



April 20, 2021

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date via videoconference, with the opportunity to appear in person in the City Council Chambers of City Hall, 202 East Pilar Street, Nacogdoches, Texas, with an Executive Session beginning at 4:30 p.m. and Regular Session beginning at 5:30 p.m. for the purpose of considering the following agenda items.

In accordance with Orders of the Governor due to the COVID-19 pandemic, the City of Nacogdoches City Council meeting will be deemed as being conducted via teleconference or videoconference. However, some City Council Members may attend virtually, while others may be present in the above stated physical location. Regardless, the meeting will be streamed live at <https://www.nactx.us/21> There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers. For those attending in person, strict adherence to COVID-19 related CDC guidelines will be enforced at all times.

Members of the public who wish to submit comments by telephone on a listed agenda item must contact the City Secretary's office by email at vinsonj@nactx.us or by calling 936-559-2506 and providing their name, telephone number and relevant agenda item upon which they wish to speak. All requests to make comments by telephone must be received by 12:00 p.m. on April 20, 2021. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. Call to order.
2. Pledge of Allegiance.

Council may conduct Executive Session deliberation, reconvening open session for action, if any, on Executive Session items. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by presiding officer.

3. **EXECUTIVE SESSION:**

- A. Personnel Matters – Pursuant to Texas Government Code Section 551.074, deliberations regarding the duties of a public officer or employee. The subject of this Executive Session is to discuss and give feedback to the City Manager.

4. Open for action, if any, on Executive Session item(s).

5. Recognitions:

- A. Recognition of community partners in the fight against COVID-19. (Mayor)

6. Open Forum.

7. Items to be removed from Consent Agenda.
8. **CONSENT AGENDA:** Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of minutes from April 6, 2021 regular meeting and April 13, 2021 special meeting. (City Secretary)
 - B. Consider a resolution designating City Manager Mario Canizares as authorized official and signatory for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Programs (TxCDBG). (Finance Director)
 - C. Consider approval of the sale and consumption of alcohol in Festival Park for the Full Moon Summer Concert Series event on May 29, 2021 and July 24, 2021. (Convention and Tourism Director)
9. **REGULAR AGENDA:**
 - A. **Public Hearing:** Consider an ordinance for a Specific Use Permit for an Accessory Apartment, for Lot 7-A, being part of Lot 7-B, City Block 67 as described in a deed from Thomas Stanley, et ux, to Glen Anderson, et ux, dated April 21, 2003, recorded in Volume 1981, Page 196 of the DRNCT. This property is located at 225 East Parker Road. This request has been submitted by Brent & Heather Beal. Case File SUP2021-02.(City Planner)
 - B. **Public Hearing:** Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-1, Single Family to B-2, General Business, for approximately 10.9 acres, being Lot 1-A, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File ZON2021-01. (City Planner)
 - C. Receive a report, hold a discussion and give staff direction concerning street maintenance activities. (Assistant Director of Public Works)
 - D. Consider an ordinance of the City of Nacogdoches, Texas regulating the collection of sewage in the City requiring pretreatment and permits for certain discharges; amending Chapter 106 Division 2 "Sewer Use Regulations", Section 106-66 through 106-79, of the Code of Ordinances for the City of Nacogdoches, Texas, providing a continuation clause; providing a repeal clause; providing a penalty clause; and providing an effective date. (City Engineer)
 - E. Presentation of Mid-Year financial update. (Finance Director)

- F. Consider ordinance amending ordinance no. 1835-09-20 to cover emergency expenditures and unanticipated revenues for fiscal year 2020-2021 due to Mid-Year Budget Adjustments. (Finance Director)

10. Adjourn.



Jan Vinson, City Secretary



This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at 936/559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on April 15, 2021 at 12 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary



City Council Meeting

Date: April 20, 2021

Agenda Item: 3.A.

PRESENTER: Shelley Brophy

ITEM/SUBJECT: Personnel Matters – Pursuant to Texas Government Code Section 551.074, deliberations regarding the duties of a public officer or employee. The subject of this Executive Session is to discuss and give feedback to the City Manager.

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Shelley Brophy, Mayor
sbrophy@nactx.us
936-559-2506

ATTACHMENTS:



City Council Meeting

Date: April 20, 2021

Agenda Item: 5.A.

PRESENTER: Shelley Brophy

ITEM/SUBJECT: Recognition of community partners in the fight against COVID-19. (Mayor)

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Shelley Brophy, Mayor
sbrophy@nactx.us
936-559-2506

ATTACHMENTS:



City Council Meeting

Date: April 20, 2021

Agenda Item: 8.A.

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of minutes from April 6, 2021 regular meeting and April 13, 2021 special meeting. (City Secretary)

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jan Vinson, City Secretary
vinsonj@nactx.us
936-559-2506

ATTACHMENTS: 1. 04.06.21 Minutes
2. CC041321 Minutes



**Regular Session
Nacogdoches City Council
April 6, 2021 – 5:30 p.m.
Videoconference**

DRAFT

City Council present in person: Mayor Shelley Brophy, Council Members Roy Boldon, Amelia Fischer and Jay Anderson. **Absent:** Council Member Garth Hinze

1. Called to order at 5:32 p.m.
2. Pledge of Allegiance.
3. Mayor Brophy read a proclamation declaring April 2021 as Fair Housing Month and a proclamation declaring April 6, 2021 as Mayor’s Monarch Pledge Day.
4. Pat Castella who lives on Logansport Street, asked City Council to repeal Ordinance 1833-08-20 because it is flawed, violates current City Ordinances and is an ethical violation. She discussed what she believes are erroneous statements published by a City Council Member regarding re-zoning on Logansport Street, the need for single family homes not rental property and infill development.
5. No items removed from Consent Agenda.
6. **CONSENT AGENDA:** Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Minutes from March 9, 2021 and March 30, 2021 special session, and March 16, 2021 regular session.
 - B. Consider an ordinance of the City of Nacogdoches, Texas for the conveyance of 0.785 acres of land, more or less, including easements to Endura Products, Inc., (“Endura”) formerly known as Burns Morris & Stewart Limited Partnership (“BMS”), authorizing the Mayor to execute necessary documents of conveyance, making findings, providing for a severability clause, establishing an effective date, establishing proper notice and open meeting, and ordering appropriate filing.
 - C. Consider ordinance amending Ordinance No. 1835-09-20 appropriating various amounts in accordance with budget adopted for ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021. (Airport Improvements and/or Expansion)
 - D. Consider tax resale authorization for Lot 16D-1, Block 55, more or less, in the J.L. Boden Survey, A-81, located in the City of Nacogdoches, Texas; more fully described in Volume 546, Page 509 in the real property records of Nacogdoches County, Texas. (17-055-0016-040100)
 - E. Consider tax resale authorization for Lot 13, Block 6, Section 4 of the Arbor Oaks Subdivision, City of Nacogdoches, as set out and delineated on the map and plat of said subdivision as recorded in Volume 2, Page 52, Plat Records of Nacogdoches County, TX; also, being described in conveyance from Joyce P. Andrews to Emmitt Patton in a deed dated October 16, 1991, recorded in Volume 794, Page 215, Real Property Records of Nacogdoches County, Texas. (18-022-5606-013000)
 - F. Consider tax resale authorization for 1016 Orton Street being Lot 5, Block 1, out of the John G. Orton Survey, Nacogdoches County, Texas more fully described in Volume 02796 Page 00169, Official Public Records, Nacogdoches County, Texas. (18-437-6201-00500)
 - G. Consider tax resale authorization for 1524 Coleman Street being Lot 6, Hoya Subdivision, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 166, Page 23, Deed Records of Nacogdoches County, Texas. (18-298-5900-006000)
 - H. Consider tax resale authorization for property on Powers Street being Lot 8-F, Block 43 located in Nacogdoches County, Texas more fully described in Volume 372, Page 788, Deed Records of Nacogdoches County, TX. (17-043-1008-060000)

Minutes unofficial until approved by City Council

- I. Consider tax resale authorization for property on Old Tyler Road being Lot 28, Block 61, in the Harvey Austin Subdivision located in the Sylvester Moreland Survey; more fully described in Volume 366, Page 167 Nacogdoches County, Texas. (11-026-6100-028000)
- J. Consider approval of an interlocal agreement between the City of Nacogdoches and Stephen F. Austin State University relating to COVID-19 vaccine administration, outreach and assistance.

Council Member Roy Boldon moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

7. REGULAR AGENDA:

- A. Receive Nacogdoches County Exposition and Civic Center Annual Report.

Anita Scott, Nacogdoches County Exposition and Civic Center Director, presented an economic impact report October 1, 2020. Mrs. Scott acknowledged her staff and thanked them for their work. Other discussions included limited events and activities held at the Exposition Center over the past fiscal year due to Covid-19. Staff did continue to work during the pandemic shut-down completing cleaning, construction and landscaping projects. The Exposition and Civic Center has been hosting Covid-19 vaccination clinics over the past several months working closely with Nacogdoches City and County emergency management teams.

City Council thanked Mrs. Scott and her staff for their hard work.

- B. Consider approval of the strategic priorities for the City of Nacogdoches, Texas as discussed at the City Council Retreat held on February 11, 2021.

City Manager Mario Canizares recapped discussions from the City Council Retreat held on February 11, 2021 which included reputational drivers, pressing needs and strategic priorities. Reputational drivers included representing the community through policy discussions and actions, communicate vision and policy, make life better for all, community engagement and transparency, trustworthiness, quality of life and economic vitality. Pressing needs included infrastructure, I-69 corridor, neglected neighborhoods, community engagement, livable wage jobs, unemployment and under employment, attainable housing, generational poverty and community collaboration. As a result of these discussion City Council identified seven strategic priorities which are 1) Creating a downtown entertainment and destination district. 2) Focus on neighborhood revitalization and attainable housing options. 3) Improve community engagement to foster a diverse environment. 4) Improve the City's infrastructure. 5) Plan to maximize the Interstate 69 development. 6) Promote economic development. 7) Promote improved value-driven education and job training for the entire community.

Pat Castella spoke during public comment stating she appreciates revitalization and housing but neighborhood revitalization does not include student housing. She also inquired about when the City will begin posting signs on properties considered for rezoning.

City Manager Canizares discussed options to consider when acting on these priorities and next steps which will include creating a communication plan, developing work plans through current and future budgets, and regular progress reports to City Council.

Council Member Amelia Fischer expressed the importance of community input and revisiting the priorities for possible revisions. Council Member Jay Anderson suggested a timeframe be set for community input and revisiting the priorities. Council Member Roy Boldon stated the City has not done a good job communicating with the public as a whole but it is important to start this process.

Mr. Canizares stated City Council could have an annual review/retreat with an outside facilitator to discuss priorities, where we are and where we want to go.

Council Member Roy Boldon moved approval; motion duly seconded by Council Member Amelia Fischer and carried by unanimous vote.

- C. Consider approval of a contract by and between the City of Nacogdoches and Duplichain Contractors, LLC for the Ford Street Storm Sewer Rehabilitation Project in a not-to-exceed amount of \$317,155.00.

Case Opperman, Assistant Public Works Director, stated this item is for the relocation and rehabilitation of an existing storm sewer line which runs along Ford Street from Harris Street to Virginia Avenue affecting several properties. Three bids were received and Duplichain was the lowest bidder at \$317,155.00.

The existing storm sewer line is failing and has caused sinkholes and other issues to property. This rehabilitation will include one section of pipe using a cast-in-place liner, relocation of another section of the line, and new storm sewer inlets will be installed.

Council Member Roy Boldon moved approval; motion duly seconded by Council Member Amelia Fischer and carried by unanimous vote.

- D. Consider an ordinance amending Ordinance Number 1835-09-20 appropriating various amounts in accordance with the budget adopted for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021. (Ford Street Storm Sewer Rehabilitation)

City Council previously approved \$300,000 for storm sewer replacement on Ford Street for the current fiscal year. Assistant Public Works Director Case Opperman stated that funds had been allocated for design and construction phase services for Schaumburg & Polk, Inc. and ancillary costs for bid advertisement for a combined cost of \$41,300.00. Staff is requesting consideration of a budget amendment in the amount of \$100,000 to fund the project which would allow for some contingencies for unforeseen change orders during construction. This amount would be from available reserve funds in the Utility Fund.

Council Member Amelia Fischer moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

- E. Consider interlocal agreement form of contract with Stephen F. Austin State University (SFASU) for beer and wine sales at SFASU home baseball and softball games at the Pete Smith Baseball Complex and authorize the City manager to execute so long as there are non-substantial changes after review by the interim City Attorney.

Stephen F. Austin State University utilizes two fields at the Nacogdoches Baseball Complex. The City maintains ownership of those fields while SFASU provides equipment, maintenance and activities for the two fields. Community Services Director Brian Bray stated that SFASU Athletics is requesting permission to sell beer and wine inside the complex at their two fields only. The contract states there must be a boundary for consumption and a boundary for the sale of beer and wine and all TABC regulations will be followed.

Pat Castella asked during public comment if the City will receive any revenue from the sale of beer and wine. Mayor Brophy stated no.

City Council discussed fencing, liability and consumption areas.

Council Member Amelia Fischer moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

- F. Ratify and approve a time and materials authorization for Ceres Environmental to provide street side brush collection and brush grinding services in an amount not to exceed \$300,000.

Steve Bartlett, Public Works Director, stated the February winter storm left record amounts of brush and limbs across the city making it impossible for City crews to collect. Ceres Environmental Services was awarded a Debris Management contract in September 2019 with 5 annually renewable terms. This contract identifies the processes, equipment, and unit prices that will be used in the event the City needs disaster assistance, but requires individual work authorizations with not-to-exceed cost limits. The City initiated brush collection assistance from Ceres Environmental in March which was issued as part of an emergency response under the Disaster Declaration issued by Mayor Brophy.

Council Member Jay Anderson moved approval; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

- G. Consider an ordinance amending Ordinance No. 1835-09-20 appropriating various amounts in accordance with budget adopted for ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021. (Brush Collection and Grinding)

City Engineer Steve Bartlett stated this budget amendment ordinance is to pay for costs associated with the outsourced brush collection and grinding with Ceres Environmental Services not to exceed \$300,000. Adequate funds are available in the Sanitation Fund.

Council Member Amelia Fischer moved approval; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

8. Meeting adjourned at 6:59 p.m.

ATTEST:

Mayor Shelley Brophy
City Council
City of Nacogdoches

Jan Vinson, City Secretary



Special Session
Nacogdoches City Council
April 13, 2021 – 5 p.m.
City Council Chamber-City Hall
202 East Pilar Street

DRAFT

City Council present in person: Mayor Shelley Brophy, Council Members Garth Hinze, Amelia Fischer and Jay Anderson. **City Council present via videoconference:** Council Member Roy Boldon

1. Called to order at 5:00 p.m.
2. Pledge of Allegiance.
3. No one spoke during Open Forum.

City Council convened Executive Session at 5:02 p.m.

4. **EXECUTIVE SESSION:**
 - A. Personnel Matters – Pursuant to Texas Government Code Section 551-074, deliberations regarding the appointment or employment of a public officer or employee. The subject of this Executive Session is to discuss appointment or employment related matters concerning City Attorney search.

City Council reconvened in Open Session at 5:17 p.m.

5. Council Member Amelia Fischer moved to hire Steven Kirkland as its City Attorney; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.
6. Meeting adjourned at 5:18 p.m.

ATTEST:

Mayor Shelley Brophy
City Council
City of Nacogdoches

Jan Vinson, City Secretary

Minutes unofficial until approved by City Council



City Council Meeting

Date: April 20, 2021

Agenda Item: 8.B.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Consider a resolution designating City Manager Mario Canizares as authorized official and signatory for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Programs (TxCDBG). (Finance Director)

SUMMARY/BACKGROUND: The City of Nacogdoches has received Texas Community Development Block Grant awards in the past and in preparation for future applications it is necessary to appoint someone to execute contract documents and documents requesting funds from the Texas Department of Agriculture.

By approval of this resolution City Manager Mario Canizares is authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for Texas Community Development Block Grant Programs, and the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in Texas Community Development Block Grant Programs.

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Pam Curbow, Finance Director
curbowp@nactx.us
936-559-2526

ATTACHMENTS: 1. CDBG Grant Resolution Designate Authorized Official and Signatory

RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS DESIGNATING AUTHORIZED OFFICIAL AND SIGNATORY FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS (TxCDBG).

WHEREAS, the City of Nacogdoches, Texas has received Texas Community Development Block Grant awards in the past, and in preparation for future applications, and;

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG *Depository/Authorized Signatories Designation Form* is to be submitted with a copy of this Resolution, and;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES TEXAS, AS FOLLOWS:

The City Manager Mario Canizares is authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for Texas Community Development Block Grant Programs.

The City Manager Mario Canizares is authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in Texas Community Development Block Grant Programs.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS
on this 20th day of April 2021.

By: _____
SHELLEY BROPHY, Mayor

ATTEST:

APPROVED AS TO FORM:

JAN VINSON, City Secretary

Robert Davis, City Attorney

APPROVED AS TO CONTENT:

Pam Curbow, Director of Finance



City Council Meeting

Date: April 20, 2021

Agenda Item: 8.C.

PRESENTER: Sherry Morgan, Executive Director at Nacogdoches Convention & Visitors Bureau

ITEM/SUBJECT: Consider approval of the sale and consumption of alcohol in Festival Park for the Full Moon Summer Concert Series event on May 29, 2021 and July 24, 2021. (Convention and Tourism Director)

SUMMARY/BACKGROUND: Full Moon Summer Concert Series, hosted by Visit Nacogdoches, will be held on Saturday, May 29, 2021 and Saturday, July 24, 2021 in Festival Plaza.

Full Moon Summer Concert Series will be an outdoor evening concert featuring 1970s and 1980s tribute bands. The events will begin at 6:30 PM and end at 10:15 PM and will take place entirely in Festival Plaza and will not require the closure of Main Street. This is a ticketed event with tickets being pre-sold for \$10 and \$5 as a fundraiser for Visit Nacogdoches.

Visit Nacogdoches is requesting City Council approval for the sale of alcohol at two separate concerts; one on May 29, 2021 and one on July 24, 2021. Per City ordinance, it is required that all events not hosted by the City of Nacogdoches obtain approval prior to the event in order to sell alcohol 60 days in advance. Due to the Executive Orders recently in place by the Office of the Governor concerning Pandemic Safety protocols, and this being a new fundraising effort for this local non-profit, this window was not met. However, event organizers have had several meetings with appropriate City departments and have submitted their festival permit. They also intend to follow all City ordinances related to the sale of alcohol in festival park including (1) providing a map to distinguish sales area for alcohol consumption (2) providing fencing for the area (3) only allowing alcoholic beverages to be consumed in accordance with state law. Wristbands will be utilized to mark those attendees eligible to consume alcohol.

The group also intends to hire off-duty security officers to meet the requirements of the ordinance and will not allow glass to be utilized to dispense beverages.

The TABC permit will be pulled by Kevin White, owner of Banita Creek Hall.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Downtown Entertainment and Destination District

CITY CONTACT: Joanna Temple, Convention and Tourism Director of Sales and Promotions sales@visitnacogdoches.org

936-564-7351

- ATTACHMENTS:**
1. Ordinance on Alcohol in park
 2. Map

Sec. 74-62. - Consumption and possession of alcoholic beverages.

- (a) It shall be unlawful for any person to possess or consume alcoholic beverages within any city-owned property, without the appropriate permissions:
- (b) Alcoholic beverages may be allowed in foregoing areas provided the appropriate application and deposit, and a reservation agreement is issued.
- (c) The following guidelines and procedures apply to alcoholic beverages in all areas listed in subsection 74-62(a) above, except for the designated area of Festival Plaza:
 - (1) Consumption of alcohol on these properties is permitted during special events that are approved by the City of Nacogdoches.
 - (2) Applicant must submit an event application at least ten days prior to the proposed event.
 - (3) Alcoholic beverages must only be consumed in accordance with state law.
- (d) The following guidelines and procedures apply to alcoholic beverages in the designated area of Festival Plaza:
 - (1) Alcohol is allowed only during a festival or event that is approved by the City of Nacogdoches.
 - (2) Applicant must submit a festival/event permit application at least 90 days prior to the proposed festival that includes the following documentation:
 - a. A map depicting the following:
 - 1. The boundaries of the festival area;
 - 2. Locations of fencing and type of fencing material to be approved by the city manager;
 - 3. Locations of entrance and exit points; and
 - 4. Locations of alcohol sales.
 - b. Proof of required licenses, permits and paid fees mandated by state and local law for the sale of alcoholic beverages.
 - (3) Applicant must present the request to the city council for consideration.
 - (4) The sale and/or consumption of alcoholic beverages shall be limited to the area(s) indicated on the festival/event permit application.
 - (5) If the event is gated with controlled access:
 - a. Alcohol may be sold throughout the gated, controlled access area of Festival Plaza.
 - b. The gating and access control must be approved by the city manager.
 - (6) If the event is not gated with controlled access:
 - a. Alcohol may only be sold in areas designated in the festival/event permit application.
 - b. Each designated area shall be "double-fenced" of a material approved by the city manager with a four-foot space between fences for security personnel and minimum height of 48 inches.
 - c. The designated area shall meet all applicable health and safety codes.
 - d. The designated area shall have no more than one public entrance.
 - (7) Peace officers licensed in the state must be on site throughout the event's operation and outside the perimeter to provide security. The city manager shall determine the number of officers required for the event. The event holders will pay for the service of the peace officers.
 - (8) Alcoholic beverages may only be sold or consumed in accordance with state law.
 - (9) No glass containers will be allowed in Festival Plaza.

- (10) The applicant will be responsible for the proper disposal of all trash on any property, public or private, which was utilized by the organizer during the event. Proper disposal of trash shall occur no later than 24 hours following the end of the event.

(Code 1971, § 19-16(a); Ord. No. 1323-5-03, 5-20-2003; Ord. No. 1520-06-09, 6-16-2009; Ord. No. 1574-6-11, 6-21-2011; Ord. No. 1614-11-12, 11-20-2012)

Festival Plaza Nacogdoches, Texas



Notice: This product is for informational purposes only and may not have been prepared for or suitable for legal, engineering, or planning purposes. It is not intended as an on-the-ground survey and represents only the approximate relative location of property boundaries.

PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance for a Specific Use Permit for an Accessory Apartment, for Lot 7-A, being part of Lot 7-B, City Block 67 as described in a deed from Thomas Stanley, et ux, to Glen Anderson, et ux, dated April 21, 2003, recorded in Volume 1981, Page 196 of the DRNCT. This property is located at 225 East Parker Road. This request has been submitted by Brent & Heather Beal. Case File SUP2021-02.(City Planner)

SUMMARY/BACKGROUND: Background

The request is for a Specific Use Permit (SUP) for an Accessory Apartment at 225 E. Parker Road. The property is zoned R-1, Single Family, and is developed as a single family residence with a detached garage/shop. Per the Zoning Ordinance, an Accessory Apartment may be allowed in the R-1, Single Family zoning district with approval of an SUP. The SUP process allows staff, the Commission, and the City Council the opportunity to review, and impose conditions if necessary on such development. The Zoning Ordinance outlines that an Accessory Apartment in a residential or commercial zoning district must be ancillary to the primary use, and that only one such facility is provided. The area of such dwelling unit shall not exceed 30 percent on the main structure. The occupancy of the apartment is also limited to servants or caretakers employed on the property and family members to the second degree of consanguinity and affinity.

The purpose of the SUP is to convert a portion of the existing garage/shop into a small dwelling unit; no expansion of the building area is proposed. The garage/shop is approximately 27 feet by 42 feet long, and approximately 1,000 square feet in size. The applicant is proposing to renovate the northern portion of the structure, and convert it into a two-bedroom 690 square foot apartment; the remainder of the structure will be maintained as a garage and there will be no separate utility meters or connections for the new dwelling unit. The Zoning Ordinance also limits the size of the accessory dwelling unit to 30 percent of the area of the main residence/structure. The area of the main residence is approximately 2,300 square feet, and the proposed dwelling unit (690 square feet) is just at 30 percent of the main residence.

The applicants, Mr. and Mrs. Beal, have stated that they plan to use the accessory apartment for their adult children when they are home from college. The main house has two bedrooms and Mr. and Mrs. Beal have three children; two of which are in college and come home regularly to visit and when classes are not in session.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and is currently developed as a single family residence with a detached garage/shop. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use

North	Commercial	R-1 Single Family	Single Family
East	Single Family	R-1 Single Family	Single Family
South (across E. Parker Rd.)	Single Family	R-1 Single Family	Single Family
West	Commercial	R-1 Single Family	Single Family

The surrounding area is both developed as single family residences and zoned R-1, Single Family. The proposed SUP will not change the uses permitted under the current R-1 zoning district.

Future Land Use

The 2003 Future Land Use Plan designates this area as Commercial and Single Family Residential. The Comprehensive Plan describes the Commercial future land use designation as, “Shopping and service facilities for the sale of goods and services, including small shops and larger retail stores and center, restaurants, hotels and motels, service stations, and various other customer-oriented establishments.”

The Comprehensive Plan describes the Single Family Residential future land use designation as, “Conventional one-family detached dwellings (also includes duplexes).”

The Future Land Use designation in this area is consistent with the current zoning of the property, R-1, Single Family. Approval of the SUP will not change the underlying zoning district or the land uses permitted under this district.

Access & Utilities

The subject property has access to water utilities, with a 6-inch water and sewer main located along E. Parker Road. The property takes direct access from E. Parker Road.

Flood Damage Prevention:

Per the FEMA Floodplain Map, there is no FEMA regulated floodplain or floodway located on the subject property.

REVIEW CRITERIA

The City Council may approve, deny, or conditionally approve those uses for which specific use permits are required. Per Section 118.173 of the Zoning Ordinance, a Specific Use Permit may be approved if all of the following conditions have been found:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The proposed accessory apartment is to be located on a 0.5 acre lot. The Zoning Ordinance requires at least 0.19 acres for each dwelling unit in an R-1, Single Family neighborhood. The

addition of an accessory dwelling unit to this tract will not significantly affect the density of the neighborhood, and thus is compatible with the surrounding single family properties.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property; There is no surrounding vacant property.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

Utilities and road access already exist. The proposed SUP does not add any additional impervious area to the property, therefore drainage will not be affected.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

The applicant is maintaining the southern portion of the detached structure as a garage which can accommodate two, covered off-street parking spaces. The driveway is 20 feet wide at its narrowest and 120 feet long, which can accommodate parking for the accessory apartment as well as guest parking.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

All proposed improvements are to the interior of the detached garage, except for an entrance into the dwelling area on the east side of the building (interior to the lot), and a 3-foot by 4-foot window added to the north side of the building to allow light and air in the loft bedroom space. No additional openings or lighting is proposed on the upper level of the building.

A common concern with accessory apartments is the potential for nuisances due to additional parking or noise that could be generated from renters of the dwelling unit. The zoning ordinance limits the occupancy of these accessory apartments to servants or caretakers employed on the property and family members to the second degree of consanguinity and affinity. Additionally, a specific use permit may be revoked or modified by the city council, after notice to the property owner and a hearing, for any of the following reasons:

1. The existence of any material error or misrepresentation in the application required in this section;
2. The specific use permit was obtained or extended through misrepresentation or deception; or
3. One or more of the conditions imposed by the permit has not been met or has been violated.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only downlighting, no spillover lighting onto neighboring properties.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

The property has several large mature trees in the front and back yard. Properties zoned single family residential are not required to comply with the landscaping ordinance.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan. The comprehensive plan calls for commercial and single family residential uses for this area, and the subject property and the rest of the street are already zoned and developed as single family residential.

Notices:

Staff sent out 13 notices to property owners within the 200 foot notification area. At the time that this report was written, there were six (6) written responses received. Five (5) responses were in favor of the request, and one response was in opposition. The response in opposition was from the property owner of the lot located immediately to the north of the subject property, and the response noted that they were concerned with privacy issues from the new window being proposed on the upper level of the garage/shop. These written responses have been included in the attachments.

***This zoning application was subject to the additional noticing practices that were approved by City Council during their regular meeting on January 19, 2021. These included a zoning notice sign located on the subject property (a photo is included in this packet), additional courtesy notices mailed to property owners within 500 feet of the subject property, and additional notices published on the City's Planning & Zoning webpage and official Facebook page. There is no active neighborhood association in this area.**

P&Z Recommendation: The Planning & Zoning Commission heard this item at their regular meeting on Monday, April 12th, and voted unanimously to approve the Specific Use Permit (5-0).

Staff Recommendation

Based on the above findings, Staff recommends approval of the amendment to the Specific Use Permit.

FINANCIAL:

There is no financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

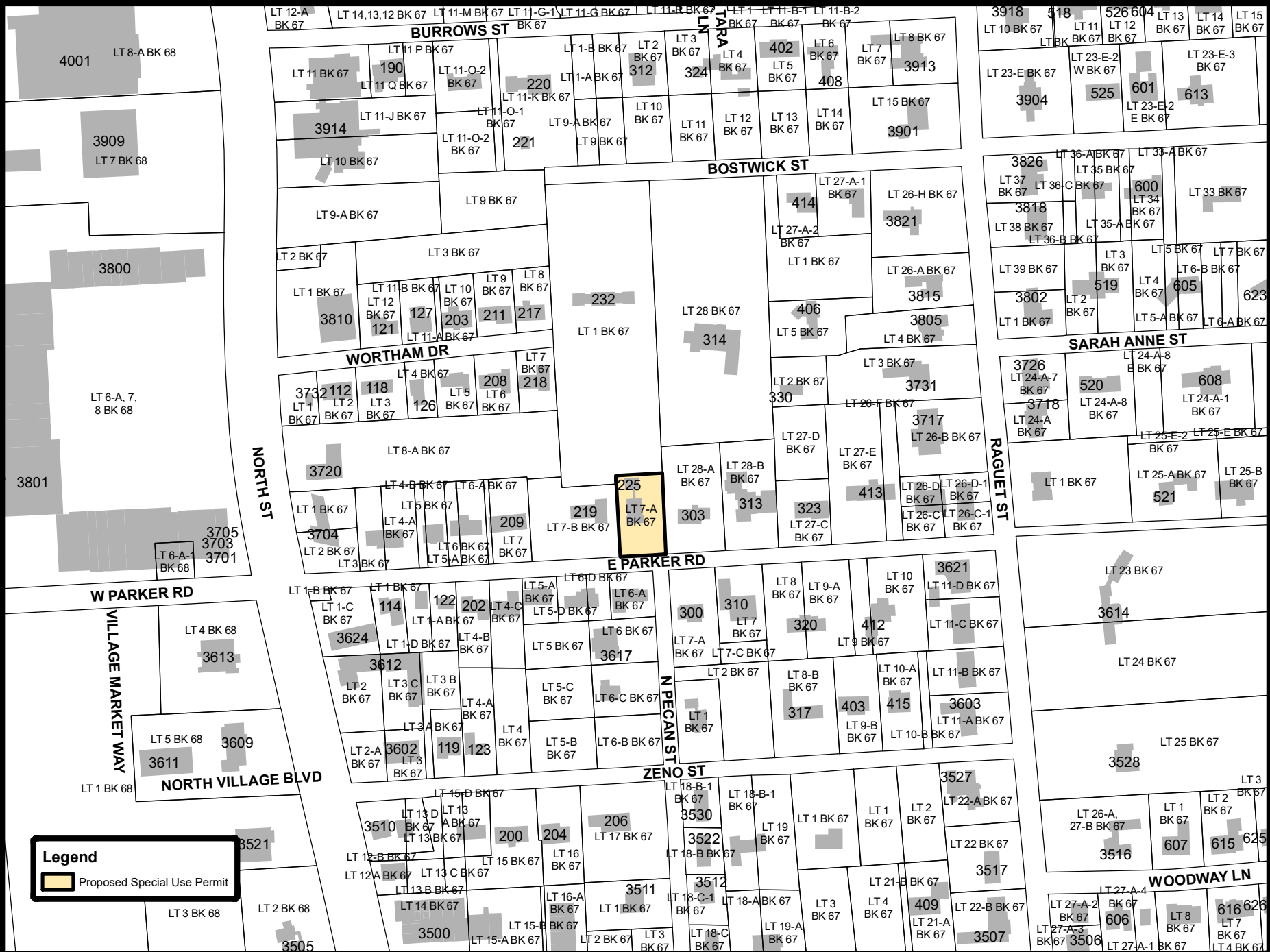
Not Applicable

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
936-559-2572

ATTACHMENTS:

1. Maps
2. SUP Site Plan Exhibit
3. Site Photos
4. Public Input
5. Ordinance

SUP 2021-02



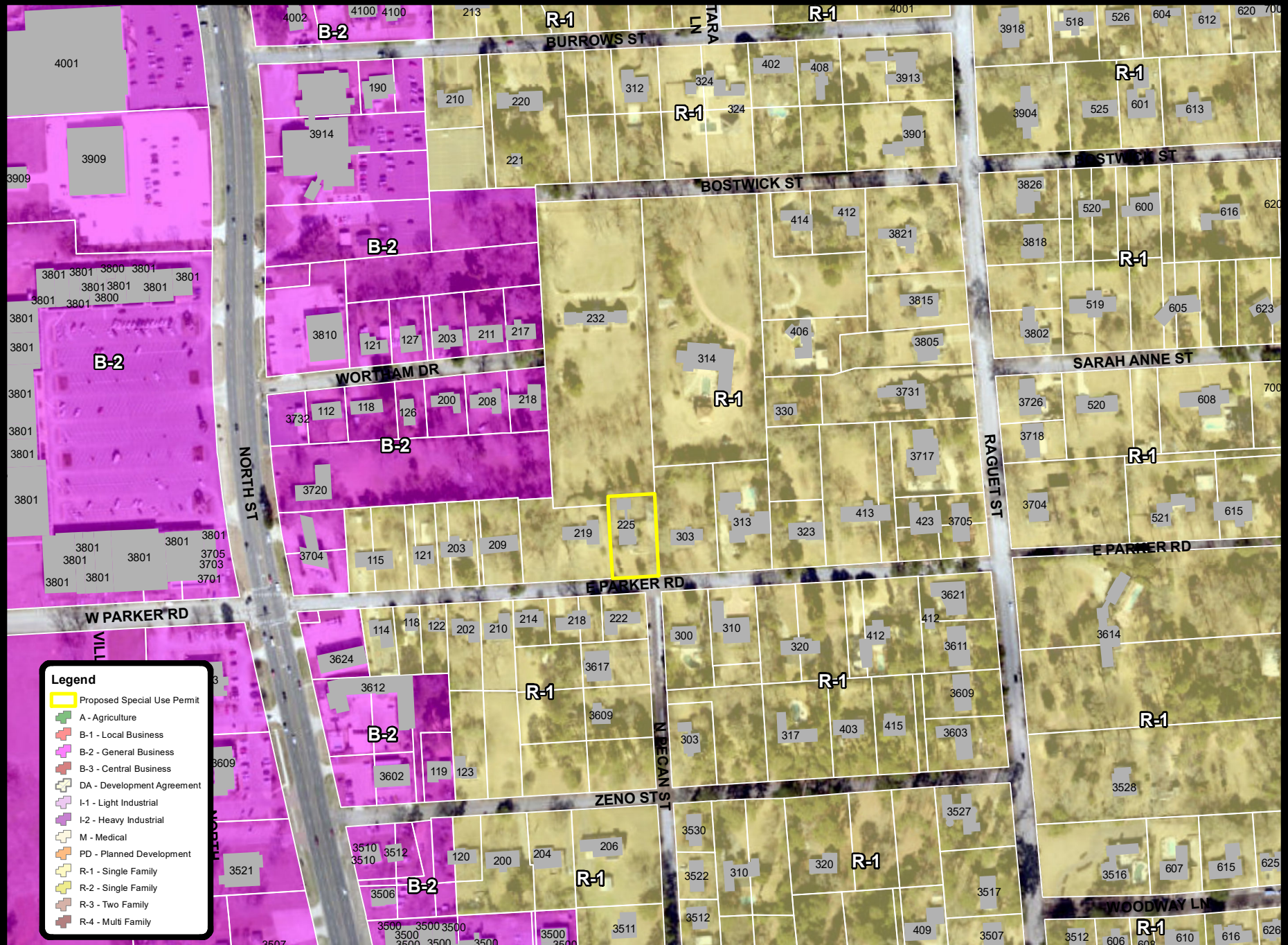
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date Created: April 7, 2021 Software: ArcGIS 10.8.1



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

SUP 2021-02



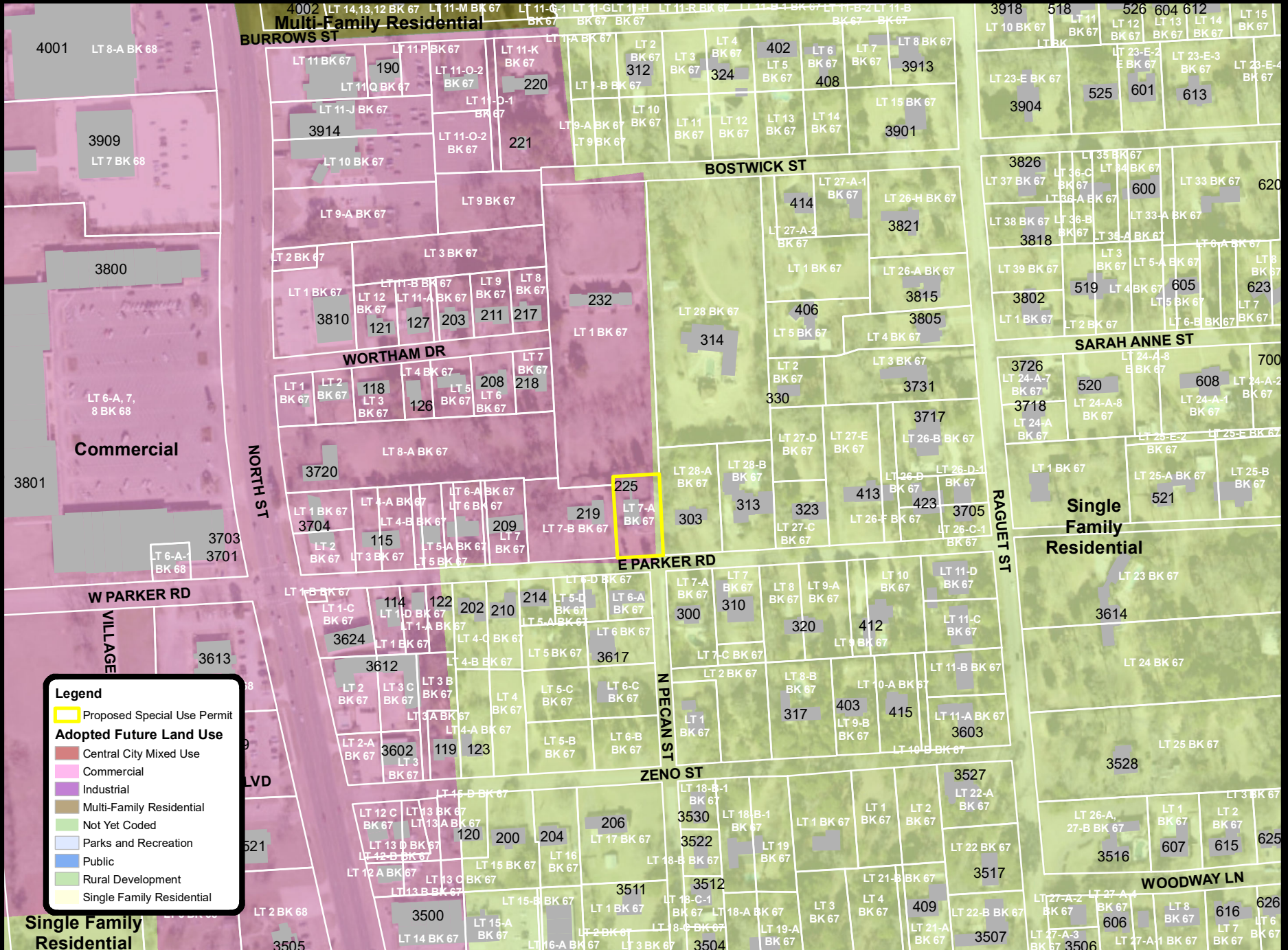
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 75 150 300 Feet

Date Created: April 7, 2021 Software: ArcGIS 10.8.1

SUP 2021-02



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 75 150 300 Feet

Date Created: April 7, 2021 Software: ArcGIS 10.8.1

SUP2021-02 225 E. Parker Rd.

