4) *Deficient deposits, commercial.* When and if it is found that a commercial customer's deposit is insufficient to cover three (3) months' estimated water utility bill and that the commercial customer is two (2) months' past due three (3) times in a one-year period, the commercial customer shall be required to place additional deposit, surety bond, irrevocable letter of credit or assignment of a savings account, great enough to equal three (3) months' estimated water utility bill.
- (5) *Additional construction on a commercial customer's property.* When construction occurs on commercial property that is expected to cause additional consumption to occur, the customer's deposit requirement may be recalculated and increased sufficient to cover an estimated three-month water utility bill. Such additional deposit must be furnished to the city within thirty (30) days of recalculation by the city and may be placed in any allowable form described in subsection (1). Failure to furnish such increased deposit shall result in the disconnection of the customer's water service as provided in section 16-4.
- (6) *Customer returning to city, residential or commercial.* When and if a customer has previously lived in Mesquite and had city water utility service and applies to have water utility service again, the following conditions must be met before water service will be connected:
 - a. Identification must be provided of the person in whose name the service is to be billed by supplying a driver's license number or other identification showing proof of name;
 - b. All unpaid bills on the customer's previous account must be paid; and
 - c. The amount of deposit required will be same amount as the customer had when service was disconnected at the previous address, or the deposit must be enough to equal the amount of unpaid bills that the customer had outstanding, whichever is greater.
- (7) *Builder's deposit.* When and if a builder is in the process of constructing a residential house, a deposit per house being constructed is required. For each commercial establishment being constructed, the builder is required to place a deposit. See Appendix D – [Comprehensive Fee Schedule, Article XV – Water and Sewer](#), for applicable fees.
- (8) *Fire hydrant meter deposit.* Persons needing large quantities of water on a temporary basis may request a temporary fire hydrant meter. Customers requesting a fire hydrant meter shall pay a meter deposit plus a commercial consumption deposit. See Appendix D – [Comprehensive Fee Schedule, Article XV, – Water and Sewer](#), for applicable fees.

(Code 1960, § 18-18.1; Ord. No. 2629, § 2, 9-18-89; Ord. No. 2766, §§ 1, 2, 9-16-91; Ord. No. 2834, § 2, 9-21-92; Ord. No. 2901, § 1, 9-20-93; Ord. No. 3472, § 1, 12-17-01; Ord. No. 3525, § 1, 9-16-02; Ord. No. 4599, § 1.A., 9-17-18; Ord. No. 4609, §§ 5.A., 5.B., 10-1-18; Ord. No. 4701, § 1(Exh. A(XVI.B., XVI.C.)), 8-19-19)

Cross reference— Fire prevention and protection, Ch. 6.

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Sec. 16-3. - Billing and collection procedure.

All fees and services charges referenced in this section may be found in Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer.

- (a) The meter for each water utility customer shall be read monthly and the customer shall be billed for the water used since the last previous meter reading. There shall be a period of fifteen (15) days from the billing date within which time the customer may pay the actual (net) amount of his bill.
- (b) If the bill is not paid by the due date as set out on the face of the bill, a penalty is added, and the gross amount is then due. Should any customer's bill remain unpaid on the billing date for the next month's bill, the unpaid amount will appear on the bill as being in "previous balance." The customer shall receive a written notice stating that the total amount of the bill (shown as net amount) shall be due and payable within fifteen (15) days from the billing date, and that if not paid within fifteen (15) days, water service shall be disconnected. ~~See Appendix D for applicable fees.~~
- (c) If the water service is disconnected, the customer must pay the total bill due, plus an additional deposit according to Subsection 16-2(2) or (3) above, plus a reconnection fee before water service will be reconnected. ~~See Appendix D for applicable fees.~~
- (d) If the customer pays the water services representative when he goes to the house or business to disconnect the service for nonpayment, the customer must pay the total bill due plus the additional deposit according to Subsection 16-2(2) or (3) above plus a service fee. ~~See Appendix D for applicable fees.~~
- (e) A service charge will also be charged for each service call that a water services representative makes to a customer that has been disconnected for nonpayment when a customer reconnects his water service himself without paying the total amount due or if a customer has moved into a house and turned the water on without placing a deposit with the City. ~~See Appendix D for applicable fees.~~
- (f) A service charge will be charged if a meter has been removed for nonpayment of a water utility bill. ~~See Appendix D for applicable fees.~~
- (g) A service charge will be charged when a jumper is removed. ~~See Appendix D for applicable fees.~~
- (h) Water may be turned on for cleaning purposes for ten (10) days with an advance payment. ~~See Appendix D for applicable fees.~~
- (i) When and if a customer pays his water utility bill by check and the customer's bank will not honor the check, the check is returned to the City and written notice is mailed to the customer giving five (5) days in which to redeem the check. If the returned check is not redeemed by the customer by 8:00 p.m. on the fifth day, the customer's service shall be disconnected. The requirements for an additional deposit as stated in Subsection 16-2(2) or (3) above plus the reconnection fee as stated in subsection (c) of this section must be paid before the customer's water service is reconnected. ~~See Appendix D for applicable fees.~~
- (j) A service charge will be charged for a transfer of service within Mesquite. ~~See Appendix D for applicable fees.~~
- (k) A service charge will be charged each time a check is returned from the bank. ~~See Appendix D for applicable fees.~~

Cross reference – Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer.

(Code 1960, § 18-18.1; Ord. No. 2629, § 3, 9-18-89; Ord. No. 2766, § 3, 9-16-91; Ord. No. 2834, § 3, 9-21-92; Ord. No. 2901, § 1, 9-20-93; Ord. No. 2924, § 1, 10-14-93; Ord. No. 3180, § 2, 9-15-97; Ord. No. 3525, § 1, 9-16-02; Ord. No. 4609, § 5.C., 10-1-18; Ord. No. 4701, § 1(Exh. A(XVI.D.)), 8-19-19)

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Sec. 16-4. - Cause for disconnection of service.

The following shall be sufficient cause to disconnect any and all services to the water or sanitary sewer mains of the City:

- (1) Failure to pay when due monthly bills for water or sanitary sewer services including any applicable penalties and charges imposed for failing to pay for such services on time;
- (2) Failure to maintain a service deposit calculated under Section 16-2;
- (3) Failure to pay the established sewer charge for industrial waste when due including any surcharge for industrial waste discharged to the sanitary sewer mains as established in Section 16-91;
- (4) Repeated discharge of prohibited waste to the sanitary sewer;
- (5) Failure to install, test or maintain backflow preventers or comply with any other requirements as set forth in Chapter 5, Article VI, Division 5.5, relating to backflow and cross-connection provisions; or
- (6) Failure to repair leaks or other defects on private plumbing, a fire sprinkler system or other privately-owned water or sanitary sewer system connected to the City water or sanitary sewer system.

(Code 1960, § 18-19; Ord. No. 3325, § 2, 9-20-99; Ord. No. 3525, § 1, 9-16-02; Ord. No. 4670, § 1, 5-20-19)

Sec. 16-5. - Use of water without consent of utilities division.

It shall be unlawful for any person to take or use water from the city water system without the written consent of the utilities division of the public services department.

(Code 1960, § 18-20.1)

Sec. 16-6. - Tampering or interfering with water meters, service mains, etc.

It shall be unlawful for any person to tamper with or interfere in any manner with any water meters, service mains, standpipes or any other utilities division property.

(Code 1960, § 18-20.2)

State Law reference— Criminal mischief, V.T.C.A. Penal Code, § 28.03; theft of service, V.T.C.A. Penal Code, § 31.04.

Sec. 16-7. - Interfering with flow of water.

It shall be unlawful for any person to interfere with the flow of water in any water main or cause the flow of water to cease without the written consent of the utilities division of the public services department.

(Code 1960, § 18-20.3)

Sec. 16-8. - Using water from fire hydrants.

It shall be unlawful for any person to use water from any fire hydrant except on written authority of the utilities division of the public ~~works~~services department.

(Code 1960, § 18-20.4)

Cross reference— Fire prevention and protection, Ch. 6.

Sec. 16-9. - Withholding issuance of permits.

- (a) Upon failure on the part of any licensed plumber to correct any defect, error or deficiency in any work installed under the authority of a plumbing permit issued to him within ten (10) calendar days after written notification thereof from the office of the building official, the building official shall, without further notice, stop the issuance of permits to such licensed plumber until such corrections have been made, inspected and approved.
- (b) The failure of such licensed plumber to correct such defect, error or deficiency within ten (10) days after written notification thereof from the office of the building official shall constitute a misdemeanor and, upon conviction in the corporation court, such licensed plumber shall be subject to a fine as provided for in section 1-6, and each and every day that such violation shall be permitted to continue shall constitute a separate offense.

(Code 1960, § 18-28.1)

Sec. 16-10. - Reserved.

Editor's note— Ord. No. 3954, § 1, adopted May 19, 2008, repealed § 16-10 and enacted provisions designated as new §§ 16-12—16-14. Former § 16-10 pertained to water conservation and drought contingency plan adopted. See also the Code Comparative Table.

Sec. 16-11. - Water lien authorized.

- (a) When delinquent charges imposed by this article for utility service remain unpaid, the director of finance may impose a lien against the real property to which such service was delivered. The lien shall include and secure the delinquent charges, penalties, interest and collection costs. The director of finance shall perfect the lien by filing a notice of lien containing a legal description of the property and the utility account number for the delinquent charges in the real property records of the county in which the property is located.
- (b) The lien authorized in this section shall not apply to bills for service connected in a tenant's name after notice by the property owner to the municipality that the property is rental property.
- (c) The lien authorized by this section shall not apply to homestead property as protected by the Texas Constitution.
- (d) The lien authorized in this section is superior to all liens except a bona fide mortgage lien that is recorded before the recording of the city's utility lien in the real property records of the county where the property is located.

(Ord. No. 3440, § 1, 8-20-01)

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Sec. 16-12. - Adoption of Water Conservation Plan and Drought Contingency and Emergency Management Plan.

The City Council of the City of Mesquite hereby adopts the May 2019 City of Mesquite Water Conservation Plan and the May 2019 Drought Contingency and Emergency Management Plan, which are incorporated herein by reference as if set forth in full. A copy of each Plan shall be kept on file in the office of the City Secretary. The City Manager is authorized to order that the appropriate stage of emergency response, as detailed in the emergency water management plan, be implemented. To be effective, the order must be:

- (a) Made by public announcement; and
- (b) Published in a newspaper of general circulation in the City within twenty-four (24) hours after the public announcement, which order becomes immediately effective upon publication.

(Ord. No. 4383, § 2, 9-21-15; Ord. No. 4691, § 2, 7-1-19)

Sec. 16-13. - Violations, discontinuance of service and variances.

(a) *Generally.*

- (1) On the first violation, customers will be given a written warning that they have violated the applicable water use restriction.
- (2) On the second and subsequent violations, citations may be issued to customers, with maximum fines established by ordinance.
- (3) After three (3) violations have occurred, in addition to the authority to issue citations, the City may cut off water service to the customer or seek civil remedies in court.

(b) *Violation of Water Conservation Plan.* A person commits an offense if he knowingly makes, causes, allows or permits:

- (1) A use of water or waste of water contrary to any provision of the adopted Water Conservation Plan or the terms and conditions of a variance approved under the provisions of the Plan;
- (2) The lawn or landscaping at a premises owned by the person or under their control to be watered between the hours of 10:00 a.m. and 6:00 p.m. between April 1 and October 31 of each year;
- (3) Watering of lawn or landscaping at a premises owned by the person or under their control by using an irrigation system that is malfunctioning. A malfunctioning irrigation system includes but is not limited to a system with broken heads, lines or similarly damaged equipment that results in defective operation of the system causing the waste of water;
- (4) Watering of lawn or landscaping at a premises owned by the person or under their control to be watered during precipitation or below freezing weather conditions or to allow excessive runoff flowing away from property; or
- (5) Handwashing of a vehicle using a hose, providing, however, that it is an affirmative defense that a hose end positive shut off nozzle is used.

(c) *Violation of Drought Contingency and Emergency Management Plan.* A person commits an offense if he knowingly makes, causes, allows or permits:

- (1) Use of water or waste of water contrary to the measures implemented by the City Manager as prescribed in the adopted Drought Contingency and Emergency Management Plan. For purposes of this subsection, it is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures

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have been formally ordered consistent with the terms of the Drought Contingency and Emergency Management Plan and:

- a. The manner of use has been prohibited by the Plan;
 - b. The amount of water used exceeds that allowed by the Plan; or
 - c. The manner or amount used violates the terms and conditions of a variance granted under the provisions of the Plan.
- (d) *Penalty.* Any person, firm or corporation who violates any term or provision of the adopted Water Conservation Plan or Drought Contingency and Emergency Management Plan incorporated into this code by Section 16-12 or the violations provided by Section 16-13 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in accordance with Section 1-6 of the Mesquite City Code for each offense. These criminal penalties may be imposed in addition to any administrative or civil remedy allowed by law. Each day a violation continues shall constitute a separate offense.
- (e) *Person defined.* For purposes of this section, "person" shall include the owner or other person in control of the property. Proof that the violation occurred shall constitute a rebuttable presumption that the owner or person in control of the property committed the violation. Parents or legal guardians shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation.
- (f) *Discontinuance of water service.* Any person convicted of three (3) or more violations of the Water Conservation Plan or Drought Contingency and Emergency Management Plan at the same premises within a twelve-month period, upon due notice sent to them by the City Manager or his designee in the same manner and at the same address as their water bill is sent for the premises where the violations occurred, shall have water service discontinued to the premises where the violations occurred. Such discontinued water service shall be restored only upon payment of a reconnection charge, as established by the City, which shall include all costs incurred by the City in discontinuing service, and upon giving written assurance, on a form provided by the City, that violations will not be repeated. Compliance may also be sought through injunctive relief in the district court.
- (g) *Variances.*
- (1) *Standard of review.* Variances to the Water Conservation Plan and the Drought Contingency and Emergency Management Plan shall be granted or denied at the discretion of the City Manager or his designee. The City Manager may grant a variance if the failure to do so would cause an emergency condition adversely affecting health, sanitation or fire safety for the public or the applicant; compliance with this plan cannot be accomplished due to technical or other limitations; or alternative methods that achieve the same level of reduction in water use can be implemented. If issued, approval of the variance may be subject to reasonable terms and conditions.
 - (2) *Content of petition.* All petitions for variances should be in writing include the following information:
 - a. Name and address of the petitioners.
 - b. Contact email address and telephone number.
 - c. Purpose of water use.
 - d. Specific provisions from which relief is requested.
 - e. Detailed statement of the adverse effect of the provision from which relief is requested.
 - f. Description of the relief requested.
 - g. Period of time for which the variance is sought.

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- h. Other pertinent information.
- (3) *Effect of stage elevation.* Variances are considered temporary and must be re-submitted for reconsideration should the drought and emergency response stage elevate from the stage in which the temporary variance was approved to any higher stage of response.
- (4) *Revocation of variances.* The City Manager may revoke a variance granted when the City Manager determines that:
 - a. The conditions supporting the variance are no longer applicable;
 - b. The terms or conditions of the variance are being violated; or
 - c. The health, safety or welfare of other persons requires revocation.

(Ord. No. 4383, § 2, 9-21-15)

Editor's note— Ord. No. 4383, § 2, adopted Sept. 21, 2015, repealed § 16-13 and enacted a new section as set out herein. The former § 16-13 pertained to the water conservation plan, violations, discontinuance of service, and variance, and derived from Ord. No. 3954, § 1, adopted May 19, 2008; Ord. No. 4043, § 1, adopted April 20, 2009; and Ord. No. 4179, § 1, adopted Oct. 17, 2011.

Sec. 16-14. - Reserved.

Editor's note— Ord. No. 4383, § 2, adopted Sept. 21, 2015, repealed § 16-14 which pertained to the drought contingency plan and derived from Ord. No. 3954, § 1, adopted May 19, 2008; Ord. No. 4043, § 1, adopted April 20, 2009; Ord. No. 4179, § 1, adopted Oct. 17, 2011; and Ord. No. 4321, § 1, adopted July 21, 2014.

Secs. 16-15—16-30. - Reserved.

ARTICLE II. - PRO RATA FEES, EXTENSION OF FACILITIES AND WATER AND SEWER CONNECTION FEES

DIVISION 1. - GENERAL PROVISIONS

Sec. 16-31. - Definitions.

For the purposes of this article the following words, terms and phrases shall have the meaning given herein.

City (for the purposes of this article) means the City of Mesquite, Texas, and/or the City Manager or his/her designee.

Consumer means the residents and/or businesses utilizing and paying the city for water and wastewater services.

Developer means the person, business, partnership, corporation, or association responsible for the development of a subdivision or lot and includes the property owner or subdivider.

Development means any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures, which results in demand for water or wastewater facilities and which requires connection to the city's water or wastewater system.

General design standards means the design specifications designated by the City of Mesquite as standards for construction on all public infrastructure constructed in the City including the City of Mesquite Engineering Design Manual, City Standard Construction Details and the City of Mesquite Special Provisions.

Lot means a tract, plot or portion of a subdivision, addition or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession, or for development.

Oversize main means a water or wastewater main required to interconnect property being developed with the existing water or wastewater system which exceeds twelve (12) inches in diameter.

Pro rata means a charge made against an existing lot abutting a water or wastewater main that is the average per foot cost of the line, multiplied by the front footage of the land, and that is imposed to reimburse the original developer his cost of installing or paying for the main.

Property owner means the record titleholder of a premises connected to the city's water or wastewater system.

