

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, CHAPTER 12.5 “ENVIRONMENTAL PROTECTION AND COMPLIANCE”; BY AMENDING ARTICLE VI “INDUSTRIAL WASTEWATER”: SECTION 12.5-658 “NOTIFICATION OF VIOLATION BASED ON SELF-MONITORING”; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$2,000.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Pretreatment Division of the Fort Worth Water Department operates a pretreatment program designed to prevent the introduction of pollutants into the City’s wastewater system that will interfere with its operation;

**WHEREAS**, the purposes of the pretreatment program include protecting the health and safety of City personnel and the general public, promoting the reuse and recycling of industrial wastewater and sludge, and enabling the City to comply with federal and state regulations;

**WHEREAS**, pursuant to Section 12.5-658 of the City Code, significant industrial users (Group I), are prohibited from discharging wastewater into the City’s wastewater system without a wastewater discharge permit.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:**

Section 1.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 2 “Discharge Prohibitions And Limits”, Section 12.5-658 “Notification of violation based on self-monitoring” shall be amended to be as follows:

**Section 12.5-658. Notification of violation based on self-monitoring.**

If a User's monitoring and wastewater analysis indicates that a violation has occurred, the User shall:

(a) Inform the Director within twenty-four (24) hours of becoming aware of the violation; and

(b) Within ten (10) days submit to the Director a report which identifies:

- (1) The time, date, location, processes, and operations associated with the violation, and the personnel assigned responsibility and/or present during the violation;
- (2) The cause or probable cause of the noncompliance; and
- (3) The actions taken and implemented to meet permit conditions.

(c) Repeat the sampling and pollutant analysis and submit to the director a written report of the results of this second analysis within thirty (30) days after becoming aware of the violation. The user is not required to resample if the director monitors at the user’s facility at least once a month, or if the director samples between the user’s initial sampling and when the user receives the results of this sampling.

Section 2

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provision of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

### Section 3

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### Section 4

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### Section 5.

All rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the provisions of the ordinances amended and repealed in Section 1, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and Section 4 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 2, Chapter XXV, of the Charter of the City of Fort Worth, Texas and by Section 52.013, Texas Local Government Code.

Section 7.

This ordinance will take effect after the required publication as described in Section 6.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Christa R. Lopez-Reynolds  
Sr. Assistant City Attorney

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_