Legend

200 foot buffer



Proposed zone change



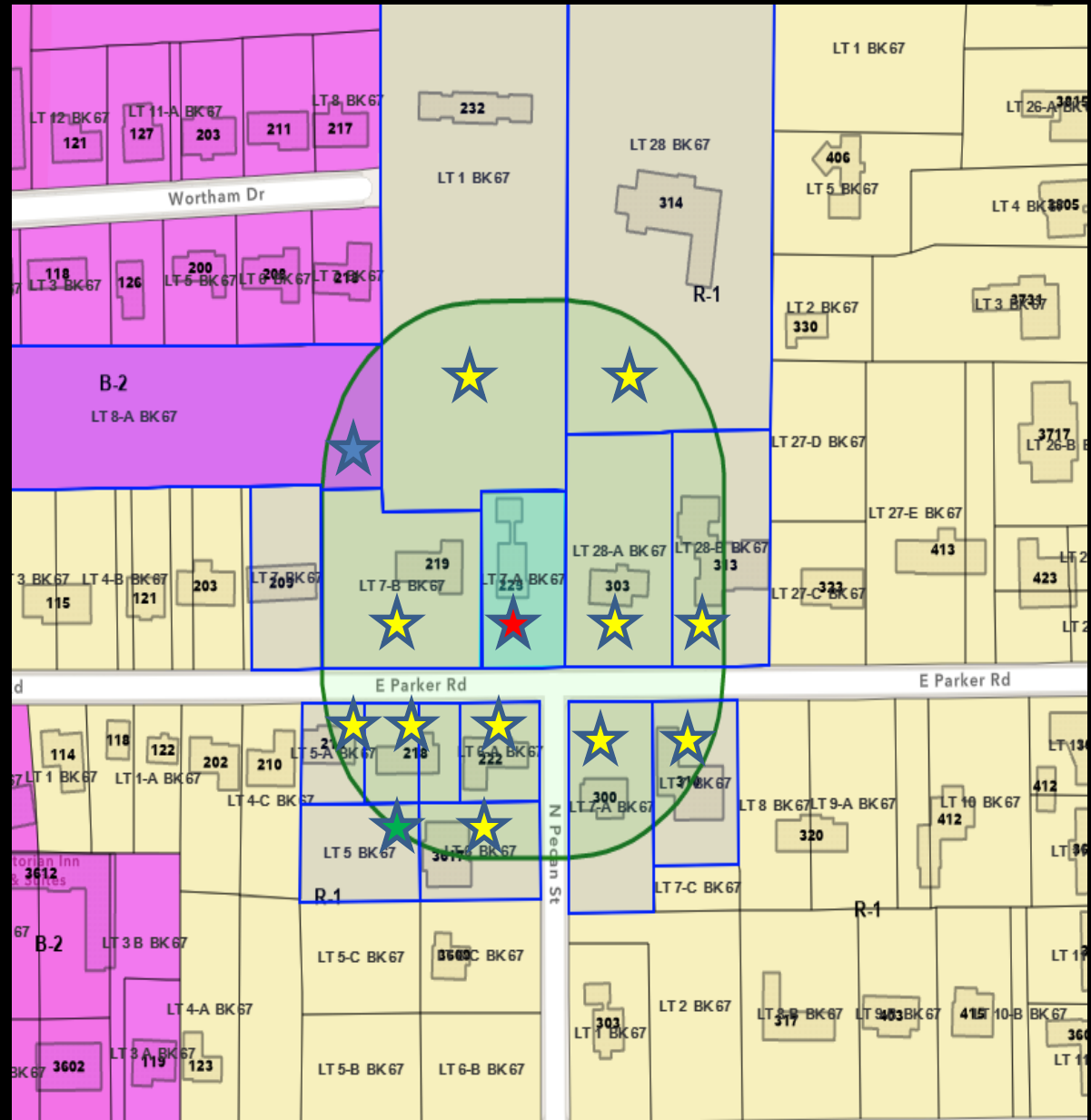
Vacant

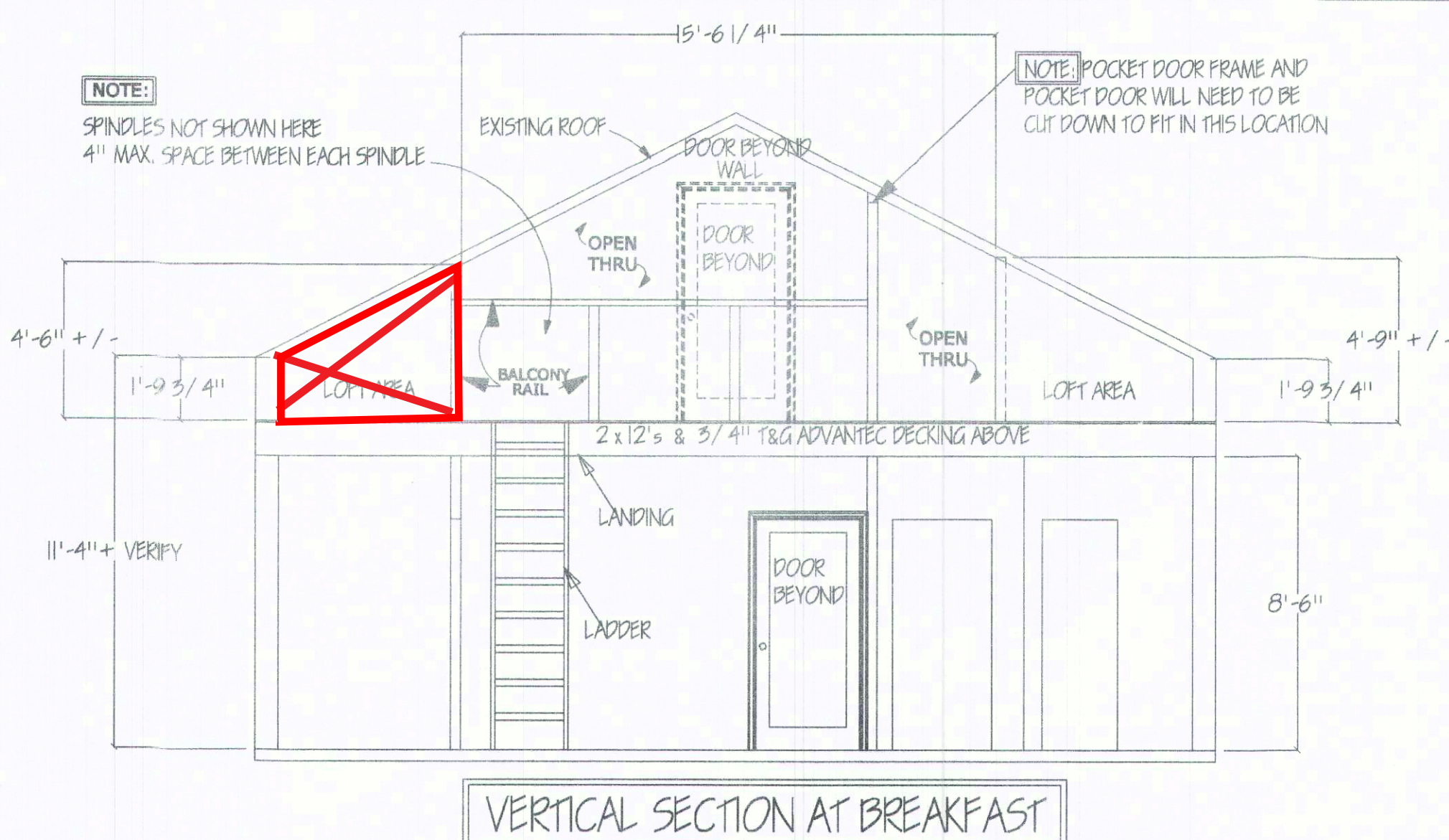
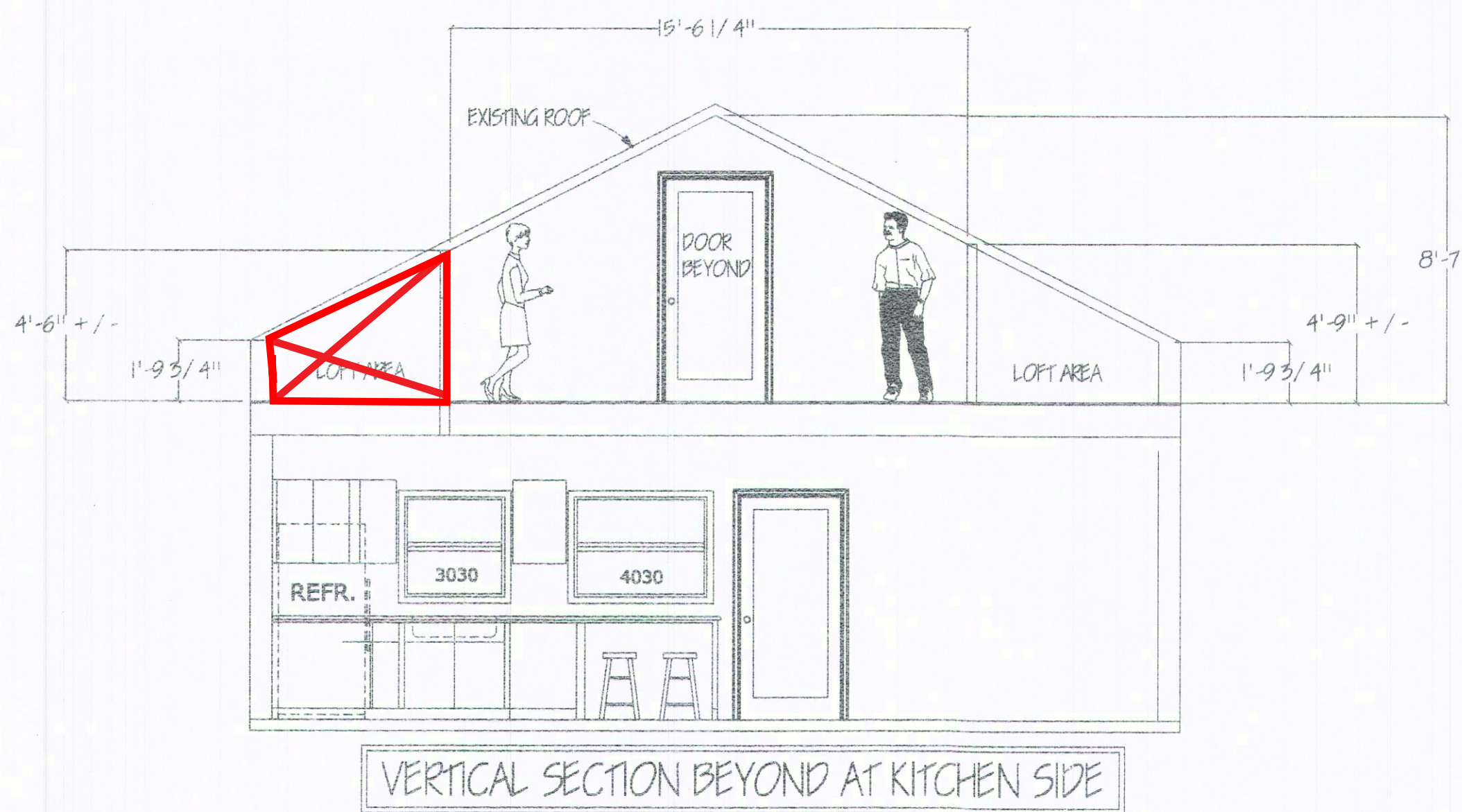


Single Family- Owner Occupied



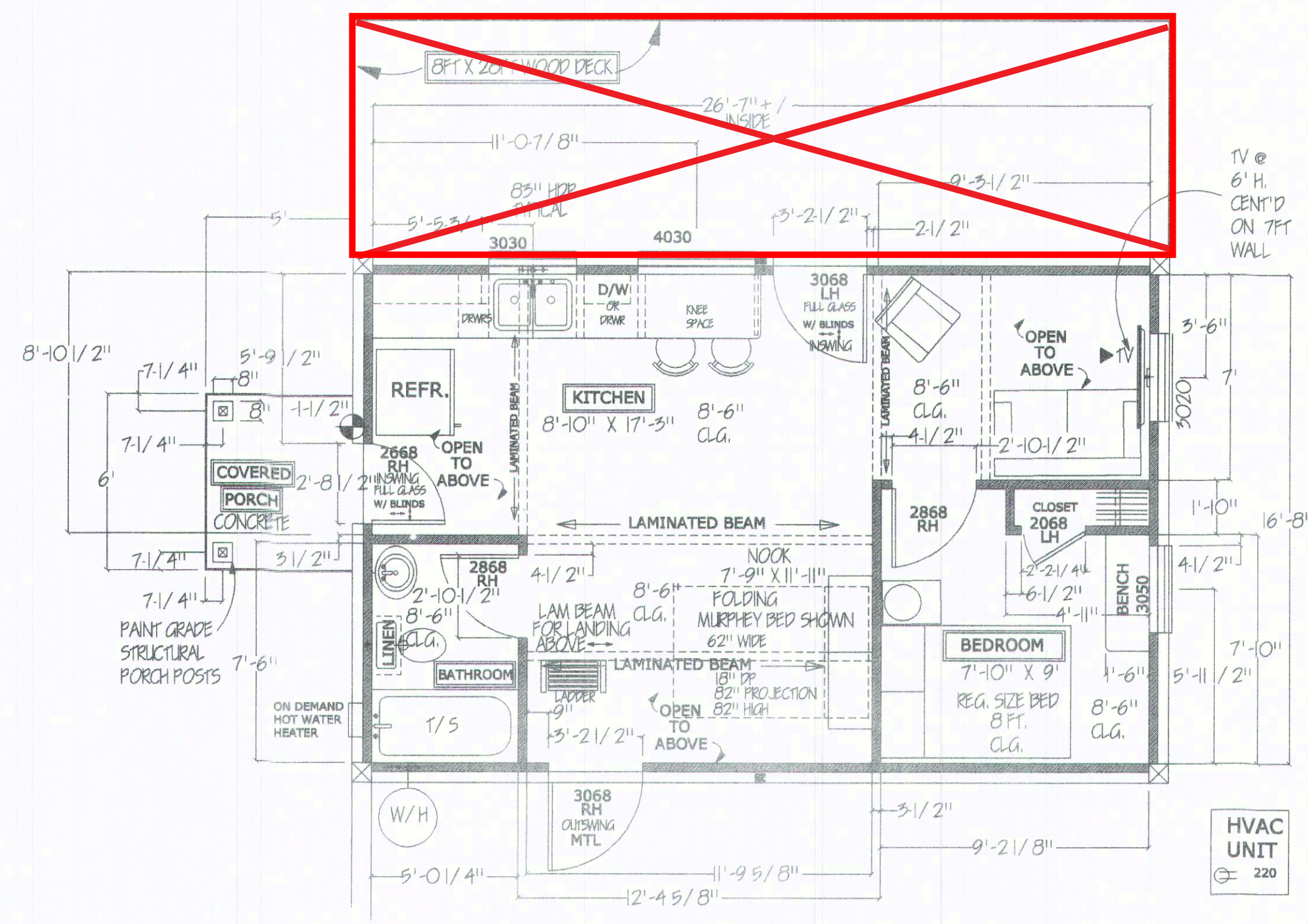
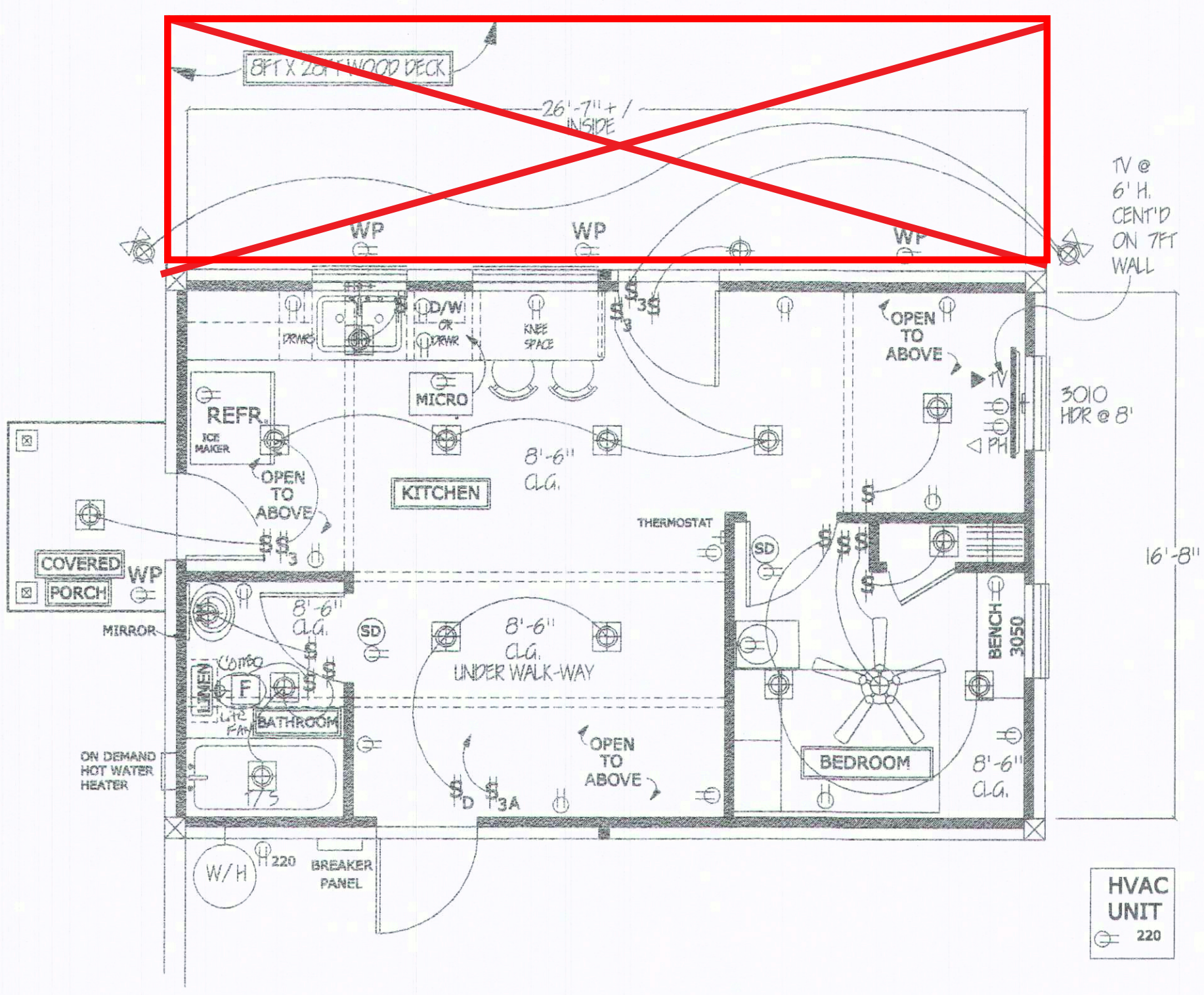
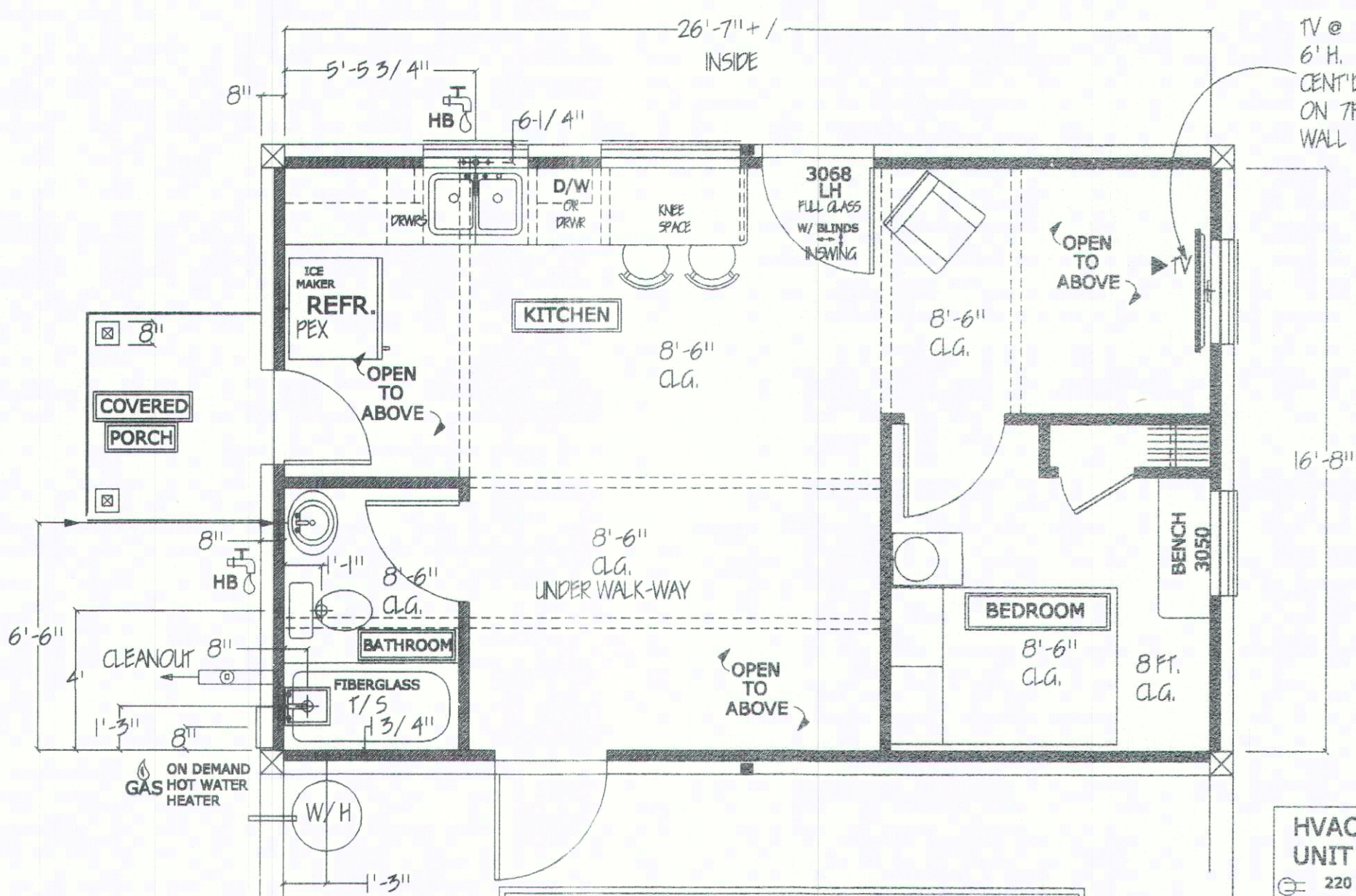
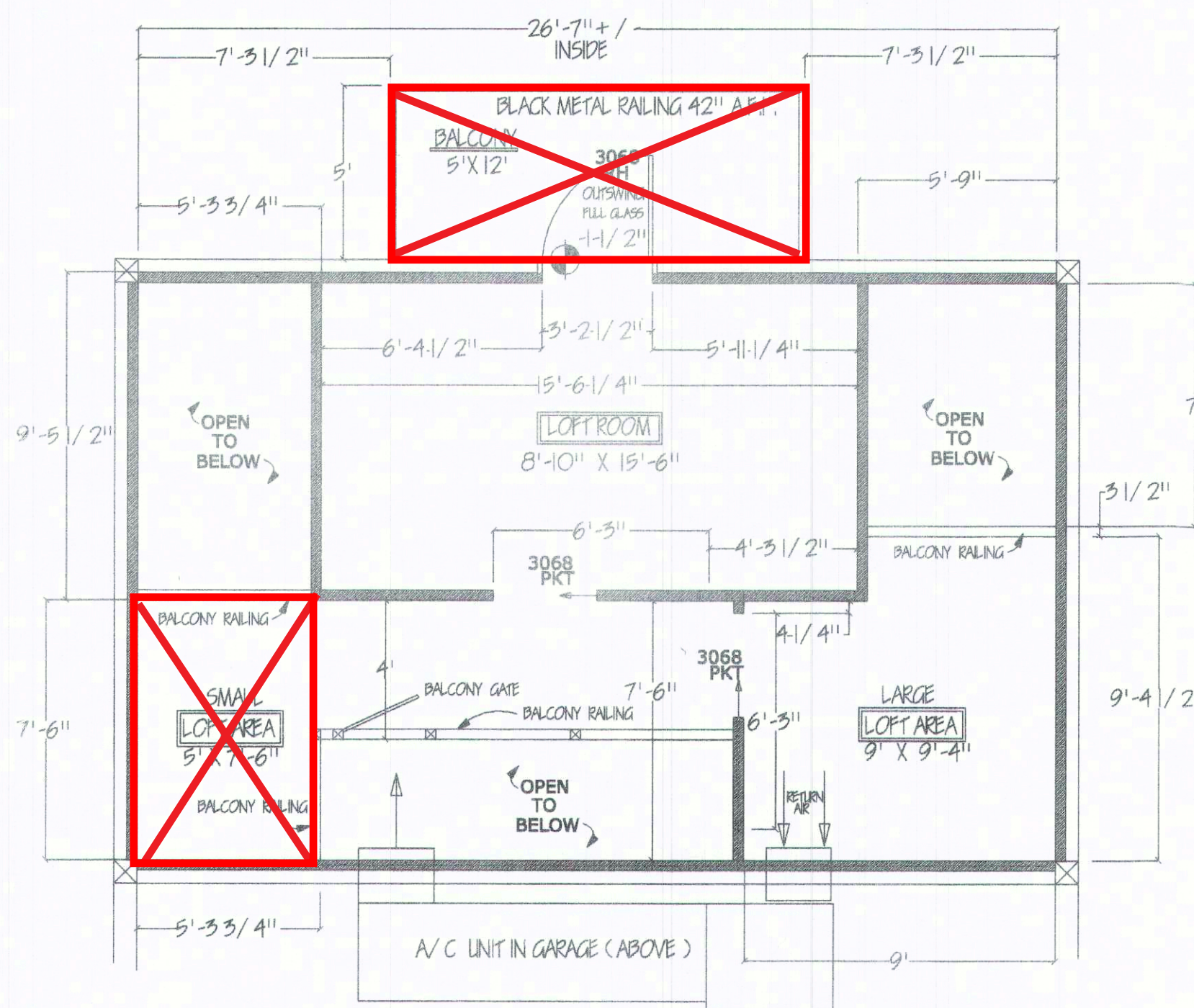
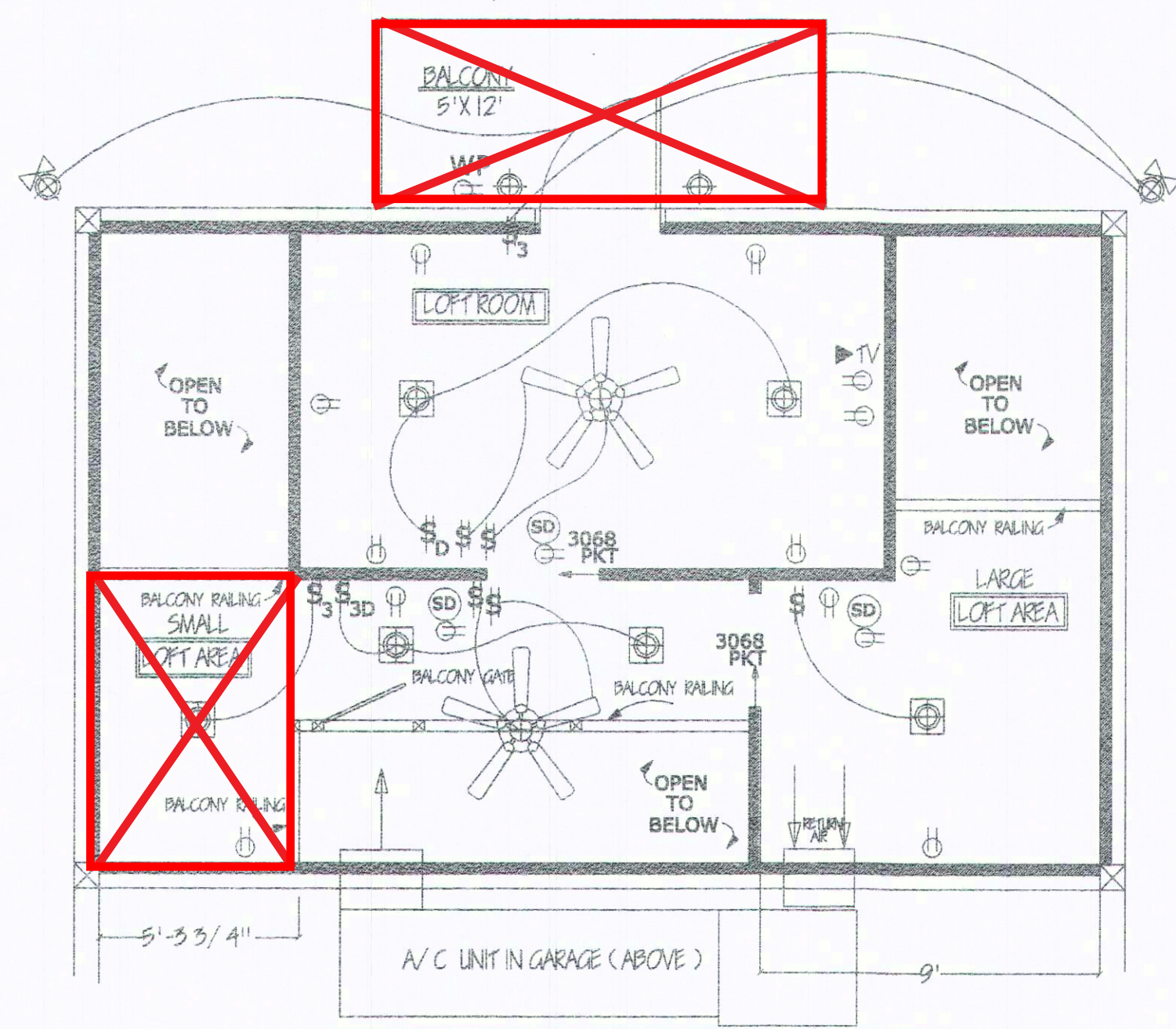
Commercial



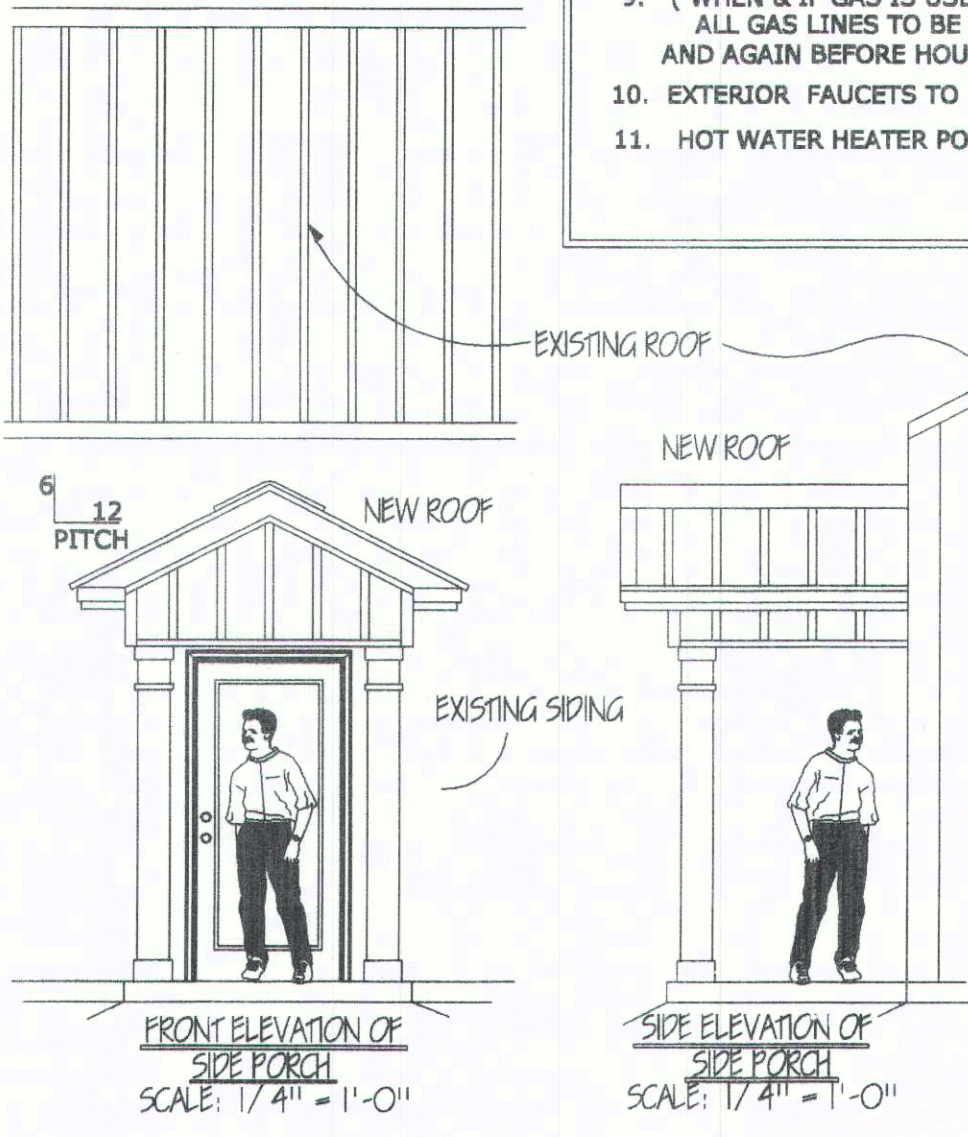


ELECTRICAL SYMBOLS LEGEND

- | | | |
|---|---|---------------------------------------|
| F | EXHAUST FAN (ONLY) | 220 VAC ELECTRICAL DUPLEX OUTLET |
| F | EXHAUST FAN W/ LITE | WP ELECTRICAL DUPLEX OUTLET |
| ⦿ | EYEBALL RECESSED CAN LITE | \$ LITE SWITCH |
| ⦿ | FIXED RECESSED CAN LITE | ⦿ THREE-WAY SWITCH |
| ⦿ | CEILING LITE FIXTURE | ⦿ SMOKE DETECTOR |
| ⦿ | FLOURESCENT LITE FIXTURE | ⦿ THERMOSTAT |
| ⦿ | LED EXTERIOR DBL. FLOOD LITES | ⦿ TELEVISION OUTLET |
| ⦿ | CEILING FAN W/ LITE KIT | ⦿ TELEPHONE JACK |
| ⦿ | 110 VAC ELECTRICAL DUPLEX OUTLET | ⦿ DOOR BELL |
| ⦿ | 110 VAC ELECTRICAL DUPLEX FLOOR OUTLET W/ BRASS PLATE | ⦿ GAS OUTLET (REF ONLY ON THIS DRWG.) |



- PLUMBING NOTES:**
1. PLUMBING TO EQUAL TO, OR EXCEED LOCAL PLUMBING CODES
 2. VENT PIPES TO PENETRATE ROOF AT REAR OF MAIN RIDGES (TYPICAL) NOT THE FRONT OF HOUSE
 3. VERIFY ALL DRAINS FOR OWNER'S TUBS
 4. ⦿ OUTSIDE WATER FAUCET
 5. TIE HVAC DRAIN LINES INTO NEAREST BATHROOM SINK
 6. ALL WATER LINES TO BE PEX
 7. ALL PVC TO BE SCHEDULE 40
 8. ALL WATER LINES ARE TO BE CAPPED AND PRESSURED UP TO 100 P.S.I. TO HOLD FOR AT LEAST 24 HOURS MIN.
 9. (WHEN & IF GAS IS USED)
ALL GAS LINES TO BE MERCURY TESTED PRIOR TO INTERIOR WALL SHEATHING BEING INSTALLED AND AGAIN BEFORE HOUSE IS TURNED OVER TO OWNER
 10. EXTERIOR FAUCETS TO BE ABLE TO BE REPLACED BY UNSCREWING & INSTALLING AN ENTIRE NEW FIXTURE
 11. HOT WATER HEATER POP-OFF-VALVE TO DRAIN OUTSIDE OF HOUSE



1st Floor = 445 S.F.
2nd Floor = 245 S.F.
Total Space = 690 S.F.