Subdivider has the meaning given that term in the city's subdivision regulations.

Subdivision has the meaning given that term in the city's subdivision regulations.

(Ord. No. 3372, § 1, 6-19-00; Ord. No. 4674, § 1(Exh. D(1)), 5-20-19)

Sec. 16-32. - Enforcing payment of pro rata costs.

The city shall have the authority to enforce payment of costs by all legal means available including the disconnection of water and sanitary sewer service to a development or lot. Nothing in this article shall be deemed in any way to be an exclusive method of enforcing the payment of the pro rata cost against the consumers and property owners, and this article shall not be deemed in any manner to be a waiver of the city's right to assess the property owners and/or consumers concerned for cost of the installation of water and wastewater mains and to fix and enforce liens against such property, all of which may be done as provided by ordinance in the manner prescribed by law.

(Ord. No. 3372, § 1, 6-19-00)

DIVISION 2. - WATER AND WASTEWATER MAIN EXTENSIONS

Sec. 16-33. - Basic policy.

- (a) *Connection to water and wastewater systems.* All subdivisions and each lot to be developed within the City of Mesquite shall be served by an approved water supply and distribution system and by an approved sewage collection and disposal system. No development shall be approved unless adequate assurances are provided that such development will be connected with the city's water supply and distribution system and with the city's wastewater system. No building permits shall be issued until satisfactory evidence of such connection has been provided.
- (b) *Responsibility for installation and extensions.* The developer shall install all water and wastewater facilities needed to serve the development and shall extend all water and wastewater mains and appurtenances necessary to connect the development with the city's water supply and distribution system and with the city's wastewater system. All initial costs of installation shall be borne by the developer subject to city participation in oversize costs pursuant to section 16-35 and subject to reimbursement from proceeds of pro rata fees pursuant to section 16-38. Requests for city extension of water and wastewater mains shall be as provided for in section 16-36.
- (c) *Condition of granting main extension.* Authority to extend water and wastewater mains to serve a proposed development shall be granted by the city only upon a determination by the city engineer that all facilities necessary to adequately serve the development are in place or will be in place prior to the issuance of building permits for structures developed on such land.
- (d) *Location of facilities.* The location of all water and wastewater mains necessary to serve a proposed development shall be in accordance with the City's master plan(s) for water and wastewater facilities and in accordance with the City's subdivision regulations and the City of Mesquite Engineering Design Manual.
- (e) *Construction standards.* All water and wastewater facilities required by these regulations shall be designed and constructed in accordance with the requirements and specifications contained in the City of Mesquite Engineering Design Manual.
- (f) *Permanent lift stations.* Should a lift station be required by the city engineer to provide wastewater service to a subdivision or development that by reason of topography cannot be served by a gravity sanitary sewer system to the City of Mesquite Wastewater Treatment Plant, the developer shall design and construct a permanent lift station and all appurtenances thereto at the developer's expense subject to reimbursement of pro rata fees pursuant to division 3. The lift station shall be designed and constructed for the entire drainage area as approved by the city engineer. Once the permanent lift station is constructed and operational and accepted by the City of Mesquite Engineering Division, the city shall take ownership and operation as described in the city subdivision ordinance.
- (g) *Pro rata fees for adjacent mains.* When an existing water or wastewater main lies in a street, alley or easement in or adjacent to an area or tract of land to be subdivided, the developer shall pay all applicable pro rata fees pursuant to division 3 for the water main or wastewater main prior to release of the engineering plans for the subdivision. When the proposed development is to be served by a lift station required under subsection (f), the developer shall pay all applicable pro rata fees for the station pursuant to division 3 prior to release of the engineering plans.

(Ord. No. 3372, § 1, 6-19-00; Ord. No. 4674, § 1(Exh. D(2)), 5-20-19)

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Sec. 16-34. - Extension of water and wastewater mains for development.

Developers shall extend water and wastewater mains to and through the property that is to be subdivided or developed in accordance with the following procedures and minimum standards:

- (a) *Size of mains.* Water and wastewater mains shall be sized and designed in accordance with the City of Mesquite Engineering Design Manual.
- (b) *Extensions with property to be developed.* All water and wastewater mains shall be extended through and/or across the frontage of the property to be developed in streets, alleys or in easements to the tract or addition in order to provide service to adjacent property where applicable. Developments that are permitted to construct an onsite sewerage facility in accordance with the provisions of the City of Mesquite Engineering Design Manual shall be exempt from the requirement to extend wastewater mains through and/or across frontage of property.
- (c) *Acquisition of easements.* The developer must obtain all offsite easements which are necessary for extending water and wastewater mains to the property being developed. A metes and bounds description of the easements and a drawing of the easements must be submitted to the city engineer along with the proper legal documentation creating the easement. After approval of the metes and bounds description by the city engineer, the document will be returned to the developer for acquisition of the required signatures. The executed document and filing fees will be returned to the city engineer for filing with the county clerk.
- (d) *Agreement required.* Prior to extension of any facility for which there will be a city reimbursement, the developer shall execute an improvement agreement with the city that clearly defines the scope and details of the proposed extension and which contains the developer's agreement to abide by all regulations of the city and to deliver to the city clear and unencumbered title to all proposed improvements prior to the time of acceptance by the city. The agreement shall provide for security in a form of a payment bond by the developer or his contractor for proposed work and will require a release of liens prior to final acceptance by the city.

(Ord. No. 3372, § 1, 6-19-00; Ord. No. 4674, § 1(Exh. D(3)), 5-20-19)

Sec. 16-35. - Participation and reimbursement by city in the cost of oversize water and wastewater mains.

- (a) *City participation policy.* The city may participate in the reasonable construction costs of oversize water or wastewater mains and appurtenances thereto that exceed twelve (12) inches in diameter. The developer initially shall be responsible for the entire cost of the oversize main.
- (b) *No funds available.* In no event will the city be required to participate in the costs of oversize mains pursuant to this section if there are no funds available for such purposes.
- (c) *Participation and reimbursement requests.* A request for city participation authorized by subsection (a) and (b) hereof shall be initiated through the submission of an application for participation by the developer prior to the initiation of construction. The application shall be accompanied by engineering drawings approved by the city engineering division showing the reimbursable items, a copy of estimated costs for construction, final quantities, oversize calculations for all reimbursable items, performance bond and a project location map.
- (d) *City reimbursement.* If the request for city participation is approved by the city council following dedication and acceptance of a facility or appurtenances in which it has agreed to participate, the city shall refund the costs of oversizing such facility in accordance with the following procedures and standards.
 - (1) *Oversizing standards.* The following standards apply to the determination of the costs of oversizing water and/or wastewater mains:

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- a. Where the size of the water or wastewater main needed exceeds that of a 12-inch diameter water or wastewater main, the size of the main to be installed shall be determined by the city engineer whose decision shall be final.
 - b. The amount of the city's participation shall be determined by the city council and shall not exceed the difference in cost between a 12-inch diameter main with appurtenances and the oversized main with appurtenances as required by the city engineer.
- (2) *Oversize cost determination.* The extent of the city's participation in the costs of oversized mains shall be determined by comparing costs computed by the following two (2) methods:
- a. *Method 1.* The developer shall take at least three (3) bids on installation of a system using a 12-inch diameter main and the larger size that will actually be installed. Copies of the bids, tabulations and figures shall be submitted to the city engineer. Calculations shall delineate the total cost for installation of the oversize mains with appurtenances, along with the cost for installing 12-inch diameter mains with appurtenances, with the differences noted as participation by the city.
 - b. *Method 2.* The city engineer shall establish unit prices for similar types of construction done in the previous twelve (12) months. These unit prices shall establish costs based upon estimates obtained on similar projects within the last twelve (12) months or base unit costs used to determine the maximum difference in cost between the 12-inch diameter main size and the cost of oversize mains to be installed. The unit prices shall be incorporated into this section as if fully set forth herein and shall be used to determine the city's participation.
 - c. *City engineer's option.* The city engineer shall have the option to establish the method in subsection b. whenever he considers the results of the method in subsection a. to be unreasonable or whenever the developer fails to submit the proper information as required.
 - d. *Engineering costs.* The city shall pay a maximum of six (6) percent of the city's cost for engineering fees that includes surveying, construction staking and supervision.
 - e. *Street rights-of-way.* A development shall be responsible for the full cost of utilities which cross street right-of-way up to a maximum width of one hundred sixty (160) feet. If required street right-of-way exceeds one hundred sixty (160) feet, the city will assume the cost of the excess length of the utility line as oversize participation.
- (3) *Exception to city participation.* The city will not participate in the cost of an oversized main if the development requires a main equal to the line constructed to serve the development.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-36. - Extension of mains by city.

- (a) *Extension to serve development.* The city may, but shall not be required to, extend a water or wastewater main to serve a development in lieu of installation by the developer subject to the following standards and procedures:
 - (1) *Request by developer.* The developer may petition the city to extend a water or wastewater main to serve the development in lieu of the developer constructing the facilities.
 - (2) *Criteria.* If the city agrees to extend the water or wastewater main, the city's procedures for competitive bidding and award of contract must be followed. The developer shall execute an improvement agreement with the city prior to the initiation of construction.
 - (3) *Condition of extension.* As a condition of granting the developer's request to extend a water or wastewater main, the developer shall deposit cash in an amount equal to one hundred (100) percent of the projected costs of the extension, less the cost of the city's oversize participation if applicable, together with easements required by subsection 16-34(c). Such deposit shall not

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constitute a waiver of, or otherwise affect the obligation of the developer to pay, impact fees for water or wastewater facilities; provided, however, that the city may credit deposits by the developer under this section which exceed the cost of a 12-inch diameter main against impact fees due for water or wastewater facilities in the manner prescribed in section 7.5-22.

- (4) *Reimbursement from pro rata fees.* The developer shall be entitled to reimbursement from the proceeds of pro rata fees established for the main or mains serving the development pursuant to division 3.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-37. - Health and safety extensions to serve individual lots.

For paramount purposes of health and safety, the city may extend a water or wastewater main to individual residential lots. In such cases, each individual lot owner shall be responsible for a pro rata share of the cost of such main abutting the lot, as determined by the city council.

(Ord. No. 3372, § 1, 6-19-00)

DIVISION 3. - PRO RATA FEES

Sec. 16-38. - Pro rata fees to be established.

- (a) *Nature of fee.* A charge known as a "pro rata fee" shall be imposed against all undeveloped property abutting an existing water or wastewater main or for undeveloped property within the drainage area of a permanent lift station or sanitary sewer trunk main for which such fee has been established pursuant to this division, as a condition of connection to such main or lift station, for the purpose of reimbursing the developer who previously installed or paid for the main or lift station.
- (b) *Amount of fee.* The pro rata fee shall be established for each side of the main to which connections are to be made. The fee for each side shall be equivalent to one-half (½) the average cost of a 12-inch diameter main, together with all appurtenances, based upon the verified costs pursuant to section 16-39 for that length of the main abutting the property being charged. In the case of mains for which connections can be made from one (1) side only, the fee shall be equivalent to the total average cost of a 12-inch diameter main, together with all appurtenances, for that length of the main abutting the property being charged.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-39. - Procedure for establishing pro rata fees.

- (a) *Request for pro rata fees.* Prior to final acceptance of water or wastewater main improvements by a developer, the developer shall submit a written request to the city engineer stating whether a pro rata fee will or will not be requested to be established for the main that the developer installed.
- (b) *Submittal requirements.* The request to establish a pro rata fee shall be on a pro rata contract form provided by the city. The request shall include a copy of the actual contract with unit prices. The request must identify the cost of the main including fire hydrants, valves, fittings, manholes and other appurtenances which are determined necessary for the construction of the line.
- (c) *Verification of costs by city engineer.* The city engineer shall verify the developer's calculations for the pro rata reimbursement. In the event of a discrepancy, the city engineer shall establish the cost per foot for the pro rata fee based upon verifiable costs.
- (d) *Reimbursement amount.* The maximum amount for which a developer may be reimbursed from the proceeds of pro rata fees for the main installed shall not exceed the costs determined by the city engineer under subsection (c) plus engineering fees, calculated at the rate of six (6) percent of the verified construction cost.
- (e) *Pro rata for permanent lift station or sanitary sewer trunk main.* In the event a permanent lift station or sanitary sewer trunk main that exceeds the area necessary to serve a development is required pursuant to section 16-33 and section 16-34, the developer must submit a written request for establishment of a pro rata fee for the permanent lift station or sanitary sewer trunk main which shall be on a cost per acre basis to be eligible for pro rata. The costs eligible for reimbursement shall include the lift station, force main and other appurtenances or sanitary sewer trunk main, and other items included in subsection (b). The city engineer shall be responsible for approving the cost per acre submitted by the developer for the drainage area served by the facility, as provided in subsection (c).

(Ord. No. 3372, § 1, 6-19-00)

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Sec. 16-40. - Payment of pro rata fees.

- (a) *Obligation to pay fee.* The pro rata fee shall become payable prior to the issuance of a building permit except that for a single-family residential development the pro rata fee shall become payable prior to approval of engineering plans.
- (b) *Calculation of fee.* The amount of the pro rata fee shall be calculated by multiplying the unit cost determined in section 16-39 by the number of linear feet of that portion of the property boundary of a lot which abuts a street, alley or easement containing a water or wastewater main for which pro rata fees have been established, or the per acre fee multiplied by the number of acres in the development.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-41. - Pro rata fee account.

A pro rata fee account is hereby established. The city shall deposit all pro rata fees collected pursuant to section 16-39 and section 16-40 into such account. Expenditures from such account shall be earmarked solely for reimbursement of developers for the reasonable costs of installing water mains or wastewater mains for which pro rata fees have been established pursuant to section 16-39 and section 16-40.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-42. - Reimbursement for water and wastewater main extensions.

- (a) *Reimbursement time limit.* For a period of ten (10) years after dedication to and acceptance by the city of the completed facility, the developer shall be entitled to reimbursement from the proceeds of the pro rata fees established pursuant to section 16-39 up to the total cost of the extensions. Payment shall be from the pro rata fee account. The city shall make reimbursements within one hundred eighty (180) days after receipt of the pro rata fee.
- (b) *Unclaimed funds.* If the city is unable to reimburse the developer who installed the main following reasonable attempts to locate such developer, the city shall refund all fees which remain unclaimed ten (10) years following the date of acceptance of the water or wastewater main, together with interest accrued, to the depositor of the fee. If such depositor cannot be located, the pro rata fees shall be transferred to the city water and sewer fund for expenditure.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-43. - City collection fee.

On all pro rata fees reimbursed to the developer, the City shall deduct two (2) percent of the amount collected plus a collection fee. The City shall deposit collection fees into the City water and sewer fund for expenditure. See Appendix D [– Comprehensive Fee Schedule, Article XV – Water and Sewer](#), for applicable fees.

(Ord. No. 3372, § 1, 6-19-00; Ord. No. 4701, § 1(Exh. A(XVI.E.)), 8-19-19)

DIVISION 4. - SERVICE CONNECTION

Sec. 16-44. - Water service connections.

- (a) *Installation of water service connections.* Persons or organizations desiring water service from the City must pay for the use of a meter directly from the City. The developer shall be responsible for the installation of water meter, meter box and associated fittings in the public right-of way and easements per City design and construction standards. Approved meter boxes may be acquired from the City or from a third-party vendor. The City will install water services only for existing owner-occupied single-family homes. The cost of installation of water services made by the City will be quoted on a case-by-case basis and shall be sufficient to cover City's cost in materials, equipment, labor and benefits. Proof of payment of impact fees or proof of non-applicability will be required at the time of the water meter purchase.
- (b) *Separate connections required.* Each house or building within the City shall be served by a separate and independent water service connection. Bull heading of services is not allowed.
- (c) *Water meter and meter box pricing.* The cost of the meters is calculated as actual City cost plus twenty (20) percent administrative and stocking fees. Meter and box prices are subject to change. See Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer, for applicable fees. The City reserves the right to determine whether a conventional meter or a radio read meter is required for each lot, structure, street, or subdivision.

~~The following meter sizes are available: five-eighth (5/8) inches, one (1) inch, one and one-half (1½) inches or two (2) inches (meter sizes of three (3) inches, four (4) inches, six (6) inches and eight (8) inches are available based on individual quotes).~~

~~The City reserves the right to determine whether a conventional meter or a radio read meter is required for each lot, structure, street or subdivision. See Appendix D for applicable fees.~~

Meter Size	Meter or Meter Box Description
5/8"	Meter Neptune 5/8" x 3/4" T-10
5/8"	Meter (Radio Read) Neptune T-10 E-Coder R9001
1"	Meter Neptune 1" T-10
1"	Meter (Radio Read) Neptune T-10 E-Coder R9001
1½"	Meter Neptune 1½" T-10
1½"	Meter (Radio Read) Neptune T-10 E-Coder R9001
2"	Meter Neptune 2" T-10
2"	Meter (Radio Read) Neptune T-10 E-Coder R9001
>2"	3", 4", 6" and 8" Meters Pricing Available by Quote Fire Hydrant Meter with RPZ Backflow Prevention Device Deposit

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Meter Box for 5/8" Meter	Nominal 18-inch Diameter Cast Iron Ring and Locking Lid HDPE Base Enclosure with Slot—Bass and Hays P34P14D-3-LID-2
Meter Box for 1", 1 1/2" and 2" Meters	Nominal 32 5/8-inch Diameter Cast Iron Ring and Locking Lid HDPE Base Enclosure with Slot—Bass and Hays P55P18D1S BH5C-LID-1
Miscellaneous fittings will be charged at the City's cost plus 20 percent for administrative fees and stocking fees. Meter and box prices are subject to change.	

