

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.5, “ENVIRONMENTAL PROTECTION AND COMPLIANCE,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING ARTICLE I, DIVISION 1, SECTION 12.5-103 TO REVISE THE DEFINITION OF CATEGORICAL INDUSTRIAL USER; AMENDING ARTICLE VI, DIVISION 2, SECTION 12.5-610.2 TO REVISE THE PROHIBITIONS AND LIMITS FOR DISCHARGES TO THE TRINITY RIVER AUTHORITY DENTON CREEK REGIONAL WASTEWATER SYSTEM; AMENDING ARTICLE VI, DIVISION 7, SECTIONS 12.5-671.1 AND 12.5-671.2 TO REVISE REGULATIONS PERTAINING TO PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE FOR FACILITIES DISCHARGING TO THE TRINITY RIVER AUTHORITY CENTRAL REGIONAL WASTEWATER SYSTEM AND THE TRINITY RIVER AUTHORITY DENTON CREEK REGIONAL WASTEWATER SYSTEM; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY 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 program designed to prevent the introduction of pollutants into the City’s wastewater system that will interfere with its operation; and

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

WHEREAS, pursuant to Section 12.5-610 of the City Code, local pollutant limits on industrial discharge are established and permits for certain significant discharges are required to protect the health and safety of the City’s wastewater and system; and

WHEREAS, the definition of Categorical Industrial User is not currently included in the definitions section of Chapter 12.5, Article VI: Industrial Wastewater and needs to be added; and

WHEREAS, the Texas Commission on Environmental Quality (“TCEQ”), at the request of the Trinity River Authority, has removed the specific prohibition for total toxic organic materials for the Trinity River Authority Denton Creek Regional Wastewater System; and

WHEREAS, the local limits for wastewater discharge into the Trinity River Authority Denton Creek Regional Wastewater System need to be amended based on new calculations

performed by the Trinity River Authority, and approved by the TCEQ; and

WHEREAS, TCEQ approved the Trinity River Authority's request to implement pretreatment streamlining provisions regarding the deadline for industrial users who discharge wastewater to the Trinity River Authority Denton Creek Regional Wastewater System and the Trinity River Authority Central Regional Wastewater System to be subject to the same reporting requirements as industrial users who discharge wastewater to the City's Village Creek Water Reclamation Facility; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

SECTION 1.

Chapter 12.5, "Environmental Protection and Compliance," Article I "Administration and Enforcement," Division 1, "General Provisions," Section 12.5-103 "Definitions" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended by amending the definition of "Categorical Industrial User" to be and read as follows:

CATEGORICAL INDUSTRIAL USER. An Industrial User subject to a categorical Pretreatment Standard or categorical standard.

SECTION 2.

Chapter 12.5, "Environmental Protection and Compliance," Article VI "Industrial Wastewater," Division 2, "Discharge Prohibitions and Limitations," Section 12.5-610.2 "Discharges to the Trinity River Authority Denton Creek Regional Wastewater System," Subsection (b) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to be and read as follows:

- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.5 ~~6.0~~ or more than ~~10.0~~ 11.0, or otherwise causing corrosive or structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (1/2) inch in any dimension or fats, oil and grease measured as total oil and grease in

excess of two hundred (200) mg/l;

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) 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 safety problems;
- (8) Trucked or hauled waste except at discharge points designated by the director;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; hydrogen sulfide, sulfur dioxide or nitrous oxide in excess of ten (10) parts per million;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test; ~~total toxic organics in excess of one mg/l collected as a grab sample.~~

- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or
- (17) Swimming pool drainage from private residential pools. Swimming pool drainage from public and semi-public swimming pools may be discharged to the POTW with the prior consent of the director. Swimming pool filter backwash may be discharged to the POTW.

SECTION 3.

Chapter 12.5, "Environmental Protection and Compliance," Article VI "Industrial Wastewater," Division 2, "Discharge Prohibitions and Limitations," Section 12.5-610.2 "Discharges to the Trinity River Authority Denton Creek Regional Wastewater System," Subsection (d) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to be and read as follows:

(d) *Local limits.*

- (1) The following local pollutant limits are established to protect against pass through and interference. The limits apply at the point where the wastewater is discharged to the POTW. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations. All concentrations for metallic substances are for total metal unless indicated otherwise.
- (2) No person shall discharge wastewater containing pollutants in the form of compounds or elements with total concentrations exceeding the following:

POLLUTANT	Instantaneous Maximum Allowable Discharge Limit mg/L
Arsenic	0.1
Barium	1.0
Cadmium	0.1 <u>0.047</u>
Chromium, <u>Total</u>	1.0 <u>10.0</u>
Copper	1.5 <u>3.51</u>
Lead	1.0 <u>0.22</u>

Mercury	0.005
Nickel	1.0 <u>2.98</u>
Selenium	.05
Silver	0.1
Zinc	2.0 <u>2.99</u>
Cyanide or cyanogen compounds (expressed as total CN-), Total	1.0

SECTION 4.

Chapter 12.5, “Environmental Protection and Compliance,” Article VI “Industrial Wastewater,” Division 7, “Compliance Monitoring and Enforcement,” of the Code of the City of Fort Worth, Texas (2015), as amended, Section 12.5-671.1, “Publication of Users in Significant Noncompliance for Facilities Discharging to the Trinity River Authority Central Regional Wastewater System,” Sub-section (b), is hereby amended to be and read as follows:

- (b) For purposes of this Section, the term ***SIGNIFICANT NONCOMPLIANCE*** shall mean:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other discharge violation of a pretreatment standard or requirement as defined by 40 C.F.R. § 403.3(l) (daily maximum, long-term average or a narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of his emergency authority to halt or prevent such a discharge;

- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within ~~thirty (30)~~ forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 5.

Chapter 12.5, "Environmental Protection and Compliance," Article VI "Industrial Wastewater," Division 7, "Compliance Monitoring and Enforcement," of the Code of the City of Fort Worth, Texas (2015), as amended, Section 12.5-671.2, "Publication of Users in Significant Noncompliance for Facilities Discharging to the Trinity River Authority Denton Creek Regional Wastewater System," Sub-section (b), is hereby amended to be and read as follows:

- (c) For purposes of this Section, the term ***SIGNIFICANT NONCOMPLIANCE*** shall mean:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other discharge violation of a pretreatment standard or requirement as defined by 40 C.F.R. § 403.3(l) (daily maximum, long-term average or a narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of his emergency authority

to halt or prevent such a discharge;

- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within ~~thirty (30)~~ forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 6.

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 provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 7.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Code of the City of Fort Worth 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 8.

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 9.

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 exists shall constitute a separate offense.

SECTION 10.

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

SECTION 11.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Kevin Anders
Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED: _____

EFFECTIVE: _____