FLOOR PLAN / PLUMBING & ELECTRICAL DETAILS

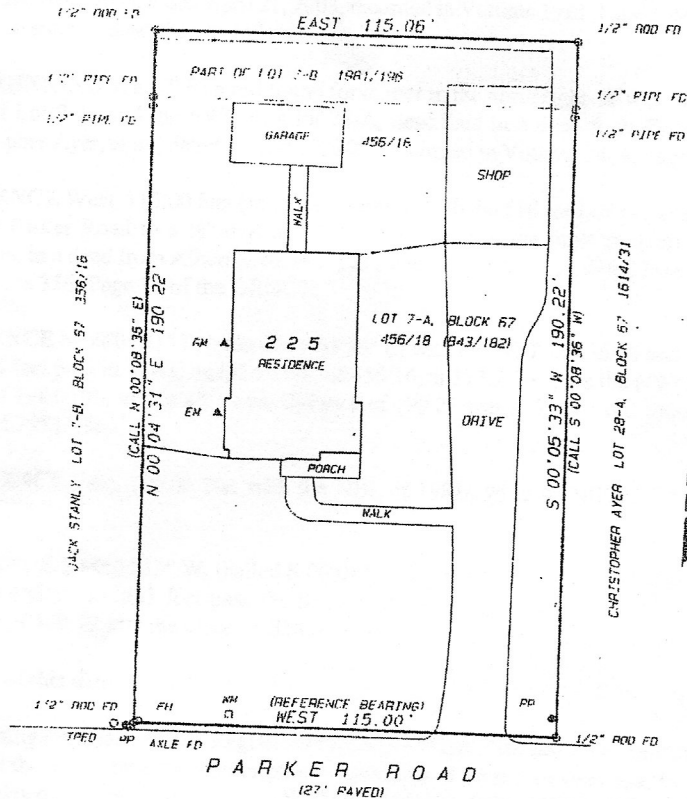
01-21-2021

BEAL

DRAWN BY: M.R. MANNING	SCALE: 1/4" = 1'-0"	DATE: 12-24-2020	1 DRWG.#
---------------------------	------------------------	---------------------	--------------------

SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OR OWNERSHIP.
 SURVEY PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT.
 SEE FIELD NOTES OF THIS DATE.

JACK STANLY LOT 7-D, BLOCK 67 356/16 DEED



SURVEYED FOR
 APRIL & AARON DAVIS
 PEDRO PADILLA SURVEY, A-44
 LOT 7-A & PART OF 7-B BLOCK 67
 NACOGDOCHES, TEXAS
 SCALE 1" = 30' OCTOBER 13, 2008

I, Tommy Findisen, a duly Registered Professional Land Surveyor for the State of Texas hereby state that the above plat was prepared from a survey made by me on the ground the 13th day of October, 2008. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. IF THIS BLUELINE COPY IS NOT SIGNED IN RED INK, IT SHOULD BE ASSUMED TO BE AN UNLICENSED COPY AND CONTAIN UNAUTHORIZED MATERIAL.

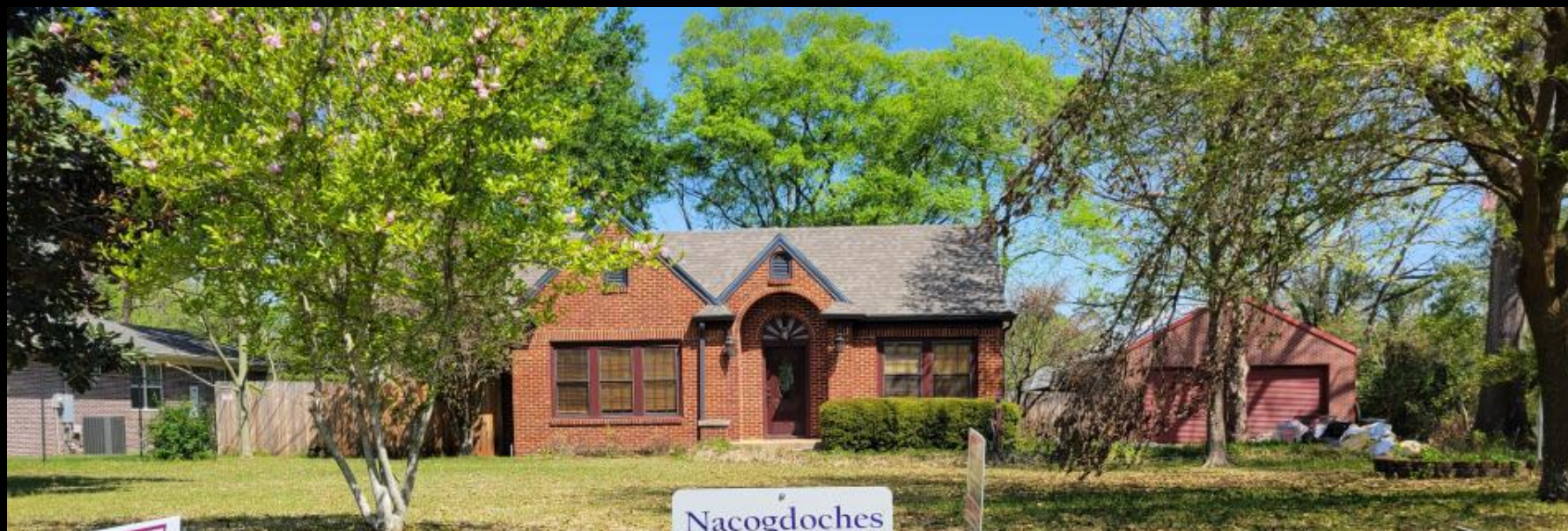
Tommy Findisen

Recorded in the Public Records of the State of Texas, Book 1915, Page 1915.
 Nacogdoches, Texas 936.564 6402

Curt DBe

Kayla Duffie

225 E Parker Rd. Site Photos



225 E Parker Rd. Site Photos





Pollette, Juan <pollettej@nactx.us>

Zoning for 225 E Parker Rd

1 message

Kyle Conlon <kconlon2@gmail.com>

Mon, Apr 12, 2021 at 9:18 AM

To: chafina@ci.nacogdoches.tx.us, pollettej@nactx.us

Hello,

I'm writing in reference to the proposed work at [225 E. Parker Road](#). As a member of the neighborhood, I don't have a problem with it, especially if it would increase surrounding property values.

Best,
KC



Pollette, Juan <pollettej@nactx.us>

225 East Parker

2 messages

Martha Zick <huttozick@aol.com>
To: pollettej@nactx.us

Tue, Mar 30, 2021 at 11:08 AM

I live almost directly across the street from the above address. I have NO objections to the proposed additions. The owners directly across from me at 219 East Parker have made extensive and prolonged additions and we have never been asked for approval.

I do not do teleconferences, so if I need to do more to support the Beals, please let me know.

Martha Hutto-Zick
218 East Parker.

Sent from my iPhone

Pollette, Juan <pollettej@nactx.us>
To: Martha Zick <huttozick@aol.com>

Tue, Mar 30, 2021 at 2:45 PM

Thank you for your response. I'll make a note of it in the case file. No further action is required on your part. The reason that you received the notification is because the Beals plan on converting their garage to a mother in law suite. The ordinance allows for an accessory apartment but requires a special use permit that needs to be approved by city council. Since this meeting is a public forum, it is required that we notify the residents that are within a 200 foot radius of the property. Residents receiving notifications may express their objection or approval to the city council in regards to the special use permit if they choose to do so.

Respectfully,
[Quoted text hidden]
--

Juan Pollette

Planning Technician
City of Nacogdoches
202 E Pilar Street Rm 239
P.O. Box 635030
Nacogdoches, TX 75963-5030
Phone: (936) 559-2574 Fax: (936) 559-2910
pollettej@nactx.us



Pollette, Juan <pollettej@nactx.us>

In support of 225 E. Parker

1 message

Lauren Brewer <laurenbrewer@gmail.com>

Sat, Apr 10, 2021 at 1:54 PM

To: chafina@ci.nacogdoches.tx.us, pollettej@nactx.us

To whom it may concern,

I'm writing as a homeowner in and resident of the Raguet St. neighborhood, and I am in support of the special use permit request being made for 225 E. Parker. What initially drew me to this neighborhood was the eclectic menagerie of homes. I love that the new owners of 225 E. Parker are creatively reconfiguring the insides of their property to accommodate their needs. Its uniqueness and ingenious renovations like these that keep the property values in our neighborhood high and growing. I'm in support of the proposed renovations at 225 E. Parker.

Thank you,
Lauren Brewer



Pollette, Juan <pollettej@nactx.us>

Neighborhood Improvements

3 messages

Sarah Drake <drakesa2@gmail.com>
To: pollettej@nactx.us

Wed, Apr 7, 2021 at 3:51 PM

Good afternoon, Juan.

My name is Sarah Drake. I live at 317 Zeno Street and wanted to write an email regarding a local garage remodel. A home around the corner from mine on Pine street (literally less than 1/2 a block away) is updating their garage to include an interior living space/apartment. I am aware of this remodel and support it completely. I think it will add value to the surrounding homes in our area and am perfectly fine with this moving forward.

Best,

Sarah

Sarah Drake <drakesa2@gmail.com>
To: pollettej@nactx.us

Wed, Apr 7, 2021 at 4:15 PM

Hi Juan,

I was incorrect on the street name. I actually own another house on Pine street so it was just a slip! The street with the garage remodel is Parker Street and, again, I am totally fine with this remodel and excited to see it add value to surrounding properties.

Sarah

Sent from my iPhone

> On Apr 7, 2021, at 3:51 PM, Sarah Drake <drakesa2@gmail.com> wrote:

>

>

[Quoted text hidden]

Pollette, Juan <pollettej@nactx.us>
To: Sarah Drake <drakesa2@gmail.com>

Wed, Apr 7, 2021 at 4:36 PM

Good afternoon Sarah,
Thank you for your response. I'll make a note of your approval in the case file.

Best regards,

[Quoted text hidden]

--

Juan Pollette

Planning Technician
City of Nacogdoches
202 E Pilar Street Rm 239
P.O. Box 635030
Nacogdoches, TX 75963-5030
Phone: (936) 559-2574 Fax: (936) 559-2910
pollettej@nactx.us



Chafin, Alaina <chafina@nactx.us>

Re-zoning signage - 225E Parker

2 messages

Sudeshna Roy <roys@sfasu.edu>

Fri, Apr 9, 2021 at 1:35 PM

To: "chafina@ci.nacogdoches.tx.us" <chafina@ci.nacogdoches.tx.us>

Cc: "fischera@ci.nacogdoches.tx.us" <fischera@ci.nacogdoches.tx.us>, "sbrophy@ci.nacogdoches.tx.us" <sbrophy@ci.nacogdoches.tx.us>

Dear Ms Chafin,

I am writing today with regard to the renovation taking place in the garage area of 225 E Parker, the domicile belonging to my friends and soon-to-be neighbors, Heather & Brent Beal. I live in 206 Zeno Street and their new house is just three houses down from mine. I am excited that they will be my neighbors soon.

I went and toured their renovation yesterday. The city has put up in their yard a sign that says "re-zoning." However, based on my conversation with them and my tour, they have only had to apply for a "special use permit" from the city for a renovation of their existing garage. I didn't see anything to suggest that they are requesting re-zoning or that they have renovation that requires re-zoning. It's confusing and it's causing problems for them. This is zoned R1 and no request is being made to change this.

This couple have three children and they are renovating to accommodate extra living space for their third child. I noticed that they are renovating the back part of the large garage that's already on the property. There is no change to the garage itself. They are not expanding but renovating the existing garage space.

They are also not renovating so that they can rent the space out for office use by someone else or for earning a rent from another family living in that renovated space. The renovation is for their kids to have their own room.

I would suggest that the city re-assess the signage on their yard and remove them. I would also request that the city have a conversation about how they post this signage in future.

If you need to get in touch with me for any questions or clarifications about my tour of their property, please email me. I'll be happy to help.

Sincerely,
Sudeshna Roy

Dr. Sudeshna Roy,
Chair (2019-2021), Ethnicity and Race in Comm., International Comm. Assc.;
Chair (2015-2019), Diaspora and Media Comm., International Assc. for Media and Comm. Research;
Co-editor, Oxford Encyclopedia of Race, Ethnicity and Communication;
Associate Editor, Journal of Global Diaspora and Media (Intellect);
Professor;
Graduate Director;
Assessment Coordinator (B.A. & B.S.) (2009-2014, 2017-present);
Communication Studies Program
Department of Languages, Cultures and Communication
Stephen F. Austin State University
P.O. Box 6161
Nacogdoches, TX 75962.
Tel: 936 468 1033
Fax: 936 468 2033

New Publication

Communicating Differences: Culture, Media, Peace and Conflict Negotiation

<http://www.palgrave.com/page/detail/communicating-differences-sudeshna-roy/?isb=9781137499257>

Chafin, Alaina <chafina@nactx.us>

Fri, Apr 9, 2021 at 1:58 PM

To: Sudeshna Roy <roys@sfasu.edu>

Cc: "fischera@ci.nacogdoches.tx.us" <fischera@ci.nacogdoches.tx.us>, "sbrophy@ci.nacogdoches.tx.us"

<sbrophy@ci.nacogdoches.tx.us>, "Canizares, Mario" <canizaresm@nactx.us>, "Vinson, Jan" <vinsonj@nactx.us>

Good Afternoon,

Thank you for your email. We apologize for any confusion the sign may have caused. We have already spoken to Mr. and Mrs. Beal about the sign and explained that this was our first iteration of this type of notice. We have already made modifications to the sign language based on the feedback we've received; while also trying to create a standard sign that captures all of our zoning applications (which include straight zone changes, specific use permits, and planned development districts).

This is a new noticing process for the City and we appreciate all input and recommendations for improvement. Thanks again!

Alaina Chafin, AICP, CNU-A, CPM

City Planner

City of Nacogdoches, Texas

Phone: 936-559-2572

chafina@nactx.us

[Quoted text hidden]

April 4, 2021

Dr. and Mrs. Sergio G. Moreira, Jr.
232 Bostwick Street and 219 E Parker Road
Nacogdoches, Texas 75965

Alaina Chafin
City Planner, Planning and Zoning Department
City of Nacogdoches
202 E. Pilar
Nacogdoches, Texas 75963

RE: 225 East Parker Road, Brent & Heather Beal Project (SUP2021-02)

Dear Mrs. Chafin,

Please accept the following comments on the request to grant a Specific Use Permit, Accessory Apartment for property located at 225 East Parker Road (SUP2021-02).

As a long term resident of Raguet, I would like to offer my concerns on approval for this project. Should adequate consideration of problems posed by the location of the project be considered, I would urge you to modify or disapprove the proposed permit request.

Although immediately adjacent to my personal property, I am not the only resident to confirm the project in consideration is already underway. Construction began without permit, and has carried on well after sunset, with haste. Those working on site are doing so with illumination from spotlights, only partially dimmed by large tarps draped from the rafters and new window framework on the exterior walls. On any given evening, you can see the glow of progress around the neighborhood.

With residents experiencing project construction ahead of receiving the City of Nacogdoches public hearing notification, set for Monday, April 12, it comes as no surprise that comments expressing opposition to the project are wide-ranging.

The first sentiment of criticism surrounds the project intentions once complete. There is a valid concern that permitting this project would create an addition that is intended to become a rental residence. This potential to create multi-family housing would be a departure from the single resident home structure of Raguet. It changes the very nature of the neighborhood, especially ignoring that many senior residents live nearby. Multi-family dwellings are inconsistent with the neighborhoods already developed in the area and have general noise, traffic and safety concerns. Additionally, rental properties in a neighborhood of single-family homes can cause property prices to stagnate or even drop. In the case that the main dwelling was not the property owner's primary residence, it would increase the number of unrelated tenants for a specific, single family residence. Landlord oversight would determine upkeep relative to the neighboring homes and would be required to prevent the many relevant implications that rental properties pose in an established single family resident neighborhood.

Personally, the proximity of the project to the owner's property line creates the most delicate concern as it questions our retention of a reasonable level of privacy. Preventing this invasion requires that the building aesthetics would be altered, as the current design plan being erected includes a window that has a direct overview of our residence, with no obstruction of view within 10 feet of the property line. This does not singularly impact us, as the clear sight lines of the window violate a reasonable expectation of privacy due to the proximity of the project to other existing, private property owner's lines as well.

Thank you for providing an opportunity for residents to express their serious concern over this project. I am certain you will weigh all issues carefully in making a decision. I urge you to disapprove the proposed permit, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend this meeting or write letters and emails.

Thank you for your continued service and support of our communities.

Sincerely,

Dr. and Mrs. Sergio G. Moreira, Jr.









ORDINANCE NO. 1865-04-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING AN AMENDMENT TO A SPECIFIC USE PERMIT FOR AN ACCESSORY APARTMENT LOCATED AT 225 EAST PARKER ROAD WITHIN THE R-1 SINGLE FAMILY ZONING DISTRICT, SAID TRACT BEING LOT 7-A, BEING PART OF LOT 7-B, CITY BLOCK 67 AS DESCRIBED IN A DEED FROM THOMAS STANLEY, ET UX, TO GLEN ANDERSON, ET UX, DATED APRIL 21, 2003, RECORDED IN VOLUME 1981, PAGE 196 OF THE DRNCT, CONTAINING APPROXIMATELY 0.5 ACRES LOCATED IN NACOGDOCHES, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR SAID SPECIFIC USE PERMIT; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Specific Use Permit process allows the Planning and Zoning Commission and City Council to consider the conditions specific to individual tracts of land and operational characteristics of various businesses; and

WHEREAS, Brent and Heather Beal, filed an application for a Specific Use Permit for an Accessory Apartment on property that is currently zoned as Single Family (R-1); located at 225 East Parker Road, said tract being legally described as Lot 7-A, being part of Lot 7-B, City Block 67 as described in a deed from Thomas Stanley, et ux, to Glen Anderson, et ux, dated April 21, 2003, recorded in Volume 1981, Page 196 of the DRNCT (the "Property"), and situated within the corporate limits of the City of Nacogdoches, Texas (the "City"), being more particularly described in **Exhibit "A"** and **Exhibit "B"**, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Owner of the Property, through its above mentioned and duly authorized representatives, has presented an application to the City for the granting a Specific Use Permit to use said Property for the purpose of an Accessory Apartment (the "Specific Use"), as authorized by the City's Zoning Ordinance; and

WHEREAS, after satisfaction of all conditions precedent required by law, the Planning and Zoning Commission held a public hearing and did make recommendation to City Council for approval of the Specific Use Permit application submitted for the above referenced site; and

WHEREAS, after satisfaction of all conditions precedent required by law and receiving the recommendation of the Planning and Zoning Commission, the City Council conducted a public hearing, and immediately thereafter approved the application for a Specific Use Permit allowing for the construction, operation and maintenance of an Accessory Apartment.

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

SECTION I
Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Specific Use Permit

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a Specific Use Permit is hereby approved allowing for the construction, operation and maintenance of an Accessory Apartment at the above described location, as outlined in “**Exhibit B**”.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the Specific Use Permit as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
SHELLEY BROPHY, Mayor

ATTEST:

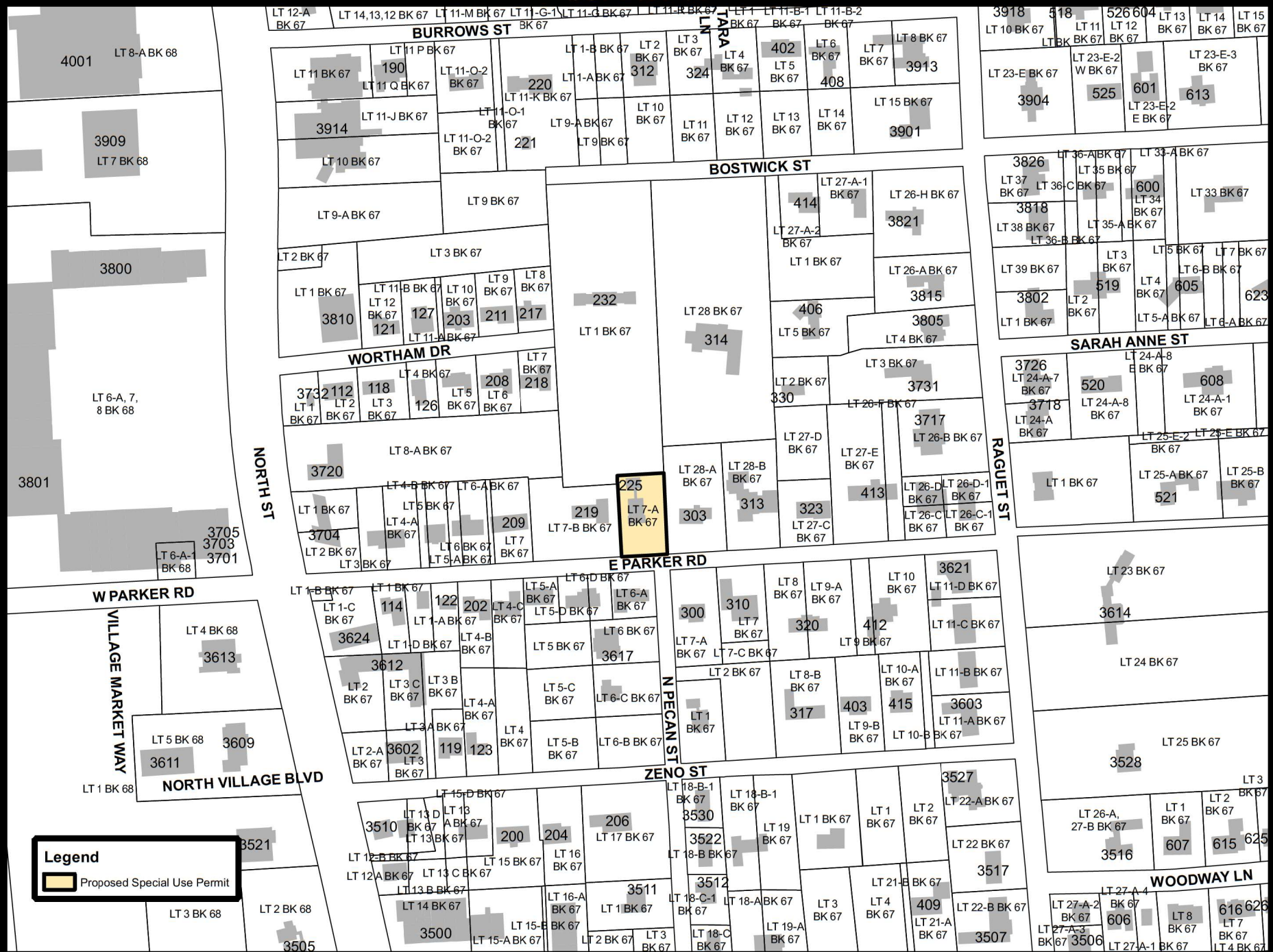
APPROVED AS TO FORM:

JAN VINSON, City Secretary

ROBERT S. DAVIS, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner



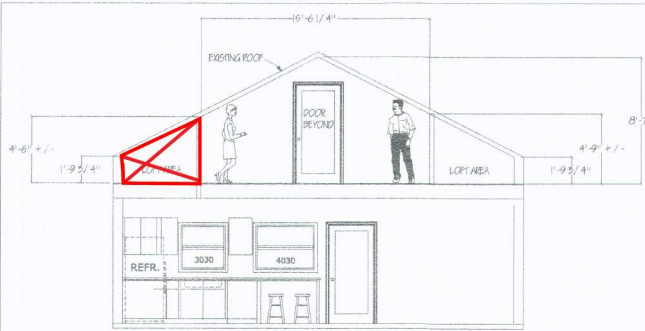
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



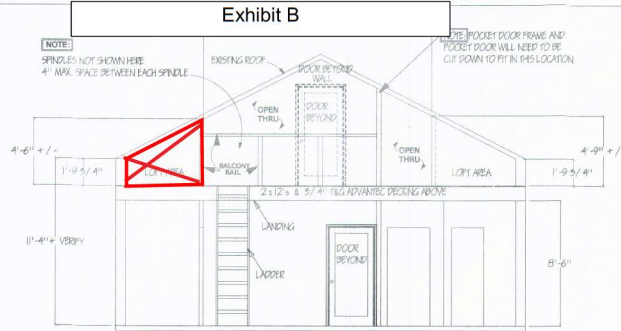
0 75 150 300 Feet

SUP2021-02: 225 E. Parker

Exhibit B



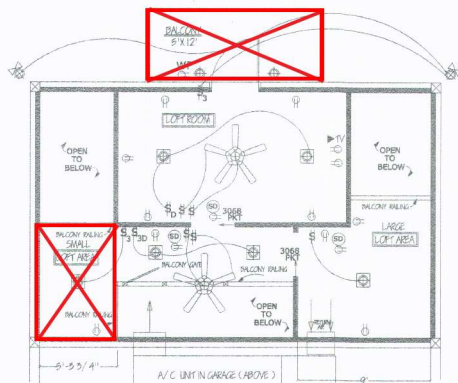
VERTICAL SECTION BEYOND AT KITCHEN SIDE



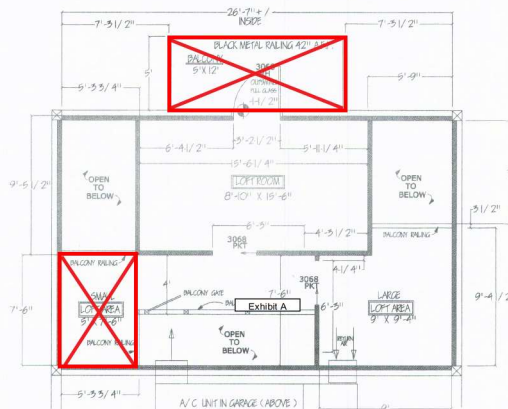
VERTICAL SECTION AT BREAKFAST

ELECTRICAL SYMBOLS LEGEND

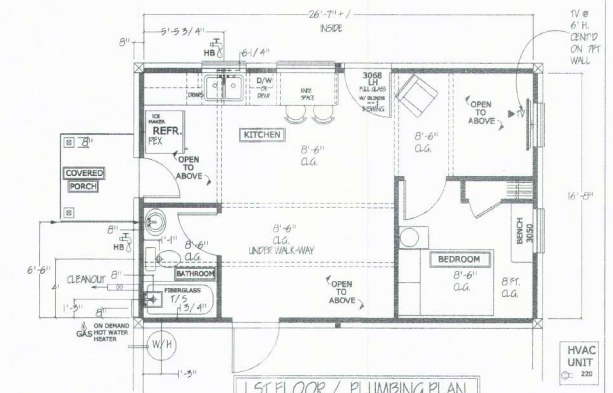
[F]	EXHAUST FAN (ONLY)	[220 VAC]	ELECTRICAL DUPLEX OUTLET
[F]	EXHAUST FAN W/ LITE	[WP]	ELECTRICAL DUPLEX OUTLET
[E]	EYEBALL RECESSED CAN LITE	[S]	LITE SWITCH
[E]	FIXED RECESSED CAN LITE	[3]	THREE-WAY SWITCH
[C]	CEILING LITE FIXTURE	[SD]	SMOKE DETECTOR
[C]	FLOURESCENT LITE FIXTURE	[T]	THERMOSTAT
[E]	LED EXTERIOR DBL. FLOOD LITES	[TV]	TELEVISION OUTLET
[C]	CEILING FAN W/ LITE KIT	[PH]	TELEPHONE JACK
[220 VAC]	ELECTRICAL DUPLEX OUTLET	[DB]	DOOR BELL
[220 VAC]	ELECTRICAL DUPLEX FLOOR OUTLET W/ BRASS PLATE	[GAS]	GAS OUTLET (REF ONLY ON THIS DRWG.)



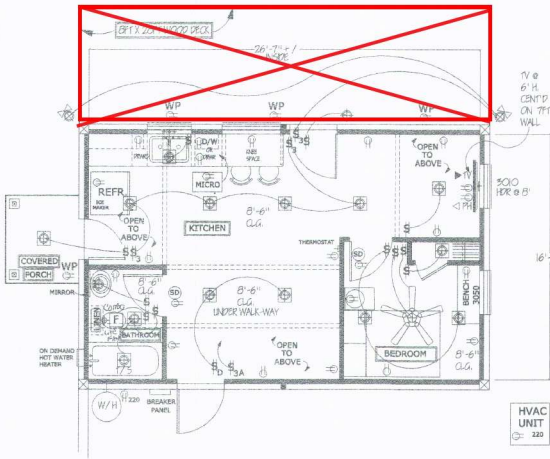
2ND FLR/ ELECTRICAL PLAN



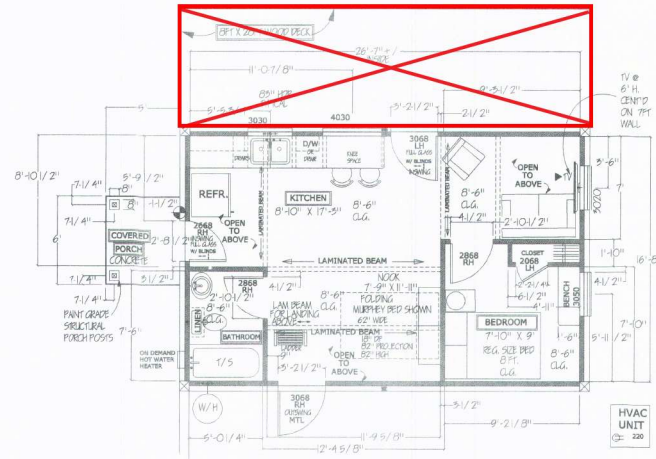
2ND FLR/ FLOOR PLAN



1ST FLOOR/ PLUMBING PLAN

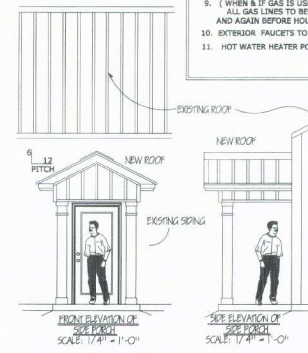


1ST FLOOR ELECTRICAL PLAN



1ST FLR/ FLOOR PLAN

- PLUMBING NOTES:**
1. PLUMBING TO EQUAL TO, OR EXCEED, LOCAL PLUMBING CODES
 2. VENT PIPES TO PENETRATE ROOF AT REAR OF MAIN RIDGES (TYPICAL) NOT THE FRONT OF HOUSE
 3. VERIFY ALL DRAINS FOR OWNER'S TUBS
 4. 3/4" O.D. WATER FAUCETS
 5. TIE HVAC DRAIN LINES INTO NEAREST BATHROOM SINK
 6. ALL WATER LINES TO BE PEX
 7. ALL PEX TO BE SCHEDULE 40
 8. ALL WATER LINES ARE TO BE CAPPED AND PRESSURED UP TO 100 P.S.I. TO HOLD FOR AT LEAST 24 HOURS MIN.
 9. (WHEN & IF GAS IS USED) ALL GAS LINES TO BE MERCURY TESTED PRIOR TO INTERIOR WALL SHEATHING BEING INSTALLED AND AGAIN BEFORE HOUSE IS TURNED OVER TO OWNER
 10. EXTERIOR FAUCETS TO BE ABLE TO BE REPLACED BY UNSCREWING & INSTALLING AN ENTIRE NEW FIXTURE
 11. HOT WATER HEATER POP-UP VALVE TO DRAIN OUTSIDE OF HOUSE



1st Floor = 445 S.F.
2nd Floor = 245 S.F.
Total Space = 690 S.F.

FLOOR PLAN / PLUMBING & ELECTRICAL DETAILS

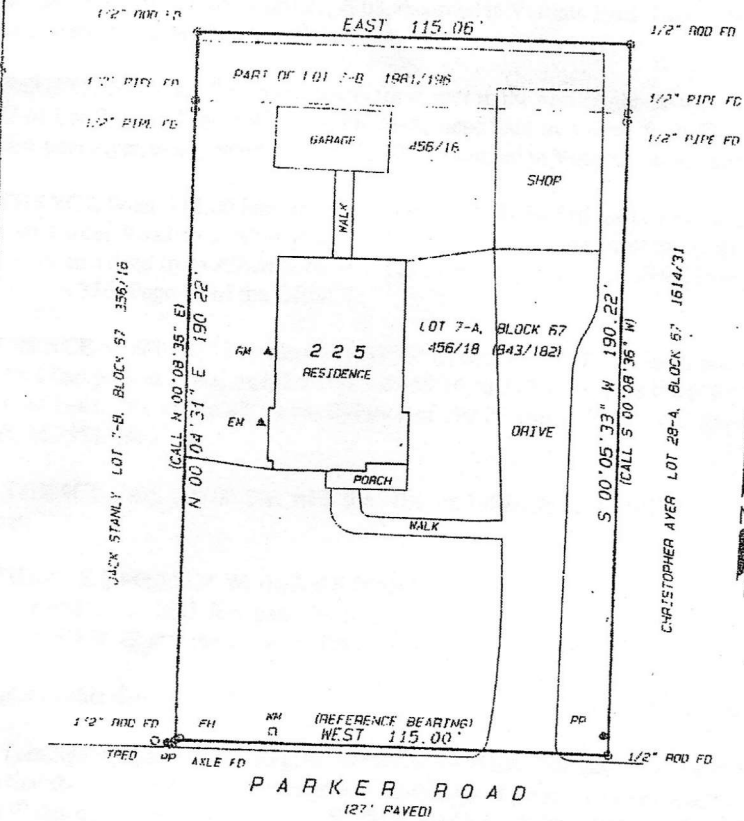
01-21-2021

BEAL

DRAWN BY:	SCALE:	DATE:	1
N.R. MANNING	1/4" = 1'-0"	12-24-2020	DRWG.#

SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OR OWNERSHIP.
 SURVEY PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT.
 SEE FIELD NOTES OF THIS DATE.

JACK STANLY LOT 7-B, BLOCK 67 356/16 DEED



PARKER ROAD
 (27' PAVED)

SURVEYED FOR
 APRIL & AARON DAVIS
 PEDRO PADILLA SURVEY, A-44
 LOT 7-A & PART OF 7-B BLOCK 67
 NACOGDOCHES, TEXAS
 SCALE 1" = 30' OCTOBER 13, 2008

I, Tommy Findciser, a duly Registered Professional Land Surveyor for the State of Texas hereby state that the above plat was prepared from a survey made by me on the ground the 13th day of October, 2008. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. IF THIS BLUELINE COPY IS NOT SIGNED IN RED INK, IT SHOULD BE ASSUMED TO BE AN UNLICENSED COPY AND CONTAIN UNAUTHORIZED MATERIAL.

Tommy Findciser

Surveyor License No. 1913
 State of Texas, Nacogdoches, Texas 936.564.6402

Chris DBe

Kayla Duffite

PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-1, Single Family to B-2, General Business, for approximately 10.9 acres, being Lot 1-A, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File ZON2021-01. (City Planner)

SUMMARY/BACKGROUND: Background

The request is for a zone change from R-1, Single Family to B-2, General Business for 10.9 acres of land located at 2827 Railroad Street. The General Business zoning district, "...is intended to accommodate those business activities that are oriented toward the automobile, or whose operations may require limited truck access. Generally this district is located along major traffic arteries where strip business development exists."

The applicant owns the subject property and the lots located immediately to the north, east and west, including a private lake. The lot to the north of the subject property (2807 Railroad St.) is currently developed as single family and is the applicant's primary residence. The applicant has been using the subject property (2827 Railroad St.) as a *Contractor Yard*, for the purpose of openly storing equipment and materials for his personal construction business. The applicant owns a roadway/pavement repair and construction business, which includes the transportation and storage of roadway construction materials and equipment on the subject property.

The applicant has been operating this business at this location for over 10 years, however a *Contractor Yard* is only permitted in the B-2, General Business, the I-1, Light Industrial, and I-2, Heavy Industrial zoning districts. This zone change request is a response to a zoning violation that was issued for conducting commercial activities in a residential zoning district. The applicant is requesting a zone change from R-1, Single Family to B-2, General Business in order to continue operating this business at this location.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and is currently being used as a *Contractor Yard*. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development	R-3, Two Family	Single Family & a Private Lake
South (across Railroad St.)	Rural Development	R-1, Single Family & R-3, Two Family	Single Family & Vacant

East	Rural Development & Public	R-1, Single Family & R-3, Two Family	Vacant
West	Rural Development	R-2, Single Family	Vacant

The area consists primarily of low to medium density residential zoning districts, including R-3, Two Family to the north, R-1, Single Family and R-3, Two Family to the east and south, and R-2, Single Family to the west. Surrounding land uses include single family and undeveloped properties, as well as Carpenter Elementary located just to the west of the subject property. The B-2, General Business zoning district is not compatible with the zoning or the developed uses in the area.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the property and the surrounding area as Rural Development, which is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development.”

The proposed B-2, General Business zoning district is not consistent with the land uses described in the Rural Development Future Land Use designation.

Access & Utilities

The subject property has access to water utilities, with a 6-inch water main located along Railroad Street. The property is currently being served by an on-site septic system, however there is an 8-inch sanitary sewer line located on the adjacent tract to the west (Lot 12-A), which could be extended to the subject property for future commercial development.

Railroad Street is a local residential street with a 12-foot pavement width, and open ditches on each side. Local streets are intended to carry lower volumes of traffic and serve as direct access to residential and neighborhood-scale commercial development. The City’s current construction standards for high volume local streets require a minimum pavement width of 32 feet with two travel lanes, and a right-of-way (ROW) width of 50 feet.

General Business zoning districts are intended to be located along Collector and Arterial streets, which have greater capacity to accommodate the high volume of traffic typically generated by the commercial uses permitted under this zoning district. The minimum pavement width for a Collector street is 37 feet with two travel lanes, and a ROW width of 60 feet; which is much larger than the 12-foot pavement width for this section of Railroad Street.

Flood Damage Prevention

Per the FEMA Floodplain Map, there is no floodplain located on the subject property. However, the subject property is adjacent to a private lake located to the north, which is designated by the U.S. Fish & Wildlife (USFW) Service as a freshwater pond which may be subject to State and Federal regulations and permitting for activities in or adjacent to these designated waterways.

REVIEW CRITERIA

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be

considered when reviewing an application for zoning change:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The current land use of a *Contractor Yard* consists of the open storage of equipment and materials for a roadway/pavement repair and construction business, which includes the transportation and storage of roadway construction materials (gravel, earth, asphalt, etc.), heavy construction equipment and trucks (dump truck, dozer, front-end loader, etc.) on the subject property. The noise and commercial traffic generated by the heavy trucks and commercial equipment that access the subject property may not be compatible with the adjacent, low-density residential uses developed in the area.

If the zone change request is approved, other commercial activities that could be permitted under the B-2, General Business zoning district include, but are not limited to: Multifamily; Indoor Commercial Amusement; Billiard/Pool Hall; Night Club; Theater; Office; Animal Hospital; Medical Clinic; Beauty Parlor; Trade Shows or Exhibits; Household Appliance and Equipment Repair; Laundry/Dry Cleaning; Tattoo Salon/Piercing Studio; Food and Beverage Services (Restaurants and Bars); Retail; Auto Dealer/Repair; Truck Stop, Including Gas Sales; Wholesale Trade; Warehouse/Storage; Cabinet & Woodworking Manufacturing; and, Medical Lab.