- (d) ~~Miscellaneous fittings. Miscellaneous fittings will be charged at the City's cost plus twenty (20) percent for administrative fees and stocking fees.~~
- (e) Fire hydrant meter deposit. Persons needing large quantities of water on a temporary basis may request a temporary fire hydrant meter. Customers requesting a fire hydrant meter shall pay a fire hydrant meter deposit as stated in Paragraph (8) of Section 16-2 plus a commercial service deposit as stated in Paragraph (1) of Section 16-2.
- ~~(e)(f)~~ Metering of temporary service. All water temporary services for construction or other purposes shall be metered and are subject to the same regulations and billing as permanent water accounts.
- ~~(f)(g)~~ Water service maintenance. City assumes ownership of and is responsible for maintenance of the water service from the City water main to the meter, including the meter, and meter box. The property owner is responsible for maintenance of the water service from the gasket on the customer's side of the meter to the point of water demand.
- ~~(g)(h)~~ Impact fees. All new services are subject to applicable impact fees in place at the time of assessment.
- ~~(h)(i)~~ Charges outside the City. Water service connection charges for property outside the corporate limits of the City shall be determined and set forth in a specific agreement with the municipality or other governmental entity involved.

(Ord. No. 3372, § 1, 6-19-00; Ord. No. 4599, § 1.B., 9-17-18; Ord. No. 4701, § 1(Exh. A(XVI.F.)), 8-19-19)

Sec. 16-45. - Sanitary sewer service connections.

- (a) Installation of sanitary sewer services. The developer shall be responsible for the installation of sanitary sewer taps and sewer services in the public right-of-way and easements per City design and construction standards. Service lines shall be installed from the main to the right-of-way line or easement boundary line. The property owner shall install a lateral line at the owner's expense from the City's sewer service to the structure in accordance with City-adopted building codes and regulations and subject to the inspection of the City Building Inspection Division. The builder responsible for construction of the structure on a lot shall make final connection from the structure lateral line to the City sewer service. The City will install sanitary sewer taps only for existing owner-occupied single-family homes. The cost of sanitary sewer service installation by the City will be quoted on a case-by-case basis and shall be sufficient to cover City's cost in materials, equipment, labor and benefits. Proof of payment of impact fees or proof of non-applicability will be required at the time of application.
- (b) Separate connections required. Each house or building shall be served by a separate and independent sanitary sewer connection.

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- (c) *Sewer service maintenance.* City is responsible for maintenance of the sanitary sewer service within the City right-of-way or sewer easement. The property owner is responsible for maintenance of the sanitary sewer service from the right-of-way or sewer easement boundary to the structure.
- (d) *Impact fees.* All new services are subject to applicable impact fees in place at the time of assessment.
- (e) *Charges outside the City.* Sewer service connection charges for property outside the corporate limits of the City shall be determined and set forth in a specific agreement with the municipality or other governmental entity involved.

(Ord. No. 3372, § 1, 6-19-00; Ord. No. 4599, § 1.B., 9-17-18)

Sec. 16-46. - Refunding procedure.

All refunds provided for in this division shall be made within one hundred eighty (180) days of determination. The city shall not be liable for payment of interest on any deposits or refunds provided for in this division.

(Ord. No. 3372, § 1, 6-19-00)

Sec. 16-47. - Variance and appeal procedures.

- (a) *Variances.* Variances to sections 16-33 to 16-37 for the extension of water mains for developments that abut more than one (1) public street shall be submitted to the city engineer. Variances will only be considered if the development meets all of the following criteria:
 - (1) The development is proposed as one (1) platted lot.
 - (2) The development has frontage on two (2) parallel public streets and one (1) of the public streets is classified as a local or residential street.
 - (3) The development is not a corner lot.
 - (4) The lot depth is less than five hundred (500) feet.
 - (5) All water quality and fire protection requirements are met.
 - (6) A water line per the city's water master plan exists or is proposed for extension along the entire frontage of the arterial or collector streets.
 - (7) A water line is proposed to be run through the property between both public streets with a fire hydrant installed along the local or residential street.

A request for variance shall be in writing and shall be accompanied by a fee to defray the administrative cost of processing the request for variance in the amount shown in the current fee schedule as adopted by city council.

The city engineer shall review the request for variance and issue a report summarizing his findings and recommendations to include any conditions to the city manager or his designee. The city manager shall review the city engineer's report, recommendations and conditions, hear other evidence or testimony as he deems pertinent, and approve the variance with conditions or deny the request for variance. The decision of the city manager shall be provided in writing to the applicant requesting the variance.

- (b) *Appeals.* The decision of the city manager may be appealed to the city council. The city council shall have the authority to sustain, reverse or modify the decision of the city manager. The decision of the city council shall be final and recorded in the minutes of the city council meeting.
- (c) *Time limits.* A variance granted pursuant to this section shall expire one (1) year from the date of the granting of the variance if a permit is not approved and issued and work begun within that time.

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Should a building permit be issued and diligent work ceases for a period of more than ninety (90) days, the variance approval shall lapse and be deemed void.

(Ord. No. 4006, § 1, 11-17-08)

Secs. 16-48—16-55. - Reserved.

ARTICLE III. - SEWERS AND SEWAGE DISPOSAL

DIVISION 1. - GENERALLY

Sec. 16-56. - Sanitary sewer system generally.

The sanitary sewer system of the City shall consist of main and lateral conduits designed and constructed in accordance with the City of Mesquite Engineering Design Manual. They are designed to carry off all liquid house waste and are known herein as sanitary sewers. The sewers in the streets passing in front of the various lots are called main or lateral sewers. The sewers leading from the main or lateral sewers to the property on either side are called house sewers. Porous drains laid for removing subsurface water are called subsoil drains.

(Code 1960, § 18-48; Ord. No. 4674, § 1(Exh. D(4)), 5-20-19)

Sec. 16-57. - Sewerage tax—Business establishments.

The owner of each business building in the city shall be liable for and pay to the city a monthly sewerage tax at the current rate for each business located in such building, regardless of the fact that there is one (1) or more toilets and sewerage connections in and to such building.

(Code 1960, § 18-49)

Sec. 16-58. - Same—Dwelling; "unit" defined.

- (a) The owner of each dwelling, apartment house, duplex and every building of every kind and character whatsoever located within the city limits of the city shall be liable for and pay to the city a sewerage tax at the current rate for each separate unit in each building as hereinafter defined.
- (b) The word "unit," as used herein, as defined as each room, group of rooms or apartment occupied.

(Code 1960, § 18-50)

Sec. 16-59. - Sewer rates or charges.

- (a) The rates or charges per month for services furnished by the sanitary sewer system shall be as follows:
 - (1) *Residential and commercial accounts.* See Appendix D [– Comprehensive Fee Schedule, Article XV – Water and Sewer](#), for applicable fees. Residential accounts are capped at eight thousand (8,000) gallons of water consumed.
 - (2) *Apartments.* See Appendix D [– Comprehensive Fee Schedule, Article XV – Water and Sewer](#), for applicable fees.
 - (3) *City of Mesquite accounts.* City of Mesquite accounts shall be charged for all consumption in excess of one thousand (1,000) gallons at the same rate that the City pays North Texas Municipal Water District per one thousand (1,000) gallons for wastewater treatment.
- (b) Should a commercial, apartment complex, business or industrial establishment's water consumption be in excess of one thousand (1,000) gallons and the consumption in excess of one thousand (1,000) gallons or portions thereof is not discharged into the sanitary sewer system, the minimum sewer charge shall apply, providing such commercial, business or industrial establishment makes

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written request and provide an acceptable metering device to measure the flows going into the sanitary sewer system or the flows not being discharged into the sanitary sewer system.

- (c) The flow measuring device shall be installed at a location and of a type as approved by the city water department. An accurate mechanical water and sewer piping diagram of the establishment's water and sewer system shall be furnished to the city with the request for installation.
- (d) The measuring device shall be installed at the sole expense of the business establishment and shall maintain a percentage of accuracy acceptable to the city water department. Readings of the meter or meters will be done by the billing section of the water department monthly, or the billing section can require the customer to furnish such readings. The meter will be subject to inspection and testing by the city water department upon notification to the customer.

(Code 1960, § 18-50.1; Ord. No. 2630, § 1, 9-18-89; Ord. No. 2765, § 1, 9-16-91; Ord. No. 2835, § 1, 9-21-92; Ord. No. 2902, § 1, 9-20-93; Ord. No. 3454, § 1, 9-17-01; Ord. No. 3526, § 1, 9-16-02; Ord. No. 3607, § 1, 9-15-03; Ord. No. 3678, § 1, 9-20-04; Ord. No. 3894, § 1, 9-18-07; Ord. No. 3994, § 1, 9-15-08; Ord. No. 4066, § 1, 9-21-09; Ord. No. 4115, § 1, 9-20-10; Ord. No. 4174, § 1, 9-19-11; Ord. No. 4234, § 1, 9-17-12; Ord. No. 4283, § 1, 9-16-13; Ord. No. 4337, § 1, 9-15-14; Ord. No. 4395, § 1, 9-21-15; Ord. No. 4447, § 1, 9-19-16; Ord. No. 4515, § 1, 9-18-17; Ord. No. 4607, § 1, 9-17-18; Ord. No. 4701, § 1(Exh. A(XVI.G.)), 8-19-19)

Sec. 16-60. - Injuring sewers or depositing certain materials in sewer system prohibited.

- (a) No person shall injure, break or remove any portion of any manhole, lamp-hole, flush tank, catch basin or any part of the sewer system or throw or deposit in any sewer system opening or receptacle connecting with the sewer system any garbage, offal, dead animals, vegetable parings, ashes, cinders, rags or any other matter or thing whatsoever, except feces, urine, the necessary water closet paper, liquid house and mill slops.
- (b) The use of any paper or substance other than toilet paper that is suitable for passage through the sanitary sewers is hereby prohibited.

(Code 1960, § 18-51)

Sec. 16-61. - Authority to stop injurious discharge from private sewers.

The utilities superintendent shall have the power to stop and prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of the sewerage.

(Code 1960, § 18-52)

Sec. 16-62. - Private drains, etc., to comply with chapter prior to connection with sewer system.

Before any old private drain or sewer shall be connected with the sewer system, the owner of the private drain or sewer shall prove to the satisfaction of the utilities superintendent that it is clean and conforms in every respect with the rules and regulations set forth in this chapter.

(Code 1960, § 18-53)

Sec. 16-63. - Connecting cesspools, etc., with sewers prohibited.

No open gutter, cesspool or privy vault shall be connected with any sewer or drain.

(Code 1960, § 18-54)

Sec. 16-64. - Trenching requirements for house sewers—Generally.

The house sewer trench shall be so dug as to meet the public sewer at the position of the "Y" branch, as located by the utilities superintendent. The material thrown from the trench shall be placed so as not to obstruct and so as not to cause the least inconvenience to the public.

(Code 1960, § 18-55)

Sec. 16-65. - Same—Lights and barriers to be maintained.

Proper barriers and lights must be maintained on the banks of the trench to guard the public against accidents during the progress of work.

(Code 1960, § 18-56)

Sec. 16-66. - Same—Backfilling.

In backfilling, the earth should be carefully rammed or flooded so as to keep the pipe in proper position and avoid settling. No stone shall be used in filling until there has been a depth of two (2) feet of fine earth or gravel over the pipe.

(Code 1960, § 18-57)

Sec. 16-67. - Cellar drainage.

Cellars shall be drained when possible by means of suitable, properly laid, earthenware tile pipes. They shall not communicate directly with any drain pipe carrying foul sewerage, or with a cesspool or sewer, where possible they shall connect with the subsoil drains in the street.

(Code 1960, § 18-64)

Sec. 16-68. - Water closets—To be constructed where property line extends to within one hundred feet of city sewer.

All owners or occupants of buildings, or agents for such owners, situated in any section of the city where a sanitary sewer now exists, or where it may hereafter exist, and where the property line of the land on which any such building is situated approaches or extends to within one hundred (100) feet of any such sewer, are hereby required to construct or cause to be constructed suitable indoor water closets on their property and connect the same with the city sewer, under the supervision of the utilities superintendent, within thirty (30) days after notice by the city so to do.

(Code 1960, § 18-82)

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Sec. 16-69. - Dry closets or privy vaults prohibited within one hundred feet of a sanitary sewer.

No dry closet or privy vault, above or below the ground shall be used, maintained, or built on any piece of property within the city where the line of the land on which the dry closet or privy vault is situated approaches or extends to within one hundred (100) feet of any sanitary sewer, or where the property line may hereafter approach or extend to within one hundred (100) feet of any sanitary sewer. No person shall throw or allow any person or persons under his control to throw or deposit on the surface of the ground or in any hole or vault in or under the surface of the ground on any property, the property line of which at any point approaches or extends to within one hundred (100) feet of any city sanitary sewer, except in the proper and necessary manuring of the soil, any water which has been used for domestic purposes, or any liquid or solid filth, feces, or urine.

(Code 1960, § 18-92)

Secs. 16-70—16-~~8584~~. - Reserved.

DIVISION 2. - INDUSTRIAL WASTE

Sec. 16-85. – Abbreviations and Acronyms.

The following abbreviations and acronyms may be used within this chapter or other City resource materials:

1. BOD: Biochemical Oxygen Demand.
2. COD: Chemical Oxygen Demand.
3. CFR: Code of Federal Regulations.
4. CWA: Clean Water Act.
5. EPA: Environmental Protection Agency.
6. Mg/L: Milligrams Per Liter.
7. NPDES: National Pollutant Discharge Elimination System.
8. NTMWD: North Texas Municipal Water District.
9. pH: Potential Hydrogen.
10. POTW: Publicly Owned Treatment Works.
11. PPM: Parts Per Million.
12. RCRA: Resource Conservation and Recovery Act.
13. SIC: Standard Industrial Classification.
14. SIU: Significant Industrial User.
15. TCEQ: Texas Commission on Environmental Quality.
16. SWDA: Solid Waste Disposal Act.
17. U.S.: United States.

Sec. 16-86. - Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms and phrases used in this division shall be as follows:

Act or (CWA) means The Federal Water Pollution Control Act, Public Law 92-500, known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et seq.

Administrator means the EPA Region VI Regional Administrator.

Alternate city (for the purposes of this article) refers to any city, other than Mesquite, receiving and treating wastewater originating from the City of Mesquite.

Approval authority means the director in a national pollutant discharge elimination system (NPDES) state with an approved state pretreatment program and the appropriate regional administrator in a non-NPDES state or NPDES state without an approved state pretreatment program.

~~*B.O.D. (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at twenty (20) degrees Celsius expressed in mg/L. The laboratory determination shall be made in accordance with the procedures set forth in 40 CFR 136.~~

BOD (Biochemical Oxygen Demand) means the value of the five-day test for biochemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

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

Building sewer means the extension from the building drain to the sewer lateral at the property line or other lawful place of disposal (also called house lateral or house connection).

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical standards means the National Categorical Pretreatment Standards found in Chapter 40 of the Code of Federal Regulations (CFR), Parts 405—471 and amendments thereof, or pretreatment standards developed under 33 U.S.C. 1317 of the Act.

City (for the purposes of this article) means the City of Mesquite, Texas, and/or the City Manager or their duly authorized representative.

COD (Chemical Oxygen Demand) means the value of the test for chemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

~~*C.O.D. (chemical oxygen demand)* means the measure of oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed in mg/L as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with B.O.D.~~

Control authority shall mean:

- (1) The owner/operator of the POTW;
- (2) The person designated by the city to be responsible for the industrial pretreatment program or its duly authorized representative.

Control manhole means a manhole giving access to a building sewer point before the building sewer discharges into the public sewer.

Daily discharge means the discharge of a pollutant measured during a calendar day or any twenty-four-hour period that reasonably represents a calendar day for purposes of sampling.

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Daily maximum means the highest allowable "daily discharge" during a calendar month.

Director means the chief administrative officer of a state or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act and an approved state pretreatment program.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semi-solid waste (i.e., grease trap waste, grit trap wastes, and/or septage) into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including, but not limited to, ground waters.

Domestic sewage means the water-borne wastes normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of storm water and industrial wastes.

Environmental officer means the city manager of the city or his duly authorized representative.

EPA (Environmental Protection Agency) means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized officials of said agency.

Flow-proportioned composite sample shall mean a 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.

Garbage means animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from handling, processing, storage, and sale of food products and produce.

Generator means a person who owns or operates a grit trap or grease trap/interceptor or whose act or process produces liquid waste, grease, oils or grit detrimental to the City or NTMWD wastewater system.

Grab sample means an individual sample collected over a period of time not exceeding fifteen (15) minutes.

Grease trap or grease interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and grease prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and grease interceptors are also referred to herein as "grease traps/interceptors."

~~*Grease trap* means a water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes into the sanitary sewer system to which the receptacle is directly or indirectly connected.~~

~~*Grease trap waste* means any greasy, fatty liquid, semi-liquid, and/or solid wastes removed by a grease trap.~~

Grease trap waste means material collected in and from any grease trap/interceptor in the sanitary sewer service line of an industrial, commercial, institutional, or multifamily facility or processing establishment, including the solids resulting from de-watering processes.

~~*Grit/sand trap* means a water-tight receptacle designed and constructed to intercept and prevent the passage of sand, grit and other heavy solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.~~

Grit trap means a watertight receptacle designed and constructed to intercept and prevent the passage of sand, grit, and other heavy solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

~~*Grit trap waste* means any sand, grit and/or other heavy solids removed from a grit trap.~~

Grit trap waste means any sand, grit, and other heavy solids from commercial automotive or heavy machinery repair and/or washing facilities.

