

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.5, “ENVIRONMENTAL PROTECTION AND COMPLIANCE,” ARTICLE VI “INDUSTRIAL WASTEWATER” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING SECTION 600 “DEFINITIONS” AND SECTION 610 “DISCHARGES TO THE CITY OF FORT WORTH VILLAGE CREEK WASTEWATER TREATMENT FACILITY” TO PROHIBIT THE DISCHARGE OF PER-AND POLYFLUOROALKYL SUBSTANCES, COMMONLY REFERRED TO AS PFAS, INTO THE CITY’S VILLAGE CREEK WASTEWATER TREATMENT FACILITY; 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, per-and polyfluoroalkyl substances (PFAS) are a class of man-made chemicals that do not naturally break down and have been linked to negative health and environmental outcomes; and

WHEREAS, the United States Environmental Protection Agency (EPA) has identified reducing the amount of PFAS introduced into wastewater and wastewater systems by industries as a key component of its overall strategy to remediate PFAS pollution, in addition to regulating PFAS through other federal regulations and laws; and

WHEREAS, the EPA has issued guidance for Best Management Practices for reducing or eliminating PFAS discharges into wastewater and wastewater facilities in conjunction with federal regulations; and

WHEREAS, the City desires to restrict PFAS discharges into City wastewater and

facilities to allowable amounts in accordance with federal regulations;

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 VI "Industrial Wastewater," Division 1, "General Provisions," Section 12.5-600 "Definitions" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to add the following definition:

PER-AND POLY-FLUOROALKYL SUBSTANCES (PFAS). The following group of synthetic chemicals used in industrial and consumer products which do not degrade easily in the environment: Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonic Acid (PFOS), Perfluorononanoic Acid (PFNA), Perfluorohexane Sulfonate (PFHxS), Perfluorobutane Sulfonate (PFBS), and Perfluorohexanoic Acid (PFHxA).

SECTION 2.

Chapter 12.5, "Environmental Protection and Compliance," Article VI "Industrial Wastewater," Division 2, "Discharge Prohibitions and Limitations," Section 12.5-610 "Discharges to the City of Fort Worth Village Creek Wastewater Treatment Facility" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to amend Subsection (b) 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 140°F (60°C) using the test methods specified in 40 C.F.R. § 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 12.0, 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 inch in any dimension;
- (4) Oil and grease.
 - a. Petroleum oil, non-biodegradable cutting oil, or non-polar products of mineral oil origin in concentrations greater than 200 mg/L;

- b. Visible free floatable polar oils, fats, or grease or a concentration greater than 250 mg/L in wastewater discharged from industrial or commercial facilities into the POTW; and
 - c. In no case shall discharges in amounts that cause interference or operational problems with the POTW be allowed;
- (5) 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;
 - (6) Wastewater having a temperature greater than 150°F (65°C), 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 104°F (40°C);
 - (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (8) 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;
 - (9) Industrial Waste
 - a. _____Trucked or hauled industrial waste, except as approved in writing by the director; or
 - b. _____Trucked or hauled waste from any industrial activities/processes regulated by any specific category listed in 40 Code of Federal Regulations (40 CFR) Parts 405 – 471 with detectable quantities of PFAS;
 - (10) 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;
 - (11) Hydrogen sulfide, sulfur dioxide or nitrous oxide in excess of ten parts per million in water.
 - (12) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
 - (13) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

- (14) Stormwater, 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;
- (15) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (16) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
- (17) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (18) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (19) 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; ~~or~~
- (20) BTEX concentration greater than 1.0 mg/L; or
- (21) Any PFAS or PFAS-related substances above baseline collection system concentrations of 25 ng/L without an approved plan of correction, as defined in the dischargers permit, which employs "Best Management Practices" (BMPs) to reduce or eliminate the pollutants within one year of detection/notification.

SECTION 3.

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 4.

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 5.

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 6.

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 7.

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 8.

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

APPROVED AS TO FORM AND LEGALITY:

Kevin Anders
Assistant City Attorney I

Jannette S. Goodall
City Secretary

ADOPTED: _____

EFFECTIVE: _____