Based on the nature of the current use, and the potential for additional commercial uses permitted under the proposed B-2, General Business zoning district, Staff finds that the zone change request is not compatible with the current zoning and land uses surrounding the property. If the zone change request is approved it may adversely affect adjacent properties, and may interfere with current quality of life of the nearby residential developments.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The use of a *Contractor Yard* may not impede or directly obstruct the development of surrounding vacant property. However, the commercial activities that would be permitted under the B-2, General Business zoning district may delay or deter the development of surrounding residential zoning districts due to its proximity and potential nuisances.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The site has direct access to water but not sanitary sewer service, and is currently utilizing an on-site sewer disposal system. The existing street is only one lane wide in some areas, thinly paved, and in moderate to poor condition. The roadway is not adequate to accommodate the nature and volume of traffic typically generated by the commercial uses permitted under the B-2, General Business zoning district.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

This section of Railroad Street is asphalt and has a pavement width of 12 feet with open ditches on each side. The private driveway that serves the property consists of a mix of gravel and compacted dirt, and serves as the sole access for both the existing commercial business, and the private residence located on the lot to the north. The heavy equipment and vehicle storage surface area is also compacted dirt. The public street and private drive are not adequate to support the heavy construction equipment and dump trucks that access this property.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

As stated previously, the noise and commercial traffic generated by the heavy trucks and commercial equipment that access the subject property may create a nuisance for residential uses in the area. Planning Staff has received complaints from a nearby resident with concerns about the noise from heavy trucks during the early morning hours.

If the zone change request is approved, the applicant will be required to screen any outside storage areas with a fence or wall to create an effective visual screen of the storage from the adjacent properties and view from the street. The applicant would also have to comply with Zoning Ordinance Section 118-429. - *Commercial sites with residential adjacency*, which requires a solid screening wall and landscape buffer to be installed along the property lines where nonresidential sites are immediately adjacent to residentially zoned properties. The property has several mature trees onsite which create a partial, visual barrier of the commercial activity from the public street.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Based on Staff's site inspection, there is currently no commercial outdoor lighting installed on the property, with the exception of a wall-mounted fixture located on the exterior of a storage building. If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards for nonresidential development, which requires light fixtures to utilize a downlighting design, and prohibits fixtures that directly project light in all directions.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

If the zone change request is approved, any new construction or parking additions that meet those thresholds as outlined in the Zoning Ordinance would be subject to current commercial district landscaping requirements. The property has several mature trees onsite which may be credited towards landscape requirements.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the property and the surrounding area as Rural Development.

Additionally, this zone change request does not fit into the goals outlined in the Comprehensive Plan; specifically, the goal to *Avoiding Undesirable Development Outcomes*. This goal encourages, "High-quality development that respects community character and the natural environment and does not overburden public services and infrastructure." Some of the targeted objectives of this goal include ensuring, "... compatible development when differing land use types or intensities are located in close proximity."

The proposed B-2, General Business zoning district will create an undesirable outcome by overburdening the public street infrastructure in this area. Therefore, Staff finds that the request is not in line with the Future Land Use Map, and is not consistent with the land use policies as outlined in the Comprehensive Plan.

Notices

Staff sent out 6 notices to property owners within the 200 foot notification area. Since the time of this report, Staff has received three (3) contacts regarding the request. One (1) response is in support of the request, and two (2) responses are in opposition of the request. The responses in opposition noted concerns about the negative effect the proposed zone change might have on

their property values, and potential nuisances created by the truck traffic generated by the development. These written responses have been included in the attachments.

***Please note that this zoning application was not subject to the additional noticing practices that were approved by City Council during their regular meeting on January 19, 2021. The additional noticing practices will be applied to all zoning applications received on or after March 1, 2021.**

P&Z Recommendation

The Planning & Zoning Commission heard this item at their regular meeting on Monday, April 12th, and voted unanimously to deny the zone change request (5-0).

Staff Recommendation

Based on the above findings, Staff recommends denial of a change of zoning for the subject property from R-1, Single Family to B-2, General Business.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

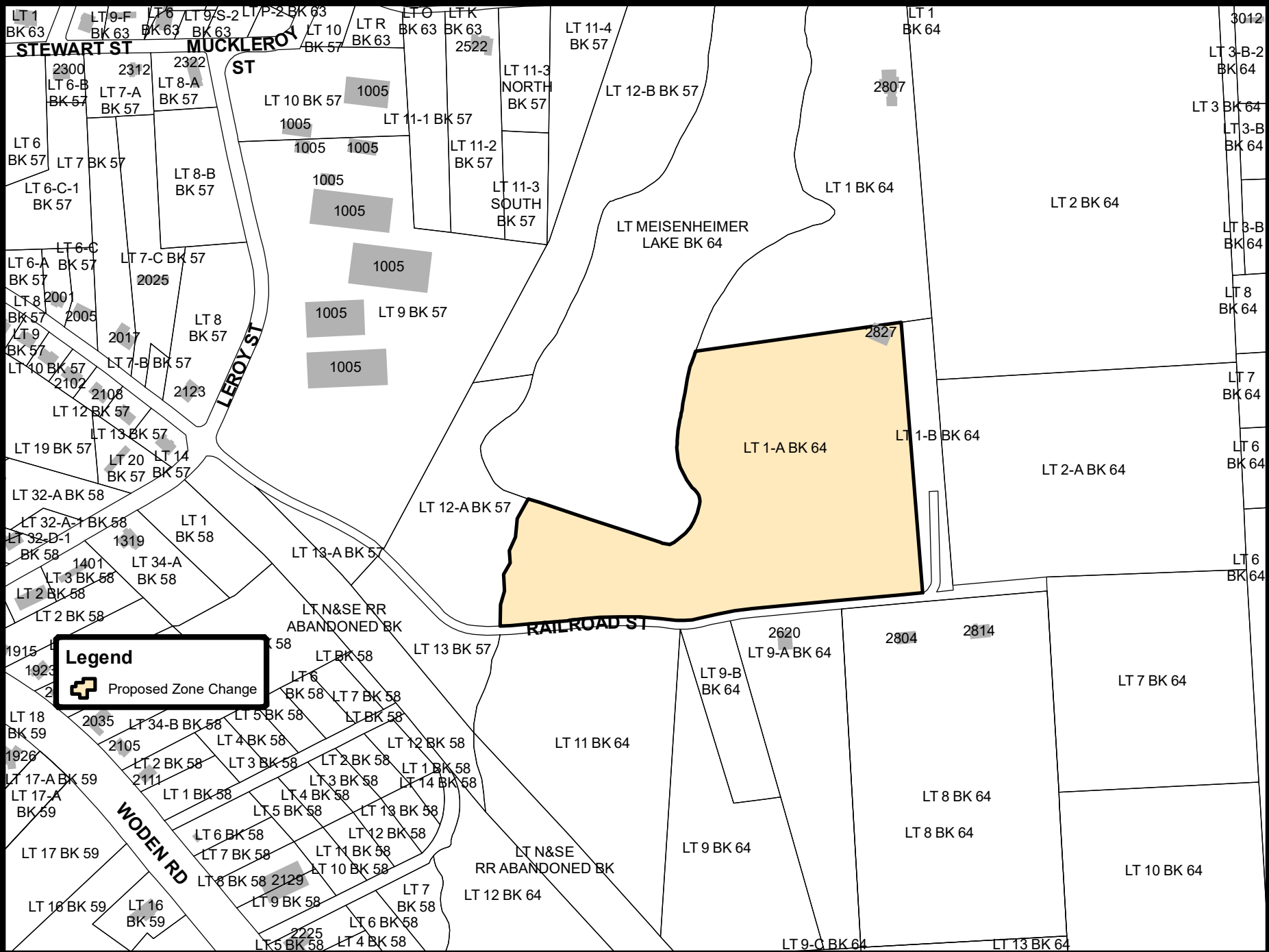
Not Applicable

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
936-559-2572

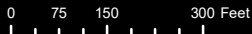
ATTACHMENTS:

1. Maps
2. Site Photos
3. Public Input
4. Ordinance

ZON 2021-01



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Date Created: January 29, 2021 Software: ArcGIS 10.8.1

ZON 2021-01



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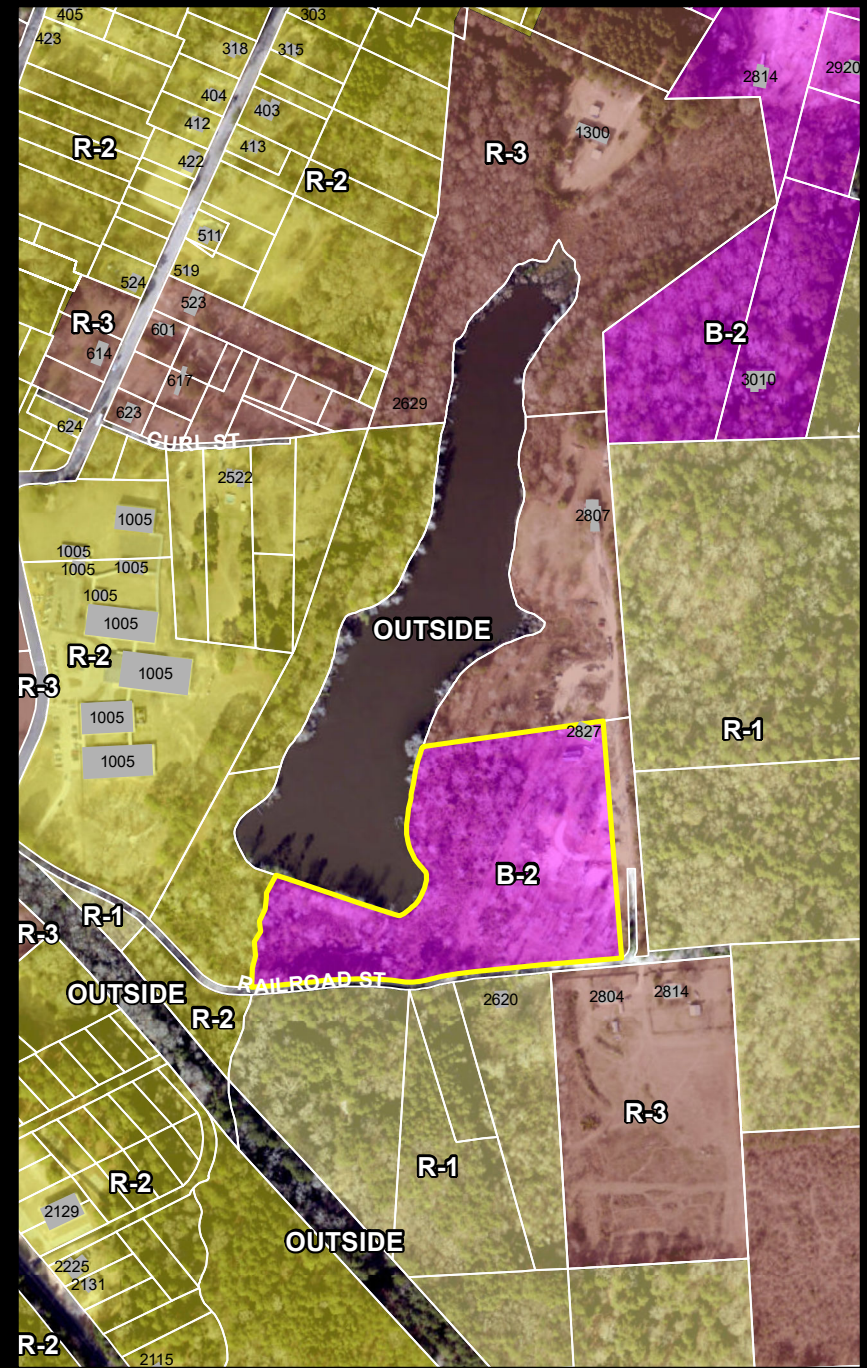
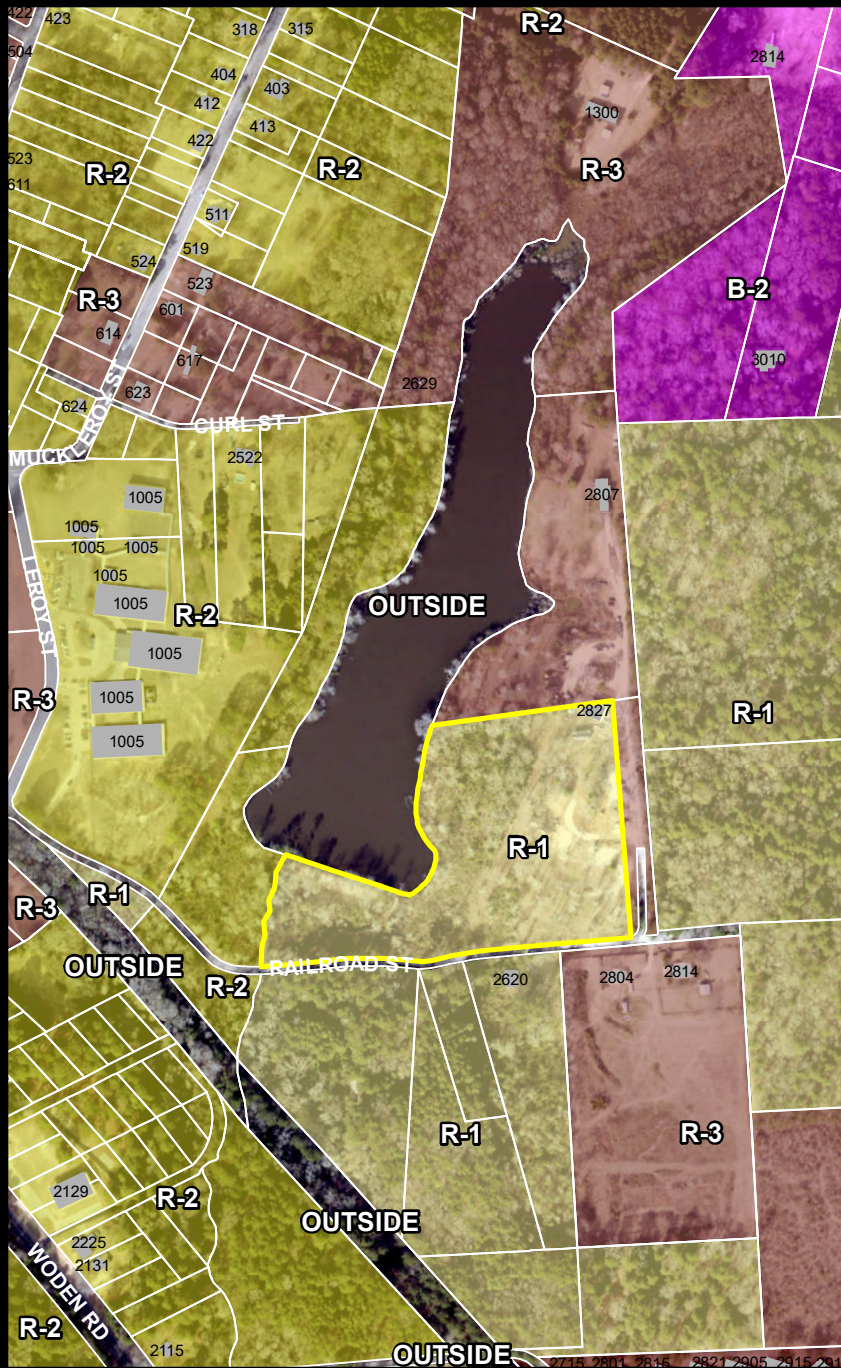


Date Created: January29, 2021 Software: ArcGIS 10.8.1

Existing Zoning

ZON 2021-01

Proposed Zoning



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

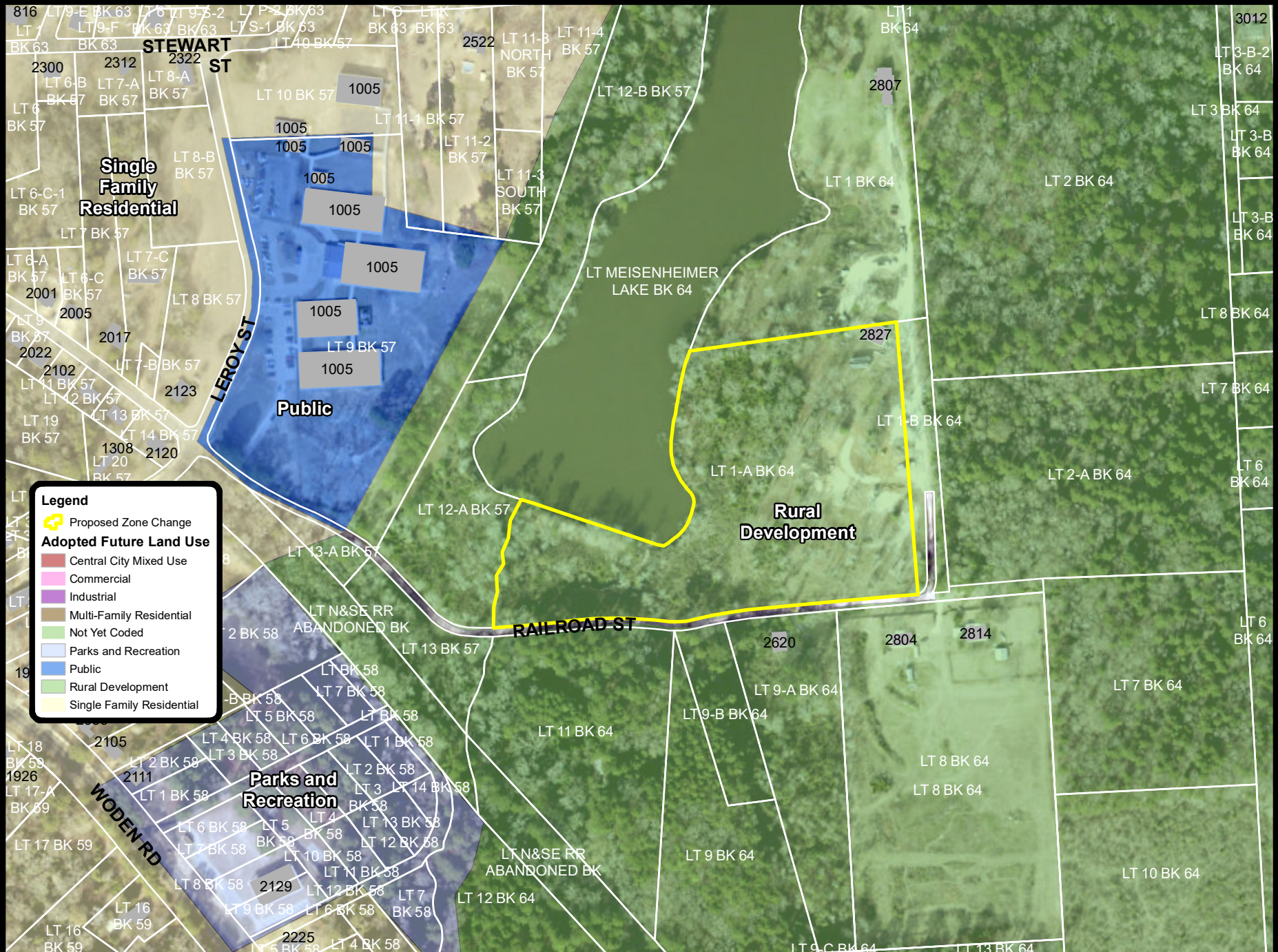


Date Created: January 29, 2021 Software: ArcGIS 10.8.1

0 125 250 500 Feet



ZON 2021-01



Legend

- Proposed Zone Change
- Adopted Future Land Use**
 - Central City Mixed Use
 - Commercial
 - Industrial
 - Multi-Family Residential
 - Not Yet Coded
 - Parks and Recreation
 - Public
 - Rural Development
 - Single Family Residential

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 75 150 300 Feet

Date Created: January 29, 2021 Software: ArcGIS 10.8.1

ZON2021-01 – 2827 Railroad Street

Legend

200 foot buffer



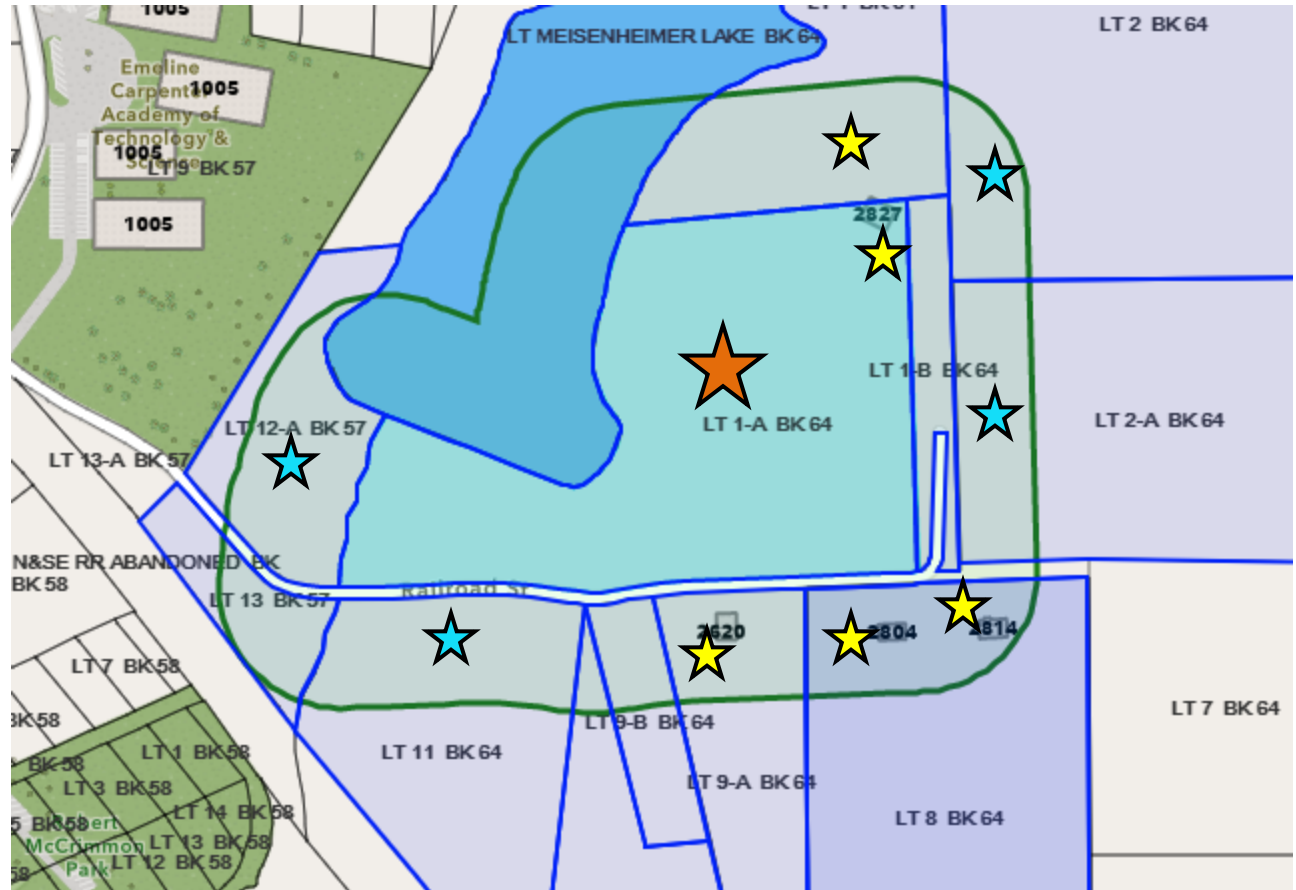
Proposed Zone Change



Vacant



Single Family –
Owner Occupied



Railroad Street



Private Driveway



Truck Ruts



Street View from Driveway Entrance



View from Railroad Street



Site Photos



Site Photos





Chafin, Alaina <chafina@nactx.us>

Zone Change Request on Railroad Street

1 message

John Fleming <johnthomasfleming@yahoo.com>
To: "chafina@nactx.us" <chafina@nactx.us>

Mon, Feb 8, 2021 at 1:13 PM

Ms. Chafin - Good visiting with you today!

I do not object to the zone change from residential to general business requested by Warren Sparks. Please feel free to contact me should you need additional information!

Tks!

John



Chafin, Alaina <chafina@nactx.us>

Fwd: Zoning Committee regarding #ZON2021-012 messages

Vinson, Jan <vinsonj@nactx.us>
To: Alaina Chafin <chafina@nactx.us>

Fri, Feb 5, 2021 at 7:41 AM

----- Forwarded message -----

From: **Janice Waggoner** <janice.waggoner1967@gmail.com>
Date: Thu, Feb 4, 2021 at 9:35 PM
Subject: Zoning Committee regarding #ZON2021-01
To: <vinsonj@nactx.us>

To whom it may concern:

I would like to submit my objection regarding the zone change of Lot 1-A City Block 64, located at 2827 Railroad St. The request to change that location from R-1 (single family) to B-2 (general business) Case file #ZON2021-01 would devalue my property and thus also devalue property in the vicinity.

I am submitting my dissent to the zone change due to the devaluation of the surrounding property. I have consulted with a real estate company and they have stated that this zone change would "negatively impact the value of my property and the surrounding area."

I hope that the zoning committee will find that changing the zoning of the property in this case would only have a negative impact on the value of property in our community and therefore keep this property zoned R-1.

Thank you for your consideration,

Brenda Waggoner
[3010 Cecil Jones](mailto:3010CecilJones@nactx.us)
[Nacogdoches, TX 75961](mailto:NacogdochesTX75961@nactx.us)

--

Jan Vinson, City Secretary
City of Nacogdoches, Texas
vinsonj@nactx.us
936-559-2506

Chafin, Alaina <chafina@nactx.us>
To: "Pollette, Juan" <pollettej@nactx.us>

Fri, Feb 5, 2021 at 10:36 AM

For the case file
[Quoted text hidden]



Chafin, Alaina <chafina@nactx.us>

Zoning change application

1 message

David Connolly <davennac@sbcglobal.net>

Fri, Feb 5, 2021 at 3:57 PM

To: "chafina@ci.nacogdoches.tx.us" <chafina@ci.nacogdoches.tx.us>, "pollettej@nactx.us" <pollettej@nactx.us>

I will speak at the meeting, but I also submit this written comment>

As members of the Planning and Zoning Commission should know, the impact of Mr. Sparks operating a business selling and hauling gravel road base and fill-dirt on Railroad St. is already known, as it has been in operation for many years. I was prompted to finally complain about the zoning violation because Mr. Sparks indicated he had renewed his effort to buy the Thurman property at the end of the street in order to mine fill-dirt from it, an expansion of the business which would've increased the nuisances I suffer as a result of tail-dump dump trucks, belly-dump 18-wheelers, and/or flat-bed trailers hauling a back-hoe, excavator, or bulldozer going in and out almost every business day. Noise is the worst nuisance, primarily the noise of the gates on the belly-dumpers rattling as they cross a damaged, uneven section of the street my property fronts, which they sometimes do as early as 3:30 in the morning. My bedroom is in the front of the house, so this noise frequently disturbs my sleep, especially in the spring, summer, and fall months when I usually sleep with the window adjacent to my head open. There is always considerable engine noise from the big trucks, especially when they are returning and are chugging uphill. If tail-dumpers are hauling dirt in, some of them use a bed vibrator to loosen stuck dirt which makes a horrendous loud noise, or, with the bed raised, they pull forward and hit the brakes to make the tailgate swing and hit the bed, making a very loud banging noise. If that doesn't work, he will hit the bed with the shovel on his backhoe, creating an even louder noise.

Dirt and dust is the other nuisance affecting me. According to the "Measure Distance" feature in Google Maps, the area when limestone gravel road base is unloaded and loaded is approximately 263 feet from the street, and it is approximately 200 feet from there to my house. The dirt in the road base material mixes with the powdery sand already there and creates very mushy mud after a rain, which may remain muddy for several days when he have several days of rainy weather and/or high humidity. Trucks come out of there with tires packed with mud, which falls off as they gain speed on the street. Then when the dirt is dry, dust is stirred up they stir up when trucks pass by, even if they are going just 15- 20 MPH, and if the wind is northerly at all, it blows toward my house.

As a taxpayer, I share in the cost of repair to damage to the street, including severe damage anytime one of Mr. Sparks' truck encounters another vehicle, especially another large truck(city garbage, street repair, or limb/brush pickup truck, or UPS or Fedex truck) and pulls to the edge of the street, sometimes right on/off the edge of the street, which frequently breaks the asphalt.

These large trucks create a hazard to other vehicles, and if there's an accident in which someone is killed or horribly injured in a collision with one of these trucks, the city could be sued for millions of dollars for allowing them to operate on a regular basis on this narrow street.

I hate having to take this action, but I'm sure that Mr. Sparks, with all the people he knows and has worked with/ for, including the Drewerys and Suzanne Patterson at Cal-tex, will be able to at least find a temporary location for his business while he looks for property to buy.

David Connolly

ORDINANCE NO. 1866-04-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM R-1, SINGLE FAMILY TO B-2, GENERAL BUSINESS FOR LOT 1-A, CITY BLOCK 64, LOCATED AT 2827 RAILROAD STREET IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned R-1, Single Family; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to B-2, General Business; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

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

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from R-1, Single Family to B-2, General Business is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
SHELLEY BROPHY, Mayor

ATTEST:

APPROVED AS TO FORM:

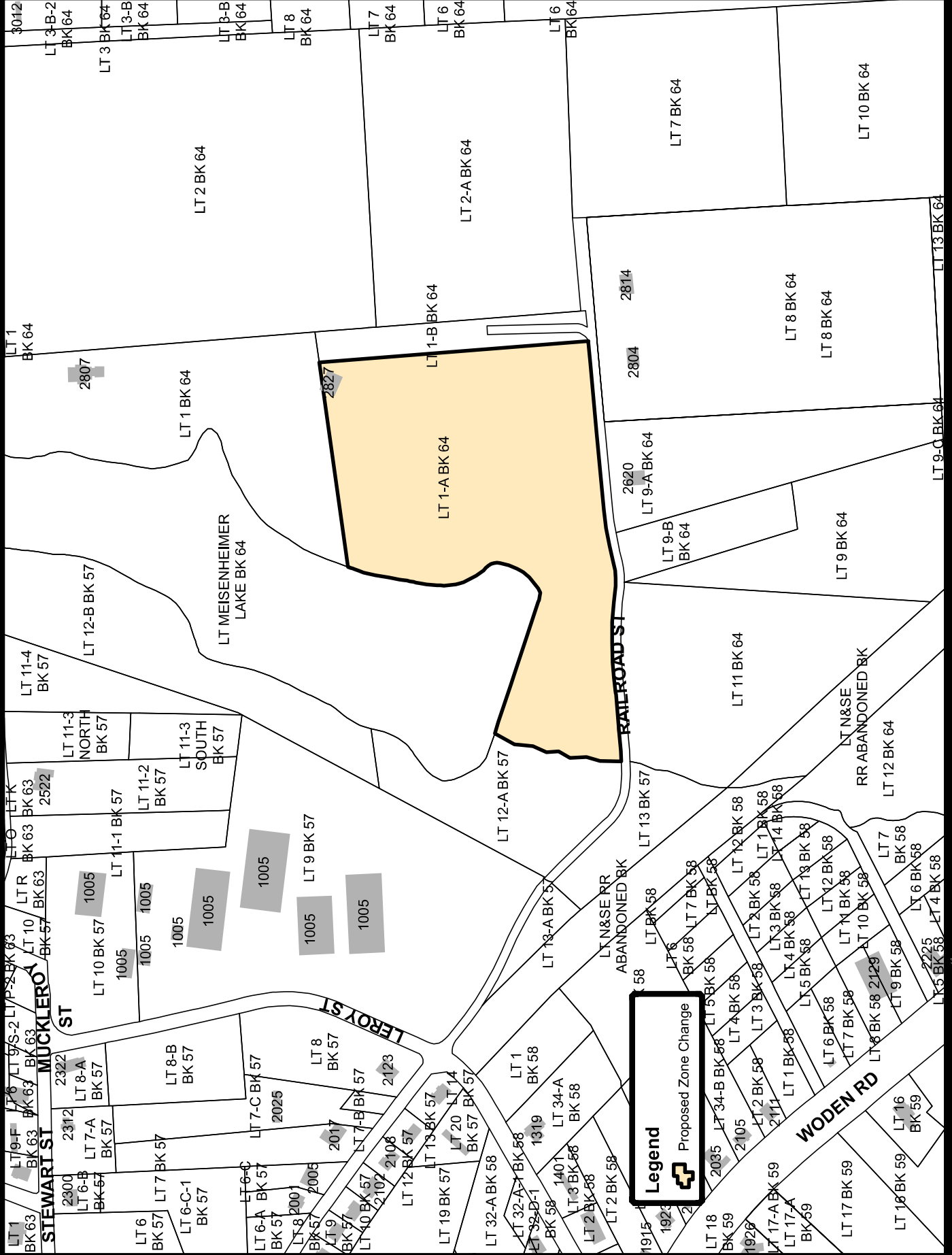
JAN VINSON, City Secretary

ROBERT S. DAVIS, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

ZON 2021-01



Notice: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



PRESENTER: Case Opperman, Public Works Asst Director

ITEM/SUBJECT: Receive a report, hold a discussion and give staff direction concerning street maintenance activities. (Assistant Director of Public Works)

SUMMARY/BACKGROUND: The 2021 Annual Street Improvement Report describes the paving repairs accomplished by both contractors and in-house crews over the past year and identifies the proposed list of streets slated for repair during the upcoming paving season.

Repairs proposed for the 2021 period will include crack seal and seal coat on thirty-four (34) streets and more significant repairs on six (6) streets. The streets receiving crack sealing and seal coat are streets with surfaces nearing the end of the pavement life, but which have not yet begun to fail. Sealing the cracks and installing a new single-course rock surface treatment is a very economical repair scheme and will extend the pavement life by an estimated ten (10) years.

The six streets with more significant failure issues include Fourth Street, Maybell Street, Stewart Street, Lewis Street, Cardinal Street and Swann Drive. Previous extended rainy seasons and multiple significant winter weather events have resulted in the rapid deterioration of these streets to a "D" grade quicker than expected. Significant pothole repairs and increased patching, as well as citizen concerns about safety and reduced travel speeds, have prioritized these streets for repair. Rehabilitation methods will include: patch & overlay, mill and inlay, and remix and overlay depending on the pavement condition.

Street Department crews will continue to maintain other roadways in the City utilizing the patch truck for pothole patching and minor repairs.

If the proposed street list is approved, three (3) construction contracts, funded by both the General Fund CIP and Street Maintenance Fee, will be used to engage paving contractors in May and June for these repairs. Expenditures from each fund will be tracked individually to clearly identify which streets were repaired using which fund.

Repairing a street results in an increased life span which in turn decreases the maintenance liability of the overall road infrastructure. In 2020, the City added 61.5 mile-years to our street system. If approved, pavement improvements to the proposed streets will add an additional 89.5 mile-years in 2021.

Staff is beginning to explore street evaluation technology to help expedite and automate our future street evaluation efforts. This will not replace staff evaluation, but will be a very useful tool in assisting staff with identification of repair needs and development of projects.

FINANCIAL:

No financial impact associated with this item

**COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE
FOLLOWING CITY COUNCIL PRIORITIES**

Infrastructure

CITY CONTACT: Case Opperman, Assistant Director of Public Works
oppermanc@nactx.us
(936) 559-2515

ATTACHMENTS: 1. Street Improvement Annual Report 2021
2. 2021 Street Improvement PowerPoint

2021 ANNUAL STREET IMPROVEMENT REPORT



CITY OF NACOGDOCHES
ENGINEERING DEPARTMENT

2021 ANNUAL STREET IMPROVEMENT REPORT



COMPLETED STREET IMPROVEMENT ACTIVITIES

One contract was issued during the prior year (2020) for street improvements. This contract addressed major rehabilitation or reconstruction needs on several streets which were in poor condition (“D” grade), as well as needed improvements at Sunset Cemetery, and utilized the General Fund CIP, Street Maintenance Fee and Sunset Cemetery budgets. The CIP budget funded improvements on Park Street and the eastern part of Esther Boulevard while the Street Maintenance Fee funded improvements on the remainder of Esther Boulevard and eight others. Construction of one new roadway around a new burial section and improvements to twelve (12) road segments within Sunset Cemetery were funded by the Sunset Cemetery budget. The City Public Works Department also completed asphalt overlays on several additional streets, as well as paving improvements at City park facilities. The improvements that were made should provide a minimum of 15 years of life to each street under normal traffic loads.

All proposed street repair activities for 2020 were completed totaling over \$1 million in improvements. The following tables summarize street maintenance activities performed during the 2020 paving year.

2020 STREET REPAIR COSTS

Project	Final Budget **	Actual Cost	Funding
2020 Street Paving Project	\$ 295,000	\$ 271,842.35	Gen Fund CIP
	\$ 828,000	\$ 547,663.11	Maintenance Fee
	\$ 224,000	\$ 224,000	Sunset Cemetery
Street Department	\$ 250,000	---	Gen Fund

** Some budgets adjusted from prior Street Report after final engineering design

2021 ANNUAL STREET IMPROVEMENT REPORT



2020 COMPLETED STREET REPAIRS

PROJECT	REPAIR	STREET	PROPOSED	COMPLETED
2020 Street Paving	Asphalt Overlay	Esther Boulevard	✓	✓
2020 Street Paving	Asphalt Overlay	Hilltop Street	✓	✓
2020 Street Paving	Asphalt Overlay	Guy Street	✓	✓
2020 Street Paving	Asphalt Overlay	Jade Street	✓	✓
2020 Street Paving	Asphalt Overlay	Lady Diane Drive	✓	✓
2020 Street Paving	Asphalt Overlay	Lady Jennifer Drive	✓	✓
2020 Street Paving	Remix & Overlay	Dolph Street (Wade to N. Sanders)	✓	✓
2020 Street Paving	Remix & Overlay	Lady Elaine Drive	✓	✓
2020 Street Paving	Mill & Asphalt Inlay	Park Street (N. Mound to University)	✓	✓
2020 Street Paving	Mill & Asphalt Inlay	Pearl Street (W. College to W. Austin)	✓	✓
2020 Street Paving	New Road	Sunset Cemetery	✓	✓
2020 Street Paving	Asphalt Overlay	Sunset Cemetery - 12 Road Segments	✓	✓
City Crews	Asphalt Overlay	E. Parker Street (Raguet to East)		✓
City Crews	Asphalt Overlay	Houston Street (N. Mound to King)		✓
City Crews	Asphalt Overlay	John Richardson Drive (approx. 800')		✓
City Crews	Asphalt Overlay	Old North Church Rd (approx. 300')		✓
City Crews	Asphalt Overlay	Community Grocery Rd (approx. 200')		✓
City Crews	New Driveway	Sunset Cemetery - Access driveway to new section		✓
City Crews	Asphalt Overlay	Banita Park Parking Lot		✓
City Crews	New Parking	Handicap Spaces at Farmers Market		✓
City Crews	New Routes	Two Handicap-accessible trails in Banita Park		✓

PROPOSED STREET MAINTENANCE ACTIVITIES (2021)

Three projects are proposed for the 2021 paving year. In an effort to save “C-grade” streets which are deteriorating and with surfaces which are at the end of their useful life, but which are not yet failing, the first two projects would be a crack seal and a seal coat project, respectively. This repair scheme is very economical, allowing new driving surfaces to be installed on numerous streets at a significantly reduced cost and extending the life of these streets a minimum of ten (10) years.