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

- (1) Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personal injury or illness; or
- (2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed; ~~or~~ and/or
- (3) ~~is~~ is identified or listed as a “hazardous waste” as defined by the Texas Solid Waste Disposal Act, as may be amended, and means solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.); or
- (4) Is defined under 40 CFR Part 261, § 261.3.

State Law reference – “Hazardous waste” defined, V.T.C.A. Health and Safety Code, (“Texas Solid Waste Disposal Act”), Title 5, Subtitle B, Chapter 361, Subchapter A, Sec. 361.003.

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

Indirect discharge or *discharge* means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

Industrial user or *user* means source of indirect discharge.

Industrial user wastewater discharge permit means a permit required of an industrial user to discharge waste into any sewer system under the jurisdiction of the city.

Industrial user wastewater surcharge means the additional charge made on those persons or industries who discharge industrial wastes into the sewer system which are amenable to treatment by the POTW treatment processes, but which exceed "normal" strength sewage.

Industrial waste means the water-borne solids, liquids, or gaseous wastes resulting from and discharged, permitted to flow or escaping from any industrial, manufacturing or food processing operation or process, or from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

Interceptor – See “Grease trap or grease interceptor.”

Interference means a discharge which, either alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Is the cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations 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, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including 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.

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Liquid waste means water-borne solids, liquids, and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank and described as grease trap waste, grit trap waste or septage.

Milligrams per ~~liter~~liter (mg/L) means a weight to volume ratio; the milligrams per liter value multiplied by the factor 8.34 is equivalent to pounds per million gallons of water.

Monthly average means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month.

National Categorical Pretreatment Standard means standard specifying the quantities or concentrations of pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to the general prohibitions established in 40 CFR 403.5.

National Pretreatment Standard, pretreatment standard or standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

New source means 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:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) 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 type of activity as the existing source will be considered.

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 (2) and (3) above but otherwise alters, replaces, or adds to the existing process or production equipment. Construction of a new source as defined has commenced if the owner or operator has:

- (1) Begun, or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. 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;
- (2) 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 definition.

Normal domestic sewage means the "normal" sewage for the city, for which the average concentration of total suspended solids is not more than two hundred fifty (250) mg/L and ~~B.O.D.~~BOD is no more than two hundred fifty (250) mg/L. Industrial wastes and stormwater are excluded from this term.

NTMWD means North Texas Municipal Water District.

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

Owner means any person who owns a facility or any portion of a facility.

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

POTW (Publicly Owned Treatment Works) means a "treatment works" as defined by ~~Section the Clean Water Act, 212 of the Act,~~ (33 U.S.C. § 1292), which is owned by a State or "municipality" (as defined by the Act (33 U.S.C. 1362)). 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 lift stations, sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "municipality" as defined in the Clean Water Act (40 CFR §122.2), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For the purposes of this chapter, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

PPM (parts per million) means a weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

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.

pH (Potential Hydrogen) means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. pH is a measure of how acidic/basic water is. The range goes from 0 to 14, with 7 being neutral. pHs of less than 7 indicate acidity, whereas a pH of greater than 7 indicates a base. pH is a measure of the relative amount of free hydrogen and hydroxyl ions in the water and is reported in logarithmic units.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Polluted water means any water, liquid or gaseous wastes containing any of the following:

- (1) Soluble or insoluble substances of organic or inorganic nature; or
- (2) Settleable solids that may form sludge deposits; or
- (3) Grease and oils; or
- (4) Floating solids that may cause unsightly appearance or color;
- (5) Substances that would impart any taste or odor to the receiving stream; or
- (6) Toxic or poisonous substances.

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

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or by other means, except as prohibited by 40 Code of Federal Regulations 403.6(d).

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Priority pollutant means a pollutant found in Table II or Table III of 40 CFR 122, Appendix D.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (0.5) inch in any dimension.

Responsible corporate officer shall mean:

- (1) A president, secretary, treasurer, or 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
- (2) 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.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm, surface, groundwaters and other unpolluted waters are not intentionally passed.

Septage means wastes removed from a portable toilet, chemical toilet or septic tank.

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.

Sewage service charge means the charge made on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

Sewage works/system means all facilities for collection, pumping, treating and disposing of sewage and industrial wastes and would include sewage, as well as the sewage treatment facilities.

Sewer means a pipe or conduit for carrying sanitary sewage.

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

Significant industrial user (SIU) means:

- (1) Except as provided in subsection (2) the term shall mean:
 - a. All industrial users subject to Categorical Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - b. Any other industrial user that: discharges twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler ~~blowdown~~~~blowdown~~ wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (2) Upon finding that an industrial user meeting the criteria in subsection (1)b. above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a))

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may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, an in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Slug discharge means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, and/or a discharge which violates any specific prohibitions listed in 40 CFR 403.5(b), and/or could significantly disrupt a POTW's system, and/or threaten human health and safety, and/or could potentially result in violations of the POTW's NPDES permit or sludge requirements.

Spill means the accidental or intentional loss or unauthorized discharge of any waste or raw material.

Storm sewer or storm drain means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

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

Suspended solids means solids that either float on the surface of, or are in suspension of water, sewage, or other liquids, and which are removable by laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in 40 CFR 36.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Time composite sample shall mean a sample composed of discrete sample aliquots collected in a single reservoir at constant time intervals irrespective of flow.

~~*TNRCC means Texas Natural Resource Conservation Commission, or its successor agencies.*~~

To discharge means 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.

Toxic pollutant or toxic substance means any substance whether gaseous, liquid or solid which, when discharged to the sewer system in sufficient concentrations, as determined by the environmental officer, 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; or any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of the Clean Water Act 307(a) or other Acts.

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

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the cityCity-owned or maintained wastewater system and/or the NTMWD wastewater's sewer system or wastewater treatment plant, including persons who contribute such wastewater from mobile sources.

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

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with stormwater which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

(Ord. No. 2977, § 1, 7-18-94)

Sec. 16-87. - Prohibited discharges.

- (a) No person may introduce into a POTW any pollutant(s) which may pass through or interfere. Also prohibited are any substances that have an adverse effect on the environment, or may endanger life, health or property, or constitute a public nuisance.
- (b) Substances specifically prohibited from being discharged into the sewage system are as follows:
 - (1) Any liquids, solids or gases, including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, 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 sewage system.
 - (2) Any substance which creates a fire or explosion hazard in the sewage system, including, but not limited to, wastestreams with a closed up flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - (3) Any wastewater having a pH less than five point zero (5.0), greater than ten point five (10.5), or any wastewater having any other corrosive property capable of causing damage or hazard to the sewage system or any person.
 - (4) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and/or safety problems.
 - (5) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° Celsius); or exhibiting heat in amounts which will inhibit biological activity in the POTW causing an interference; or, in any case, exhibiting heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit).
 - (6) Any pollutant(s), including oxygen demanding pollutants (COD, etc.) and total dissolved solids, released in a discharge at a flow rate and/or pollutant concentration which will cause pass through or interference at the POTW or which will cause the POTW to be in non-compliance with any federal or state sludge use or disposal criteria, guidelines or regulations.
 - (7) Any free or emulsified fats, waxes, greases or oils 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 Celsius); or any combination of free or emulsified fats, waxes, greases or oils, if, in the opinion of the control authority, it appears probable that such wastes:
 - a. Can deposit grease or oil in the sewer system in such a manner as to clog the sewers;
 - b. Can overload skimming and grease handling equipment;
 - c. Are not amenable to bacterial action and will therefore pass to the receiving water without being affected by normal sewage treatment processes;
 - d. Can have deleterious effects on the treatment process due to excessive quantities.
 - (8) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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- (9) Solid or liquid substances which may cause obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment facilities such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids or waste paper.
- (10) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances are sufficient to prevent entry into the sewer system for maintenance and repair.
- (11) Wastewater containing COD in concentrations which are not amenable to treatment, or any other substance which is determined by the environmental officer and/or POTW to be not amenable to treatment.
- (12) Any trucked or hauled pollutants, except at discharge points designated by the city and the control authority.
- (13) Pollutant(s) which causes:
 - a. Excessive discoloration;
 - b. High hydrogen sulfide content;
 - c. Unusual taste or odor-producing substances.
- (c) In cases where, and in the opinion of the environmental officer and/or POTW, the character of the sewage from any manufacturer or industrial plant building or other premises is such that it will damage the system, or cannot be treated satisfactorily in the system, the environmental officer shall have the right to require such user to dispose of such waste otherwise and prevent it from entering the sewage system.
- (d) Unusual flow and concentration of any of the above shall be pretreated to a concentration acceptable to the city, if such wastes can:
 - (1) Cause damage to sewer system;
 - (2) Impair treatment processes;
 - (3) Incur treatment cost exceeding those of normal sewage;
 - (4) Render the water unfit for stream disposal or industrial use;
 - (5) Create a public nuisance.

(Ord. No. 2977, § 2, 7-18-94)

Sec. 16-88. - Hazardous metals and chemical or toxic substances.

- (a) It shall be unlawful to discharge into the sewer system, any metals, chemicals or toxic substances in excess of the following concentration limits:
 - (1) The following heavy metals and toxic materials in the form of compounds or elements in solution or suspension in concentrations exceeding these limits:

	MONTHLY AVERAGE
PARAMETER	LIMIT IN mg/L
Arsenic (Total)	4.81

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Cadmium (Total)	1.41
Chromium (Total)	8.70
Copper (Total)	9.74
Cyanide (Total)	1.12
Lead (Total)	3.35
Mercury (Total)	0.002
Nickel (Total)	13.39
Selenium (Total)	0.89
Silver (Total)	0.58
Zinc (Total)	4.14

- (2) All other priority pollutants found in the POTW influent at a concentration at or above 0.1 mg/l and all numerical aquatic life criteria as defined by the [TNRCC-TCEQ](#) including, but not limited to the following, shall be excluded from the wastewater system unless a permit specifying the condition of pretreatment, concentration, volumes, etc., is obtained from the city:

Aldrin	Malathion
Aluminum	Methoxychlor
Carbaryl	Mirex
Chlordane	PCB (total)
Chlorpyrifos	Parathion
DDT	Phenanthrene
Demeton	Pentachlorophenol
Dieldron	Selenium
Endosulfan	Silver (free ion)

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Guthion	Toxaphene
Heptachlor	Tributyltin
Hexachlorocyclohexane	2-4-5-Trichlorophenol

- (3) Any radioactive wastes or isotopes without prior written permission from the environmental officer.
- (b) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.
- (c) Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Pretreatment Standard, if more stringent than specific limitations imposed under this division for industrial users subject to the National Standard, shall supersede the limitations imposed under this division.
- (d) If an industrial user within the city discharges industrial wastewater ultimately received and treated by a POTW owned and operated by an alternate city pursuant to a wholesale wastewater contract or a reciprocal agreement with an alternate city, the industrial user is subject to the following additional rules:
- (1) If the POTW owned and operated by the alternate city has more stringent discharge limits than those prescribed by this section because the United States Environmental Protection Agency requires them as part of the alternate city's wastewater pretreatment program, these more stringent discharge limits shall prevail.
 - (2) The control authority is authorized to issue a discharge permit reflecting the more stringent limits to an affected industrial user to insure notice of and compliance with the more stringent discharge limits. If the industrial user already has a discharge permit, the control authority may amend the permit to apply and enforce the more stringent limits. An industrial user shall submit an expected compliance date and installation schedule if the more stringent discharge limits necessitate technological adjustments to discharge facilities or plant processes.
 - (3) If the control authority chooses not to issue or amend a permit under subsection (d)(2), the control authority shall notify the industrial user in writing of the more stringent discharge limits and their effective date. Regardless of whether or not a permit is issued or amended, an industrial user shall be given a reasonable opportunity to comply with the more stringent discharge limits.
 - (4) The more stringent discharge limits cease to apply upon termination of:
 - a. The alternate city's wholesale wastewater contract;
 - b. Upon modification or elimination of the limits by the alternate city or the United States Environmental Protection Agency;
 - c. Cessation of discharge to the alternate city's POTW.

The control authority shall take the appropriate action to notify the affected industrial user of an occurrence under this subsection (d)(4).

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- (e) Where industrial user combine wastestreams prior to treatment, compliance with an applicable categorical standard will be determined either prior to combining the wastestreams or following treatment of the combined wastestream (by applying the combined wastestream formula found in 40 CFR 403.6(e)).
- (f) If any person discharges a substance into the city's sewer system in violation of this section, the environmental officer may terminate the service of sewer and/or water to the premises from which the substance was discharged.

(Ord. No. 2977, § 3, 7-18-94)

Sec. 16-89. - Garbage.

- (a) No person shall discharge garbage into the sewer system unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in the sewer system. Particles greater than one-half ($\frac{1}{2}$) inch in any dimension are prohibited.
- (b) The city 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.

(Ord. No. 2977, § 4, 7-18-94)

Sec. 16-90. - Discharges requiring traps.

- (a) Discharges requiring a trap include any nonresidential establishment discharging:
 - (1) Grease or water containing grease;
 - (2) Oil;
 - (3) Sand;
 - (4) Flammable wastes, or;
 - (5) Other harmful substances.
- (b) Any person responsible for discharges requiring a trap shall at their own expense and as required by the environmental officer:
 - (1) Provide equipment and facilities of a type and capacity approved by the city.
 - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection.
 - (3) Maintain the trap in effective and operating condition.

(Ord. No. 2977, § 5, 7-18-94)

Sec. 16-91. - Compliance with other authorities.

- (a) *Compliance with federal authority.* Industrial users within the jurisdiction of this division shall comply with all National Categorical Pretreatment Regulations and with those National Categorical Pretreatment Standards applicable to each as specified in 40 CFR Subchapter N, Parts 405—471.
- (b) *Compliance with state authority.* Industrial users within the jurisdiction of this division shall comply with applicable sections of Chapter 26 of the Texas Water Code.

(Ord. No. 2977, § 6, 7-18-94)

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Sec. 16-92. - Industrial user wastewater discharge permit requirements.

- (a) All nondomestic users must notify the environmental officer of the nature and characteristics of their wastewater prior to commencing their discharge. The environmental officer is authorized to prepare a form for this purpose.
- (b) It shall be unlawful for significant industrial users to discharge wastewater, whether directly or indirectly, into the city's sanitary sewer system without first obtaining an industrial user pretreatment permit from the city. Any violation of the terms and conditions of an industrial user wastewater permit shall be deemed a violation of this article. Obtaining an industrial user wastewater discharge permit does not relieve a permittee of its obligation to obtain other permits required by federal, state, or local law.
- (c) The environmental officer may require that other industrial users, including liquid waste haulers, obtain industrial user wastewater discharge permits as necessary to carry out the purposes of this article.
- (d) All existing significant users connected to or contributing to the POTW shall obtain a wastewater discharge permit within one hundred eighty (180) days after the effective date of this chapter. The application must be submitted to the control authority within ninety (90) days after the effective date of this chapter.
- (e) New connections. Any significant industrial user proposing to begin or recommence discharging nondomestic wastes into the sanitary sewer system must obtain a wastewater discharge permit prior to beginning or recommencing such discharge. For categorical industrial users, a baseline monitoring report (see section 16-93) will be used as an application for this permit and must be filed at least ninety (90) days prior to commencement of discharge. For non-categorical industrial users, a permit application must be filed in accordance with section 16-98.
- (f) Reapplication. Once permitted, the industrial user has the duty to reapply if the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit. The industrial user must submit an application for a new permit at least ninety (90) days before the expiration of the permit in accordance with section 16-98. The application form may be obtained from the control authority.

(Ord. No. 2977, § 7, 7-18-94)

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Sec. 16-93. - Baseline monitoring report.

Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in paragraphs (1) through (7) below. Where reports containing this information have already been submitted to the director or the regional administrator in compliance with the requirement of 40 CFR 128.140(b) (1977), the industrial user will not be required to submit this information again. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in paragraphs (1) through (5) below. New sources shall also be required to include this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (4) and (5).

- (1) *Identifying information.* The user shall submit the name and address of the facility including the name of the operators and owners;
- (2) *Permits.* The user shall submit a list of any environmental control permits held by or for the facility;
- (3) *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and the Standard Industrial Classification 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 the regulated processes.
- (4) *Flow measurement.* The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e)

The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (5) *Measurement of pollutants:*
 - a. The user shall identify the pretreatment standards applicable to each regulated process;
 - b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
 - c. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
 - d. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.

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- e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.
 - f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the POTW or other parties, approved by the administrator.
 - g. The control authority may allow the submission of a baseline monitoring report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - h. The baseline report shall indicate the time, and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (6) *Certification.* A statement, reviewed by an authorized representative of the industrial user (as defined in section 16-100), and certified to 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 for the industrial user to meet the pretreatment standards and requirements; and
- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial 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. Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) at the time the user submits the report required by this section, the information required by paragraphs (7) and (8) shall pertain to the modified limits.
 - b. If the categorical pretreatment standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) after the user to the control authority within sixty (60) days after the modified limit is approved.

(Ord. No. 2977, § 8, 7-18-94)

Sec. 16-94. - Compliance schedule for meeting categorical pretreatment standards.

The following conditions shall apply to the schedule required by section 16-93(7):

- (1) The schedule shall contain increments of progress in the form of date for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing plans, executing contract for major components, commencing construction, completing construction, etc.).

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- (2) No increment referred to in section 16-94 paragraph (a) 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 industrial user shall submit a progress report to the control authority including, at 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 industrial user to return the construction to the schedule established. In no event shall more ~~thenthan~~ nine (9) months elapse between such progress reports to the control authority.

(Ord. No. 2977, § 9, 7-18-94)

Sec. 16-95. - Ninety-day compliance report.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following the commencement of the introduction of wastewater into the POTW, any industrial user subject to Pretreatment Standards and Requirements shall submit to the control authority a report containing the information described in section 16-93 subsections (4), (5), and (6). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(Ord. No. 2977, § 10, 7-18-94)

Sec. 16-96. - Periodic reports on continued compliance.

- (a) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in section 16-93 subsection (4) except that the control authority may require more detailed reporting of flows. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are submitted.
- (b) Where the control authority has imposed mass limitations on industrial users as provided for by 40 CFR 403.6(d), the report required by paragraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- (c) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6(c), the report required by paragraph (a) above shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (a) above shall include the user's actual average production rate for the reporting period.

(Ord. No. 2977, § 11, 7-18-94)

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Sec. 16-97. - Reporting requirements for significant noncategorical industrial users.

Significant noncategorical industrial users shall submit to the control authority at least once every six (6) months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user. Where the control authority collects all the information required for the report, the noncategorical significant industrial users will not be required to submit the report.

(Ord. No. 2977, § 12, 7-18-94)

Sec. 16-98. - Permit application.

(a) Significant industrial users required to obtain an industrial wastewater discharge permit shall complete and file with the environmental officer, an application upon a form provided by the city. A permit fee shall accompany the application. In support of the application, the significant industrial user shall submit the following information:

- (1) *Identifying information.* The user shall submit the name and address of the facility including the name of the operators and owners;
- (2) *Permits.* The user shall submit a list of any environmental control permits held by or for the facility;
- (3) *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and the standard industrial classification 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 the regulated processes.
- (4) *Flow measurement.* The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e)

The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (5) *Wastewater constituents and characteristics* including but not limited to those mentioned in this division, and any federal, state or local standards. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Sec 304(g) of the Act; in 40 CFR, Part 36, as amended; and 40 CFR, Part 403.12(b)(5), as amended.
- (6) *Certification.* A statement, reviewed by an authorized representative of the industrial user (as defined in section 16-100), and certified to 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 for the industrial user to meet the pretreatment standards and requirements; and

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- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial 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.

The following conditions shall apply to the schedule required by this paragraph:

- a. The schedule shall contain increments of progress in the form of date for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in section 16-98(a)(7)a. shall exceed nine (9) months.

Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at 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 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 control authority.

- (8) Any other information as deemed necessary by the city to evaluate the permit application.
- (b) The environmental officer shall issue a permit if he determines that pretreatment facilities are adequate for efficient treatment and that discharged wastes will comply with the requirements of section 16-87 and section 16-88 and state or federal pretreatment standards, if applicable.

(Ord. No. 2977, § 13, 7-18-94)

Sec. 16-99. - Permit conditions.

- (a) Industrial wastewater discharge permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the city. Permits shall contain but not be limited to, the following:
- (1) Statement of duration (in no case more than five (5) years);
 - (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (3) Effluent limits based on applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and state and local law;
 - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, local limits, and state and local law;
 - (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(Ord. No. 2977, § 14, 7-18-94)

Sec. 16-100. - Signatory requirements for industrial user reports.

The reports required under sections 16-93, 16-95, 16-96 and 16-97 shall include the certification below:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure 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 information, the information submitted is, to the best of my knowledge true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

and shall be signed as follows:

- (1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation.
- (2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship, respectively.
- (3) The principal executive officer or environmental officer having responsibility for the overall operation of the discharging facility if the industrial user submitting the reports is a federal, state, or local governmental entity, or their agents.
- (4) By a duly authorized representative of the individual designated in paragraph (1), (2), or (3) of this section if:
 - a. The authorization is made in writing by the individual described in paragraph (1), (2), or (3),
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the city.
- (5) If an authorization under subsection (4) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (4) of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(Ord. No. 2977, § 15, 7-18-94)

Sec. 16-101. - Permit issuance process.

- (a) *Permit duration.* Permits shall be issued for a specified period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the environmental officer.
- (b) *Permit appeals.* The environmental officer will provide all interested persons with notice of final permit decisions. Upon notice by the environmental officer, any person, including the industrial user, may petition to appeal the terms of the permit within thirty (30) days of the notice to the environmental appeals committee.
 - (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.
 - (2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

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- (3) The effectiveness of the permit shall not be stayed pending a reconsideration by the committee. If, after considering the petition and any arguments put forth by the environmental officer, the committee determines that reconsideration is proper, it shall remand the permit back to the environmental officer for reissuance. Those permit provisions being reconsidered by the environmental officer shall be stayed pending reissuance.
 - (4) An environmental appeals committee decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.
- (c) *Permit action.* The control authority has the power to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by an industrial user where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit. The environmental officer may modify the permit for good cause including but not limited to, the following:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
 - (2) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
 - (3) A change in any condition in whether the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (4) Information indicating that the permitted discharge poses a threat to the control authority's collection and treatment systems, POTW personnel or the receiving waters.
 - (5) Violation of any terms or conditions of the permit.
 - (6) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
 - (7) Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13.
 - (8) To correct typographical or other errors in the permit.
 - (9) To reflect transfer of the facility ownership and/or operation to a new owner/operator.
 - (10) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- (d) *Permit transfer.* Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the environmental officer:
- (1) The permittee must give at least thirty (30) days' advanced notice to the environmental officer.
 - (2) The notice must include a written certification by the new owner which:
 - a. States that the new owner has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur;
 - c. Acknowledges full responsibility for complying with the existing permit.
- (e) *Permit termination.* Pretreatment permits may be terminated for reasons including but not limited to, the following:
- (1) Falsifying self-monitoring reports.
 - (2) Tampering with monitoring equipment.

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- (3) Refusing to allow timely access to the facility premises and records.
- (4) Failure to meet effluent limitations.
- (5) Failure to pay fines.
- (6) Failure to pay sewer charges.
- (7) Failure to meet compliance schedules.
- (f) *Permit reissuance.* The user shall apply for permit reissuance by submitting a complete permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.
- (g) *Continuation of expired permits.* An expired permit will continue to be effective and enforceable until the permit is reissued if:
 - (1) The industrial user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's permit.
 - (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

(Ord. No. 2977, § 16, 7-18-94)

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Sec. 16-102. - General reporting and record-keeping requirements.

- (a) If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The 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.
- (b) If an industrial user subject to the reporting requirements of section 16-96 or section 16-97 monitors any pollutant more frequently than required by the control authority, using the procedures as prescribed 40 CFR 403.12(g)(4), the results of this monitoring shall be included in the report.
- (c) Any industrial user subject to the reporting requirements established in this ordinance or the permit shall retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this ordinance or the permit) and shall make available for inspection and copying by the EPA, TNRCC TCEQ or the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the POTW or when requested by the state or the federal government. For all samples, such records shall include but not be limited to:
 - (1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (2) The date analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical techniques/methods used; and
 - (5) The results of such analyses.

(Ord. No. 2977, § 17, 7-18-94)

Sec. 16-103. - Procedures for abatement of violations.

- (a) Whenever the environmental officer has determined that any person has violated any provision of this division or permit, or that such violation is continuing or reoccurring, he will investigate and respond to such instances of industrial user noncompliance in accordance with the enforcement response plan developed by the city in accordance with 40 CFR 403.8(f)(5). In addition to any other remedy provided for in this division, the environmental officer may issue a notice and order directing that such violation be corrected. Such notice and order shall state:
 - (1) The nature of the violation and the provisions of this division which have been violated.
 - (2) The corrective action that must be taken and the amount of time allowed to correct the violation.
 - (3) That the person receiving the notice or order may appeal to the environmental appeals committee by filing an appeal, in writing, with the environmental officer within five (5) days of the service of the notice or order.
 - (4) That failure to comply with the notice or order and failure to file a timely appeal may result in termination of sewer and/or water service.
- (b) Any notice and order issued under this division shall be in writing and served in person or by registered or certified mail on the user of the sewage system or other persons determined to be responsible for such violation.
- (c) Any person may appeal the notice and order of the environmental officer by filing a written notice of appeal with the environmental officer on forms provided by the environmental officer. Such notice of appeal shall be filed within five (5) days of service of the order.

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- (d) If no timely appeal is filed, the environmental officer may, if violation is continuing or reoccurring, terminate sewer and/or water service to the person ordered to correct or abate such violation if the violation has not been corrected within the time specified in the order.
- (e) The city, after informal notice to the discharger, can immediately and effectively halt or prevent any discharge of pollutants and/or terminate water service when such action is necessary, in the opinion of the environmental officer, in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference with the treatment processes or causes the POTW to violate its NPDES permit.

(Ord. No. 2977, § 18, 7-18-94)

Sec. 16-104. - Environmental appeals committee.

- (a) An environmental appeals committee is hereby established and authorized to hear and decide appeals from any order issued by the environmental officer pursuant to this division. The committee shall be composed of the city manager, or assistant city manager, the public works director and the city attorney or their designated representative.
- (b) The committee may call and hold hearings, administer oaths, receive evidence at the hearing, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions with respect to administering its powers herein.
- (c) Upon the hearing, the committee shall determine if there is a preponderance of evidence to support the environmental officer's determination and order. The decision of the committee shall be in writing and contain findings of fact. If the committee determines that there is a preponderance of evidence to support the determination and order of the environmental officer, the committee shall, in addition to its decision, issue and order:
 - (1) Requiring discontinuance of such violation or condition,
 - (2) Requiring compliance with any requirement to correct or prevent any condition or violation, or
 - (3) Suspending or revoking any permit issued under this division.
- (d) In any decision issued by the committee, the order shall specify the time in which the compliance with the order must be taken. A copy of the 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.

(Ord. No. 2977, § 19, 7-18-94)

Sec. 16-105. - Determining the character and concentration of wastewater.

- (a) The wastewater discharged or deposited into the sewage system shall be subject to periodic inspection and sampling as often as may be deemed necessary by the environmental officer. Significant industrial users will be inspected and monitored a minimum of once per year. Sampling shall be conducted according to 40 CFR Part 136, reflecting the effect of constituents upon the sewage system and determining the existence of hazards to health, life, limb, and property.
- (b) The examination and analysis of the characteristics of waters and wastes shall be:
 - (1) Performed in accordance with procedures established by the administrator pursuant to section 304(h) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR Part 36 does not include sampling or

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analytical techniques for the pollutants in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

- (2) Determined from suitable samples taken at the control manhole provided or other control points authorized by the city provided at the expense of the industry.
- (3) The city may select an independent firm or laboratory to perform sampling and laboratory analyses.
- (4) The determination of the character and concentration of industrial wastewater shall be made by the environmental officer at such times and on such schedules as he may establish.
- (5) The city may require any person determined to be discharging wastewater in violation of this division to compensate the city for the costs of sampling, analyses of the discharges and additional administrative fees until the discharged wastewater is in compliance with this division.

(Ord. No. 2977, § 20, 7-18-94)

Sec. 16-106. - Sampling and analyses fees.

- (a) Each significant industrial user for which the control authority has reporting requirements under its National Pollutant Discharge Elimination System permit shall compensate the city for the cost of sampling, laboratory analyses and administration required to monitor wastewater discharges. The environmental officer shall determine the number of samples and frequency of sampling necessary to maintain surveillance of discharges.
- (b) Each contributing industry or commercial firm for which the city is required to take samples and run laboratory analyses to monitor wastewater discharges shall compensate the city for the cost of sampling and laboratory analyses.
- (c) All fees required under this division shall be invoiced to the contributing industry or commercial firm by the city and shall be payable as indicated on the invoice.
- (d) All industrial users required to have an Industrial User Wastewater Discharge Permit (Section 16-29) shall pay a monthly fee for each applicable permit and/or pretreatment agreement. See Appendix D – [Comprehensive Fee Schedule, Article XV – Water and Sewer](#) for applicable fees.

(Ord. No. 2977, § 21, 7-18-94; Ord. No. 4609, § 5.D., 10-1-18; Ord. No. 4701, § 1(Exh. A(XVI.H.)), 8-19-19)

Sec. 16-107. - Industrial wastewater surcharge.

- (a) A surcharge may be applied in addition to the monthly sewer service charge for the discharge of above normal strength wastewater to cover the additional costs of treating such wastewater. Such a charge is collected by the city.
- (b) The surcharge shall be calculated as follows:

C	=	$[B(\text{Bu}-250) + S(\text{Su}-250)] \times F \times V$
Where:		

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C	=	surcharge to the user in dollars
B	=	unit cost factor for treating one unit of BOD (per 1,000 gallons)
Bu	=	the tested BOD of the discharge
S	=	unit cost factor for treating one unit of total suspended solids (per 1,000 gallons)
Su	=	the tested total suspended solids of the discharge
F	=	a factor of 8.34 to convert mg/L to pounds/gallon
V	=	monthly billing volume (discharge) in thousand gallons
250	=	average domestic BOD and total suspended solids (250 mg/L)

(Ord. No. 2977, § 22, 7-18-94)

Sec. 16-108. - Inspection and sampling.

- (a) Representatives of the city, the U.S. Environmental Protection Agency, the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality and the Texas Department of Health, or any successor agency bearing proper credentials and identification, shall be permitted to enter any properties at any reasonable time for the purpose of inspection, observation, measurement, sampling, examination and copying of records, and testing of the sewage system or any wastewater discharged into the sewage system.
- (b) The environmental officer shall carry out all inspection and monitoring procedures necessary to determine compliance with applicable Pretreatment Standards and requirements.
- (c) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

(Ord. No. 2977, § 23, 7-18-94)

Sec. 16-109. - Control manhole.

- (a) When necessary to monitor wastewater discharged into the sewage system, the environmental officer may require an industrial user to install a suitable control manhole in order to adequately sample and measure such wastewater. Installation of meters, equipment and accessories as deemed necessary by the environmental officer may also be required.
- (b) Required control manholes shall be located to provide ample room in or near the facility to allow accurate sampling and preparation of samples for analyses. The manhole and any required installed equipment shall be maintained by the user at all times in safe and proper operating condition.
- (c) Before beginning construction of a control manhole, the user shall submit plans to the environmental officer for review and approval to insure compliance with this section. Plans must include any meters or other equipment required to be installed.

(Ord. No. 2977, § 24, 7-18-94)

Sec. 16-110. - Pretreatment required.

- (a) Industrial users shall provide necessary wastewater treatment as required to comply with this division, National Categorical Pretreatment Standards, and any state or federal pretreatment regulation. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. The city can require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements.
- (b) Before beginning construction of pretreatment facilities, the user shall submit detailed plans and operating procedures for the facility to the environmental officer for review and approval. The review and approval of such plans and procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this division.
- (c) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.
- (d) All records relating to compliance with the pretreatment standards shall be made available to officials of the city, state, or environmental protection agency upon request.
- (e) The determination of the character and concentration of industrial wastewater shall be made by the environmental officer at such times and on such schedules as he may establish.

(Ord. No. 2977, § 25, 7-18-94)

Sec. 16-111. - Notice of significant noncompliance.

- (a) The city shall publish annually a list of industrial users in significant noncompliance of 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. Said list shall be published in the largest daily newspaper published in the municipality in which the control authority is located.
- (b) For purposes of this section; an industrial user is in significant noncompliance if its violation(s) meets one or more of the criteria defined under 40 CFR 403.8(f)(2)(vii).

(Ord. No. 2977, § 26, 7-18-94)

Sec. 16-112. - Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000.00) for each conviction.

(Ord. No. 2977, § 27, 7-18-94)

Sec. 16-113. - Bypass.

- (a) *Bypass not violating applicable pretreatment standards or requirements.* An industrial 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 main tenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (b) and (c), below.

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(b) *Notice.*

- (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least ten (10) days before the date of the bypass.
- (2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial 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 control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(c) *Prohibition of bypass.*

- (1) Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - b. 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 down time. 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 preventative maintenance; and
 - c. The Industrial User submitted notices as required under paragraph (b) of this section.
- (2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three (3) conditions in paragraph (c)(1) of this section.

(Ord. No. 2977, § 28, 7-18-94)

Sec. 16-114. - Slug control plan.

- (a) Each industrial user shall provide protection from slug discharges, as defined in section 16-86 of this division. The control authority may require the industrial user to develop and implement a slug control plan. The plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5, with procedures for follow-up written notification within five (5) days;
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. No. 2977, § 29, 7-18-94)

Sec. 16-115. - Notice of potential problems, including slug loading.

All categorical and non-categorical industrial users shall notify the POTW and the city immediately of all discharges that could cause problems to the POTW, including any slug loadings, by the industrial user.

(Ord. No. 2977, § 30, 7-18-94)

Sec. 16-116. - Upsets.

- (a) *Effect of an upset.* An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b) are met.
- (b) *Conditions necessary for a demonstration of upset.* An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operation logs, or other relevant evidence that:
 - (1) An upset occurred and the industrial user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - (3) The industrial user has submitted the following to the POTW and control authority within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days);
 - a. A description of the indirect discharge and the cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c. Steps being taken and/or plans to reduce, eliminate and prevent recurrence of the noncompliance.
- (c) *Burden of proof.* In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) *Reviewability of agency consideration of claims of upset.* In the usual exercise of prosecutorial discretion, agency enforcement personnel should review any claims that non-compliance was caused by an upset. No determinations made in the course of the review constitute final agency action subject to judicial review. Industrial users will have the opportunity of a judicial determination of any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) *User responsibility in case of upset.* The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. No. 2977, § 31, 7-18-94)

Sec. 16-117. - Notification of discharge of hazardous wastes.