The third proposed project for the paving year would include roadways with more significant repair needs. Previous extended rainy seasons and multiple significant winter weather events have resulted in the rapid deterioration of several streets changing them

2021 ANNUAL STREET IMPROVEMENT REPORT



from a “C” grade to a “D” grade more rapidly than expected. Streets chosen for consideration have experienced a significant number of recorded pothole repairs, increased patching needs and notable increases in cracking. Complaints from the public about safety and reduced travel speeds were also important factors in the selection process. Photos of these streets are included at the end of this section.

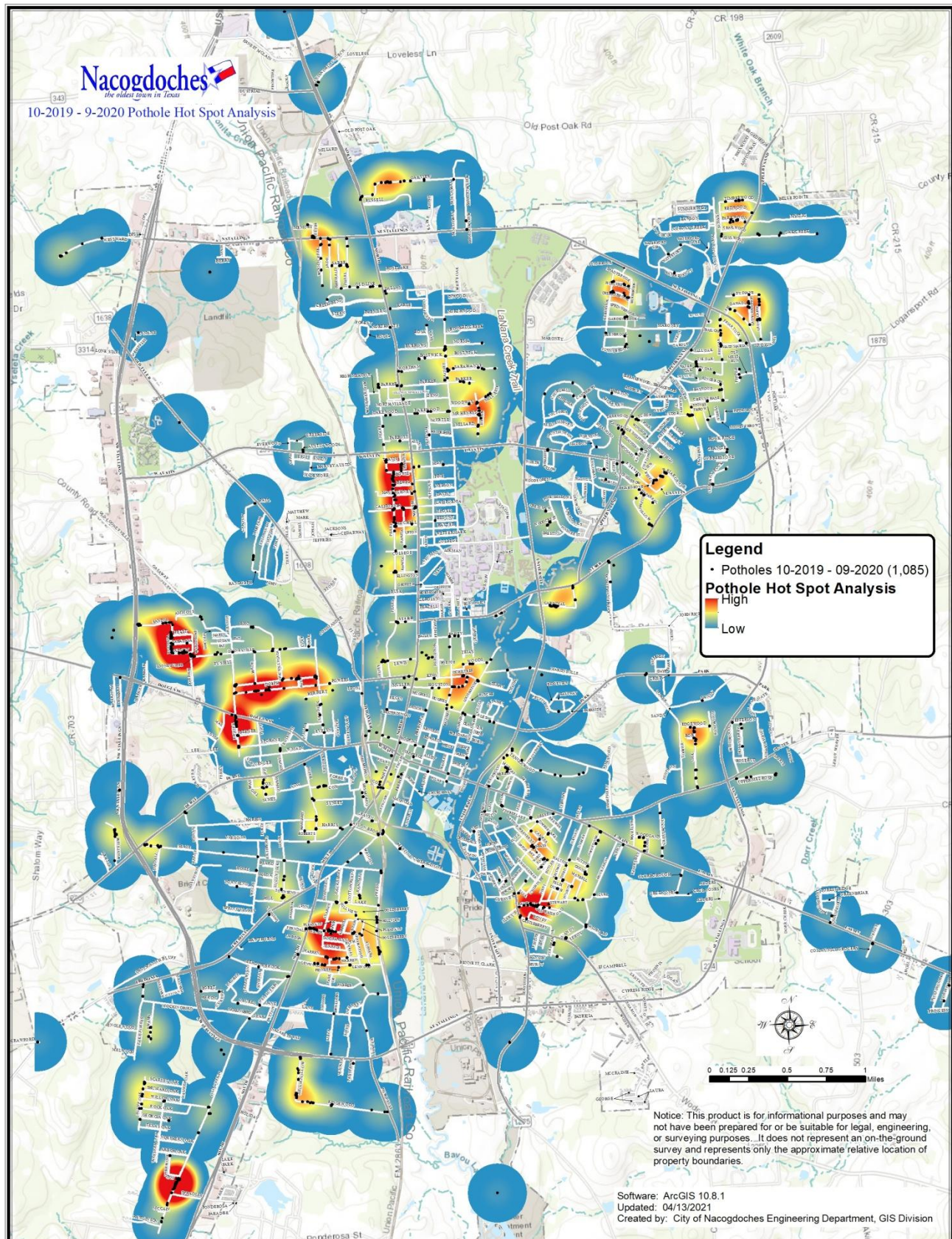
Repair scheme proposed for these streets includes:

- *Remixing and recycling existing pavements into a stabilized base course and the placement of a new 2”-thick asphalt overlay.* This technique is used when there is ample existing asphalt and base to salvage and the road has not received a prior overlay. Recycling pavements with a new overlay is estimated to have a 22-year life, depending on traffic.
- *Milling and removal of 2” of existing asphalt surface followed by a 2” inlay of new asphalt.* This method is used on streets with an existing overlay that is now failing. Pavement elevations along the gutter line are too high to add a second overlay. Milling and inlays are estimated to have an 18-year life, depending on traffic.
- *Patching failed areas and leveling depressions followed by a 2”-thick asphalt overlay.* This technique is suitable for streets that do not have a second overlay and the existing pavement structure has not deteriorated near total failure. Patch and overlays are estimated to have a 15-year life span, depending on traffic.

The Street Department patch truck makes a continuous circuit around the City repairing all observed potholes. This circuit can take a month to complete, depending on weather. Each pothole repair is recorded in the field using GPS coordinates and entered into our GIS database. A “heat map” showing the location of all repaired potholes is used by the Engineering Department to help identify road segments with more frequent problems and is included on the following page. This map plays a significant role in the identification of high priority streets for proposed repair projects. Higher density pothole repair zones are shown in red.

All of the repair schemes planned for streets in the 2021 projects are suitable for a general paving contractor. Monies from both the General Fund CIP and Street Maintenance Fee Fund will be used for these contracts. Expenditures from each fund will be tracked individually to clearly identify what streets were repaired using which fund.

2021 ANNUAL STREET IMPROVEMENT REPORT



2021 ANNUAL STREET IMPROVEMENT REPORT



2021 PROPOSED STREET REPAIRS

STREET	FROM	TO	REPAIR	ESTIMATED COST	FUND
N. Stone Street	W. Main Street	Spokane St.	Crack Seal/Seal Coat	\$6,700	Street Fee
Thomas Street	Durst Street	W. Cox Street	Crack Seal/Seal Coat	\$5,500	Street Fee
W. Cox Street	Thomas Street	Dennis Street	Crack Seal/Seal Coat	\$11,000	Street Fee
Jordan Street	Hwy 21 W	Paluxy Street	Crack Seal/Seal Coat	\$30,000	Street Fee
Rudolph Street	Spokane Street	Hwy 21 W	Crack Seal/Seal Coat	\$5,600	Street Fee
Terry Crawford	Hwy 7 W	End	Crack Seal/Seal Coat	\$50,000	Street Fee
Lake Forest Dr.	Mockingbird Ln	End	Crack Seal/Seal Coat	\$51,000	Street Fee
Queen Street	Esther Blvd	Pleasant Lane	Crack Seal/Seal Coat	\$8,100	Street Fee
Goldsberry St.	Esther Blvd	Pleasant Lane	Crack Seal/Seal Coat	\$9,200	Street Fee
Blount Street	N. Pecan Street	Raguet Street	Crack Seal/Seal Coat	\$15,000	Street Fee
Logansport Street	Park Street	End	Crack Seal/Seal Coat	\$51,000	Street Fee
W. Parker Street	North Street	Pearl Street	Crack Seal/Seal Coat	\$27,000	Street Fee
Martinsville St.	Logansport St.	University Dr.	Crack Seal/Seal Coat	\$35,000	Street Fee
King Street	N. Mound St.	Logansport St.	Crack Seal/Seal Coat	\$18,000	Street Fee
Raguet Street	King Street	Hospital	Crack Seal/Seal Coat	\$8,300	Street Fee
Gasaway Road	Ritchie Street	Ammons St.	Seal Coat	\$19,000	Street Fee
W. Pilar Street	South Street	Bridge	Seal Coat	\$10,000	Street Fee
Wade Street	Dolph Street	Looneyville Rd	Crack Seal/Seal Coat	\$21,000	Street Fee
Pat Street	Ritchie Street	Ends (Both)	Crack Seal/Seal Coat	\$22,000	Street Fee
Lola Street	Ritchie Street	End	Crack Seal/Seal Coat	\$12,000	Street Fee
Marty Street	Gasaway Road	End	Crack Seal/Seal Coat	\$8,400	Street Fee
Nash Street	Powers Street	Dolph Street	Crack Seal/Seal Coat	\$5,200	Street Fee
A Street	Woden Road	Castleberry St	Crack Seal/Seal Coat	\$6,100	Street Fee
Castleberry Street	A Street	S. Shawnee St.	Crack Seal/Seal Coat	\$22,000	Street Fee
Eliza Street	Orton Street	Greer Street	Crack Seal/Seal Coat	\$24,000	Street Fee
Lampkin Street	Old Tyler Road	Randolph St.	Crack Seal/Seal Coat	\$41,000	Street Fee
Chimney Rock Ln.	E. Starr Avenue	End	Crack Seal/Seal Coat	\$69,000	Street Fee
Cobblestone St.	Chimney Rock	End	Crack Seal/Seal Coat	\$8,100	Street Fee
Granite Hill Street	Chimney Rock	End	Crack Seal/Seal Coat	\$9,000	Street Fee
Rock Ridge Street	Chimney Rock	End	Crack Seal/Seal Coat	\$7,800	Street Fee
Stone's Throw St.	Chimney Rock	Pebble Creek	Crack Seal/Seal Coat	\$12,000	Street Fee
Pebble Creek St.	Stone's Throw	End	Crack Seal/Seal Coat	\$8,100	Street Fee
Piping Rock Street	Stone's Throw	End	Crack Seal/Seal Coat	\$8,000	Street Fee
Maroney Drive	Appleby Sand	Ridgebrook Dr	Crack Seal/Seal Coat	\$93,000	Street Fee
Fourth Street	Stewart Street	Maybell Street	Remix & Overlay	\$51,000	Street Fee
Maybell Street	Fourth Street	Sweetgum St	Patch & Overlay	\$11,000	Street Fee
Stewart Street	First Street	Muckleroy St	Remix & Overlay	\$97,000	Street Fee
Lewis Street	Pearl Street	Ruby Street	Mill & Inlay	\$14,000	Street Fee
Cardinal Street	University Dr	E. Starr Ave	Remix & Overlay	\$136,000	Gen Fund CIP
Swann Drive	Mockingbird Ln	End	Remix & Overlay	\$105,000	Gen Fund CIP

2021 ANNUAL STREET IMPROVEMENT REPORT

Total General Fund CIP: \$273,000

Total Street Maintenance Fee Fund: \$999,000

Budget monies are available to fund these projects. The crack seal and seal coat projects are expected to bid in May with construction starting by June 2021. The street paving project is expected to bid in June with construction starting by July.



Cardinal Street



Fourth Street



Maybell Street



Stewart Street

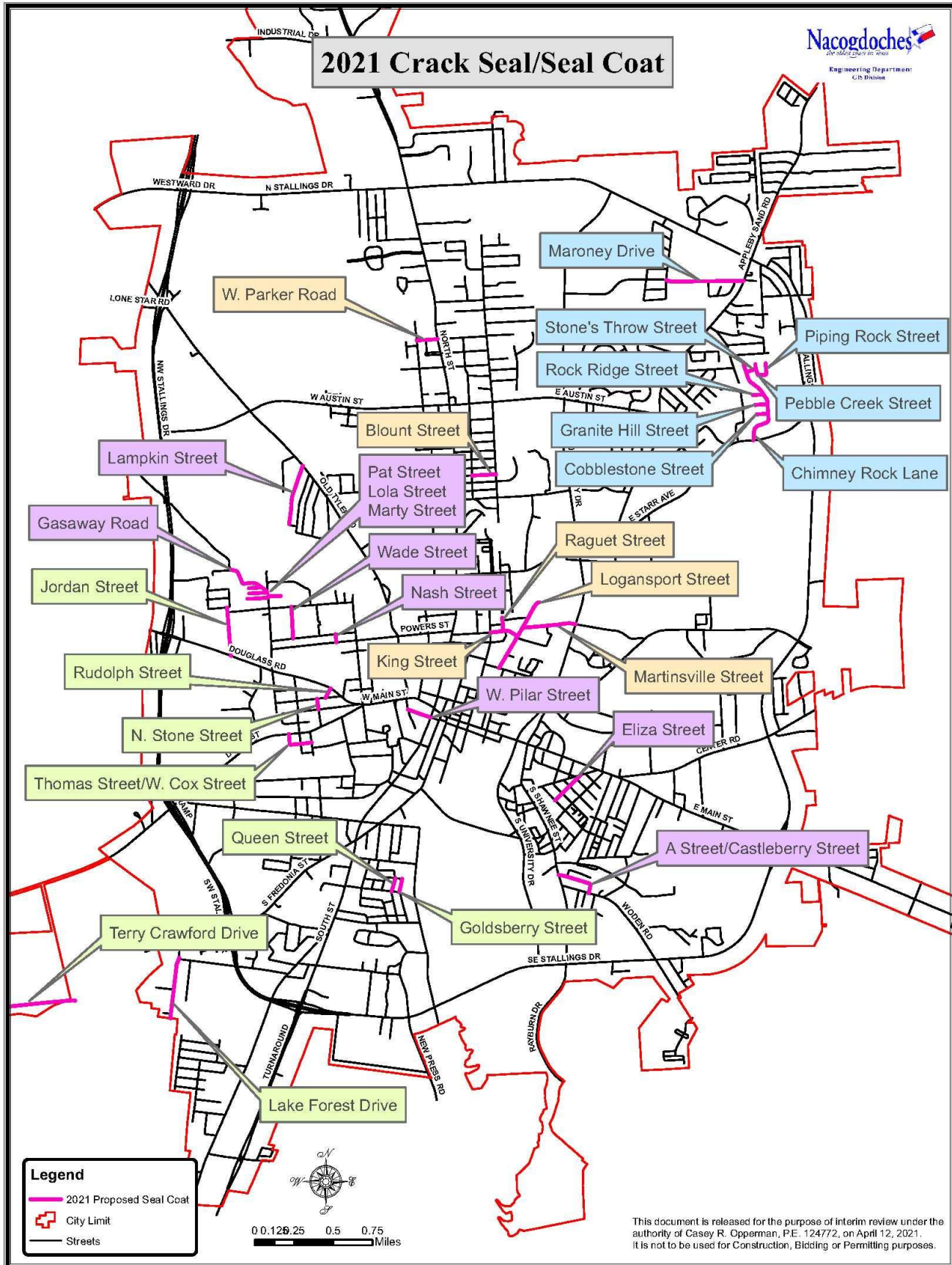


Lewis Street

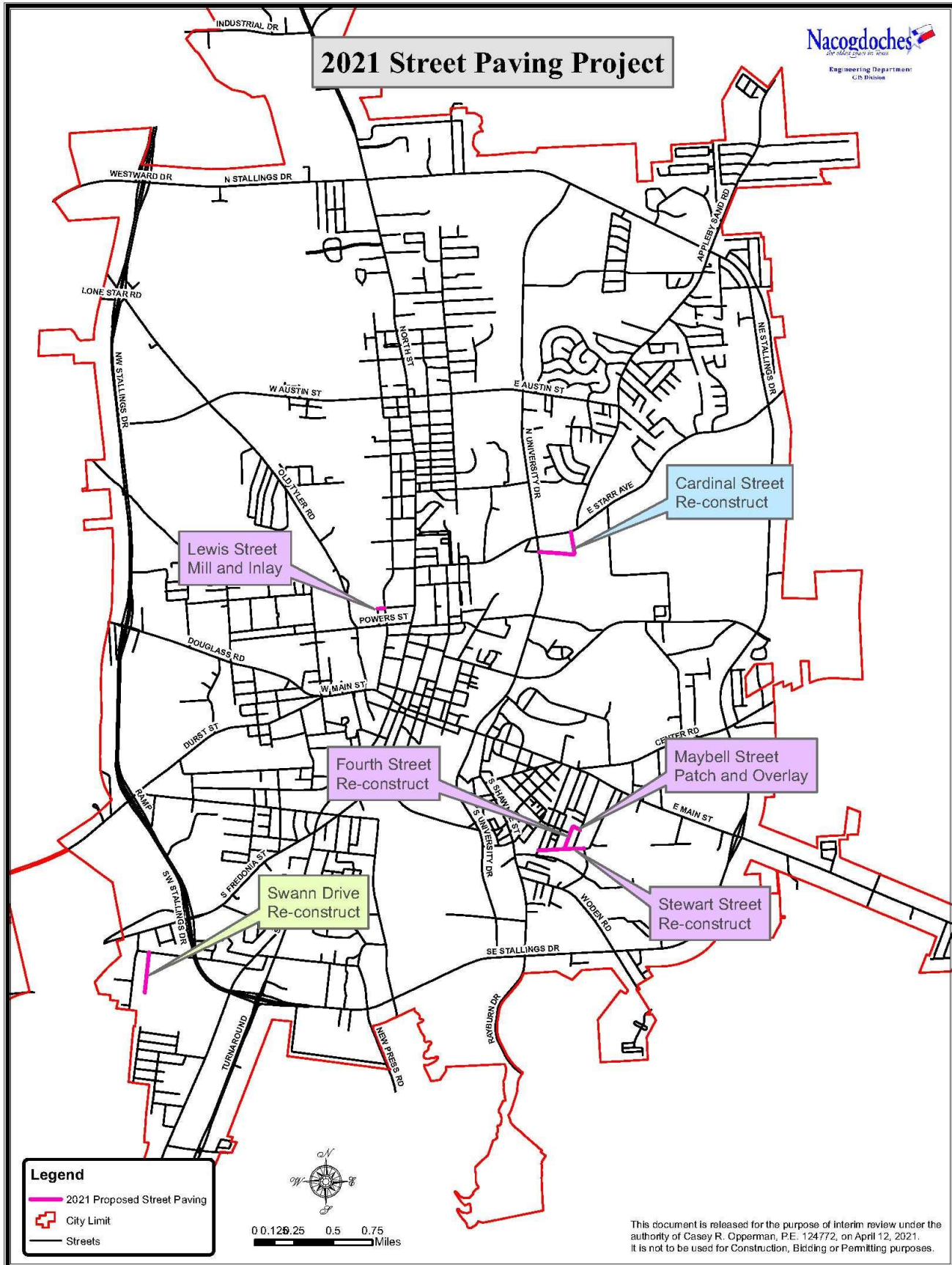


Swann Drive

2021 ANNUAL STREET IMPROVEMENT REPORT



2021 ANNUAL STREET IMPROVEMENT REPORT



2021 ANNUAL STREET IMPROVEMENT REPORT



DEFERRED MAINTENANCE

Repairing a street results in an increased life span which, in turn, decreases the maintenance liability of the overall road infrastructure. With 144 miles of streets in the City of Nacogdoches, a break-even metric for maintenance would happen when 144 mile-years of life span was added with each annual paving project (miles of streets improved multiplied by added life span). Adding less than this figure would possibly create deferred maintenance liabilities. Future paving repair programs would then be required to add more than 144 mile-years to bring the road system back to a level maintenance position. Deferred maintenance costs are always higher than current costs since construction prices increase with time and repair schemes become more involved with pavement age.

Each repair or rehabilitation scheme can be assigned a life cycle value based on anticipated increases in pavement structure resulting from the additions of new base aggregate, asphalt or chemical stabilization agents. The following life cycle values are typically applied to pavement repair schemes:

- | | |
|--|----------|
| • Single Course Surface Treatment (Seal Coat) with Crack Seal | 10 years |
| • Asphalt Overlay (2") with selected patching | 15 years |
| • Mill Surface and Replace with new 2" Asphalt Inlay | 18 years |
| • Remix & Recycle existing asphalt with new 2" asphalt overlay | 22 years |

Additions to the life span of the roadway system are estimated at:

Prior Year Street Improvement Projects (2020)

Patch & Overlay Streets:	1.81 miles @ 15 year life	27.2 mile-years
Mill & Overlay Streets:	1.04 miles @ 18 year life	18.7 mile-years
Remix & Overlay Streets:	0.71 miles @ 22 year life	<u>15.6 mile-years</u>
TOTAL ADDED		<u>61.5 mile-years</u>

Proposed Street Improvement Projects (2021)

Seal Coat Streets:	6.47 miles @ 10 year life	64.7 mile-years
Patch & Overlay Streets:	0.05 miles @ 15 year life	0.8 mile-years
Mill & Overlay Streets:	0.05 miles @ 18 year life	0.9 mile-years
Remix & Overlay Streets:	1.05 miles @ 22 year life	<u>23.1 mile-years</u>
TOTAL ADDED		<u>89.5 mile-years</u>

2021 ANNUAL STREET IMPROVEMENT REPORT



Street improvement projects from 2020 and the proposed projects for 2021 fall short of adding the desired 144 mile-years to the life expectancy of the road network resulting in some level of deferred maintenance.

Excluding streets repaired by City crews, the cost for each mile-year added during the 2020 paving period was \$15,580. An estimated \$2,200,000 in similar street repairs would have been required to achieve the 144 mile-year benchmark with no deferred maintenance. The proposed 2020 street improvement program has an estimated cost per mile-year of \$12,861 with approximately \$1,900,000 needed in similar improvements to avoid continued deferred maintenance.

Future Evaluation Efforts

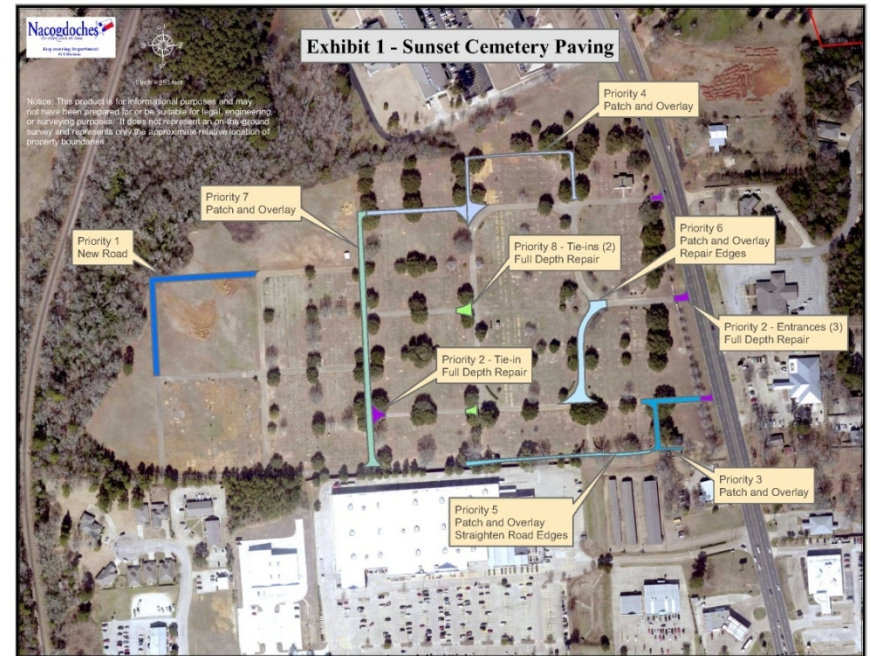
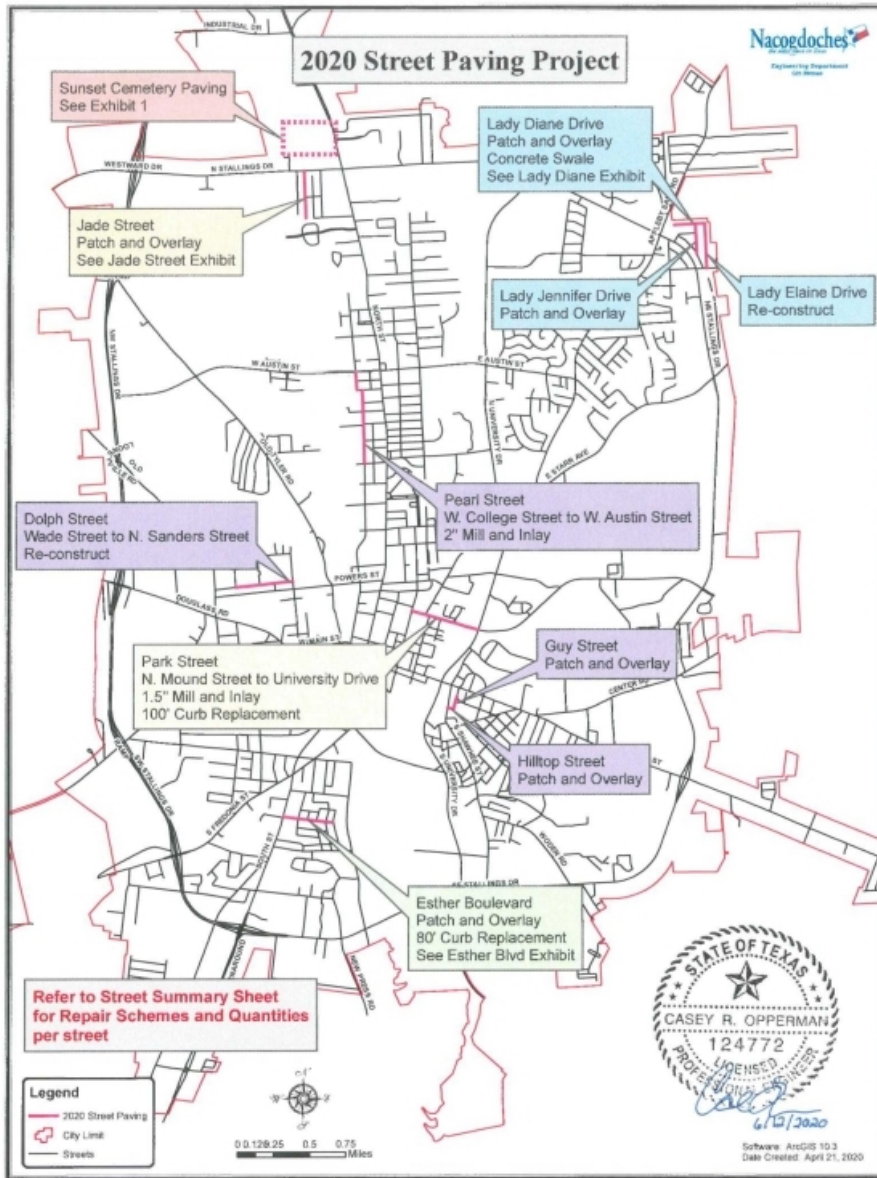
City staff has historically completed a street inventory every five (5) years on street condition, as well as periodic monitoring and notation of street conditions, in order to maintain an evaluation system of street grades within the City. These streets are graded "A", "B", "C", "D" or "F". These grades are then used to select streets in most significant need of repair, as well as to develop repair schemes and cost estimates.

Within the past few months, City staff has begun exploring the market on robotic street evaluation technology to help expedite and automate the street evaluation process. Staff has demoed one application, so far, with impressive results and at a reasonable price point. Moving forward, staff will be investigating these technologies further with the goal, not to completely replace staff evaluation of street conditions or priorities, but rather to help supplement these efforts.

STREET IMPROVEMENTS



2020 STREET IMPROVEMENTS



Total from General Fund CIP: \$271,842.35
Total from Street Maint. Fee Fund: \$547,663.11
Total from Sunset Cemetery Fund: \$224,000

2020 STREET IMPROVEMENTS

City Street Department Crews

- E. Parker Street (Raguet to East)
- Houston Street (N. Mound to King)
- John Richardson Drive (approx. 800')
- Old North Church Road (approx. 300')
- Community Grocery Road (approx. 200')
- Sunset Cemetery – Access to new section
- Banita Park Parking Lot
- Handicap Spaces at Farmer's Market
- Handicap-accessible trails in Banita Park



Public Works Departmental Paving Budget: \$250,000

- Also funds pothole repairs by Street Department patch truck

2021 PROPOSED STREET IMPROVEMENTS

Project 1 – Crack Seal

- Route and Seal cracks on streets to receive seal coat

Project 2 – Seal Coat

- Single-course Surface Treatment

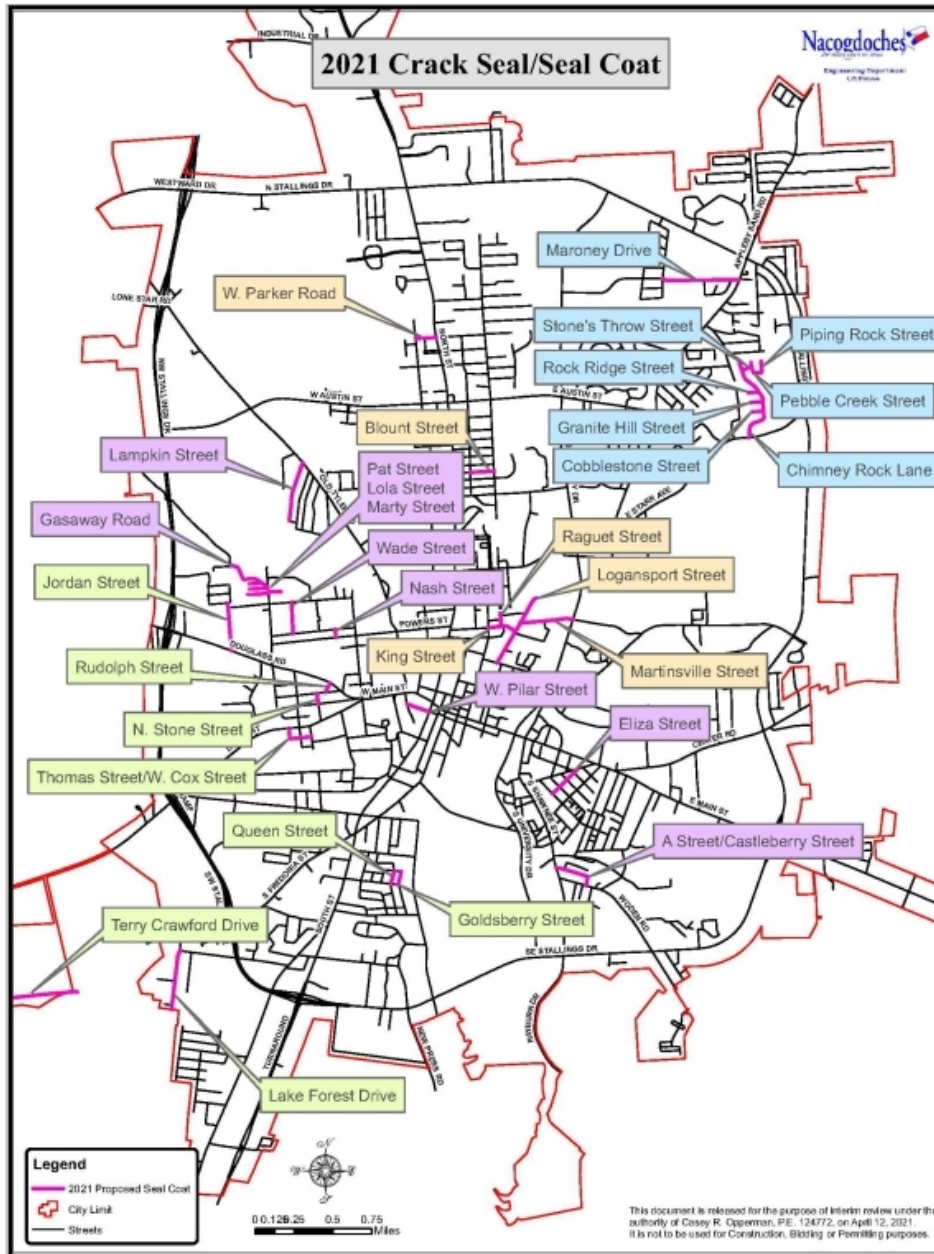
Project 3 – Street Paving

- Major street repair

Total Funding Available

- General Fund CIP: \$273,000
- Street Maint. Fee Fund: \$999,000

2021 PROPOSED STREET IMPROVEMENTS



Projects 1 & 2 – Crack Seal & Seal Coat

- 34 streets, listed in report
- Cracks routed and cleaned
- Filled with hot asphalt sealant
- Street patching and level-up
- After several weeks, spray pavement with heated oil and cover with small rock, compact.

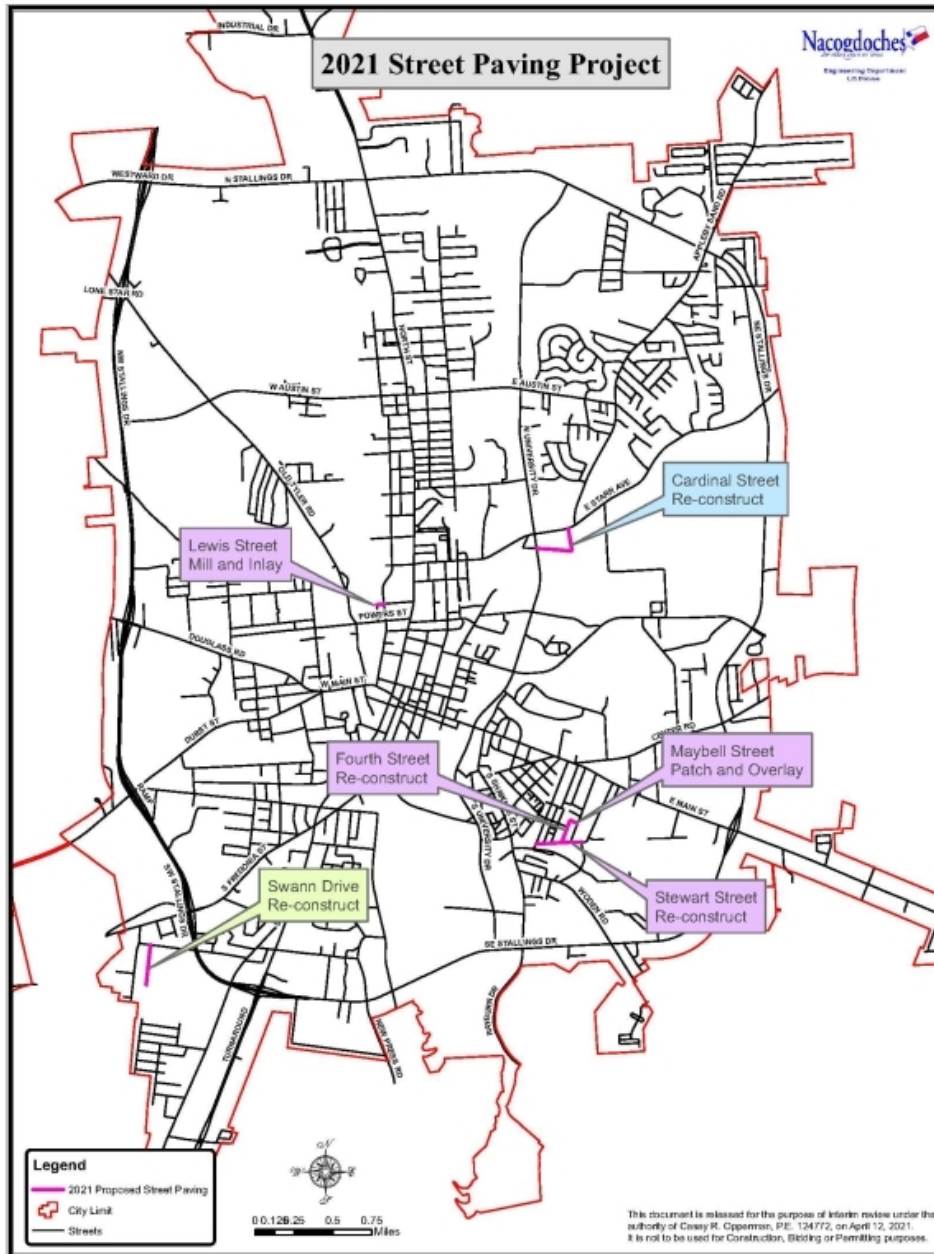
Extends life of street 10 to 20 years

Estimated Cost: \$737,100

Funded by: Street Maintenance Fee

Bid in May, construction starting June 2021.

2021 PROPOSED STREET IMPROVEMENTS



Project 3 – Major Repairs

- Patch & Overlay – Maybell Street
 - Street patching and level-up
 - New asphalt surface
 - Extends life of street 15 years
- Mill & Inlay – Lewis Street
 - Mill several inches of pavement
 - Patch as needed
 - New asphalt surface
 - Extends life of street 18 years
- Re-construct (Pulvermix) – Cardinal, Fourth, Stewart, Swann
 - Pulverize old surface, mix with old base
 - Chemically stabilize, if needed
 - New asphalt surface
 - Extends life of street 22 years

Estimated Cost: \$414,000

Funded by: Street Maintenance Fee - \$173,000

General Fund CIP - \$241,000

Bid in June, construction starting July 2021.