- (a) Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and 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. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges

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more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Industrial users shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

- (b) Dischargers are exempt from the requirements of section 16-115(a) during a calendar month in which the discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional information.

- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director and the state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under section 16-115 of this division, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. No. 2977, § 32, 7-18-94)

Sec. 16-118. - Confidential information.

- (a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this division, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data, as defined in 40 CFR 2.302, will not be considered confidential.

(Ord. No. 2977, § 33, 7-18-94)

Sec. 16-119. - Miscellaneous offenses relating to sewer system.

No person other than a regular employee or officer of the city charged with such duties, shall do or aid in doing any of the following acts:

- (1) Opening, closing, lifting or removing the cover of any sanitary sewer manhole or clean-out plug of the city sewer system;
- (2) Interfering with, destroying, impairing, injuring or defacing any property which is a part of or essential to the proper functioning of the city sewer system;
- (3) Covering or concealing from view any sanitary sewer manhole;
- (4) Tapping and/or otherwise connecting into an existing sanitary sewer main which is a part of the city sewer system.

(Ord. No. 2977, § 34, 7-18-94)

Sec. 16-120. - Dangerous discharges.

The control authority, after informal notice to the discharger, can immediately and effectively halt or prevent any discharge of pollutants which reasonably appears to present an imminent endangerment to the health or welfare of persons. The control authority, after notice to the affected industrial users and an opportunity to respond, can halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.

(Ord. No. 2977, § 35, 7-18-94)

Sec. 16-121. - Penalties.

(a) General penalties. Any violation of the provisions or terms of this article shall constitute an offense and shall be subject to a penalty of fine, or as otherwise may be provided, in Mesquite City Code, Section 1-6, as amended.

(a)(b) Responsibility for violation by a corporation or association. In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.

~~(b) Any person found to be guilty of violating provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city for reason of appropriate clean-up and proper disposal of said waste materials. Additionally, an administrative fee up to one-half (½) of assessed clean-up costs may be levied by the city against the guilty person.~~

~~(c) Additionally, the city is entitled to pursue all other criminal and civil remedies, including injunctive (judicial) relief to which it is entitled under the authority of statutes and/or other ordinances and/or under applicable state and federal laws against a person continuing prohibited discharges or violating any other provision of this division.~~

(b) Liability for clean-up costs. Any person found to be guilty of violating provisions of this article shall become liable to the City for any expense, loss, or damage occasioned by the City for reasons of appropriate clean-up and proper disposal of waste materials. Additionally, an administrative fee equal to one-half (½) of assessed clean-up costs shall be levied by the City against the guilty person.

(Ord. No. 2977, § 36, 7-18-94)

Secs. 16-122—16-~~129~~128. - Reserved.

ARTICLE IV. - LIQUID WASTE TRANSPORTATION AND DISPOSAL

DIVISION 1. - GENERALLY

Sec. 16-~~130~~129. - General provisions.

Any person who transports grease trap wastes, grit trap wastes and/or septage within the city shall first obtain a permit from the Hhealth Official authority and shall comply with the requirements of this article. The article shall be liberally construed and applied to promote its underlying purpose of protecting public health.

(Ord. No. 3880, § 1(A), 8-20-07)

Sec. 16-130. – Abbreviations and Acronyms.

The following abbreviations and acronyms may be used within this chapter or other City resource materials:

1. CFR: Code of Federal Regulations.
2. CWA: Clean Water Act.
3. EPA: Environmental Protection Agency.
4. NTMWD: North Texas Municipal Water District.
5. POTW: Publicly Owned Treatment Works.
6. TCEQ: Texas Commission on Environmental Quality.
7. TDSHS: Texas Department of State Health Services.
8. U.S.: United States.

Sec. 16-131. - 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:

Approved means accepted as satisfactory under the terms of this article and given formal and official sanction by the approving authority.

Director means the director of the department designated by the city manager to enforce and administer this article.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semi-solid grease trap waste, grit trap waste, and/or septage into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Disposal site means a permitted site or part of a site at which grease trap waste, grit trap waste, or septage is processed, treated and/or intentionally placed into or on any land and at which said waste will remain after closure.

Disposer means a person who receives, stores, retains, processes, or disposes of liquid waste.

EPA (Environmental Protection Agency) means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized officials of said agency.

Generator means a person who owns or operates a grit trap or grease trap/interceptor or whose act or process produces liquid waste, grease, oils or grit detrimental to the City or NTMWD wastewater system causes, creates, generates, or otherwise produces liquid waste at any facility other than at a private residence.

~~*Grease trap* means a watertight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes generated from commercial operations into the sanitary sewer system to which the receptacle is directly or indirectly connected.~~

Grease trap or grease interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and grease prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and grease interceptors are also referred to herein as "grease traps/interceptors."

~~*Grease trap waste* means greasy, fatty liquid, semi-liquid, and/or solid wastes removed from commercial operations by a grease trap.~~

Grease trap waste means material collected in and from any grease trap/interceptor in the sanitary sewer service line of an industrial, commercial, institutional or multifamily facility or processing establishment, including the solids resulting from de-watering processes.

~~*Grit trap* means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.~~

Grit trap means a watertight receptacle designed and constructed to intercept and prevent the passage of sand, grit and other heavy solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

~~*Grit trap waste* means petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.~~

Grit trap waste means any sand, grit and other heavy solids from commercial automotive or heavy machinery repair and/or washing facilities.

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

- (1) Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness; or
- (2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed; ~~and/or~~
- (3) ~~is~~ is identified or listed as a “hazardous waste” as defined by the Texas Solid Waste Disposal Act, as may be amended, and means solid waste identified or listed as a hazardous waste by or the Administrator, of the U.S. Environmental Protection Agency (EPA) under the federal pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.); or and as may be amended in the future.
- (4) Is defined under 40 CFR Part 261, § 261.3.

State Law reference— Solid Waste Disposal Act, V.T.C.A. Health and Safety Code, § 361.001 et seq.

Health Official authority ~~means the Health Official of the City or his/her designated representative.~~

Liquid waste means water-borne solids, liquids, and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank and described as a grease trap waste, grit trap waste or septage.

Manager means the person conducting, supervising, managing or representing the activities of a generator, transporter or disposer.

Manifest system means a system consisting of a four-part trip ticket used to document the generation, transportation and disposal of liquid waste.

NTMWD means North Texas Municipal Water District.

Owner means the person who owns a facility or part of a facility.

Permit means the formal written document issued to a person by the approving authority authorizing collection of grease trap waste, grit trap waste and septage.

Permittee means a person granted a permit under this article.

Person means an individual, corporation (including a government corporation) organization, government, governmental subdivision or agency, federal agency, state, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity.

~~*Regulatory authority means the health official of the city or his designated representative.*~~

~~*POTW means publicly owned treatment works.*~~ *(Publicly Owned Treatment Works) means a “treatment works” as defined by the Clean Water Act, (33 U.S.C. § 1292), which is owned by a State or “municipality” (as defined by the Act (33 U.S.C. 1362). 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 lift stations, sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the “municipality” as defined in the Clean Water Act (40 CFR §122.2), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For the purposes of this chapter, the terms “sanitary sewer system” and “POTW” may be used interchangeably.*

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm, surface, groundwaters and other unpolluted waters are not intentionally passed, a sewer which carries sewage and to which storm, surface, and ground waters are not normally admitted.

Septage means wastes removed from a portable toilet, chemical toilet or septic tank.

Shall means the word "shall" wherever used in this article will be interpreted in its mandatory sense; "may" is permissive.

Special wastes means any solid waste or combination of solid wastes that, because of its quantity, concentration, physical or chemical characteristics or biological properties, require special handling and disposal to protect the human health or the environment.

Spill means the accidental or intentional loss or unauthorized discharge of grease trap waste, grit trap waste, and septage.

Tank means a device, designed to contain an accumulation of grease trap waste, grit trap waste and septage which is constructed primarily of nonearthen materials (e.g., concrete, steel, plastic) to provide structural support for the containment.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

TDSHS means Texas Department of State Health Services.

Toxic waste means any liquid, semi-liquid, or solid waste material which has the ability to chemically produce injury once it reaches a susceptible site in or on the body.

Transporter means a person who operates a vehicle for the purpose of transporting liquid waste.

Trip ticket means the shipping document originated and signed by the transporter which contains the information required by the Health Official regulatory authority.

User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the City-owned or maintained wastewater system and/or the NTMWD wastewater system or wastewater treatment plant, including persons who contribute such wastewater from mobile sources.

Vehicle means a mobile device in which or by which liquid wastes may be transported upon a public street or highway.

(Ord. No. 2616, § 1(II), 8-21-89; Ord. No. 3880, § 1(B), 8-20-07)

Sec. 16-132. - Interpretation.

This article shall be liberally construed and applied to promote its underlying purpose of protecting public health and infrastructure.

(Ord. No. 2616, § 1(I), 8-21-89)

Sec. 16-133. - Maintenance.

(a) A liquid waste transporter shall:

- (1) Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
- (2) Provide a safety plug or cap for each valve of a tank;

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(3) Cause a vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.

(b) The ~~Health Official~~~~regulatory authority~~ may cause to be impounded a vehicle which is being operated in violation of this article, and he may authorize the holding of the vehicle until the violation is corrected. The ~~Health Official~~~~regulatory authority~~ may also revoke the permit for the improperly operated vehicle. If a vehicle is impounded or if a permit is revoked, a hearing before the Director of Planning and Development Services~~health committee~~ may be requested pursuant to section 16-160.

(Ord. No. 2616, § 1(V), 8-21-89)

Sec. 16-134. - Inspection.

A liquid waste transporter's vehicle shall be inspected by the ~~Health Official~~~~regulatory authority~~ prior to the issuance of a vehicle permit with qualifications as follows:

- (1) Use a vehicle with a single tank as an integral portion of vehicle to transport liquid wastes; portable tanks or other containers temporarily installed in vehicles are prohibited;
- (2) Piping, valves and connectors shall be permanently attached to tank and/or vehicle;
- (3) Tank to be liquid tight;
- (4) Tank to be constructed so that every interior and exterior portion can be easily cleaned;
- (5) Piping, valves, and connections shall be accessible and easy to clean;
- (6) Inlet, or opening of tank to be constructed so that collected waste will not spill during filling, transfer, or during transport;
- (7) Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;
- (8) Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage or undue spray on or flooding of immediate surroundings while in use;
- (9) Pumps, valves, cylinders, diaphragms and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

(Ord. No. 2616, § 1(VI), 8-21-89)

Sec. 16-135. - Responsibilities of transporter.

- (a) Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine the nature of the material to be transported and that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gasses, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- (b) A transporter with a city liquid waste transporter permit shall not transport materials that are hazardous as defined in this article in vehicles permitted by the city for transporting liquid waste.
- (c) A transporter holding a city permit must use a disposal site permitted and approved by the city, or the state, or the federal government.

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- (d) A manifest system, consisting of a four-part trip ticket, is used to document the generation, transportation and disposal of all applicable liquid waste generated in the city and shall be used as follows:
- (1) The trip ticket books are purchased by the transporter from the city's health division for a fee. See Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer, for applicable fees.
 - (2) A transporter will complete one (1) trip ticket for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemical/portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and location of disposal to the Health Official~~regulatory authority~~.
 - (3) The ~~first~~white copy of the trip ticket shall be signed by the transporter and the generator at the time of the waste collection and the ~~second~~yellow copy shall be maintained by the generator.
 - (4) The ~~first~~white copy of the trip ticket shall also be signed by the disposer at the time of the disposal and the ~~third~~pink copy shall be maintained by the disposer.
 - (5) The ~~fourth~~green copy of the trip ticket shall be maintained by the transporter.
 - (6) Once completed, the ~~first~~white copy of the trip ticket shall be submitted within thirty (30) days by the transporter to the city's health division.
 - (7) A copy of all trip tickets shall be maintained for a period of ~~three (3)~~two (2) years by ~~both~~ the generator ~~and the~~ transporter and disposer.
- (e) A liquid waste transporter may not remove liquid waste from a generator unless an authorized representative of the generator is present to observe the removal of the liquid waste from the receptacle and sign the trip ticket at the time of removal. An exception shall be made for the servicing of chemical/portable toilets.

(Ord. No. 2616, § 1(VII), 8-21-89; Ord. No. 3880, § 1(C), 8-20-07; Ord. No. 4701, § 1(Exh. A(XVI.I.)), 8-19-19)

Sec. 16-136. - Accumulation of liquid waste.

A person commits an offense if he allows liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.

(Ord. No. 2616, § 1(VIII), 8-21-89)

Sec. 16-137. - Disposal of liquid waste.

- (a) A person commits an offense if he unloads or offers for sale or exchanges liquid waste, except at a place permitted by the city or the state, or the federal government.
- (b) A person commits an offense if he deposits or discharges liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

(Ord. No. 2616, § 1(IX), 8-21-89)

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Sec. 16-138. - Responsibilities of generator.

- (a) A generator of liquid waste shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the city and the liquid waste shall be transported to an approved site for disposal.
- (b) A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his premises by a liquid waste hauler operating under a city permit.
- (c) A generator shall sign the trip ticket from the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets for a period of ~~three (3)~~two (2) years.
- (d) A generator shall:
 - (1) Install or provide collection device of size and type specified by the ~~Health Official~~regulatory authority if serving or providing a product which is not prepackaged or which requires any type of manipulation or preparation. Fountain drinks and coffee which are dispensed for customer self services are exempt;
 - (2) Maintain collection device in continuous, proper operation;
 - (3) Have grease trap/interceptor evacuated of all contents by a city permitted liquid waste transporter at a frequency of at least twice annually but not less frequently than is necessary to prevent drain blockages and subsequent overflows unless a variance is approved by the health official. To receive a variance the generator must provide proof that a reduction in frequency will not cause drain blockages or overflows of the sewer system or collection device;
 - (4) Supervise proper cleaning of collection device;
 - (5) Report spills and accidents involving collection device to the ~~Health Official~~regulatory authority immediately.
 - (6) Clean up all spills and accidents immediately and have material disposed of by permitted transporter by proper means; and
 - (7) Not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria or other additives, nor alter the design or function of the grease trap/interceptor without specific written approval of the city.

(Ord. No. 2616, § 1(X), 8-21-89; Ord. No. 3880, § 1(D), 8-20-07)

Sec. 16-139. - Responsibilities of disposers.

- (a) A liquid waste disposer commits an offense if he allows accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or adjacent property or create a noxious odor or health hazard.
- (b) A liquid waste disposer shall:
 - (1) Obtain and maintain compliance with all licenses and/or permits required by local, state, or federal law;
 - (2) Accept waste only from a permitted transporter;
 - (3) Maintain trip ticket copies for a period of ~~three (3)~~two (2) years;
 - (4) Accept only those classes of wastes authorized by license or permit;
 - (5) Make available all records required to be kept for inspection by the ~~Health Official~~regulatory authority during normal business hours.

(Ord. No. 2616, § 1(XI), 8-21-89)

Secs. 16-140—16-155. - Reserved.

DIVISION 2. - PERMIT

Sec. 16-156. - Required; compliance with article.

Any person who transports grease trap wastes, grit trap wastes, and/or septage within the city shall first obtain a permit from the Health Official~~health authority~~ and shall comply with the requirements of this article.

(Ord. No. 2616, § 1(I), 8-21-89)

Sec. 16-157. - Operating without permit; general procedures; duration of permit.

- (a) A person commits an offense if he operates or causes to be operated a vehicle for the purpose of transporting liquid waste without an applicable permit. A permit shall be issued for transportation of liquid waste and the Health Official~~regulatory authority~~ shall designate on the permit the liquid waste authorized for transportation in the vehicle. A separate vehicle permit number is issued for each vehicle operated.
- (b) A person who desires to obtain a permit must make application on a form provided by the Health Official~~regulatory authority~~.
- (c) A person who desires to obtain a permit must submit to the Health Official~~regulatory authority~~ at the time of application a photocopy of the manager's driver's license. The Health Official~~regulatory authority~~ shall be notified of manager employment changes during the permit period and shall be provided a copy of the new manager's driver's license.
- (d) The Health Official~~regulatory authority~~ shall not issue a permit unless the applicant submits for inspection the vehicle the applicant proposes to use to transport liquid waste and the vehicle is found by the Health Official~~regulatory authority~~ to be constructed and equipped in accordance with the provisions of this article.
- (e) A permit is not transferable.
- (f) A permit issued by the city excludes the hauling of materials that are hazardous in nature.
- (g) Transporters transporting hazardous wastes must have the applicable TCEQ ~~and EPA~~ registration numbers and use the appropriate ~~EPA~~-manifest system.
- (h) Each applicant must specify the disposal site or sites to be used for the authorized disposal of liquid wastes. The Health Official~~regulatory authority~~ shall be immediately notified of additional disposal sites used during the permit period.
- (i) Permits granted under the provision of this division, unless otherwise specified, shall remain in force for one (1) year from date of issuance unless suspended or revoked for cause. Permits shall remain the property of the city.

(Ord. No. 2616, § 1(III), 8-21-89; Ord. No. 3880, § 1(E), 8-20-07)

Sec. 16-158. - Denial.

The Health Official~~regulatory authority~~ may deny a permit to an applicant if it is determined that the applicant is not qualified under provisions of this division, or if the applicant is determined to be in violation of any provisions of this article.