PROPOSED STREETS 2021



PROPOSED STREETS 2021

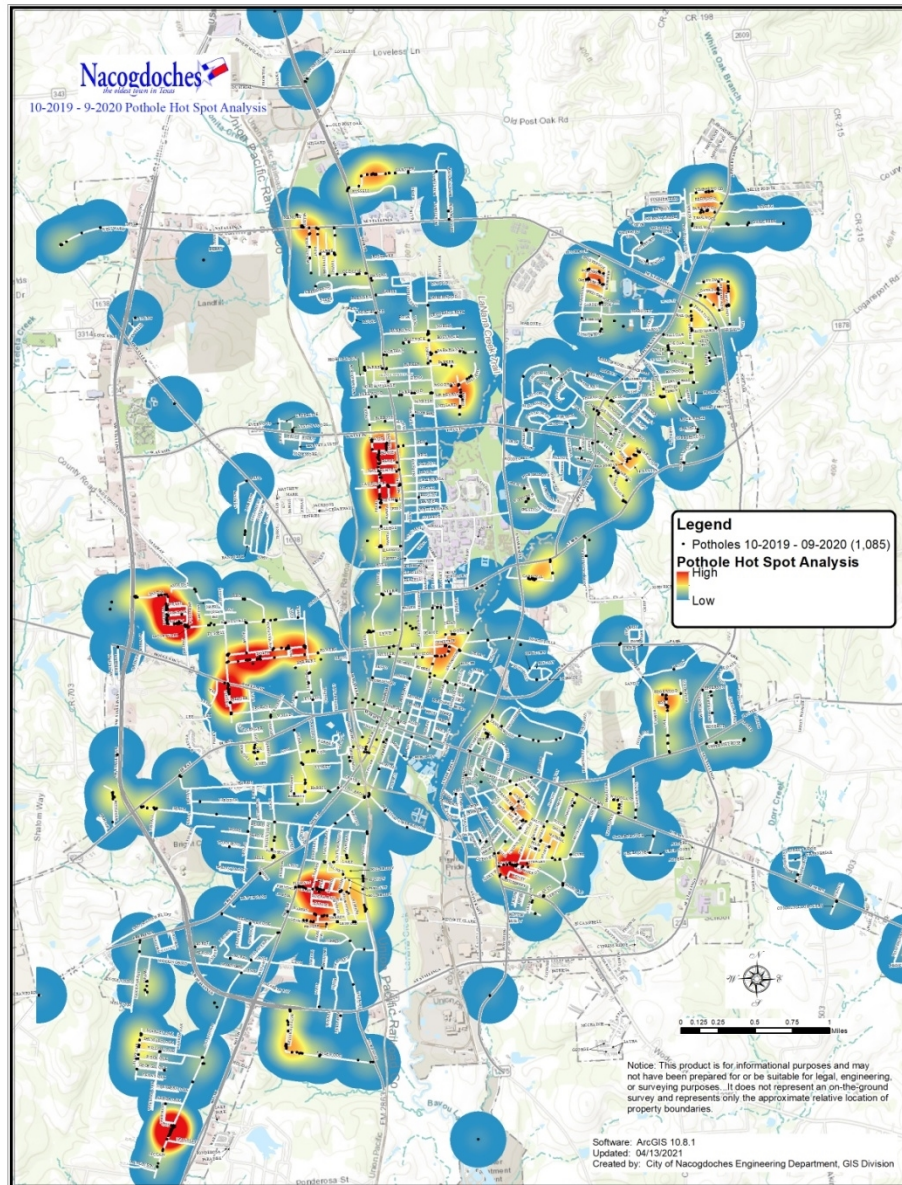


STEWART STREET
Remix & Overlay



SWANN DRIVE
Remix & Overlay

POTHOLE HEAT MAP



Graphical map showing pothole repair density

*High density in **RED**
Low density in **BLUE***

One tool used in street selection for each project

DEFERRED MAINTENANCE

- Metric for evaluating success with street maintenance expenditures
- 144 miles of City owned streets
- Each annual budget cycle, we need to add a 144 miles of a year's worth of life to our road network - **144 mile-years**
- Length of street improved multiplied by new life added
- Example: 2 miles of street repaved, adding 15 years of life
$$2 \text{ mi} \times 15 \text{ yr} = 30 \text{ mile-years}$$
- ***Need 144 mile-years to avoid deferred maintenance***

DEFERRED MAINTENANCE

Prior Year Street Improvement Projects (2020) – 15 streets improved

Patch & Overlay Streets: 1.81 miles @ 15 year life 27.2 mile-years

Mill & Overlay Streets: 1.04 miles @ 18 year life 18.7 mile-years

Remix & Overlay Streets: 0.71 miles @ 22 year life 15.6 mile-years

TOTAL ADDED **61.5 mile-years**

GOAL **144 mile-years**

82.5 mile-year deficit

Proposed Street Improvement Projects (2021) – 40 streets proposed

Seal Coat Streets: 6.47 miles @ 10 year life 64.7 mile-years

Patch & Overlay Streets: 0.05 miles @ 15 year life 0.8 mile-years

Mill & Overlay Streets: 0.05 miles @ 18 year life 0.9 mile-years

Remix & Overlay Streets: 1.05 miles @ 22 year life 23.1 mile-years

TOTAL ADDED **89.5 mile-years**

GOAL **144 mile-years**

54.5 mile-year deficit



DEFERRED MAINTENANCE

2020 Paving Projects (Major Repairs - 15 streets improved)

- \$15,580 per mile-year added (for 61.5 mile-years)
- Similar construction (overlay, mill, reconstruct) - \$2.2 million required for 144 mile-years

2021 Paving Projects (Mix of Maintenance & Major Repairs - 40 streets proposed)

- \$12,861 per mile-year added (for 81.5 mile-years)
- Similar construction (seal coat, overlay, mill, reconstruct) - \$1.9 million to achieve 144 mile-years

Major Repair Projects – fewer streets, more cost, direct result of deferred maintenance

Maintenance Projects (Seal Coat) – more streets, less cost, more mile-years

Deferred Maintenance today = Higher Costs tomorrow



FUTURE EVALUATION EFFORTS

Current

- Street Inventory every 5 years
- Periodic monitoring and notation of street conditions
- Used to develop repair schemes, cost estimates, prioritization

Future

- Staff exploring market on robotic street evaluation technology
- Help expedite and automate
- Won't replace staff evaluations, but will assist



QUESTIONS?

PRESENTER: Steve Bartlett, Public Works Director

ITEM/SUBJECT: Consider an ordinance of the City of Nacogdoches, Texas regulating the collection of sewage in the City requiring pretreatment and permits for certain discharges; amending Chapter 106 Division 2 "Sewer Use Regulations", Section 106-66 through 106-79, of the Code of Ordinances for the City of Nacogdoches, Texas, providing a continuation clause; providing a repeal clause; providing a penalty clause; and providing an effective date. (City Engineer)

SUMMARY/BACKGROUND: The City of Nacogdoches is required by its Texas Pollutant Discharge Elimination System (TPDES) permit WQ0010342004 for the City's 2A Wastewater Treatment Plant (Plant) to implement an industrial pretreatment program (Program) in accordance with the Clean Water Act and federal regulations established in Title 40 Code of Federal Regulations Part 403 (40 CFR Part 403). The purpose of the Program is to protect the City's wastewater treatment plant, the receiving stream, and the quality of sludge. The Program contains operating procedures and describes the control mechanisms that will be used by City staff to prevent the discharge of pollutants to the City's collection system from industrial users that could harm or inhibit the Plant's biological treatment processes and/or cause a violation of the City's TPDES permit.

On October 14, 2005, the federal regulations for Programs were amended. TCEQ required the City's Program to be modified to comply with the 2005 amended regulations. Modifications were made by the City to the Program documents, including the City's Sewer Use Ordinance, which gives the City the authority to implement the changes to the Program as required. The modifications were submitted to TCEQ for approval in 2012. On September 22, 2020, TCEQ notified the City that the modifications were technically complete and gave instructions to obtain approval of the revised ordinance from the City Council. Approval of the ordinance will allow the City to comply with its TPDES permit requirements.

The modifications that were made to the ordinance and the program are related to the control of slug discharges, compliance sampling and reporting requirements, and the expansion of the definition for an industry that is considered significantly non-compliant to program requirements. The ordinance was revised to establish the legal authority for the City to implement the new requirements. The changes to the ordinance and the program mirror the latest State and Federal requirements and have been accepted by TCEQ.

Staff is seeking approval of the revised Ordinance.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE

FOLLOWING CITY COUNCIL PRIORITIES

Infrastructure

CITY CONTACT: Steve Bartlett, Director of Public Works/City Engineer
bartletts@nactx.us
936-559-2522

ATTACHMENTS:

1. Ordinance 106 Div 2 106-66 to 106-79 Amended Pretreatment
2. Current Ordinance Ch 106 Art 2 Div 2 Sewer Use
3. Pretreatment Program Policies and Procedures
4. Sewer Use Pretreatment Ordinance Amendment PowerPoint

**CITY OF NACOGDOCHES
SEWER USE ORDINANCE**

ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS REGULATING THE COLLECTION OF SEWAGE IN THE CITY REQUIRING PERMITS FOR CERTAIN DISCHARGES; AMENDING CHAPTER 106 DIVISION 2 “SEWER USE REGULATIONS”, SECTION 106-66 THROUGH 106-79, OF THE CODE OF ORDINANCES FOR THE CITY OF NACOGDOCHES, TEXAS, PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches has provided facilities for the collection and treatment of sewage to promote health, safety, and convenience of its people and to safeguard the water resources common to all;

WHEREAS, such facilities are designed, constructed, and operated for the purpose of receiving and treating domestic sewage and compatible industrial wastes, without excessive amounts of toxic or incompatible wastes, and without excessive amounts of storm drainage or ground water;

WHEREAS, proper protection and operation of the collection and treatment facilities may require exclusion, pretreatment, or regulated discharge of waste matter other than domestic sewage, as well as exclusion of storm drainage or ground water; and

WHEREAS, the City must be able to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 3 1251 *et seq*) and the General Pretreatment Regulations (40 CFR 403, issued by the Environmental Protection Agency); and

WHEREAS, said federal and state laws are directed toward various objectives, including but not limited to:

Excluding pollutants which will interfere with operation of the City's treatment plant;

Preventing pollutants from passing through the plant into the receiving stream inadequately treated, or from being otherwise incompatible with the operation of the plant;

Assuring quality of sludge to allow its disposal and/or use according with statutes and regulations;

Protection of collection/treatment works personnel as well as the general public;

Improving opportunities to recycle and reclaim wastewater and sludge;

Providing equitable distribution of costs of operating, maintaining, an enabling the City to comply with its EPA permit conditions, sludge use/disposal requirements, and any other federal or state laws; and

WHEREAS, the City has adopted various ordinances designed to meet requirements of the EPA and of the relevant state agency, including Ordinance No. 1581-11-11, adopted on November 1, 2011, and;

WHEREAS, Ordinances No. 1581-11-11 must be amended for various reasons including updated requirements of the Environmental Protection Agency;

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

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

Chapter 106, "Utilities," of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended by replacing "DIVISION 2. - SEWER USE REGULATIONS" Sections 106-66 through 106-79, as set hereafter to read as follows:

DIVISION 2. - SEWER USE REGULATIONS

Sec. 106-66.-General Provisions

(a) Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Nacogdoches and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United State Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations [CFR] Part 403*). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operations;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (6) To enable [the City] to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; established administrative review procedures; and requires User reporting.

(b) Administration

Except as otherwise provided herein, water utilities manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon water utilities manager may be delegated by water utilities manager to a duly authorized City employee.

(c) Definitions.

The meaning of terms used in this division shall be as follows:

Act or "*the Act*" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 3 1251 et seq.

Administrator means the administrator of the EPA, or any duly authorized official acting in his behalf.

Approval authority means the Executive Director of the Texas Commission on Environmental Quality.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

(1) *Corporations.*

- a. A president, vice-president, secretary, or treasurer 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.
- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measure to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit (optional)] requirements;

and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures

- (2) *Partnerships*. A general partner.
- (3) *Proprietorships*. The proprietor.
- (4) *Governmental facility (federal, state, or local)*. A director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or a ranking elected official for the governmental entity.
- (5) *Any organization*. A duly authorized representative of the individual designated in subsection (1), (2), or (3) above, provided:
 - a. The authorization is made in writing by the individual above;
 - 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, or an equivalent position, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the city.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 106-212(a) and (b) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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 it to the building sewer, beginning three feet outside the inner face of the building wall.

Building sewer, also called house connection, means the extension from the building drains to the public sewer or other place of disposal.

Bypass means the intentional diversion of waste streams around any portion of an industrial user's pretreatment facility and into the sewage works.

Carbonaceous biochemical oxygen demand (CBOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, with chemical inhibition of nitrogenous oxygen demand, five days at 20E Centigrade expressed in terms of weight and concentration (mg/l).

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard under 40 CFR 403.6 and 40 CFR chapter I, subchapter N..

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CFR means Code of Federal Regulations.

Chemical oxygen demand (COD) means the quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, with testing conducted according to "Standard Methods", expressed in mg/l.

Chronic violation of wastewater discharge limits, also referred to as sixty-six percent (66%) rule, means a repeated violation of discharge limits for any one pollutant parameter, in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter taken during a six-(6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in Section 106-70.

City means the City of Nacogdoches, Texas, or any authorized person acting in its behalf.

Composite sample means a sample obtained over a period of time by continuous collection or by multiple aliquot samples, proportioned according to varying flow over the period of time. Unless otherwise specified, a 24-hour composite sample shall be used, consisting of:

- (1) A minimum of 12 effluent portions collected at equal time intervals over 24 hours and combined proportional to flow, or
- (2) A sample collected continuously or at frequent intervals proportional to flow over a 24-hour period.

Control authority means the city as long as the city operates a pretreatment program approved by the approval authority; otherwise, the approval authority.

Control manhole means a manhole giving access to a building sewer at some point before discharge to a public sewer.

Daily Discharge. The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Daily Maximum Limit, The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Direct discharger means a facility discharging industrial waste into a watercourse rather than into a public sewage works.

Director of public works means the Nacogdoches city official whose duties include oversight of all water and wastewater operations, as well as certain other city operations.

To discharge means to deposit, conduct, drain, allow to seep, or otherwise release or dispose of, or to allow any of these acts to occur.

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

Dry industry means an industry discharging only domestic sewage into the sewage works and having no process or manufacturing operation discharging any type of industrial waste into the sewage works.

Emergency means an event in which an actual or imminent discharge into the sewage works requires immediate action to prevent (1) rapid deterioration of the sewage works, (2) major fire or explosion hazards, (3) severe danger to the health and welfare of persons, (4) severe blockage of major collection lines, or (5) severe interference with the treatment process.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Equivalent concentration limit means when:

- (1) The concentration of any pollutant in the effluent from a specific process is limited by pretreatment standards or requirements, and
- (2) That effluent is mixed with other sewage prior to discharge into the public sewer, a concentration limit for that pollutant in the mixed stream may be calculated. This equivalent concentration limit in the mixed stream represents the specified limit in the stream from the regulated process, as derived by a combined waste stream formula.

Establishment means a commercial or industrial facility under one management and located within the same premises.

Existing discharger means an industrial user which was discharging industrial wastes into the sewage works prior to the effective date of this division.

Existing source means any source of industrial waste which is in operation or under construction (as defined herein) at the date of publication of the applicable pretreatment standards in the Federal Register (provided such standards are thereafter promulgated). This definition excludes new sources as defined herein.

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

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

Indirect discharge means the introduction of pollutants into the sewage works from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial sewer means a sewer transporting industrial wastes from one or more sources prior to discharge into the public sewer.

Industrial user means a user of the sewage works, regardless of amount of flow, who discharges any type of non-domestic wastes into the sewage works.

Industrial waste means waste resulting from any process of industry, manufacturing, trade, business, or service, or from the development of any natural resource, or any mixture of the waste with water or domestic sewage, as distinct from normal domestic sewage.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge that, 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; therefore, is a cause of a violation of [the City's] NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations; section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research, and Sanctuaries Act.

Local Limit. Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Manager means water utilities manager for the city, or any person acting in this capacity, or his duly authorized deputy, agent, or representative, whose duties include oversight of all water and wastewater operations, as well as certain other city operations.

Mass limit means any limit on the total amount of a pollutant which may be discharged from a specific source over a specific length of time. A mass limit may be imposed by a pretreatment standard or requirement, and may be a fixed amount or may be proportional to production of a specified product.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Milligrams per liter (mg/l) means a weight-to-volume ratio numerically equal to parts per million. The mg/l value multiplied by 8.34 equals pounds per million gallons of water.

Minor industrial user, also minor user, means an industrial user subject to permit requirements but not a significant industrial user.

Monthly Average Limits. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

National Pollution Discharge Elimination System (or NPDES) permit means a permit issued pursuant to Section 402 of the Act.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New discharger means an industrial user which begins discharging industrial wastes into the sewage works after the effective date of this division.

New source means any source of industrial waste which first comes under construction (as defined herein) after the date publication of the applicable pretreatment standards in the Federal Register (provided such: standards are thereafter promulgated). The source is defined as a new source only if it meets one of the following criteria:

- (1) The facility is constructed at a site where no other source is located.
- (2) The facility totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (3) The production or wastewater generating processes of the new facility are substantially independent of an existing source at the same site.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal domestic sewage means sewage (excluding industrial wastes) discharged into sanitary sewers with average concentrations of suspended solids and CBOD not more than 200 mg/l.

NPDES state means a state water pollution control agency with an NPDES permit program approved by the EPA.

O & M means operation and maintenance.

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

Parts per million (ppm) means a weight-to-weight ratio numerically equal to mg/l.

Pass through means a discharge from the city's treatment plant which [alone or in conjunction with discharge(s) from other sources] causes a violation of any requirement of the city's NPDES permit or increases the magnitude or duration of such violation.

Person. 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. This definition includes all Federal, State, and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Plumbing ordinance means the Nacogdoches City Ordinance adopting the standard plumbing code, or any other plumbing code; or the plumbing code so adopted; or any other ordinance regulating gas, water, and sewer plumbing.

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.

Pollution means the manmade or man-included alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in sewage to a less harmful state prior to or in lieu of discharging such pollutants into the POTW. The reduction or alteration can be obtained

by physical, chemical, or biological processes, or process changes, or other means, except by dilution as prohibited in subsection 106-68(g) of this division.

Pretreatment coordinator means the city official administering the pretreatment program, or any person acting in this capacity, or his duly authorized deputy, agent, or representative.

Pretreatment program means a local program for monitoring and enforcing pretreatment standards and requirements; or a state program for performing or overseeing these duties.

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

Pretreatment standard means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Prohibited discharge standards means absolute prohibitions against the discharge of certain substances as required by 40 CFR 403.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than two inches in any dimension.

Public sewer means a publicly owned sewer in which all owners of abutting properties shall have equal rights and interest controlled by public authority.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act owned by the city. This definition includes any devices or systems used in the collection; storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Qualified professional (when used in reference to items submitted by industrial users) means a person working in the field of industrial waste management and treatment, qualified by education and/or experience to provide technical assistance and certification for documents submitted by an industrial user.

Rate ordinance means the Nacogdoches City Ordinance establishing user charges (including pretreatment fees) as periodically updated.

Receiving stream means the watercourse into which the effluent from the sewage treatment plant is discharged.

Sanitary sewer, also sewer, means pipe or conduit which conveys domestic sewage, industrial sewage, or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes (except cooling water) are not passed intentionally.

Septage means any liquid, semi-solid, or solid domestic wastes pumped out of septic tanks.

Sewage, also wastewater, means a combination of the water-carried waste from residences, business buildings, and industrial establishments, together with such ground, surface, and stormwater as may be present.

Sewage treatment plant, also treatment plant, means any components of the POTW as defined herein except for the collection and conveyance facilities.

Sewage works means all-components of the POTW as defined herein, plus sewers from users located outside the city and connected to the sewage works.

Shall, may. Shall is mandatory; may is permissive or discretionary.

Significant industrial user means any discharger meeting any of the following criteria and not excluded by other sections of this division:

- (1) Any industrial user subject to categorical standards;
- (2) Any discharger of a nondomestic waste stream (excluding unpolluted cooling water and boiler blowdown water) of 25,000 gallons per day or more;
- (3) Any industrial user that contributes a nondomestic waste stream which makes up five percent or more of the average dry weather hydraulic or pollutant capacity of the treatment plant;
- (4) Any industrial user which has a reasonable potential, in the opinion of the water utilities manager and the pretreatment coordinator, to:
 - a. Adversely affect the treatment plant through inhibition, pass through of pollutants, sludge contamination, or endangerment of treatment plant personnel;
 - b. Violate any pretreatment standard or requirement; or
 - c. Adversely affect the operation and maintenance of the sewage collection system through blockage; fire or explosion hazard, damage to facilities, or endangerment to personnel. This definition includes potential effects from accidental spills.

Significant noncompliance means an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits (66% rule) as defined in this section.
- (2) Technical review criteria violations (33% rule) as defined in this section.
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 106-70 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the city determines has caused (alone or in combination with other discharges) interference or pass through. (Including endangerment to the health or welfare of persons).
- (4) Any discharge of a pollutant which has:
 - a. Caused imminent endangerment to the health or welfare of persons or to the environment, or
 - b. Has resulted in the city's exercise of its emergency authority to stop or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone in a city-issued permit or enforcement order for starting or completing construction or for attaining final compliance.

- (6) Failure to submit required baseline monitoring reports, self-monitoring reports, compliance reports, etc., within 45 days after their due date.
- (7) Failure to report noncompliance accurately.
- (8) Any other violation or group of violations which may include a violation of Best Management Practices that the city determines will adversely affect the operation or implementation of the city's pretreatment program.

Significant violator means an industrial user with violations meeting any of the criteria for significant noncompliance as defined above.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 106-212 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions..

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 as revised 1987 or any later revision. The SIC number characterizes the type of industrial process or operation.

Standard methods means the examination and analytical procedures set forth in the latest edition; at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

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

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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

Technical review criteria (TRC) violation, also referred to as the thirty-three percent (33%) rule, means a repeated violation of discharge limits for any one pollutant parameter, in which thirty-three percent (33%) or more of all measurements taken during a six- (6-) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 106-70 multiplied by the applicable TRC factor as follows:

TRC = 1.4 for BOD, total suspended solids, fats, oil, and grease.

TRC = 1.2 for all other pollutants excluding pH.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator under the provisions of Section 307(a) of the Act, or other Acts.

Toxicity test means any test measuring the lethal or sublethal effects of the treatment plant effluent on designated species of aquatic life.

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

Under construction, for purposes of defining existing sources and new sources, means a facility is under construction if the owner or operator has:

- (1) Begun as part of a continuous onsite construction program:
 - a. Any placement, assembly or installation of facilities or equipment; or
 - b. Significant site preparation work (including clearing; excavation; removal of existing buildings, structures, or facilities; or construction of an all-weather road), which is necessary for placement, assembly, or installation of new source facilities or equipment; or
 - c. Entered into a binding contractual obligation for the purchase of facilities or equipment intended to be used in the operation of the facility within a reasonable time. (This definition excludes options to purchase, contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies).

Unpolluted water or waste means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than an insignificant amount in mg/l each of suspended solids and CBOD, as determined by the Texas Natural Resource Conservation Commission; and
- (7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in "standard methods".

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

USC means United States Code.

User means any person who contributes, causes, or permits the contribution of wastewater into the city sewage works.

User charge means the charge made to all users for collection and treatment of wastes, including any charges for administering the pretreatment program. The definition excludes tap fees.

User charge ordinance means the Nacogdoches City Ordinance providing a system for establishing, assessing, and collecting user charges and other charges related to the sewer system.

Waste-activated sludge means sludge wasted from an activated sludge process for treatment of domestic sewage (or for similar wastes), whether in digested or undigested form.

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

Wholesale customer means any city, water, district, water supply corporation, or other similar entity which collects sewage from individual customers located outside the city and passes it on to the city for treatment.

Sec. 106-67. - Permits for industrial discharges.

- (a) *Permit required for industrial wastes.* Any significant or minor industrial user discharging or proposing to discharge industrial wastes (including unpolluted process water) into the city sewage works shall obtain a permit from the city for this purpose. This is in addition to any permits required by the plumbing ordinance.

Any significant or minor industrial user proposing to discharge industrial wastes shall obtain a city permit before connecting to the city sewage works. This provision applies to (1) new or relocated establishments; (2) new sources of industrial waste within an existing establishment; and (3) direct dischargers wishing to divert any part of their industrial waste to the city sewage works.

Permitting requirements shall apply to all significant or minor industrial users receiving, or to receive, service from the city's sewage works, whether located inside or outside the city. No industrial user may be served through a wholesale customer unless the city and the wholesale customer first make an agreement giving the city the same authority over industrial users as provided in this division.

Any person (not already permitted) whom the city reclassifies as a significant or minor industrial discharger shall apply for a permit within 30 days after receiving notice from the city.

Each permit for a significant industrial user shall specify appropriate limits for (1) flow and (2) concentrations and/or mass limits for pollutants. Any significant industrial user who wishes to increase his flow, concentration, or mass of pollutants above the limits stated in his permit must obtain an amended permit from the city.

- (b) *Users subject to permit requirement.* Each significant industrial user shall obtain a permit for the discharge of any industrial waste. Each minor user, including automobile repair and servicing; shops and car washes; dry cleaners and laundries; hospitals and nursing homes; restaurants and food dispensing services; schools with cafeterias; and dry industries with a risk for accidental spills of toxic or harmful substances into the city sewer system shall likewise obtain a permit. This requirement shall apply to such facilities even when included within a larger establishment, such as restaurant facilities within a supermarket.

In the absence of evidence to the contrary, the following types of business shall not be considered significant industrial users: automobile dealers and gas stations without repair or service facilities; and schools without cafeterias.

- (c) *Application requirements.* Each application for a permit to discharge industrial waste into the sewage works shall be made on forms provided by the city or according to a format prescribed by the city. Each application shall be signed by an authorized representative of the industrial user, as defined in section 106-66, and certified by a qualified professional. A permit application shall also be required for any new sources of industrial waste within a facility.

The city may require any information in the permit application which may be deemed necessary to evaluate the application and/or to administer the pretreatment program or any other necessary monitoring. Information which may be required includes, but is not limited to, the following:

- (1) Name, address; location, applicable telephone numbers, and ownership of the industrial User (including major stockholders and/or parent corporations);
- (2) Supervisors (including shift supervisors) and other contact persons, including all persons on whom legal notice could be served;
- (3) List of any applicable environmental permits, including any permits related to transportation of waste materials;
- (4) SIC number;
- (5) Description of the operations: A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC of the operation(s) carried out by the user. The description should include a schematic process diagram, which indicates points of discharge to the city's sewer system from the regulated processes.
- (6) Wastewater characteristics, certified by a reliable analytical laboratory, based on a sample which is representative of daily operations;
- (7) Time and duration of discharge;
- (8) Flow measurements. Average daily, maximum daily, and peak flow rates, in gallons per day, for industrial wastes, along with any daily or seasonal variations. This shall apply separately to each waste stream regulated by categorical standards, as necessary, to allow use of the combined waste stream formula set out in section 106-71(a)(2);
- (9) Site plans, floor plans, and details of all sewers within the plant which carry industrial waste;
- (10) Description and schedule for any facilities needed to meet pretreatment standards and/or requirements;
- (11) Each product produced by type, amount, process(es) and rate of production;
- (12) Type and amount of raw materials processed (average and maximum per day);
- (13) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

- (14) Justification for discharging unpolluted process water to the sewage works rather than to natural drainage; and
- (15) Type and amount of any toxic pollutants brought into the plant, or generated within the plant, and scheduled for disposal outside the sewage works.

If an industrial user considers any of the required information to be confidential in nature, he may request the city to withhold that information from the general public according to section 106-67. The user must be able to justify his request according to subsection (i).

The city shall evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the city will determine whether to issue a permit. The city may deny any application.

(d) *Permit modifications.*

- (1) *Pretreatment standards.* Within 45 days after the promulgation of any new or revised national pretreatment standard, the city shall revise the permits of all users subject to that standard. The revised permits shall require compliance with the standard within the time frame prescribed by that standard.

Each existing user subject to any new or revised pretreatment standard shall submit to the pretreatment coordinator the baseline report required by subsections 106-69(c)(1). This information shall be submitted within 180 days after the later of (a) the promulgation of the standard and (b) the final administrative decision by the EPA that the standard (and/or one or more specific subcategories within the standard) is applicable to the user.

New sources and sources which become subject to categorical standards after promulgation of the applicable categorical standard shall submit the required baseline report at least 90 days before beginning their indirect discharges. For these sources, the baseline report shall meet the requirements of subsections 106-69(c)(1)

This requirement for submitting information applies to any user, regardless of whether that user at the time is classified by the city as a significant industrial user.

- (2) *Conditions warranting temporary relief.* The city may modify existing permits to provide temporary relief from specific discharge limits when all of the following conditions are met:

- a. The city prohibits or limits by ordinance the discharge of a specific substance or parameter into the city's sewage works.
- b. An industrial user which discharges such substance or parameter has asked the city from relief from such restrictions and has submitted justification for such relief.

The city reasonably anticipates that the restrictive ordinance provisions will be eliminated or relaxed through pretreatment program modifications to be submitted by the city to the approval authority for approval.

- c. Both the city and the approval authority concur that temporary or permanent relief is justified.

- (3) *Actions to provide temporary relief.* In cases when the conditions above are met, the city may modify the permit of any applicable industrial user to include a compliance schedule for meeting the requirements for which temporary relief is warranted. Such compliance schedule shall at a minimum meet the following requirements:
- a. Recognize the current status of the city's proposed pretreatment program modifications and the anticipated revisions to the requirements in question.
 - b. Require the industrial user to submit his own compliance schedule for meeting current (unmodified) requirements no later than six months after the time that the city is scheduled to submit the pretreatment program modifications to the approval authority for approval.
 - c. Note the possibility that the compliance schedule issued by the city may be changed before the expiration of the six-month period to reflect developments regarding the pretreatment program modifications.

The industrial user shall not be required to meet the requirements in question until the expiration of the six-month period, plus such additional reasonable time as may be required for compliance.

- (e) *Permit conditions.* City permits for industrial waste discharges shall be expressly subject to all provisions of this division and any other applicable regulations, user charges, and fees established by the city. Permits shall contain conditions (1)—(6) below, or in the case of conditions (2) and (3) an explanation as to why these conditions are inapplicable (such as in the case of a dry industry or a minor industry). Permits may also contain any or all of the other conditions below, as applicable.

- (1) Duration (in no case more than five years) and statement of non-transferability;
- (2) Limits on the average and maximum waste constituents and characteristics, based on applicable general pretreatment standards (in 40 CFR 403), categorical pretreatment standards, local limits, and state and local law;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Requirements to control Slug Discharge, if determined by the water utilities manager to be necessary;
- (5) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law. Written documentation must be maintained to demonstrate alternate sample techniques are representative of discharge.
- (6) Requirements for maintaining and retaining plant records relating to industrial waste discharge as specified by the city, and affording the city access to those records;
- (7) Requirements for notification to the city of any new introduction of pollutants or any substantial change in the volume or character of the pollutants being introduced into the sewage works;

- (8) List of applicable civil and criminal penalties for permit violations, and any applicable compliance schedules (which may not extend the time for compliance beyond that required by applicable federal, state, or local law or regulations);
- (9) The unit charge or schedule of user charges and fees for the industrial waste to be discharged to the public sewer;
- (10) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (11) Notice that the flow and/or pollutant loadings in the permit are temporary or subject to future modification, water utilities manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - b. To address significant alterations or additions to the User's operation, processes, or wastewater or character since the time of the individual wastewater discharger permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters; [Note: The Control Authority should consider threats to the POTW's beneficial sludge use.]
 - e. Violation of any terms or conditions of the individual wastewater discharge permit;
- (12) Requirements for gradual phasing in and/or out of specified pollutants in the waste, when the city finds that sudden changes in concentration may interfere with treatment;
- (13) Requirements for installation and maintenance of inspection and sampling facilities, including protection from flooding and any all-weather roads necessary for access;
- (14) Requirements for submission of technical reports or discharge reports according to subsection 106-69(c), (d);
- (15) Requirements for notification of slug discharges as defined in section 106-66;
- (16) Identification of specific permitted waste streams;
- (17) Location of discharge point(s);
- (18) Controls on batch dumping;
- (19) Requirements for toxic organic plans and/or solvent management programs;
- (20) Requirements for calibration of flow meters;
- (21) Requirements for periodic cleanout (with documentation) of tanks, sumps, and grease traps;
- (22) Requirements for operation of pretreatment facilities;
- (23) Requirements for waste minimization plans to reduce the amount of pollutants discharged to the sewage works;

- (24) Requirements for documenting the disposal of toxic pollutants outside the sewage works, where appropriate;
 - (25) Compliance schedules or a requirement for the user to submit a schedule;
 - (26) Stipulated administrative penalties up to \$1,000.00 per violation for further violations; and
 - (27) Other conditions as deemed appropriate by the city to ensure compliance with this division.
- (f) *Duration of permit.* Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in subsection (e) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (g) *Reporting of changes.* The industrial user shall promptly notify the city in writing of any significant changes in the data which was required for the permit application. Items which must be reported include the following:
- (1) Changes in ownership and mailing address;
 - (2) Significant changes in operations, processes, and products, including any change in the SIC number or any increase in flow of 20 percent or greater;
 - (3) Changes in strength or volume of industrial waste, including any new pollutants;
 - (4) Any changes in the layout of sewers carrying industrial wastes;
 - (5) Major changes in plant employment, production schedule, and pretreatment facility schedule;
 - (6) Any conditions which could increase the possibility of an accidental discharge; and
 - (7) Changes in type or amount of toxic pollutants scheduled for disposal outside the sewage works.
 - (8) Any changes affecting the potential for a slug discharge.
 - (9) A permit may not be assigned to a new owner or to a new or changed operation without the approval of the city. Any succeeding owner to which a permit is assigned shall comply with the conditions of that permit. Permits issued to new owners or due to changed operation shall be subject to the fee charged for a new permit.
- (h) *Suspension and revocation.* Any industrial user who commits the following violations of this division is subject to having his permit revoked and services terminated according to the procedure of section 106-75:
- (1) Misrepresentation or failure to fully disclose all relevant facts in the permit application;

- (2) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (3) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (4) Tampering with monitoring equipment;
- (5) Refusal of reasonable and timely access to the user's premises for the purpose of inspection, monitoring, or examination of records;
- (6) Violation of conditions of the permit, including effluent limits, other pretreatment standards, and compliance schedule;
- (7) Failure to pay user charges (including pretreatment fees) when due;
- (8) Failure to pay fines and penalties; or
- (9) Refusal to comply with emergency notices issued by the city under section 106-77 of this division.

The permit may also be revoked for cessation of operation with no evidence of intention to resume operation:

The permit may be reinstated only after all violations have been corrected, any applicable fines or damages have been paid to the city, and provisions have been made to prevent recurrence of the violation. Any disconnection and reconnection shall be at the expense of the user.

- (i) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspections shall be available to the public or other governmental agencies 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:

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 NPDES permit, state permit and/or the pretreatment programs; provided, however, that such portions of a report shall be immediately available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Waste constituents and characteristics and other effluent data defined in 40 CFR (2)302 will not be recognized as confidential information.

Information accepted by the city as confidential shall not be transmitted to any governmental agency (except as noted above) or to the general public by the city unless a ten-day notification is given to the user.

- (j) *Inactive permit status.* The city may place any permit in an inactive status in cases where no industrial wastes expected to be discharged over an extended period of time. Such cases include temporary suspension of existing discharges of industrial wastes, or long-term or indefinite postponements of proposed discharges. As long as a permit remains in inactive

status, the city may suspend reporting, monitoring, and/or inspection requirements to the extent warranted by the circumstances.

The city may move any inactive permit back to active status at the request of the user, or in event of actual or imminent resumption of discharge of industrial waste.

- (k) *Cancellation of permits for former industrial users.* The city may cancel a permit for an industrial waste discharge and allow discharge without a permit in cases where a permit is no longer required. Such cases are as follows:
- (1) Industries which were permitted under previous ordinance requirements, but for which a permit is no longer mandatory because of adoption of this division or subsequent revisions.
 - (2) Industries which no longer meet any of the criteria under which a permit is mandatory because of:
 - a. Major changes in operations;
 - b. Diversion of waste streams away from the sewage works;
 - c. Changes in federal regulations and/or application of regulations which cause the industry to be no longer subject to categorical standards; and/or
 - d. Determination by the city that a non-categorical industry does not meet the criterion in item (4) of the definition of a significant industrial user in section 106-66.

In such cases of permit cancellations; the user may continue to discharge as a non-industrial user unless his service is terminated according to other provisions of this division.

The city shall notify the approval authority before or after such permit cancellations, as may be required by the approval authority.

Sec. 106-68. - Control of admissible wastes.

- (a) *General.* Industrial wastes which do not violate the provisions of section 106-70, and which meet any pretreatment standards and requirements which may be applicable, may be discharged into the sewage works upon obtaining a permit according to section 106-67.

Septage, waste-activated sludge, or grease trap waste may be discharged at the treatment plant at designated locations according to subsection (i) below, provided the hauler meets all city requirements including permitting.

- (b) *Monitoring facilities.* Each significant industrial user shall provide and maintain at his own expense one or more control manholes with such monitoring facilities as may be required for the type of operation and industrial waste involved. The purpose of these facilities shall be to allow inspection, sampling, and flow measurement of the building sewer(s). The monitoring facility(ies) should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility(ies) to be constructed in the public street or sidewalk area and located so that they will not be obstructed by landscaping or parked vehicles.

In cases where regulated waste streams are mixed with other regulated waste streams or with unregulated waste streams before discharge, the city may require the control manhole(s) to be upstream from the mixing point(s). The city may require more than one control manhole in cases where two or more industrial waste streams originate in the same establishment and, in the opinion of the city, require separate monitoring. There shall be ample room in or near such control manholes or facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Facilities shall be protected from flooding and shall have an all-weather access road. Construction shall be completed within 90 days following written notification by the city.

All sampling and flow measurement equipment used in control manholes shall be calibrated at the expense of the user at least semiannually with written verification submitted to the city. This equipment shall also be subject to calibration by the city, unless other arrangements acceptable to the city are made.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, maintained in good working order, safe from flooding, and accessible at all times. The failure of a user to keep its monitoring facility accessible and in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) *Flow measurement.* The following provisions shall apply to all users, whether residential, industrial, or other:

The water consumption for any user during the previous month from all sources shall ordinarily be the basis for computing the sewage flow. Water supplied by the city shall be determined from the meter records of the water department. If any user obtains all or part of his water supply from private wells, surface water, or other suppliers, he shall furnish the city with certified meter readings, copies of water billings, or other evidence of the amount of water consumption during the month.

Any user who wishes to measure his sewage flow directly may at his own expense install and maintain a recording flow meter. The reading obtained from this meter shall become the basis for computing the sewage flow, provided the meter:

- (1) Is of a type approved by the city;
- (2) Remains properly calibrated;
- (3) Is accessible for reading and calibration by city personnel; and
- (4) Is verified semi-annually for accuracy, with a verification report submitted to the city, at the user's expense. Verification and calibration shall be provided by a certified instrument technician at the user's expense.

Should meter readings indicate that the effluent flow meter is inaccurate, the city shall notify the user, in writing, and the user shall verify that the reading is correct or have the meter repaired, recalibrated, or replaced as necessary. The city shall adjust the billing immediately to reflect a predetermined percentage of water consumption for the sewer charge.

Should meter readings the next month indicate that the meter is still inaccurate; the city shall adjust the sewer charge to reflect 100 percent of water consumption. This charge shall remain in effect until the user provides written notification and verification that the meter has been repaired and recalibrated, and is recording effluent flow accurately.

In lieu of a permanent recording flow meter, a user may apply for a reduction in the volume of computed sewage flow by using separate water supply meters for water not returned to the sewer. The user shall provide all necessary verification to the city, including flow and piping diagrams as required.

If an unusually large amount of water has been used for watering lawns throughout the city because of dry weather, the city may adjust computed sewage flow to reflect the estimated amount of such usage.

(d) *Sampling and analyses of wastes.*

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the pretreatment coordinator or other parties approved by EPA.
- (2) The quantitative limits for all applicable pollutants shall be sufficiently sensitive to demonstrate compliance with applicable effluent limitations. For sampling and testing required by specific instructions of the EPA or the Texas Commission on Environmental Quality, the instructions from that agency shall govern.
- (3) Samples shall be taken at intervals to be established by the city (1) to control the quality of industrial waste and/or (2) to determine surcharges. In all cases the sampling shall be performed often enough to be representative of average effluent quality. The following minimum standards are to be followed:
 - a. Except as indicated in Section b and c below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by water utilities manager. Where time-proportional composite sampling or grab sampling is authorized by control authority the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority as appropriate. In

addition, grab samples may be required to show compliance with Instantaneous Limits.

- b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - c. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the periodic compliance reports, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- (4) All routine sampling and testing shall be performed by (or at the expense of) the user unless the city specifies otherwise under contract or permit provisions. The city shall have the right to perform its own sampling and testing at any reasonable time in order to check the accuracy of the user's testing. The city shall also have the right to require sample splitting upon proper notice.
- (5) For all required sampling performed by the user, chain of custody documents from sample collection through final analysis shall be maintained in the user's records with copies included with all laboratory reports submitted to the city. Records shall be retained for at least three years per subsection 106-69(i).
- (e) *Pretreatment.* Industrial users must comply with any applicable pretreatment standards or requirements in accordance with sections 106-69 and 106-71.
- (f) *Traps.* Where necessary to prevent the discharge of grease, oil, flammable substances, sand, or other harmful wastes into the sewage works, a user shall provide at his own expense a trap to intercept these substances. Traps shall not be required for private living quarters or dwellings, unless the city has observed problems in the sewage works resulting from the discharge from such dwellings.

Traps shall be required for all schools, restaurants, cafeterias, car washes, automotive services (including service stations), hospitals, nursing homes, and other commercial establishments for which, in the opinion of the city's pretreatment coordinator, a trap is necessary for protection of the sewage works. The owner or operator of an establishment shall have the right to appeal the pretreatment coordinator's decision to the water utilities manager.

The pretreatment coordinator may waive the requirement for a grease trap provided the user can verify that only domestic sewage is being discharged, with no floor drains or process water. The pretreatment coordinator may require testing by the user in connection with his request.

All traps shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for easy cleaning and inspection. Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All traps shall be maintained by the user, at his expense, in continuously efficient operation at all times.

Each trap in active use shall be cleaned at least once every 60 days (unless the city specifies otherwise). Cleaning more frequently than 60 days may be specified by the city's pretreatment coordinator. Any user desiring a schedule less frequent than 60 days shall submit a request to the pretreatment coordinator along with testing (as required by the pretreatment coordinator) and copies of the cleaning records for the last four trap cleanings.

The user shall maintain written verification of the date when each trap is cleaned, with the location and identity of the trap clearly defined. Unless otherwise allowed by the city, such verification shall be provided by the commercial firm performing the cleaning. Such verifications shall be kept on site and available to the city for inspection and copying for a minimum of three years.

The city may assess penalties for grease trap violations according to the rate ordinance.

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- (g) *Dilution.* Dilution of wastes by increased use of process water, or by any other methods, will not be acceptable as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard or requirement, unless specifically allowed elsewhere in this division or in the applicable national pretreatment standard or local pretreatment requirement.
- (h) *Slug discharges.* Significant Industrial Users must be evaluated within 1 year of designation to determine if a plan or other action to control Slug Discharge is required. The results of such activities shall be made available to the Approval Authority upon request. Significant users are required to notify the POTW immediately of any changes at its facilities affecting the potential for Slug Discharge.

- (i) *Septage and other hauled wastes.*

- (1) *Transporter registration.* Any person wishing to:

- a. Transport septage, waste activated sludge, or grease trap wastes from sources within the city; or
- b. Dispose of any of these wastes at the city sewage works (regardless of source) shall obtain a permit from the pretreatment coordinator for each company or individual hauling such wastes.

Haulers with city permits shall maintain copies of all city and state permits at their designated place of business and in each vehicle operated under the permit. These documents shall be available to the operating staff of the city treatment plant at the time of delivery.

Each permit shall be for the term of one [year], with annual permit fee according to the rate ordinance. Application for permit renewal shall be made at least 30 days before expiration. The permit shall be non-transferable without the approval of the city.

- (2) *Vehicles/equipment.*

- a. *Marking and identification.* Owners or operators of vacuum pump trucks shall mark each truck to show the company name, city, telephone number(s), and city and state permit numbers.
 - b. *Sanitation standards.* All vehicles and equipment used for the collection and transportation of the waste shall be operated and maintained to prevent loss of liquid or solid waste materials to prevent health and safety hazards to operating personnel and the public.
 - c. *Incompatible wastes.* Mixing of incompatible wastes (wastes that have different processing, storage, or disposal requirements) within the same vacuum truck for disposal at the city treatment plant is prohibited.
 - d. *Sight gauges.* All vehicles used to transport wastes regulated by this permit shall be equipped with sight gauges to determine the volume of the waste delivered. Gauges shall show what percentage of the tank capacity is filled. The city may require proof of calibration of sight gauges.
- (3) *Inspection.* All transport vehicles will be subject to inspection by the city for sight gauges, city and state registration, and truck marking.

A sample of the waste may be taken at the plant prior to unloading the truck. If the sample results prove unacceptable, the hauler will be responsible for the proper disposal of the waste elsewhere.

- (4) *Recordkeeping.* Persons who collect and transport waste under this permit shall maintain a record of each collection. Such records shall be in the form of a trip ticket, including:
- a. Name, address, telephone number, city registration number, and Texas Commission on Environmental Quality registration number of transporter.
 - b. Name, signature, address, and telephone number of the person who generated the waste and the date and time collected.
 - c. Type(s) and amount(s) of all waste collected and transported.
 - d. Name(s) and signature(s) of responsible person(s) collecting, transporting, and disposing of the waste.
 - e. Name and signature of the facility on-site representative acknowledging receipt of the waste and the type(s) and amount of waste(s) received. This applies whether the wastes are disposed of at the city treatment plant or elsewhere.

In cases where a load of waste is rejected by the city, the rejection shall be noted on the trip ticket or on a supplementary ticket. The treatment plant operating staff shall be provided with a copy of all relevant information concerning the rejected load.

Copies of the trip tickets shall be retained for five years and shall be readily available for review by the water utilities manager and/or the pretreatment coordinator.

- (5) *Accidental discharge or spills.* In the event of an accidental discharge or spill of waste, the collector or transporter must take appropriate action to protect human health and the environment. Transporters are responsible for cleanup and for reporting spills to the

city's pretreatment coordinator; to the city health inspector, if health hazards exist; and to local law enforcement if there is a possibility of a traffic hazard.

- (6) *Time and place for wastes hauled to plant.* Wastes shall be hauled to the treatment plant for disposal during hours designated by the city. The wastes shall be discharged into that portion of the plant designated by the city, provided:
- a. The plant is capable, in the opinion of the plant operator, of receiving and treating the wastes without inconvenience to the operating staff, overloading, or degradation of plant effluent.
 - b. The city verifies by inspection that no toxic wastes, incompatible wastes (such as mixed septage and grease trap wastes), or other unacceptable wastes are present. The city reserves the right to require laboratory testing of the wastes at no cost to the city.
 - c. Grease trap wastes are delivered within 24 hours after pumpout.*
*Grease trap wastes, if disposed of at the city treatment plant, must be delivered to the plant within 24 hours after pumping from grease traps.
 - d. Inspection and treatment fees are paid according to the rate ordinance and/or the user charge ordinance.

(7) *Penalties.*

- a. The following may result in cancellation of the city permit and/or loss of authorization to dispose of waste at the city's facilities:
 1. Failure of a transporter to maintain records, trip tickets, or other documents properly, without falsification;
 2. Failure of a transporter to submit to the city's pretreatment personnel correct information on a permit application by the required due date;
 3. Unauthorized discharge of waste; and
 4. Failure of a transporter to maintain a current state permit and to comply with state regulations.
- b. The city may also take any action authorized by law to secure compliance including:
 1. Assessment of administrative penalties of \$50.00 per violation per day up to \$5,000.00 maximum for the violation.
 2. Seeking civil penalties as prescribed by city ordinance.

Sec. 106-69. - Pretreatment.

- (a) *Required pretreatment.* Pretreatment of industrial wastes shall be required under any of the following circumstances:
- (1) When an industrial user is subject to:
 - a. Unmodified national pretreatment standards;

- b. Locally modified national pretreatment standards;
 - c. Local pretreatment requirements;
 - d. General prohibitions per subsection 106-70(b)(1); or
 - e. Local limits per section 106-70(d) and the industrial waste violates the applicable standard or requirement for one or more pollutants; or
- (2) When the industrial waste is, in the opinion of the city:
- a. Harmful to the structures; processes, or operations of the sewage disposal works;
 - b. Harmful to the receiving stream;
 - c. Detrimental to any existing or proposed method of sludge use or disposal; or,
- (3) In cases where the treatment plant cannot safely accept the proposed pollutant loading from an industrial user because of limited treatment capacity. (In cases where there is adequate unused capacity, but that capacity is allocated or permitted to other industrial users or user classes for future growth, the city may reserve the right to require pretreatment when needed in the future.)

When pretreatment of industrial wastes is required, the industrial user shall provide, operate, and maintain at his own expense such pretreatment facilities as may be necessary to render the wastes acceptable for discharge. The user may also be required to submit schedules for compliance and other reports in accordance with subsections (c) through (g).

- (b) *Applicable standards.* The city shall notify any industrial user of any of the following requirements to which that user is subject:
- (1) National pretreatment standard (with or without local modification). The notification shall include any schedule of compliance required in the standard.
 - (2) General prohibitions (subsection 106-70(b)(1)) or local limits (subsection 106-70(d)) to the extent that the city can determine such applicability.
 - (3) Any local pretreatment requirement, including a compliance schedule, to which that user is subject. The city shall also state the reasons for the requirement.
- (c) *Reporting requirements-categorical industries.* The city shall require all industries subject to categorical standards to submit the following reports:
- (1) *Baseline report.* Within either one hundred eighty (180) days after the effective date of a categorical

Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to city a report which contains the information listed in paragraph a, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to city a report which contains the information listed in paragraph b, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- a. Name, address, telephone number, location, and ownership of the industrial user;
- b. Supervisors (including shift supervisors) and other contact persons.
- c. List of any environmental permits held by or for the facility, including any permits related to transportation of waste materials.
- d. Description of the operations: A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC of the operation(s) carried out by the user. The description should include a schematic process diagram, which indicates points of discharge to the city's sewer system from the regulated processes.
- e. Average and maximum daily discharge flow from the user into the sewage works in gallons per day (1) from regulated process streams, (2) from other streams if necessary for use of combined formula, and (3) as totals for each discharge point. Discharges shall be measured unless otherwise allowed by the city.
- f. Measurement of Pollutants.
 - 1. The results of sampling and analysis identifying the nature and concentration (determined according to subsection (h)) of regulated pollutants in the discharge from each regulated process from the user, and identification of the applicable pretreatment standards and requirements. The concentration shall be reported as both an average and a daily maximum level. If an equivalent concentration limit has been calculated in accordance with the standard, this adjusted concentration limit shall also be submitted to the city for approval. If required by the applicable standard or by the city, the mass of regulated pollutants shall be reported in lieu of the concentration.
 - 2. Time, date and place of sampling and methods of analysis, and certification that such sampling and analysis is representative of normal work cycles and expected pollutants of discharges to the sewer system.
 - 4. Copies of the laboratory reports shall be provided. 5. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- g. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP), the User must submit documentation required by the control authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- h. Type and amount of any toxic pollutants brought into the plant, or generated within the plant, and scheduled for disposal outside the sewage works.

New sources shall provide the best practical estimates of the information noted in subitems e. and f., above. In addition, new sources shall submit the information in subitem i.

- i. Proposed method of pretreatment, if any, for meeting applicable pretreatment standards.
- j. Where the standard requires compliance with Best Management Practices, the user shall submit documentation so required by the control authority or the applicable standards to determine compliance with the standard.

In addition to subitems a—g., above; the city shall require existing sources to submit the following information:

- k. A statement, reviewed by an authorized representative of the industrial user (as defined in section 106-66) and certified to by a qualified professional, indicating:
 - 1. Whether standards and requirements are being met consistently, and if not,
 - 2. Whether additional O & M and/or pretreatment will be needed to meet the standards and requirements; and
- . If additional pretreatment and/or O & M is required, the shortest schedule by which the user will provide these measures. The completion date in this schedule shall not be later than the compliance date established for the applicable standard. The schedule shall be prepared according to subsection (f).

If a standard is modified for the user, either through an equivalent concentration limit or through a variance approved by the approval authority, all information in subitems i. and j. shall be based on the modified limits. If the modification occurs after the user submits the baseline report, the user shall submit amended information for subitems i. and j. within 60 days after approval of the modification.

- 1. The baseline report shall be signed by an authorized representative of the user (as defined in section 106-66) and certified by a qualified professional. The authorize user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).

(2) *Initial compliance reports.*

- a. *Due date.* This report shall be submitted to the pretreatment coordinator within 90 days after the following dates:
 - 1. For an existing source, the date for final compliance with applicable standards and requirements; or
 - 2. For a new source; the commencement of the introduction of industrial waste into the sewage works.
- b. *Contents.* The report shall include the following information:
 - 1. All information listed in subsection (c)(1) above (subitems e., f., g., and j.)
 - 2. (For industrial users subject to equivalent mass or concentration limits established by the city) Reasonable estimate of long term production rate.

3. (For other industrial users subject to pretreatment standards specifying pollutant quantities proportional to operation or production) Actual production during sampling period.
 - c. *Certification.* The compliance report shall be signed by an authorized representative of the user: (as defined in section 106-66) and certified by a qualified professional. The authorized representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).
- (3) *Periodic compliance reports.*
- a. *Due dates.* These reports are due periodically after the initial compliance report during the months of May and November, unless required more frequently in the pretreatment standard, by the pretreatment coordinator, or by the approval authority. At the discretion of the pretreatment coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment coordinator may agree to alter the months during which the reports are to be submitted.
 - b. *Contents.*
 1. Type of facility;
 2. Type of discharge;
 3. Nature and concentration (determined according to subsection (h)) of pollutants in the industrial waste which are limited by pretreatment standards and requirements.
 4. A certification statement by the industrial user indicating compliance or noncompliance with the applicable pretreatment requirements. The authorized representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).
 5. The average and maximum daily flow of:
 - i. All process units in the user's facility which are governed by the standards and requirements;
 - ii. Any other streams if necessary for use of combined formula;
 - iii. Totals for each discharge point; and
 - iv. Any other streams if required by city.
 6. Production rate (long-term or for sampling period, as specified in subsection (2) above).
 7. Whether the applicable standards and requirements are being met consistently.
 8. A description of its operations and/or any changes in operations since the previous report.
 9. A description of any additional O & M modifications and/or pretreatment equipment necessary to achieve compliance for non-compliant discharges.
 10. Compliance schedules and related reports.

11. Proof that tanks; sumps, and/or grease traps have been cleaned according to the required schedule.
12. Proof of calibration of effluent meters and/or any other meters used for billing and/or monitoring reports
13. A copy of the laboratory report for the required sampling and analysis.
14. Documentation of any disposal of toxic pollutants outside the sewage works.
15. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP), the User must submit documentation required by the control authority or the Pretreatment Standard necessary to determine the compliance status of the User.
16. Any other items which the city may require under other provisions of this division:
 - c. *Mass limitations.* The pretreatment coordinator may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subitem b. above shall indicate the mass pollutants regulated by pretreatment standards in the industrial waste of the user.
 - d. *Certification.* The compliance report shall be signed by an authorized representative of the user (as defined in section 106-66) and certified by a qualified professional. The authorized representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).
 - e. *Waiver.* These reports may be waived to the extent that the city performs the sampling and analysis and otherwise gathers information for the reports.
- (d) *Reporting requirements - Permitted non-categorical industries.* The city shall require initial and/or periodic (monthly, quarterly, or semi-annual) self-monitoring reports from any permitted industrial user. (The reports may be waived to the extent that the city performs the sampling and analysis and otherwise gathers the information.) The information required may include any or all of the following:
 - (1) Identification of the industrial user:
 - (2) List of any applicable environmental permits, including any permits related to transportation of waste materials.
 - (3) A description of its operations and/or any changes in operations since the previous report.
 - (4) Process flows at all points specified by the city (average and/or daily maximum as specified by city).
 - (5) Nature and concentration (determined according to subsection (h) below) of all pollutants required by the city to be reported.
 - (6) A certification statement by the industrial user indicating compliance or non-compliance with the applicable pretreatment requirements. The authorized

representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).

- (7) A description of any additional O & M modifications and/or pretreatment equipment necessary to achieve compliance for non-compliant dischargers.
 - (8) Compliance schedules and related reports.
 - (9) Proof that tanks, sumps, and/or grease traps have been cleaned according to the required schedule.
 - (10) Proof of calibration of effluent meters and/or any other meters used for billing and/or monitoring reports.
 - (11) A copy of the laboratory report for the required sampling and analysis.
 - (12) Type and amount of any toxic pollutants brought into the plant or generated within the plant, and scheduled for disposal outside the plant.
 - (13) Documentation of any disposal of toxic pollutants outside the sewage works.
 - (14) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP), the User must submit documentation required by the control authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- (e) *Resampling requirements.* In the event the sampling and analysis indicates non-compliance for one or more of the pollutant parameters, the industrial user shall notify the city of the violation within 24 hours after becoming aware of it. The user shall also resample for all non-compliant parameters. The repeat sampling and analysis must be completed and a report submitted to the city within 30 days after receipt of the laboratory report indicating non-compliance. The industrial user shall continue to monitor the non-compliant parameter on a 30-day schedule until compliance is achieved. The industrial user shall submit copies of all laboratory reports to the city.
- Resampling will not automatically be required if the city samples the user's effluent either monthly, or between the time of the user's sampling and the time the user receives the corresponding test results. Resampling may be required, however, on the basis of the city's test results.
- If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis within 30 days after receipt of the laboratory report indicating non-compliance unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.
- (f) *Schedule for pretreatment facilities.* In the event that any of the reports required by subsection (c) or (d) indicate the need for pretreatment facilities, the industrial user shall provide the city with a schedule for facility installation. The following conditions shall apply to the required schedule:
- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards and/or requirements (e.g., hiring an engineer, completing

preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, beginning routine operation, etc.).

- (2) No increment referred to in paragraph (1) shall exceed nine months.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the pretreatment coordinator including, as a minimum, (1) whether or not it complied with the increment of progress to be met on such date and, if not, (2) the date on which it expects to comply with this increment of progress; reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the pretreatment coordinator.
- (g) *Submission-of plans.* Any industrial user required to construct pretreatment facilities shall submit to the city detailed plans for their construction and for their operating procedures. The city must approve these plans before construction begins. The review of such plans and operating 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. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
- (h) *Sampling and analysis for reports.* The reports required by subsections (c)[(1)f., (2)b.1. (referring to (1)f.), (3)b.3.], (d)(4), and (e) shall contain the results of sampling and analysis of the industrial waste, including the flow and the nature and concentration (or production and mass where applicable) of pollutants contained therein which are limited by the applicable standards. The frequency of monitoring shall be prescribed in the applicable standard (or by the city in cases of sampling due to city requirements). The nature of the sampling (grab, flow composite, or time composite), the number of samples, sample preservation, and holding time shall be as directed by the city, but in no case less stringent than required by the standard or by 40 CFR 403. Sampling locations shall be as directed by the city.

Sampling for these reports shall be conducted during the reporting period and shall be representative of daily operations and conditions occurring during that period. If any pollutant is monitored (according to the requirements of this subsection) more frequently than required by the city, the results of the additional monitoring shall be included in the report.

All sampling and analysis procedures shall be as required in subsection 106-68(d).

The laboratory report shall identify the industrial facility and show all times, dates, sampling locations, and analytical methods. The industrial user shall certify that the sampling is representative of normal work cycles and operating conditions. The report shall include documentation of the chain of custody from sampling through testing.

- (i) *Recordkeeping.* User subject to the reporting requirements of this division shall retain, and make available for inspection and copying all records of information obtained pursuant to any monitoring activities (a) required by this division or (b) undertaken by the user independent of such requirements and documentation associated with Best Management Practices. Records shall indicate the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates and by whom analyses were performed; the analytical techniques or methods used; and the results of such analyses. These records

hall remain available for a period of at least three years. This period shall automatically be extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention time by the city.

(j) Operation of pretreatment facilities.

(1) *General.* Any industrial user who operates pretreatment facilities as a requirement for meeting pretreatment standards or requirements shall normally:

- a. Keep the pretreatment facilities in full operation at all times during discharge of industrial waste to the sewage works, and
- b. Route all designated industrial waste through such facilities prior to discharge.

(2) *Applicability.* This requirement shall apply only to those specific waste streams for which pretreatment is required by permit. Pretreatment operation is required only during periods of discharge of designated waste, plus such startup operations as are necessary to prevent inadequate treatment.

(3) *Bypass.*

a. *Definitions.*

- 1. *Bypass* means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- 2. *Severe property damage* means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. *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 maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

c. *Notice.* If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the city, if possible at least ten days before the date of the bypass.

(4) *Notice of bypass.* An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the city within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five 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 city may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

a. *Prohibition of bypass.*

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

- (k) *Public notification by city.* The city shall annually publish in a newspaper of general circulation that provides meaningful public notice with the jurisdiction served by the City of Nacogdoches, a list of industrial users in significant noncompliance with the city's pretreatment program (as defined in [section] 106-66) for the preceding 12-month period. The city may at its discretion publish information on permit violations, including any corrective or remedial measures by the violator, at any time.
- (l) *Annual inspection.* The city shall inspect each significant industrial user which holds an active permit at least once per year. The city shall, in conjunction with the inspection, sample all waste streams containing industrial waste. Minor industries shall be inspected at least once every three years; although sampling need not be performed unless applicable to the permit.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

Sec. 106-70. - Prohibited or limited discharges.

- (a) *Infiltration/inflow sources.* No person shall discharge any stormwater, ground water, roof runoff, foundation drains, subsurface drainage, downspouts, yard drains, ponds, or lawn sprays into any sanitary sewer, or into any building sewer or industrial sewer connected thereto. Stormwater and all other unpolluted drainage shall be discharged into storm sewers or to natural outlets approved by the city.

All building drains, building sewers, industrial sewers; and sanitary sewers leading to the public sewers, including connections thereto, shall be constructed and maintained so as to exclude any ground or surface water from entering the sewer. The city shall require the owner of any of these facilities to correct at his own expense any leaks or other conditions allowing the entry of groundwater or surface water into the sewage works. This provision shall apply to all

such leaks or conditions whether they exist prior to the effective date of this division or occur at a later date.

The requirements of the plumbing ordinance, where applicable, shall govern the construction of these facilities. All sewer repairs shall be inspected by the city in the same manner as new facilities. Unpolluted industrial process water (if not returned to a process) may be discharged into storm sewers, natural outlets, or the sewage works, as agreed on by the user, the city, and any applicable state or federal regulatory agencies. Any new discharge of such water into the sewage works shall require the written approval of the water utilities manager and/or the pretreatment coordinator. The city may require written justification for any existing or proposed discharge of unpolluted water, based on factors such as economic considerations and regulatory requirements for direct dischargers. In the case of cooling water, the city may require cooling before discharge to the sewage works or otherwise.

(b) *Prohibited discharges.*

- (1) *General prohibitions.* No user shall discharge or otherwise introduce into the sewage works any pollutant or sewage which causes pass through or interference. This prohibition applies to all industrial and nonindustrial users (regardless of whether they are subject to categorical standards, pretreatment requirements, and/or permitting) and also to all waste haulers.
- (2) *Specific.* No person shall discharge either directly or indirectly any of the following described substances, materials, waters or waste:
 - a. Pollutants which create a fire or explosive hazard in the sewage works, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degree Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21;
 - b. Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewage treatment plant;
 - c. Any solids, slurries, or viscous substances of such character and amounts as to be capable of obstructing the flow in sewers, or otherwise interfering with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, grease trap cleanings, or bulk solids;
 - d. Pollutants, including oxygen demanding pollutants (CBOD, etc.), discharged at a flow rate and/or pollutant concentration which, either, singly or by interaction with other pollutants, will cause interference;
 - e. Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case any sewage which raises the temperature at the upstream end of the treatment plant above 104 degrees Fahrenheit (40 degrees Centigrade);

- f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems;
 - h. Trucked or hauled pollutants, except for those wastes authorized in subsection 106-68(i) of this division, and then only at the treatment plant according to subsection 106-68(i);
 - i. Any water or waste which contain wax, grease, or oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;
 - j. Any garbage except properly shredded garbage as defined in section 106-66;
 - k. Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids in concentrations exceeding limits established in subsections (c), (d), and (e); or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alteration, or expense to handle such material; or can prevent entry into the sewers for maintenance and repair;
 - l. Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or in the public sewage works;
 - m. Any waters or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to persons or animals, or to create any hazard in the receiving stream of the sewage treatment plant;
 - n. Any materials causing excessive discoloration to the treatment plant effluent, unusual or immediate biochemical oxygen demand, or hydrogen sulfide concentrations sufficient to cause explosion hazards or structural corrosion;
 - o. Any antibiotics, bactericidal solutions, or bacteriostatic solutions, unless rendered ineffective by pretreatment;
 - p. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - q. Medical wastes, unless specifically authorized in a permit;
 - r. Sewage causing alone or in conjunction with other substances, the treatment plant effluent to fail a toxicity test; or
 - s. Detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant
- (c) *Limited discharges (general)*. Except in concentrations, or with provisions stipulated herein, no person shall discharge either directly or indirectly to the sewer works waters or wastes containing any of the following:

- (1) Free or emulsified oil and/or grease exceeding 100 ppm if, in the opinion of the city, it appears probable that such wastes:
 - a. Can deposit grease and oil in the sewer lines 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 waters without being affected by normal sewage treatment processes; or
 - d. Can have deleterious effects on the treatment process due to the excessive quantities;
 - (2) Any radioactive wastes greater than the allowable releases as specified by current United States Bureau of Standards handbooks dealing with the handling and release of radioactivity;
 - (3) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.5 ppm by weight as CN in the wastes from any outlet into the public sewers;
 - (4) Chlorides in excess of 250 mg/l; or
 - (5) Substances causing an excessive chemical oxygen demand.
- (d) *Technically based local limits.* The allowable concentrations of specified substances in mg/l, determined on the basis of individual sampling in accordance with "standard methods," are as follows. These limits are approved by the approval authority as being technically based local limits, derived according to procedures specified or approved by the EPA for protection of the receiving stream, the treatment process, and the city's sludge disposal method. These limits may not be modified without the approval of the approval authority.

Substance	Not To Exceed		
	Monthly Average	Daily Average	Daily Composite
Aluminum	—	2.9	2.9
Arsenic	—	0.3	0.3
Cadmium	—	0.025	0.05
Chromium (total)	—	3.4	3.4
Chromium (hexavalent)	—	0.0012+	0.0012+
Copper	0.9	—	2

Cyanide	—	0.1	0.25
Lead	0.04	—	0.1
Mercury	—	0.000*	0.000*
Nickel	—	1.5	3.1
Silver	—	0.25	0.5
Zinc	0.65	—	0.7

*For mercury, permit compliance/noncompliance determinations will be based on the minimum analytical level of 0.0002 mg/L. Monitored discharge concentrations measured as less than 0.0002 mg/L shall be deemed to be compliant with the mercury limit. Mercury concentrations measured below that value shall be reported as "<0.0002 mg/L" and shall be interpreted as zero values for compliance purposes.

+For Hexavalent Chromium, permit compliance determinations will be based on the MAL (minimum analytical level). Monitored discharge concentrations measured as less than the MAL shall be deemed to be compliant with the limit.

- (e) *Other hazardous metals.* The allowable concentrations of hazardous metals in mg/L, determined on the basis of individual sampling in accordance with "Standard methods," are:

	NOT TO EXCEED		
Metal	Average	Daily Composite	Grab Sample
Barium	1	2	4
Manganese	1	2	3
Selenium	0.05	0.1	0.2

- (f) *Other hazardous materials*

- (1) Any User who commences the discharge of hazardous waste 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 User discharged more than one hundred (100) kilograms of such waste

per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the 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. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards.

- (2) Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they 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 nonacute hazardous wastes in a calendar month, or of any quantity of 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 User discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) 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 User must notify the control authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - (4) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume of toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.
- (g) *Accidental discharges.*
- (1) *General.* Each user as specified in subsection (2) below shall provide protection from (a) accidental discharge of materials prohibited or regulated by this division and (b) slug discharges. The user shall provide and maintain the necessary facilities at his own expense. Detailed plans showing facilities and operating procedures to provide this protection (as specified in subsection (3) below) shall be submitted to the city for review, and shall be approved by the city before construction of the facility. No new user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city.

Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this division.

In the case of an accidental discharge; it is the responsibility of the user to immediately telephone and notify the city of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge, the user shall submit to the pretreatment coordinator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment plant, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties; or other liability which may be imposed by this division or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. Such notice shall be replaced promptly by updated notices as issued by the city.

- (2) *Applicability.* The requirements of this subsection shall apply to each industrial user and also to each commercial (non-industrial) user, including dry industries, which the city has reason to believe may have the potential for accidental discharges of prohibited or regulated materials. Each existing user which the city determines to be subject to the requirements of this subsection shall submit the necessary plans upon 90 days' notice by the city. In lieu of the required plans, any user may provide verification to the satisfaction of the city that such plans are inapplicable.
- (3) *Requirements for plans.* The plans required by this subsection shall address the following as a minimum:
 - a. Description of discharge practices, including nonroutine batch discharges;
 - b. Description, location, and storage facilities for stored chemicals;
 - c. Procedures for immediately notifying the city of any accidental or slug discharge, including names or positions of responsible personnel; and
 - d. Procedures and facilities to prevent adverse impact from any accidental or slug discharge. Such measures include, but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (4) *Periodic evaluation by city.* At least every two years the city shall perform the following evaluations:

- a. Adequacy of each existing plan for control of accidental discharges and slugs.
 - b. Possible need for such plans for users who have previously verified the inapplicability of such plans, or who have not previously been identified as needing them.
- (5) Notification of facility changes affecting potential slug discharge.

Sec. 106-71. - Establishment of standards.

- (a) *National pretreatment standards.* Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts, 405-471.
 - (1) Each existing national pretreatment standard (with any authorized local modification) shall be binding on those industrial users covered by that standard. Any new industrial users who are covered by one or more standards, or existing users who become covered by such standard(s) because of new or changed operations, shall be governed by the pretreatment standards in the same manner as existing users. If the EPA should subsequently revise any existing standards or promulgate new standards, these revisions or new standards shall automatically be binding in the same manner as existing standards.
 - (2) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, water utilities manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (b) *Modification of pretreatment standards.* If the city's treatment works is found to achieve consistent partial removal of one or more pollutants limited by national pretreatment standards, the city may apply to the approval authority for modification of specific limits in the standards. Upon approval of the approval authority, the city may modify one or more pollutant discharge limits in the pretreatment standards. These modified limits shall be binding upon all industrial users subject to the specific standards which have been modified. The modified limits shall remain in effect as long as the approval authority does not withdraw the authorization for the modification or revise the extent of modifications.
- (c) *Local pretreatment requirements.* The city may develop specific limits for the following prohibited discharges and may incorporate such limits into this division or may publish them as a separate ordinance.
 - (1) Pollutants which create a fire or explosion hazard in the collection or treatment works;
 - (2) Pollutants which will cause corrosive structural damage to the collection or treatment works;
 - (3) Solid or viscous pollutants amounts which will obstruct the flow in sewers or otherwise interfere with the operation of the sewage treatment plant;
 - (4) Any pollutant; including oxygen demanding pollutants, released in a discharge of such volume and strength as to cause interference in the sewage treatment plant; and
 - (5) Heat in amounts which will inhibit biological activity in the sewage treatment plant or raises the temperature of the treatment plant influent above 104°F.

The city may develop other local pretreatment requirements not covered by pretreatment standards if it is found necessary to prevent interference with the treatment

process, overloading of the sewage treatment plant, interference with sludge disposal, or stream pollution. These pretreatment requirements shall be incorporated into this division or shall be published as a separate ordinance.

(d) *Termination or revision of local modifications.* If the approval authority should:

- (1) Withdraw its approval of any local modifications to national pretreatment standards, or
- (2) Revise the extent of such modifications,

The pretreatment standards with any remaining modifications shall become binding on all users covered by those standards. The users will be required to achieve compliance within the time schedule specified by the approval authority.

(e) *City's right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewage works.

(f) *Notification of industries.* The city shall promptly notify all affected industries in writing of:

- (1) Any pretreatment standards which are in effect on the effective date of this division;
- (2) Any new pretreatment standards or requirements, or any revisions to existing standards or requirements;
- (3) Any local modifications to national pretreatment standards;
- (4) Termination or revision of any local modifications to pretreatment standards;
- (5) Any applicable state pretreatment standards.
- (6) Any new or revised sampling, monitoring, or reporting requirements;
- (7) Reclassification of industry as significant industrial user or otherwise;
- (8) Reclassification of industry as subject to pretreatment standards or otherwise; or
- (9) Any changes in permit status, such changing to active or inactive status.
- (10) The required notice to industries shall include any appropriate schedules of compliance as specified by the approval authority or by the city.

(g) *Uniform application.* Any limitation on quantity, concentration, or discharge rate of a specific pollutant shall be applied uniformly to all new or existing discharges within any industrial category. This applies to national pretreatment standards or any local modifications thereto; limitations on prohibited discharges as listed in subsection (c); any state pretreatment standards; and any other local pretreatment requirements.

Sec. 106-72. - Protection from damage.

No unauthorized person shall maliciously, willfully, or negligibly break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the city sewage works. The city may pursue all criminal and civil penalties to which it is entitled under authority of statutes and ordinances against a person violating this section of the division.

Sec. 106-73. - Substances not discharged into sewage works.

- (a) No person may discharge any substances, whether normal domestic sewage, admissible industrial waste, prohibited substances, or unpolluted water, into the sewage works except through a building sewer or industrial sewer as authorized by the city. This provision shall not apply to city forces or contractors in the course of performing construction, maintenance, cleaning, or testing of the sewage works. This provision shall also not apply to liquid waste delivered to the treatment plant and accepted by the operating staff according to subsection 106-68(i) of this division.
- (b) The city may require information from any industry within the city regarding the type and amount of toxic pollutants scheduled for disposal outside the city sewage works. This requirement shall apply to all industries whether dry industries or subject to permitting as industrial users.
- (c) The city shall require documentation of the time and method of transportation and disposal of toxic pollutants outside the sewage works within ten days after removal from the plant, unless otherwise specified in the applicable discharge permit.

Sec. 106-74. - User charges.

The following user charges shall be assessed and collected as prescribed by the rate ordinance and/or the user charge ordinance:

- (1) Collection and treatment charges for-normal domestic sewage and for industrial wastes.
- (2) Pretreatment fees for industrial users subject to mandatory pretreatment of wastes.
- (3) Treatment charges for septage, waste activated sludge, and grease trap wastes.
- (4) Surcharges for parameters outside allowable values, or for grease trap violations.

Sec. 106-75. - Billing.

- (a) *Billing procedure.* All user charges for normal domestic sewage and industrial waste, including pretreatment fees, as well as all surcharges, shall be assessed and collected according to provisions of the rate ordinance and/or the user charge ordinance.
- (b) *Grounds for disconnection.* Any of the following violations shall be sufficient reason to disconnect any and all water and/or sanitary sewer service provided by the city, after the prescribed notification and hearing process is carried out:
 - (1) Failure to pay monthly bills for city services when due, including all user charges for the sewage works.
 - (2) Violations by industrial users, as listed in subsection 106-67(h).
 - (3) Any other violations of this ordinance, when termination of services is prescribed by injunction according to subsection 106-76(d).

Before terminating water and/or sanitary sewer services for nonpayment, the city shall notify the user of its intention and shall allow a minimum of ten days to show cause why such services shall not be terminated.

- [(c)] *Restoration of service.* Reconnection shall be made only after:

- (1) Payment of:
 - a. All outstanding charges for city services;
 - b. Any charge for late payment which may be provided in the city ordinance prescribing user charges;
 - c. Any lawfully assessed fines and damages; and
 - d. Disconnection and reconnection expenses.
- (2) Evidence satisfactory to the pretreatment coordinator that restoration of service will not result in hazardous discharges to the sewage works (if applicable).
- (3) Reinstatement of the user's discharge permit (if applicable).

Sec. 106-76. - Enforcement powers.

- (a) *Access.* Authorized personnel (from the city, the approval authority, or the EPA) bearing credentials and identification shall be permitted to gain ready access (within 15 minutes) at all reasonable times to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, testing, calibration, examining, and copying records in accordance with provisions of this division. When a user has security measures requiring proper identification and clearance before entry into its premises, the user shall arrange with its security guards for the pretreatment coordinator to enter without delay upon presenting suitable identification.

Properties to which such access must be granted include, but are not limited to, effluent sources, pretreatment systems, monitoring facilities, flow meters (when used for billing and/or monitoring purposes), control manholes, and any areas where records are kept to satisfy federal, state, or local requirements to assure compliance with pretreatment standards. The city, the approval authority, or the EPA shall also have a right to install such devices upon a user's property as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user (at his own expense) at the written or verbal request of the pretreatment coordinator and shall not be replaced.