(Ord. No. 2616, § 5(I), 8-21-89)

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Sec. 16-159. - Fee and display of permit.

- (a) The ~~Health Official~~~~Regulatory Authority~~ shall not issue a permit to an applicant until the appropriate established fee is paid. A person shall pay a fee for the first vehicle and a fee for each additional vehicle operated by the person. See Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer, for applicable fees.
- (b) The ~~Health Official~~~~regulatory authority~~ shall number permits consecutively and each permit holder shall cause to be displayed on each side of each vehicle in a color contrasting with the background in three-inch letters or larger: the business name, TCEQ registration number and the following:

MES _____

The first three (3) letters (MES) shall represent the city issuing the permit. The blank space shall contain the permit number. The permit holder shall place the business name, TCEQ registration number and the vehicle permit number of each vehicle before the vehicle is operated. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

(Ord. No. 2616, § 1(IV), 8-21-89; Ord. No. 3880, § 1(F), 8-20-07; Ord. No. 4701, § 1(Exh. A(XVI.J.)), 8-19-19)

Sec. 16-160. - Suspension.

Permits may be suspended temporarily by the ~~H~~health ~~Official~~~~authority~~ for repeated failure of the permit holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to correct a violation after receiving two (2) written notices for the violation, the ~~H~~health ~~Official~~~~authority~~ may suspend the permit. The permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the ~~H~~health ~~Official~~~~authority~~ by the permit holder. Notwithstanding the other provisions of this article, whenever the operation or maintenance of any liquid waste transport vehicle which constitutes a substantial hazard to the public health, a written notice may be issued to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, such order may state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written request to the ~~H~~health ~~Official~~~~authority~~, shall be afforded a hearing before the Director of Planning and Development Services~~health committee as soon as possible~~.

(Ord. No. 2616, § 5(II), 8-21-89)

Sec. 16-161. - Reinstatement.

Any person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within ten (10) days following the receipt of a request, which shall include a statement signed by the applicant that in his or her opinion, the conditions causing suspension of the permit have been corrected, the ~~H~~health ~~Official~~~~authority~~ shall make a reinspection. If upon reinspection, the applicant is complying with the requirements of this article, then the permit shall be reinstated.

(Ord. No. 2616, § 5(III), 8-21-89)

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Sec. 16-162. - Revocation.

For serious or repeated violations of any of the requirements of this article, or for interference with the ~~H~~health ~~Official~~authority in the performance of his or her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the ~~H~~health ~~Official~~authority. Prior to such action, the ~~H~~health ~~Official~~authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the ~~H~~health ~~Official~~authority, by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(Ord. No. 2616, § 5(IV), 8-21-89)

Sec. 16-163. - Hearings.

The hearings provided for in this section shall be conducted by the ~~D~~irector of ~~Planning and Development Services~~community development at a time and place designated by him. Based upon the recording of such hearing, the ~~D~~irector ~~of community development~~ shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the ~~H~~health ~~Official~~authority.

(Ord. No. 2616, § 5(V), 8-21-89; Ord. No. 3880, § 1(G), 8-20-07)

Secs. 16-164—16-175. - Reserved.

DIVISION 3. - ENFORCEMENT

Sec. 16-176. - Rules and regulations.

- (a) The ~~Health Official~~~~regulatory authority~~ may promulgate rules and regulations as may be necessary to carry out the provisions of this article and protect the public from health and safety hazards. The ~~Health Official~~~~regulatory authority~~ may undertake immediate actions as may be necessary to protect the public from health and safety hazards. The ~~Health Official~~~~regulatory authority~~ may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.
- (b) It shall be unlawful for any person to violate any of the provisions of this article, or for any person who owns, operates or is in charge of any facility which generates liquid wastes, to allow any person employed at such facility to violate any provisions of this article.
- (c) It shall be unlawful for any person owning, operating or in charge of any vehicle transporting liquid wastes within the ~~city~~City to violate any provisions of this article.
- (d) It shall be unlawful for any person to interfere with the ~~Health Official~~~~regulatory authority~~ or his designated representative in the performance of their duties as prescribed by this article.
- (e) The provisions of this article shall be enforced by the health official. His designated representatives shall have the authority to issue citations to persons violating provisions of this article.
- (f) In addition to prohibiting certain conduct by individuals, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.

(Ord. No. 2616, § 2(I), 8-21-89; Ord. No. 3880, § 1(H), 8-20-07)

Sec. 16-177. - Penalties.

- ~~(a) Any person, operator, or owner who shall violate any provisions of this article, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in section 1-6, for each violation, and each day a violation continues shall constitute a separate offense and shall be punished accordingly.~~
- ~~(b) Any person found to be guilty of violating provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city for reasons of appropriate clean-up and proper disposal of such waste materials. Additionally, an administrative fee equal to one-half of assessed clean-up costs shall be levied by the city against the guilty person.~~
- (a) *General penalties.* Any violation of the provisions or terms of this article shall constitute an offense and shall be subject to a penalty of fine, or as otherwise may be provided, in Mesquite City Code, Section 1-6, as amended.
- (b) *Responsibility for violation by a corporation or association.* In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.
- (c) *Clean-up costs.* Any person found to be guilty of violating provisions of this article shall become liable to the City for any expense, loss, or damage occasioned by the City for reasons of appropriate clean-up and proper disposal of waste materials. Additionally, an administrative fee equal to one-half (½) of assessed clean-up costs shall be levied by the City against the guilty person.

(Ord. No. 2616, § 3(II), 8-21-89)

Sec. 16-178. - Inspections and access.

- (a) The ~~Health Official~~~~regulatory authority~~, after proper identification, shall be permitted to inspect at any reasonable time, any facility or the records of any facility generating grease trap waste, grit trap waste or septage to determine compliance with this article.
- (b) The ~~Health Official~~~~regulatory authority~~, after proper identification, shall be allowed to inspect any liquid waste transport vehicle, or the records of any liquid waste transport vehicle operating in the city to determine compliance with this article.

(Ord. No. 2616, § 4(II), 8-21-89)

Secs. 16-179—16-~~196~~~~195~~. - Reserved.

ARTICLE V. - BIOLOGICAL TREATMENT OF GREASE TRAP/INTERCEPTOR AND GRIT TRAP/~~INTERCEPTOR~~ WASTES

DIVISION 1. - GENERAL PROVISIONS

Sec. 16-~~197~~~~196~~. - In general.

Any person who utilizes microorganisms in any grease trap/interceptor within the city, in conjunction with or as an alternative to pumping and cleaning of said grease trap/interceptor, shall first obtain a permit from the ~~regulatory authority~~~~control authority~~ and shall comply with the requirements of this article. The article shall be liberally construed and applied to promote its underlying purpose of protecting public health.

(Ord. No. 2974, 6-6-94; Ord. No. 4674, 05-20-19)

Editor's note— This section, formally § 16-197.1, has been renumbered at the editor's discretion. The historic notation remains with the renumbered provisions.

Sec. 16-197. – Abbreviations and Acronyms.

The following abbreviations and acronyms may be used within this chapter or other City resource materials:

1. CWA: Clean Water Act.
2. NTMWD: North Texas Municipal Water District.
3. POTW: Publicly Owned Treatment Works.

Sec. 16-198. - Definitions.

For the purpose of this article:

Approved means accepted as satisfactory under the terms of this article and given formal and official sanction by the ~~regulatory authority~~~~control authority~~.

Control authority shall mean:

- (1) The owner/operator of the POTW;

(2) The person designated by the city to be responsible for the industrial pretreatment program or its duly authorized representative.

Generator means a person who owns or operates a grit trap or grease trap/interceptor or whose act or process produces liquid waste, grease, oils, or grit detrimental to the City or NTMWD wastewater system.causes, creates, generates, or otherwise produces liquid waste at any facility other than at a private residence.

Grease trap/ or grease interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and grease prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and grease interceptors are also referred to herein as “grease traps/interceptors.”water tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes generated from commercial operations into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grease trap waste means material collected in and from any grease trap/interceptor in the sanitary sewer service line of an industrial, commercial, institutional or multifamily facility or processing establishment, including the solids resulting from de-watering processes.greasy, fatty liquid, semi-liquid, and/or solid wastes removed from commercial operations by a grease trap.

Grit trap means a water-tight receptacle designed and constructed to intercept and prevent the passage of sand, grit and other heavy solidspetroleum based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit trap waste means any sand, grit and other heavy solids petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.

Health Official means the Health Official of the City or his/her designated representative.

Interceptor – See “Grease trap or grease interceptor.”

Liquid waste means water-borne solids, liquids, and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank and described as a grease trap waste, grit trap waste or septage.

Operator means the person in charge of the facility generating liquid waste.

Owner means the person who owns a facility or part of a facility.

NTMWD means North Texas Municipal Water District.

Permit means the formal written document issued to a person by the regulatory authority control authority authorizing treatment of grease interceptors under provisions of this article.

Permittee means a person granted a permit under this article.

Person means an individual, corporation (including a government corporation) organization, government, governmental subdivision or agency, federal agency, state, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity.

POTW (Publicly Owned Treatment Works) means a “treatment works” as defined by the Clean Water Act, (33 U.S.C. § 1292), which is owned by a State or “municipality” (as defined by the Act (33 U.S.C. 1362). 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 lift stations, sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the “municipality” as defined in the Clean Water Act (40 CFR §122.2), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For the purposes of this chapter, the terms “sanitary sewer system” and “POTW” may be used interchangeably.

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~~Regulatory authority shall mean the public and environmental health manager of the city or his designated representative.~~

~~Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm, surface, groundwater and other unpolluted waters are not intentionally passed, which carries sewage and to which storm, surface, and ground waters are not normally admitted.~~

Shall. The word "shall" wherever used in this article will be interpreted in its mandatory sense; "may" is permissive.

~~Service/trip ticket means the document originated and signed by the permit holder at the time of service which contains the information required by the regulatory authority Health Official.~~

~~User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes, or permits the contribution or discharge of wastewater into the city-owned or maintained wastewater system and/or the NTMWD wastewater system or wastewater treatment plant, including persons who contribute such wastewater from mobile sources.~~

(Ord. No. 2974, 6-6-94)

Sec. 16-199. - Permits.

- (a) A person commits an offense if he installs or utilizes any system, process, or pretreatment involving the use of bacteria in any grit trap or grease trap/interceptor within the city without an applicable permit.
- (b) A person who desires to obtain a permit must make application ~~on a form provided by~~ with the regulatory authority control authority and must meet the requirements of this article.
- (c) ~~Unless approved by the control authority, a~~ A person who desires to obtain a permit must submit to the ~~regulatory authority control authority~~ at the time of application, a photocopy of the manager's driver's license. The ~~regulatory authority control authority~~ shall be notified of ownership and/or manager employment changes during the permit period and shall be provided a copy of the new manager's driver's license.
- (d) A permit issued by the ~~regulatory authority control authority~~ excludes the use of any material containing enzymes, emulsifiers or any other additives, which upon introduction result in dissolution of accumulated fats, oils or solids.
- (e) The ~~regulatory authority control authority~~ shall not issue a permit unless the applicant submits a detailed description of the compound to be utilized in the treatment process, and said compound is determined to be environmentally safe and in full compliance with the provisions of this article.
- (f) A person shall not be issued a permit until it has been clearly demonstrated that the bacterial mixture, and the process by which it is utilized, is effective in controlling the accumulation of fats, oils, and solids in grease traps/interceptors without adversely affecting the quality of the interceptor effluent. This shall be documented by laboratory analysis of interceptor effluent.
- (g) A permit is not transferable.
- (h) ~~Duration~~-Permits granted under the provisions of this article, unless otherwise specified, shall remain in force for one (1) year from the date of issuance unless suspended or revoked for cause. Permits shall remain the property of the city.

(Ord. No. 2974, 6-6-94; Ord. No. 4674, 05-20-19)

Sec. 16-200. - Fee and display of permit.

- (a) A permit shall not be issued to an applicant until the appropriate established fee is paid. In addition to said permit fee, a permittee shall pay an inspection and monitoring fee per year for each grease trap/interceptor under his service. See Appendix D – Comprehensive Fee Schedule, Article XV – Water and Sewer, for applicable fees.
- (b) ~~At all times a valid permit must be displayed and visible for the control authority. In addition to said permit fee a permittee shall pay an inspection and monitoring fee per year for each interceptor under his service. Said fee shall be paid within thirty (30) days of the beginning of service date for each interceptor. A list of all interceptors under the service of a permittee shall be provided to the regulatory authority and shall be updated by the permittee on a monthly basis. See Appendix D for applicable fees.~~
- (c) ~~The regulatory authority shall number permits consecutively and each permit holder shall cause to be in the possession of any individual in his employment, while engaged in the service of any interceptor in the city, a copy of a current and valid permit. A person shall not be engaged in said service while not in the possession of such permit.~~

(Ord. No. 2974, 6-6-94; Ord. No. 4674, 05-20-19; Ord. No. 4701, § 1(Exh. A(XVI.K.)), 8-19-19)

Sec. 16-201. - Responsibilities of permittee.

- (a) Prior to treatment of any grease trap/interceptor within the city with any microorganism, or compound containing microorganisms, a person shall secure a permit under the provisions of this article.
- (b) Grease traps/interceptors being serviced under the provision of this article shall be serviced by the permittee at least two (2) times each month.
- (c) Each time a trap is serviced or inspected, a ~~two-part~~ service ticket shall be completed, with one ~~(1)~~ copy being left on site with the grease trap/interceptor owner/operator, and the second copy being retained by the permittee. Service tickets shall be kept on file for a period of ~~two (2)~~ three (3) years, and shall be available for review by the regulatory authority control authority upon request. Service tickets shall contain the following information:
 - (1) Name and address of permittee, permit number, and name of technician.
 - (2) Location and name of facility.
 - (3) Date and time of service.
 - (4) Status of the trap at time of service to include at a minimum:
 - a. pH of trap—arrival and departure.
 - b. Amount of microbe or compound introduced.
 - c. I.D. number of microbe or compound.
 - d. Thickness of grease and solids in both sides of trap.
 - e. Presence or absence of food and/or trash.
 - f. Temperature of solution in both sides of trap.
 - g. Size of trap.
- (d) Service on grease traps/interceptors shall not be performed except under the direct supervision of the owner/operator of said grease trap/interceptor.

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- (e) Permittee shall discontinue service on any grease trap/interceptor documented to fail to properly respond to said service, and shall report said response failure to the ~~regulatory authority control authority~~.

(Ord. No. 2974, 6-6-94; ~~Ord. No. 4674, 05-20-19~~)

Sec. 16-202. - Responsibilities of grease trap/interceptor owner/operator.

- (a) It shall be the responsibility of the grease trap/interceptor owner/operator to:
- (1) Allow only persons having a valid permit to perform service on any grease trap/interceptor in the city.
 - (2) Provide direct supervision of persons servicing said grease traps/interceptors.
 - (3) Retain copies of service tickets on site for a period of ~~two (2)~~three (3) years, and present said tickets upon request of the ~~regulatory authority control authority~~.
 - (4) Not allow continued service of any grease trap/interceptor documented to fail to properly respond to service and treatment by a permittee.
 - (5) Not allow the introduction of any substance into an grease trap/interceptor except as is provided under the provision of this article.
 - (6) Give full cooperation with the ~~regulatory authority control authority in his efforts~~ to determine compliance with this article.

(Ord. No. 2974, 6-6-94)

Secs. 16-203 – 16-250. – Reserved.

DIVISION 2. - ENFORCEMENT

Sec. 16-~~203251~~. - Rules and regulations.

- (a) The ~~regulatory authority control authority~~ may promulgate rules and regulations as may be necessary to carry out the provisions of this article and protect the public from health and safety hazards. The ~~regulatory authority control authority~~ may undertake immediate actions as may be necessary to protect the public from health and safety hazards. The ~~regulatory authority control authority~~ may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.
- (b) It shall be unlawful for any person to violate any of the provisions of this article, or for any person who owns, operates or is in charge of any facility which generates liquid wastes, to allow any person employed at said facility to violate any provisions of this article.
- (c) It shall be unlawful for any person to interfere with the ~~regulatory authority control authority~~ or his designated representative in the performance of their duties as prescribed by this article.
- (d) The provisions of this article shall be enforced by the Health Official ~~and/or the control authority~~. His designated representatives shall have the authority to issue citations to persons violating the provisions of this article.
- (e) In addition to prohibiting certain conduct by individuals, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his office or employment.

(Ord. No. 2974, 6-6-94; Ord. No. 4498, § 3, 8-7-17; ~~Ord. No. 4674, 05-20-19~~)

Secs. 16-252 – 16-300. – Reserved.

DIVISION 3. - PENALTIES

Sec. 16-~~204301~~. - Generally.

~~Any person, operator, or owner who shall violate any provisions of this article, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00), for each violation, and each day a violation continues shall constitute a separate offense and shall be punished accordingly.~~

- (a) General penalties. Any violation of the provisions or terms of this article shall constitute an offense and shall be subject to a penalty of fine, or as otherwise may be provided, in Mesquite City Code, Section 1-6, as amended.
- (b) Responsibility for violation by a corporation or association. In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.

(Ord. No. 2974, 6-6-94; ~~Ord. No. 4674, 05-20-19~~)

Sec. 16-~~205302~~. -- Liability for clean-up costs.

Any person found to be guilty of violating provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city for reasons of appropriate cleanup and proper

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disposal of waste materials. Additionally, an administrative fee equal to one-half (½) of assessed clean-up costs shall be levied by the city against the guilty person.

(Ord. No. 2974, 6-6-94; Ord. No. 4674, 05-20-19)

Secs. 16-303 – 16-400. – Reserved.

DIVISION 4. - INSPECTIONS AND ACCESS

Sec. 16-~~205-1401~~. - Generally.

- (a) The ~~regulatory authority control authority~~, after proper identification, shall be permitted to inspect at any reasonable time, any facility or the records of any facility generating grease trap waste, grit trap waste or septage to determine compliance with this article.
- (b) The ~~regulatory authority control authority~~, after proper identification, shall be allowed to inspect the records of, and base of operation of any permittee to determine compliance with this article.
- (c) The ~~regulatory authority control authority~~ shall have the authority to sample or require sampling and independent laboratory analysis of any material utilized by a permittee in the treatment of grease trap/interceptors in the city to determine compliance with this article.
- (d) The ~~regulatory authority control authority~~ shall have the authority to sample or require sampling and analysis of the contents or effluent of any grease trap/interceptor under treatment by a permittee to determine compliance with the provisions of this article.
- (e) In the event that a permittee fails to perform said sampling and analysis as required by the ~~regulatory authority control authority~~, said sampling and analysis may be performed by the ~~regulatory authority control authority~~, and permittee shall become liable to the city for any expense occasioned by the city for said sampling and analysis. Additionally, an administrative fee equal to one-half (½) the assessed cost shall be levied by the city against said permittee.

(Ord. No. 2974, 6-6-94; Ord. No. 4674, 05-20-19)

Secs. 16-402 – 16-500. – Reserved.

DIVISION 5. - DENIAL, SUSPENSION, REVOCATION OF PERMITS

Sec. 16-~~206501~~ - Regulations generally.

- (a) *Denial of permit.* The ~~regulatory authority control authority~~ may deny a permit to an applicant if it is determined that said applicant is not qualified under provisions of this article, or if said applicant is determined to be in violation of any provisions of this article.
- (b) *Suspension of permit.* Permits may be suspended temporarily by the ~~regulatory authority control authority~~ for repeated failure of the permit holder to comply with the requirements of this article. Whenever a permit holder has failed to correct a violation after receiving written notice for the violation, the ~~regulatory authority control authority~~ may suspend the permit. The permit holder shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the ~~regulatory authority control authority~~ by the permit holder. Notwithstanding the other provisions of this article, whenever the operations of a permit holder constitute a substantial hazard to the environmental or public health, a written notice may be issued to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, such order may state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written request to the ~~regulatory authority control authority~~, shall be afforded a hearing before the health committee as soon as possible.
- (c) *Reinstatement of suspended permits.* Any person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within ten (10) days following the receipt of a request, which shall include a statement signed by the applicant that in his or her opinion, the conditions causing suspension of the permit have been corrected, the ~~regulatory authority control authority~~ shall make a reinspection. If upon reinspection, the applicant is complying with the requirements of this article, then the permit shall be reinstated.
- (d) *Revocation of permits.* For serious or repeated violations of any of the requirements of this article, or for interference with the ~~regulatory authority control authority~~ in the performance of his or her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the ~~regulatory authority control authority~~. Prior to such action, the ~~regulatory authority control authority~~ shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the ~~regulatory authority control authority~~, by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- (e) *Hearings.* The hearings provided for in this section shall be conducted by the health committee at a time and place designated by them. Based upon the record of such hearing, the health committee shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the ~~regulatory authority control authority~~.

(Ord. No. 2974, 6-6-94; ~~Ord. No. 4674, 05-20-19~~)

Sec. 16-502–16-600. – Reserved.

ARTICLE VI. - FATS, OILS, AND GREASE (FOG)

DIVISION 1. - GENERAL PROVISIONS

Sec. 16-601. – Purpose.

The discharge of fats, oils, grease, and other pollutants into the wastewater system can reduce flows, and even create blockages that lead to untreated wastewater escaping into the environment, potentially contaminating storm sewers, streams, and rivers. These contaminants can also hinder the proper treatment of wastewater at the treatment plant, adversely affecting the environment, property and the health, safety, and welfare of the public. This article is intended to assure the protection of both City and regional wastewater infrastructure from the discharge of fats, oils, grease, and other pollutants into the POTW.

Sec. 16-602. - Applicability and prohibitions.

(a) This article shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW) sewer system, as defined in Section 16-209 of this article.

(b) Facilities generating fats, oils, grease, or pollutants as a result of food manufacturing, processing, preparation, food service, automotive services, or other facilities shall install, use, and maintain appropriate grease traps/interceptors as required in Mesquite City Code, Chapter 5, Article VI – Plumbing Code, Sec. 5-206 (Local Amendments to the International Plumbing Code, 2018 Edition); Chapter 16, Article III, Section 16-90; and Section 1002 (Trap requirements) and 1003 (Interceptors and Separators) of the 2018 International Plumbing Code. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption, facilities where oils and flammable liquid wastes are produced, facilities with hydraulic elevator pits without an approved alarm system as discussed in Section 1003.4 (Oil separators required) of the 2018 International Plumbing Code and the appropriate section of subsequent additions, laundromats and commercial laundry services, bottling plants, and slaughterhouses.

(c) No generator/user may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or grease of animal, vegetable, or petroleum origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

Sec. 16-603. - Abbreviations and Acronyms.

The following abbreviations and acronyms may be used within this chapter or other City resource materials:

1. BOD: Biochemical Oxygen Demand.
2. COD: Chemical Oxygen Demand.
3. CFR: Code of Federal Regulations.
4. EPA: Environmental Protection Agency.
5. FOG: Fats, Oils, and Grease.

- 6. NTMWD: North Texas Municipal Water District.
- 7. pH: Potential Hydrogen.
- 8. POTW: Publicly Owned Treatment Works.
- 9. TCEQ: Texas Commission on Environmental Quality.
- 10. TSS: Total Suspended Solids.
- 11. U.S.: United States.
- 12. U.S.C.: United States Code.

Sec. 16-604. - Definitions.

For the purpose of this article:

Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq.

BOD means the value of the five-day test for biochemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

COD means the value of the test for chemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

EPA (Environmental Protection Agency) means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized officials of said agency.

Fats, oils, and grease (FOG) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

Food service establishment, commercial facility or multifamily facility means any commercial facility or multifamily facility discharging kitchen or food preparation wastewater including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessen, meat-cutting preparation, bakeries, apartments or multifamily residences housing more than five families, etc., and any other facility which would require a grease trap installation by virtue of its operation.

Generator means a person who owns or operates a grit trap or grease trap/interceptor or whose act or process produces liquid waste, grease, oils, or grit detrimental to the City or NTMWD wastewater system.

Grease trap or grease interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and grease prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and grease interceptors are also referred to herein as "grease traps/interceptors."

Grease trap waste means material collected in and from any grease trap/interceptor in the sanitary sewer service line of an industrial, commercial, institutional, or multifamily facility or processing establishment, including the solids resulting from de-watering processes.

Grit trap means a watertight receptacle designed and constructed to intercept and prevent the passage of sand, grit, and other heavy solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit trap waste means any sand, grit, and other heavy solids from commercial automotive or heavy machinery repair and/or washing facilities.

Indirect discharge or discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

Interceptor – See “Grease trap or grease interceptor.”

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, or is a cause of a violation of the POTW's TPDES permit.

NTMWD means North Texas Municipal Water District.

pH (Potential Hydrogen) means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. pH is a measure of how acidic/basic water is. The range goes from 0 to 14, with 7 being neutral. pHs of less than 7 indicate acidity, whereas a pH of greater than 7 indicates a base. pH is a measure of the relative amount of free hydrogen and hydroxyl ions in the water and is reported in logarithmic units.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Polluted water means any water, liquid or gaseous wastes containing any of the following:

- (1) Soluble or insoluble substances of organic or inorganic nature; or
- (2) Settleable solids that may form sludge deposits; or
- (3) Grease and oils; or
- (4) Floating solids that may cause unsightly appearance or color; or
- (5) Substances that would impart any taste or odor to the receiving stream; or
- (6) Toxic or poisonous substances.

POTW (Publicly Owned Treatment Works) means a “treatment works” as defined by the Clean Water Act, (33 U.S.C. § 1292), which is owned by a State or “municipality” (as defined by the Act (33 U.S.C. 1362). 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 lift stations, sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the “municipality” as defined in the Clean Water Act (40 CFR §122.2), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For the purposes of this chapter, the terms “sanitary sewer system” and “POTW” may be used interchangeably.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Transporter means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code § 312.142.

TSS means the value of the test for total suspended solids, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the City-owned or maintained wastewater system and/or the NTMWD wastewater system or wastewater treatment plant, including persons who contribute such wastewater from mobile sources.

Sec. 16-605. - Installation and maintenance requirements.

(a) Installations.

(1) Food processing, food service and/or multi-family facilities, automotive services or any other facilities, new or existing, that produce liquid waste, grease, oils, or grit detrimental to the City or NTMWD wastewater system, shall be required to design, install, operate and maintain a grit trap and grease trap/interceptor in accordance with the latest edition, adopted by the City, of the International Plumbing Code or other applicable ordinances. Undersized grease traps from a prior use must be replaced with an appropriately sized grease traps if applicable. For new construction, grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(2) All grease trap/interceptor designs must be sealed by a State of Texas Professional Engineer in accordance with the latest edition, adopted by the City, of the International Plumbing Code. All pre-manufactured grease traps/interceptors are considered pre-certified designs. Owners shall keep all design plans readily accessible for inspection purposes.

(3) All grease trap/interceptor designs shall include a sample port of adequate size to facilitate effluent sampling.

(b) Cleaning and Maintenance.

(1) Grease traps/interceptors shall be operated and maintained in accordance with the manufacturers recommendations and maintained in an efficient operation condition at all times.

(2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 Texas Administrative Code § 312.143, as amended.

(c) Cleaning Schedules.

(1) Grease traps/interceptors shall be cleaned as often as necessary: to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease traps/interceptors subject to these standards shall be completely evacuated a minimum of two (2) times annually, or more frequently when:

a. Twenty-five percent (25%) or more of the wetted height of the grease trap/interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases; or

b. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or

c. If there is a history of noncompliance.

(3) In any event, a grease trap/interceptor shall be fully evacuated and cleaned twice annually and inspected annually.

(d) Manifest requirements.

(1) Each pump-out of a grease trap/interceptor must be accompanied by a manifest as outlined in Article IV, Section 16-135 to be used for record keeping purposes.

(2) Copies of manifests shall be retained for three (3) years and be readily available for review by the POTW.

(e) City inspections.

(1) Manifests. The City's Health/Utilities Divisions shall perform inspections a minimum of once a year required transporter manifest records as part of their inspection program and will receive and file the City's manifest copy.

(2) Grease traps. The City Utilities Division will perform periodic physical inspections of grease traps/interceptors.

a. Inspections will determine a point in time near the end of the current cleaning frequency for inspection. If twenty-five (25) percent or more of the wetted height of the grease trap/interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases, the cleaning and inspection frequency will be increased. Inspections will determine if the current cleaning frequency is sufficient or if the cleaning needs to be performed at a different frequency. This may be more or less often than the current cleaning frequency.

b. A copy of the City grease trap/interceptor inspection report will be discussed with, provided to, and signed by the generator's on-duty manager or senior representative that is present for duty at the time.

c. Facilities that exceed the twenty-five (25) percent criteria at the time of City inspection are required to service their grease trap within ten (10) calendar days after the date of the inspection. This will be noted on the inspection report.

d. Facilities will be notified by mail by the City if their cleaning frequency has changed from the current interval based on the results of the City's physical grease trap/interceptor inspections.

e. Regardless of grease trap inspection observations, facilities that establish a history of generating illicit discharges, sewer backups, or sanitary sewer overflows due to grease deposition in the grease trap, floor drains, or in their sewer lateral or main may be required to implement grease trap cleaning more often than is currently performed.

f. City staff will maintain records of the currently required cleaning interval.

g. In the event of a sewer overflow, an immediate cleaning will be required within 24 hours which will require a re-inspection by the City.

(f) Alternative treatment.

(1) Offense. A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include but are not limited to, enzymes, soap, diesel, kerosene, terpene, and other solvents.

(2) Affirmative defense. It is an affirmative defense that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

(3) Bioremediation media as referenced in Chapter 16, Article V may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:

a. The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160/F (71/C).

b. The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.

c. The use of the bioremediation media does not cause foaming in the sanitary sewer.

d. The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.

(4) All testing designed to satisfy the criteria set forth in Section 16-209(f)(3) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, Texas Administrative Code § 319.11, as amended. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

Sec. 16-606. – Inspection Fees.

An annual grease and grit trap inspection fee will be charged for inspection of each grease trap/interceptor. See Appendix D for applicable fees.

Cross reference – Water Service Charges (Grease and grit trap); Sec. 15-102 – Mesquite Sewer Services Charges, Article XV – Water and Sewer, Appendix D – Comprehensive Fee Schedule.

Sec. 16-607. – 16-700. – Reserved.

DIVISION 2. – PROHIBITED ACTS AND OFFENSES

Sec. 16-701. – Violations in general.

A person who violates a provision of this chapter, or who fails to perform an act required of him/her by this chapter, commits an offense.

Sec. 16-702. – Offenses.

- (a) It shall be unlawful for any person to violate any of the provisions of this article, or for any person who owns, operates or is in charge of any facility which generates fats, oils, and grease, to allow any person employed at said facility to violate any provisions of this article.
- (b) It shall be unlawful for any person to interfere with the City's designated representative in the performance of their duties as prescribed by this article.

Sec. 16-703 – 16-730 – Reserved.

DIVISION 3. ENFORCEMENT AND PENALTIES

Sec. 16-731. - Rules and regulations.

- (a) The City may promulgate rules and regulations as may be necessary to carry out the provisions of this article and protect the public from health and safety hazards.
- (b) The City may undertake immediate actions as may be necessary to protect the public from health and safety hazards.

Sec. 16-732. – Enforcement.

The provisions of this article shall be enforced by the City Health Official and his/her designated representatives. Each shall have the authority to issue citations to persons violating the provisions of this article.

Sec. 16-733. – Penalties.

- (a) *General penalties.* Any violation of the provisions or terms of this article shall constitute an offense and shall be subject to a penalty of fine, or as otherwise may be provided, in Mesquite City Code, Section 1-6, as amended.
- (b) *Responsibility for violation by a corporation or association.* In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.
- (c) *Liability for Clean-up costs.* Any person found to be guilty of violating provisions of this article shall become liable to the City for any expense, loss, or damage occasioned by the City for reasons of appropriate clean-up and proper disposal of waste materials. Additionally, an administrative fee equal to one-half (½) of assessed clean-up costs shall be levied by the City against the guilty person.

Sec. 16-734 – 16-800. – Reserved.

EXHIBIT “B”

To Ordinance No. 4914

Appendix D – Comprehensive Fee Schedule
ARTICLE XV. – WATER AND SEWER

MESQUITE CITY CODE

* * *

APPENDIX D – COMPREHENSIVE FEE SCHEDULE

* * *

ARTICLE XV. - WATER AND SEWER

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough.~~]

Sec. 15-100. – Mesquite Water Service Charges.

* * *

City collection fee\$100.00

Backflow inspections:

Per device per year\$25.00

Inspector certification—one-time fee\$100.00

Cross references –

Mesquite City Code, Chapter 16 – Water and Liquid Waste.

~~Sewer service charges:~~

~~Residential (rate per 1,000 gallons with maximum 8,000 gallons):~~

~~First 1,000 gallons of water used\$16.39~~

~~Over 1,000 gallons of water used\$6.44~~

~~Commercial (rate per 1,000 gallons):~~

~~First 1,000 gallons of water used\$16.39~~

~~Over 1,000 gallons of water used\$6.44~~

~~Apartments (rate per unit per 1,000 gallons):~~

~~First 1,000 gallons of water used\$16.39~~

~~Over 1,000 gallons of water used\$6.44~~

~~Sewer service charge—Kingsborough Lower East Fork Interceptor System (LEFIS)Set by Interlocal Government~~

~~Backflow inspections:~~

~~Per device per year\$25.00~~

~~Inspector certification—one-time fee\$100.00~~

~~Grease and grit trap:~~

~~Permit fee\$250.00~~

~~Inspection fee per year\$25.00~~

~~Water and sewer pro-rata collection feeSet by Interlocal Agreement~~

~~Pretreatment inspection (per month)\$1,800.00~~

* * *

[Editor's Note: ADD new Sec. 15-102 as follows.]

Sec. 15-102. – Mesquite Sewer Service Charges.

Sewer service charges:

Residential (rate per 1,000 gallons with maximum 8,000 gallons):

First 1,000 gallons of water used\$16.39

Over 1,000 gallons of water used\$6.44

Commercial (rate per 1,000 gallons):

First 1,000 gallons of water used\$16.39

Over 1,000 gallons of water used\$6.44

Apartments (rate per unit per 1,000 gallons):

First 1,000 gallons of water used\$16.39

Over 1,000 gallons of water used\$6.44

Sewer service charge—Kingsborough Lower East Fork Interceptor System (LEFIS)Set by Interlocal Government

Grease and grit trap:

Permit feeSee [Sec. 12-103 – Liquid Waste Hauler.](#)

Inspection fee per year\$25.00

Water and sewer pro-rata collection feeSet by Interlocal Agreement

Pretreatment inspection (per month)\$1,800.00

Cross references –

Mesquite City Code, Chapter 16 – Water and Liquid Waste.