- (b) *Search warrants.* If the pretreatment coordinator has been refused access to a building, structure or property, or any part thereof, and can demonstrate:
 - (1) Probable cause to believe that there may be a violation of this division, or
 - (2) The need to inspect and/or sample as part of a routine inspection and sampling program of the city designed (a) to verify compliance with this division or any permit or order issued hereunder, or (b) to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from the appropriate city or state court.
- (c) *Minimum procedures in event of violation.*
 - (1) *General.* Any person discovered to be violating this division shall, at a minimum, be subject to the following enforcement proceedings. (In cases of emergency, as defined in

section 106-66, section 106-77 will apply. Severe or recurring violations may result in measures listed in subsections (d) through (f) below.)

Except in an emergency, the city shall not terminate water and/or sewer service without due process of law as provided in this section or in subsection 106-75(b).

- a. Upon identification of an industrial user's permit violation, the city shall notify the violating user by telephone and/or letter of the violation and request corrective action.
- b. If additional monitoring indicates that the violation has not been corrected, the city shall provide a written notice of violation to the industrial user, indicating that it is in violation of its permit. The notice of violation shall require the violating user to submit to the city a written report explaining the cause of the violation, describing corrective measures, and specifying a compliance schedule under which it will implement said corrective measures.
- c. If the industrial user fails to respond within 30 days after the notice of violation, or if the city finds its response inadequate, the city shall attempt to meet with the management of the user to develop corrective actions and a compliance schedule.
- d. If the industrial user fails to agree to adequate corrective actions and a compliance schedule within 90 days after the notice of violation or fails to implement corrective actions in accordance with its compliance schedule, the city shall:
 1. Assess an administrative penalty against the user and/or
 2. Initiate legal action to assess a fine against the user.

If the violation creates a potential health hazard or an upset condition at the city's sewage works, the city shall also initiate action to discontinue water and/or sewer service to the user.

2. *Flexibility of action.* The city Indy [may] at its option shorten the time frames listed above within this subsection, and/or skip one or more steps in cases where deemed necessary or appropriate by the water utilities manager and/or the pretreatment coordinator. Such cases include, but are not limited, to significant violators (as defined in section 106-66); incidents of harm to the treatment works and/or the environment; obvious failure to undertake corrective action; failure to respond to communications from the city; falsification of information provided to the city; and users with a history of serious, prolonged, or recurring noncompliance.
3. *Significant violations.* All significant violators (as defined in section 106-66) shall incur at the minimum an administrative fine, a stipulated penalty, and/or legal action to assess a fine, in addition to requirements for correcting and/or remediating the violation(s). Notice shall be served on the user within 30 days after identification of significant violation.
4. *Stipulated penalties.* The provisions of this subsection shall not prevent the city from assessing any stipulated penalties and/or surcharges specified in other portions of this division, in the rate ordinance, or in the users permit.

(d) *Injunctive relief.* The city shall have the right to seek injunctive relief against violators of this division in such city, county, state, or federal courts as may be deemed appropriate, where such action is necessary to achieve compliance. Injunctive relief may include:

- (1) Specific performance of the division with respect to discharge standards, reporting requirements, payment of user charges; access to industrial properties, repair of private sewer leaks; or other provisions;
- (2) Termination of service where necessary for compliance;
- (3) Liquidated damages for any illegal discharges which result in:
 - a. Damage to the sewage works;
 - b. Excessive treatment costs; and/or
 - c. Fines for stream pollution;
- (4) Civil penalties designed to recover any economic benefits which the user may have received through noncompliance, including avoided or delayed costs for compliance; and/or
- (5) Environmental remediation if needed.

A petition for injunctive relief shall not be a barrier against, or a prerequisite for, taking any other action against a user.

(e) *Miscellaneous remedies.* The city may take any or all of the following actions where such action is necessary to achieve compliance. None of these actions shall be a barrier against, or a prerequisite for, taking any other action against a user.

- (1) Administrative penalties not to exceed \$1,000.00 per violation or \$2,000.00 per administrative order. These penalties will be assessed by the pretreatment coordinator along with an administrative order citing the applicable violations. The user shall have the right of appeal to the water utilities manager, then (if unsuccessful) in city court.
- (2) Consent orders or similar documents establishing a judicially enforceable agreement with a user.
- (3) Show cause hearings in the appropriate city, county, or state court in which the user must show cause why a proposed enforcement action should not be taken. The city shall serve any authorized representative of the user (as defined in section 106-66) with a notice stating the time and place for the hearing; the proposed enforcement action, the reasons for such action, and an opportunity to show cause why the action should not be taken. The notice shall be served personally or by registered or certified mail at least three days before the hearing.
- (4) Compliance orders or administrative orders imposing a schedule for compliance and, if appropriate, specific measures designed to assure compliance. The order may state that sewer service will be discontinued if compliance is not achieved within the specified time.
- (5) Cease and desist orders requiring in mediate compliance even to the extent of halting operations.

- (6) The requirement of a performance bond as a prerequisite for permit issuance or renewal in an amount determined by the city as necessary to assure consistent compliance.
- (7) Issuance of a permit with a duration less than the standard duration.
- (8) Referral to the approval authority for further enforcement action.
- (f) *Severe violations.* The city may seek injunctive relief or may assess a fine not to exceed \$2,000.00 per day per violation against persons falling in the following categories:
 - (1) Willful violators of any provisions of this division;
 - (2) Persons refusing access or placement of equipment under the provisions of subsection (a);
 - (3) Persons not complying promptly with duly issued notices or agreements to correct violations;
 - (4) Persons discharging pollutants which can:
 - a. Cause structural damage to the sewage works;
 - b. Obstruct the collection lines;
 - c. Interfere with the treatment process;
 - d. Create fire or explosion hazard; or
 - e. Cause a violation of stream standards.
 - (5) Persons not complying with emergency notices issued by the city under section 106-77 of this division;
 - (6) Persons failing to comply with reporting or notification requirements; or
 - (7) Persons making false or fraudulent statements in connection with their sewer use.

For violations of a monthly average permit limit, each day of discharged during the month may be considered a day of violation.
- (g) *Limits of inquiry.* No person acting for the city under subsection (a) may inquire into the processes of any industrial user beyond that point having a direct bearing on the type and source of discharge into the sewage works.
- (h) *Staying of enforcement pending ordinance modifications.* The enforcement procedures listed in this section of the division shall be stayed to the extent that the requirements in question are covered by the city-issued compliance schedule specified in subsection 106-67(d)(3) of this division as long as the industrial user remains in compliance with such compliance schedule.
- (i) *Act of God defense.*
 - (1) The act of God defense constitutes a statutory affirmative defense [Texas Water Code §7.251] in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit

issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.

- (2) An industrial user who wishes to establish the act of God affirmative defense shall demonstrate through relevant evidence that:
 - a. An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot, or other catastrophe; and
 - b. The industrial user has submitted the following information to the pretreatment coordinator within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a permit under the ordinance (if this information is provided orally, a written submission must be provided within five days):
 1. A description of the event, and the nature and cause of the event;
 2. The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 3. Steps being taken or planned to reduce, eliminate and prevent recurrence of the event.
- (3) *Burden of proof.* In any enforcement proceeding, the industrial user seeking to establish the act of God affirmative defense shall have the burden of providing, by a preponderance of the evidence, that an event that would otherwise be a violation of a pretreatment ordinance, or a permit under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.
- (j) *Affirmative defense for prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in subsections 106-75(b)(1) and 106-75(b)(2) (items c. through g.) of this division if it can prove that:
 - (1) It did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference; and
 - (2) Either:
 - a. Limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city's treatment plant was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (k) *Uniform application.* All provisions of this division shall be impartially enforced for all users, or for all users within a specific category when applicable. No distinction shall be made between existing and new dischargers, or between existing and new haulers of septage, waste-activated sludge, and/or grease trap wastes.

All retail users of the sewage works, whether located inside or outside the city, shall be subject to the provisions of this division. In the event that any user outside the extraterritorial jurisdiction of the city requests services, the city shall require the execution of any necessary service contracts to ensure compliance with the provisions of this division.

(l) *Criminal prosecution.*

- (1) A user who willfully or negligently violates any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000.00 per violation, and each day that the violation continues shall constitute a distinct and separate offense.
- (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a maximum fine of up to \$2,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law. Each day that the violation continues shall constitute a distinct and separate offense.
- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, individual wastewater discharge permit, or order issued hereunder, 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 \$2,000.00 per violation. Each day that the violation continues shall constitute a distinct and separate offense.
- (4) Nothing in this section shall limit in any manner the authority of the city to seek any injunctive or other civil relief available under state or federal law.

Sec. 106-77. - Emergency procedures.

(a) *Severe emergencies.* The city shall take immediate action to stop any actual or imminent discharge of corrosive, flammable, toxic, organic, or other substances which can cause:

- (1) Rapid deterioration of the sewage works;
- (2) Major fire or explosion hazards; and/or
- (3) Severe danger to the health or welfare of persons.

In the event of actual or imminent discharge as described in this subsection, the city shall, if necessary, shutoff any or all water and/or sewer services immediately. The city shall make all possible efforts to notify the affected user prior to shutting off services, so that the user may begin shutdown operations so as to minimize damage to his property. The water utilities manager and/or the pretreatment coordinator may, at his discretion, notify the user to take immediate action to stop or prevent such discharges in lieu of immediate shutoff of city services, provided such action is effective in eliminating the hazards described above. If the user fails to eliminate the hazard immediately and effectively, the city shall proceed at once to shut off water and/or sewer services.

- (b) *Less severe emergencies.* The city shall notify a user immediately if an actual or imminent discharge from that user contains corrosive, toxic, viscous, organic, or other substances which can cause:

- (1) Severe blockage of major collection lines, or
- (2) Severe interference with the treatment process. Non-compliance with ordinance or permit for facilities subject to Best Management Practices.

The required notice shall inform the user of the nature of his violation and of the actual and potential consequences to the sewage works, the treatment process, and/or the environment. Such notice shall require the user to take immediate action to stop the discharge of substances described above, even to the extent of shutting down his operation if necessary. If the user fails to take immediate action, or if the action taken is ineffective, the city shall shut off water and/or sewer service.

- (c) *Restoration of service.* If water and/or sewer service to any user is shut off by the city under subsection (a) or (b) of this section, the city shall not restore the service until the water utilities manager and/or the pretreatment coordinator is satisfied that restoration of service will not result in hazardous discharges to the sewage works. The water utilities manager and/or the pretreatment coordinator may at his discretion restore partial service to the extent required for cleanup and repair operations, withholding full service until the industrial process can be resumed without resulting in hazardous discharges.

Any disconnection and reconnection performed under this section of the ordinance shall be at the expense of the user.

- (d) *Penalties.* If additional damages to the sewage works, to the environment, or to the health and welfare of persons results because the city:
- (1) Allows a user to stop a hazardous discharge by his own procedures, or
 - (2) Restores all or part of city services to facilitate cleanup, the fact that the city took such discretionary action will not relieve the user of any applicable civil or criminal penalties for such additional damages.

Sec. 106-78. - Penalties.

- (a) *Violation of state and federal statutes.* if any person violates any provision of this division, and thereby violates a state or federal statute or injunction, the city may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.
- (b) *Fines.* If any person violates any provision of this division and the violation is not punishable in state or federal courts, that person shall be guilty of a misdemeanor upon conviction in the city court. Each offense shall be punished by a fine not to exceed \$2,000.00. Each day of such violation shall be deemed a separate offense. For violations of a monthly average permit, each day of discharge during the month may be considered a day of violation.
- (c) *Damages.* Any person violating any of the provisions of this division shall become liable to the city for any expense, loss, or damage incurred by the city by reason of such violation. Such recoverable expenses shall include, but not be limited to, reasonable attorneys' fees,

court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses.

- (d) *Federal or state prosecution.* Any penalties imposed under this division, including penalties imposed by state or federal courts, shall not relieve the violator from further state or federal prosecution.

Sec. 106-79. - Validity.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. In particular, this ordinance is intended to modify and replace Ordinance No. 1581-11-11 and to constitute an update of section 31, article II, sewer use provisions of the Nacogdoches Code. If any section or provision of this division, or the application of same to any person or set of circumstances is invalidated or rendered unenforceable by a court of competent jurisdiction, such judgment shall not affect the validity of any remaining parts of the division which can be given effect without the invalidated part or parts, or their application to other persons or sets of circumstances.

Secs. 106-80—106-320. - Reserved.

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 106 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time,

place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION IX

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

BY: _____

Jan Vinson, City Secretary

Shelley Brophy, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Robert Davis, City Attorney

Steve Bartlett, PE, City Engineer

DIVISION 2. - SEWER USE REGULATIONS^[2]

Footnotes:

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Editor's note— Ord. No. 1581-11-11, adopted Nov. 1, 2011, amended Div. 2 in its entirety to read as set out herein. Former Div. 2, §§ 106-66—106-79, pertained to similar subject matter and derived from Ord. No. 1207-6-00, adopted June 6, 2000.

Sec. 106-66. - Definitions.

The meaning of terms used in this division shall be as follows:

Act or "*the Act*" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 3 1251 et seq.

Administrator means the administrator of the EPA, or any duly authorized official acting in his behalf.

Approval authority means the Executive Director of the Texas Commission on Environmental Quality.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

(1) *Corporations.*

- a. A president, vice-president, secretary, or treasurer 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.
- b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager according to corporate procedures.

(2) *Partnerships.* A general partner.

(3) *Proprietorships.* The proprietor.

(4) *Governmental facility (federal, state, or local).* A director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or a ranking elected official for the governmental entity.

(5) *Any organization.* A duly authorized representative of the individual designated in subsection (1), (2), or (3) above, provided:

- a. The authorization is made in writing by the individual above;
- 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, or an equivalent position, or having overall responsibility for environmental matters for the company; and
- c. The written authorization is submitted to the city.

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 it to the building sewer, beginning three feet outside the inner face of the building wall.

Building sewer, also called house connection, means the extension from the building drains to the public sewer or other place of disposal.

Bypass means the intentional diversion of waste streams around any portion of an industrial user's pretreatment facility and into the sewage works.

Carbonaceous biochemical oxygen demand (CBOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, with chemical inhibition of nitrogenous oxygen demand, five days at 20E Centigrade expressed in terms of weight and concentration (mg/l).

CFR means Code of Federal Regulations.

Chemical oxygen demand (COD) means the quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, with testing conducted according to "Standard Methods", expressed in mg/l.

Chronic violation of wastewater discharge limits, also referred to as 66% rule, means a repeated violation of discharge limits for any one pollutant parameter, in which 66 percent or more of all measurements during a six-month period exceed the limit (daily maximum or average, as appropriate).

City means the City of Nacogdoches, Texas, or any authorized person acting in its behalf.

Composite sample means a sample obtained over a period of time by continuous collection or by multiple aliquot samples, proportioned according to varying flow over the period of time. Unless otherwise specified, a 24-hour composite sample shall be used, consisting of:

- (1) A minimum of 12 effluent portions collected at equal time intervals over 24 hours and combined proportional to flow, or
- (2) A sample collected continuously or at frequent intervals proportional to flow over a 24-hour period.

Control authority means the city as long as the city operates a pretreatment program approved by the approval authority; otherwise, the approval authority.

Control manhole means a manhole giving access to a building sewer at some point before discharge to a public sewer.

Direct discharger means a facility discharging industrial waste into a watercourse rather than into a public sewage works.

Director of public works means the Nacogdoches city official whose duties include oversight of all water and wastewater operations, as well as certain other city operations.

To discharge means to deposit, conduct, drain, allow to seep, or otherwise release or dispose of, or to allow any of these acts to occur.

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

Dry industry means an industry discharging only domestic sewage into the sewage works and having no process or manufacturing operation discharging any type of industrial waste into the sewage works.

Emergency means an event in which an actual or imminent discharge into the sewage works requires immediate action to prevent (1) rapid deterioration of the sewage works, (2) major fire or explosion hazards, (3) severe danger to the health and welfare of persons, (4) severe blockage of major collection lines, or (5) severe interference with the treatment process.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency, or the administrator or other duly-authorized official of that agency.

Equivalent concentration limit means when:

- (1) The concentration of any pollutant in the effluent from a specific process is limited by pretreatment standards or requirements, and
- (2) That effluent is mixed with other sewage prior to discharge into the public sewer, a concentration limit for that pollutant in the mixed stream may be calculated. This equivalent concentration limit in the mixed stream represents the specified limit in the stream from the regulated process, as derived by a combined waste stream formula.

Establishment means a commercial or industrial facility under one management and located within the same premises.

Existing discharger means an industrial user which was discharging industrial wastes into the sewage works prior to the effective date of this division.

Existing source means any source of industrial waste which is in operation or under construction (as defined herein) at the date of publication of the applicable pretreatment standards in the Federal Register (provided such standards are thereafter promulgated). This definition excludes new sources as defined herein.

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

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

Indirect discharge means the introduction of pollutants into the sewage works from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial sewer means a sewer transporting industrial wastes from one or more sources prior to discharge into the public sewer.

Industrial user means a user of the sewage works, regardless of amount of flow, who discharges any type of non-domestic wastes into the sewage works.

Industrial waste means waste resulting from any process of industry, manufacturing, trade, business, or service, or from the development of any natural resource, or any mixture of the waste with water or domestic sewage, as distinct from normal domestic sewage.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means the inhibition or disruption of the treatment processes or operations (including sludge processing, use; or disposal) which [alone or in conjunction with discharge(s) from other sources]:

- (1) Causes a violation of any requirement of the city's NPDES permit; or
- (2) Increases the magnitude or duration of such violation; and/or
- (3) Prevents sewage sludge use or disposal by the city in accordance with any of the following:
 - a. Section 405 of the Act;
 - b. The Solid Waste Disposal Act;
 - c. The Clean Air Act;
 - d. The Toxic Substances Control Act;
 - e. The Marine Protection, Research, and Sanctuaries Act;
 - f. Any state or federal regulations more stringent than the Acts above;

- g. Any federal, state, or local regulations, permits, or sludge management plans prepared or issued pursuant to any of the Acts above or to more stringent regulations.

Manager means water utilities manager for the city, or any person acting in this capacity, or his duly authorized deputy, agent, or representative, whose duties include oversight of all water and wastewater operations, as well as certain other city operations.

Mass limit means any limit on the total amount of a pollutant which may be discharged from a specific source over a specific length of time. A mass limit may be imposed by a pretreatment standard or requirement, and may be a fixed amount or may be proportional to production of a specified product.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Milligrams per liter (mg/l) means a weight-to-volume ratio numerically equal to parts per million. The mg/l value multiplied by 8.345 equals pounds per million gallons of water.

Minor industrial user, also minor user, means an industrial user subject to permit requirements but not a significant industrial user.

National Pollution Discharge Elimination System (or NPDES) permit means a permit issued pursuant to Section 402 of the Act.

National pretreatment standard, also referred to as pretreatment standard, means either or both of the following:

- (1) Also referred to as categorical standard. Any regulation containing pollutant discharge limits and promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, for application to a specific category of industrial users and which appear in 40 CFR Parts 405 — 471.
- (2) Prohibited discharge standards contained in 40 CFR 403.5 as well as local limits for specific pollutants established by the city pursuant to 40 CFR 403.5. The standards referred in this sub-item (2) applicable to all industrial users.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New discharger means an industrial user which begins discharging industrial wastes into the sewage works after the effective date of this division.

New source means any source of industrial waste which first comes under construction (as defined herein) after the date publication of the applicable pretreatment standards in the Federal Register (provided such: standards are thereafter promulgated). The source is defined as a new source only if it meets one of the following criteria:

- (1) The facility is constructed at a site where no other source is located.
- (2) The facility totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (3) The production or wastewater generating processes of the new facility are substantially independent of an existing source at the same site.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal domestic sewage means sewage (excluding industrial wastes) discharged into sanitary sewers with average concentrations of suspended solids and CBOD not more than 200 mg/l.

NPDES state means a state water pollution control agency with an NPDES permit program approved by the EPA.

O & M means operation and maintenance.

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

Parts per million (ppm) means a weight-to-weight ratio numerically equal to mg/l.

Pass through means a discharge from the city's treatment plant which [alone or in conjunction with discharge(s) from other sources] causes a violation of any requirement of the city's NPDES permit or increases the magnitude or duration of such violation.

Person means any individual. Except for references to the health and welfare of persons, the term also includes any corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. It shall be determined according to "standard methods."

Plumbing ordinance means the Nacogdoches City Ordinance adopting the standard plumbing code, or any other plumbing code; or the plumbing code so adopted; or any other ordinance regulating gas, water, and sewer plumbing.

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.

Pollution means the manmade or man-included alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in sewage to a less harmful state prior to or in lieu of discharging such pollutants into a treatment plant. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes, or other means, except by dilution as prohibited in subsection 106-68(g) of this division.

Pretreatment coordinator means the city official administering the pretreatment program, or any person acting in this capacity, or his duly authorized deputy, agent, or representative.

Pretreatment program means a local program for monitoring and enforcing pretreatment standards and requirements; or a state program for performing or overseeing these duties.

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

Prohibited discharge standards means absolute prohibitions against the discharge of certain substances as required by 40 CFR 403.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than two inches in any dimension.

Public sewer means a publicly owned sewer in which all owners of abutting properties shall have equal rights and interest controlled by public authority.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act owned by the city. This definition includes any devices or systems used in the collection; storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Qualified professional (when used in reference to items submitted by industrial users) means a person working in the field of industrial waste management and treatment, qualified by education and/or experience to provide technical assistance and certification for documents submitted by an industrial user.

Rate ordinance means the Nacogdoches City Ordinance establishing user charges (including pretreatment fees) as periodically updated.

Receiving stream means the watercourse into which the effluent from the sewage treatment plant is discharged.

Sanitary sewer, also sewer, means pipe or conduit which conveys domestic sewage, industrial sewage, or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes (except cooling water) are not passed intentionally.

Septage means any liquid, semi-solid, or solid domestic wastes pumped out of septic tanks.

Sewage, also wastewater, means a combination of the water-carried waste from residences, business buildings, and industrial establishments, together with such ground, surface, and stormwater as may be present.

Sewage treatment plant, also treatment plant, means any components of the POTW as defined herein except for the collection and conveyance facilities.

Sewage works means all-components of the POTW as defined herein, plus sewers from users located outside the city and connected to the sewage works.

Shall, may. Shall is mandatory; may is permissive or discretionary.

Significant industrial user means any discharger meeting any of the following criteria and not excluded by other sections of this division:

- (1) Any industrial user subject to categorical standards;
- (2) Any discharger of a nondomestic waste stream (excluding unpolluted cooling water and boiler blowdown water) of 25,000 gallons per day or more;
- (3) Any industrial user that contributes a nondomestic waste stream which makes up five percent or more of the average dry weather hydraulic or pollutant capacity of the treatment plant;
- (4) Any industrial user which has a reasonable potential, in the opinion of the superintendent and the pretreatment coordinator, to:
 - a. Adversely affect the treatment plant through inhibition, pass through of pollutants, sludge contamination, or endangerment of treatment plant personnel;
 - b. Violate any pretreatment standard or requirement; or
 - c. Adversely affect the operation and maintenance of the sewage collection system through blockage; fire or explosion hazard, damage to facilities, or endangerment to personnel.

This definition includes potential effects from accidental spills.

Significant noncompliance means an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of: wastewater discharge limits (66% rule) as defined in this section.
- (2) Technical review criteria violations (33% rule) as defined in this section.
- (3) Any other violation of a pretreatment effluent limit which the city determines has caused (alone or in combination with other discharges) interference or pass through. (Including endangerment to the health or welfare of persons).
- (4) Any discharge of a pollutant which has:
 - a. Caused imminent endangerment to the health or welfare of persons or to the environment, or
 - b. Has resulted in the city's exercise of its emergency authority to stop or prevent such a discharge.

- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone in a city-issued permit or enforcement order for starting or completing construction or for attaining final compliance.
- (6) Failure to submit required baseline monitoring reports, self-monitoring reports, compliance reports, etc., within 30 days after their due date.
- (7) Failure to report noncompliance accurately.
- (8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the city's pretreatment program.

Significant violator means an industrial user with violations meeting any of the criteria for significant noncompliance as defined above.

Slug means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 as revised 1987 or any later revision. The SIC number characterizes the type of industrial process or operation.

Standard methods means the examination and analytical procedures set forth in the latest edition; at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

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

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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

Technical review criteria (TRC) violation, also referred to as 33% rule, means a repeated violation of discharge limits for any one pollutant parameter, in which 33 percent or more of all measurements during a six-month period equal or exceed the product of the limit (daily maximum or average, as appropriate) multiplied by the applicable TRC factor as follows:

TRC = 1.4 for CBOD, suspended solids, fats, oil, and grease.

TRC = 1.2 for all other pollutants excluding pH.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator under the provisions of Section 307(a) of the Act, or other Acts.

Toxicity test means any test measuring the lethal or sublethal effects of the treatment plant effluent on designated species of aquatic life.

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

Under construction, for purposes of defining existing sources and new sources, means a facility is under construction if the owner or operator has:

- (1) Begun as part of a continuous onsite construction program:
 - a. Any placement, assembly or installation of facilities or equipment; or

- b. Significant site preparation work (including clearing; excavation; removal of existing buildings, structures, or facilities; or construction of an all-weather road), which is necessary for placement, assembly, or installation of new source facilities or equipment; or
- c. Entered into a binding contractual obligation for the purchase of facilities or equipment intended to be used in the operation of the facility within a reasonable time. (This definition excludes options to purchase, contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies).

Unpolluted water or waste means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than an insignificant amount in mg/1 each of suspended solids and CBOD, as determined by the Texas Natural Resource Conservation Commission; and
- (7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in "standard methods".

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

USC means United States Code.

User means any person who contributes, causes, or permits the contribution of wastewater into the city sewage works.

User charge means the charge made to all users for collection and treatment of wastes, including any charges for administering the pretreatment program. The definition excludes tap fees.

User charge ordinance means the Nacogdoches City Ordinance providing a system for establishing, assessing, and collecting user charges and other charges related to the sewer system.

Waste-activated sludge means sludge wasted from an activated sludge process for treatment of domestic sewage (or for similar wastes), whether in digested or undigested form.

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

Wholesale customer means any city, water, district, water supply corporation, or other similar entity which collects sewage from individual customers located outside the city and passes it on to the city for treatment.

(Ord. No. 1581-11-11, § I, 11-1-2011)

Sec. 106-67. - Permits for industrial discharges.

- (a) *Permit required for industrial wastes.* Any significant or minor industrial user discharging or proposing to discharge industrial wastes (including unpolluted process water) into the city sewage works shall obtain a permit from the city for this purpose. This is in addition to any permits required by the plumbing ordinance.

Any significant or minor industrial user proposing to discharge industrial wastes shall obtain a city permit before connecting to the city sewage works. This provision applies to (1) new or relocated

establishments; (2) new sources of industrial waste within an existing establishment; and (3) direct dischargers wishing to divert any part of their industrial waste to the city sewage works.

Permitting requirements shall apply to all significant or minor industrial users receiving, or to receive, service from the city's sewage works, whether located inside or outside the city. No industrial user may be served through a wholesale customer unless the city and the wholesale customer first make an agreement giving the city the same authority over industrial users as provided in this division.

Any person (not already permitted) whom the city reclassifies as a significant or minor industrial discharger shall apply for a permit within 30 days after receiving notice from the city.

Each permit for a significant industrial user shall specify appropriate limits for (1) flow and (2) concentrations and/or mass limits for pollutants. Any significant industrial user who wishes to increase his flow, concentration, or mass of pollutants above the limits stated in his permit must obtain an amended permit from the city.

(b) *Users subject to permit requirement.* Each significant industrial user shall obtain a permit for the discharge of any industrial waste. Each minor user, including automobile repair and servicing; shops and car washes; dry cleaners and laundries; hospitals and nursing homes; restaurants and food dispensing services; schools with cafeterias; and dry industries with a risk for accidental spills of toxic or harmful substances into the city sewer system shall likewise obtain a permit. This requirement shall apply to such facilities even when included within a larger establishment, such as restaurant facilities within a supermarket.

In the absence of evidence to the contrary, the following types of business shall not be considered significant industrial users: automobile dealers and gas stations without repair or service facilities; and schools without cafeterias.

(c) *Application requirements.* Each application for a permit to discharge industrial waste into the sewage works shall be made on forms provided by the city or according to a format prescribed by the city. Each application shall be signed by an authorized representative of the industrial user, as defined in section 106-66, and certified by a qualified professional. A permit application shall also be required for any new sources of industrial waste within a facility.

The city may require any information in the permit application which may be deemed necessary to evaluate the application and/or to administer the pretreatment program or any other necessary monitoring. Information which may be required includes, but is not limited to, the following:

- (1) Name, address; location, applicable telephone numbers, and ownership of the industrial User (including major stockholders and/or parent corporations);
- (2) Supervisors (including shift supervisors) and other contact persons, including all persons on whom legal notice could be served;
- (3) List of any applicable environmental permits, including any permits related to transportation of waste materials;
- (4) SIC number;
- (5) Wastewater characteristics, certified by a reliable analytical laboratory, based on a sample which is representative of daily operations;
- (6) Time and duration of discharge;
- (7) Average daily, maximum daily, and peak flow rates for industrial wastes, along with any daily or seasonal variations. This shall apply separately to each waste stream regulated by categorical standards;
- (8) Site plans, floor plans, and details of all sewers within the plant which carry industrial waste;
- (9) Description and schedule for any facilities needed to meet pretreatment standards and/or requirements;
- (10) Each product produced by type, amount, process(es) and rate of production;

- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) Justification for discharging unpolluted process water to the sewage works rather than to natural drainage; and
- (14) Type and amount of any toxic pollutants brought into the plant, or generated within the plant, and scheduled for disposal outside the sewage works.

If an industrial user considers any of the required information to be confidential in nature, he may request the city to withhold that information from the general public according to section. The user must be able to justify his request according to subsection (i).

The city shall evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue the requested permit subject to all provisions of this division and any other applicable regulations.

(d) *Permit modifications.*

- (1) *Pretreatment standards.* Within 45 days after the promulgation of any new or revised national pretreatment standard, the city shall revise the permits of all users subject to that standard. The revised permits shall require compliance with the standard within the time frame prescribed by that standard.

Each existing user subject to any new or revised pretreatment standard shall submit to the pretreatment coordinator the baseline report required by subsections 106-69(c)(1)a—g., i., j. This information shall be submitted within 180 days after the later of (a) the promulgation of the standard and (b) the final administrative decision by the EPA that the standard (and/or one or more specific subcategories within the standard) is applicable to the user.

New sources and sources which become subject to categorical standards after promulgation of the applicable categorical standard shall submit the required baseline report at least 90 days before beginning their indirect discharges. For these sources, the baseline report shall meet the requirements of subsections 106-69(c)(1)a—h.

This requirement for submitting information applies to any user, regardless of whether that user at the time is classified by the city as a significant industrial user.

- (2) *Conditions warranting temporary relief.* The city may modify existing permits to provide temporary relief from specific discharge limits when all of the following conditions are met:
 - a. The city prohibits or limits by ordinance the discharge of a specific substance or parameter into the city's sewage works.
 - b. An industrial user which discharges such substance or parameter has asked the city for relief from such restrictions and has submitted justification for such relief.

The city reasonably anticipates that the restrictive ordinance provisions will be eliminated or relaxed through pretreatment program modifications to be submitted by the city to the approval authority for approval.
 - c. Both the city and the approval authority concur that temporary or permanent relief is justified.
- (3) *Actions to provide temporary relief.* In cases when the conditions above are met, the city may modify the permit of any applicable industrial user to include a compliance schedule for meeting the requirements for which temporary relief is warranted. Such compliance schedule shall at a minimum meet the following requirements:

- a. Recognize the current status of the city's proposed pretreatment program modifications and the anticipated revisions to the requirements in question.
- b. Require the industrial user to submit his own compliance schedule for meeting current (unmodified) requirements no later than six months after the time that the city is scheduled to submit the pretreatment program modifications to the approval authority for approval.
- c. Note the possibility that the compliance schedule issued by the city may be changed before the expiration of the six-month period to reflect developments regarding the pretreatment program modifications.

The industrial user shall not be required to meet the requirements in question until the expiration of the six-month period, plus such additional reasonable time as may be required for compliance.

- (e) *Permit conditions.* City permits for industrial waste discharges shall be expressly subject to all provisions of this division and any other applicable regulations, user charges, and fees established by the city. Permits shall contain conditions (1)—(6) below, or in the case of conditions (2) and (3) an explanation as to why these conditions are inapplicable (such as in the case of a dry industry or a minor industry). Permits may also contain any or all of the other conditions below, as applicable.

- (1) Duration (in no case more than five years) and statement of non-transferability;
- (2) Limits on the average and maximum waste constituents and characteristics, based on applicable general pretreatment standards (in 40 CFR 403), categorical pretreatment standards, local limits, and state and local law;
- (3) Specifications for monitoring programs including list of pollutants to be monitored, sampling locations(s), sampling frequency, and sample type, along with reporting, notification, and recordkeeping requirements;
- (4) Requirements for maintaining and retaining plant records relating to industrial waste discharge as specified by the city, and affording the city access to those records;
- (5) Requirements for notification to the city of any new introduction of pollutants or any substantial change in the volume or character of the pollutants being introduced into the sewage works;
- (6) List of applicable civil and criminal penalties for permit violations, and any applicable compliance schedules (which may not extend the time for compliance beyond that required by applicable federal, state, or local law or regulations);
- (7) The unit charge or schedule of user charges and fees for the industrial waste to be discharged to the public sewer;
- (8) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (9) Notice that the flow and/or pollutant loadings in the permit are temporary or subject to future modification, as in cases of limited reserve capacity in the city's treatment plant.
- (10) Requirements for gradual phasing in and/or out of specified pollutants in the waste, when the city finds that sudden changes in concentration may interfere with treatment;
- (11) Requirements for installation and maintenance of inspection and sampling facilities, including protection from flooding and any all-weather roads necessary for access;
- (12) Requirements for submission of technical reports or discharge reports according to subsection 106-69(c), (d);
- (13) Requirements for notification of slug discharges as defined in section 106-66;
- (14) Identification of specific permitted waste streams;
- (15) Location of discharge point(s);
- (16) Controls on batch dumping;

- (17) Requirements for toxic organic plans and/or solvent management programs;
 - (18) Requirements for calibration of flow meters;
 - (19) Requirements for periodic cleanout (with documentation) of tanks, sumps, and grease traps;
 - (20) Requirements for operation of pretreatment facilities;
 - (21) Requirements for waste minimalization plans to reduce the amount of pollutants discharged to the sewage works;
 - (22) Requirements for documenting the disposal of toxic pollutants outside the sewage works, where appropriate;
 - (23) Compliance schedules or a requirement for the user to submit a schedule;
 - (24) Stipulated administrative penalties up to \$1,000.00 per violation for further violations; and
 - (25) Other conditions as deemed appropriate by the city to ensure compliance with this division.
- (f) *Duration of permit.* Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in subsection (e) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (g) *Reporting of changes.* The industrial user shall promptly notify the city in writing of any significant changes in the data which was required for the permit application. Items which must be reported include the following:
- (1) Changes in ownership and mailing address;
 - (2) Significant changes in operations, processes, and products, including any change in the SIC number or any increase inflow of 20 percent or greater;
 - (3) Changes in strength or volume of industrial waste, including any new pollutants;
 - (4) Any changes in the layout of sewers carrying industrial wastes;
 - (5) Major changes in plant employment, production schedule, and pretreatment facility schedule;
 - (6) Any conditions which could increase the possibility of an accidental discharge; and
 - (7) Changes in type or amount of toxic pollutants scheduled for disposal outside the sewage works.
- A permit may not be assigned to a new owner or to a new or changed operation without the approval of the city. Any succeeding owner to which a permit is assigned shall comply with the conditions of that permit. Permits issued to new owners or due to changed operation shall be subject to the fee charged for a new permit.
- (h) *Suspension and revocation.* Any industrial user who commits the following violations of this division is subject to having his permit revoked and services terminated according to the procedure of section 106-75:
- (1) Misrepresentation or failure to fully disclose all relevant facts in the permit application;
 - (2) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - (3) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - (4) Tampering with monitoring equipment;

- (5) Refusal of reasonable and timely access to the user's premises for the purpose of inspection, monitoring, or examination of records;
- (6) Violation of conditions of the permit, including effluent limits, other pretreatment standards, and compliance schedule;
- (7) Failure to pay user charges (including pretreatment fees) when due;
- (8) Failure to pay fines and penalties; or
- (9) Refusal to comply with emergency notices issued by the city under section 106-77 of this division.

The permit may also be revoked for cessation of operation with no evidence of intention to resume operation:

The permit may be reinstated only after all violations have been corrected, any applicable fines or damages have been paid to the city, and provisions have been made to prevent recurrence of the violation. Any disconnection and reconnection shall be at the expense of the user.

- (i) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspections shall be available to the public or other governmental agencies 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:

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 NPDES permit, state permit and/or the pretreatment programs; provided, however, that such portions of a report shall be immediately available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Waste constituents and characteristics and other effluent data defined in 40 CFR (2)302 will not be recognized as confidential information.

Information accepted by the city as confidential shall not be transmitted to any governmental agency (except as noted above) or to the general public by the city unless a ten-day notification is given to the user.

- (j) *Inactive permit status.* The city may place any permit in an inactive status in cases where no industrial wastes expected to be discharged over an extended period of time. Such cases include temporary suspension of existing discharges of industrial wastes, or long-term or indefinite postponements of proposed discharges. As long as a permit remains in inactive status, the city may suspend reporting, monitoring, and/or inspection requirements to the extent warranted by the circumstances.

The city may move any inactive permit back to active status at the request of the user, or in event of actual or imminent resumption of discharge of industrial waste.

- (k) *Cancellation of permits for former industrial users.* The city may cancel a permit for an industrial waste discharge and allow discharge without a permit in cases where a permit is no longer required. Such cases are as follows:

- (1) Industries which were permitted under previous ordinance requirements, but for which a permit is no longer mandatory because of adoption of this division or subsequent revisions.
- (2) Industries which no longer meet any of the criteria under which a permit is mandatory because of:
 - a. Major changes in operations;
 - b. Diversion of waste streams away from the sewage works;

- c. Changes in federal regulations and/or application of regulations which cause the industry to be no longer subject to categorical standards; and/or
- d. Determination by the city that a non-categorical industry does not meet the criterion in item (4) of the definition of a significant industrial user in section 106-66.

In such cases of permit cancellations; the user may continue to discharge as a non-industrial user unless his service is terminated according to other provisions of this division.

The city shall notify the approval authority before or after such permit cancellations, as may be required by the approval authority.

(Ord. No. 1581-11-11, § II, 11-1-2011)

Sec. 106-68. - Control of admissible wastes.

- (a) *General.* Industrial wastes which do not violate the provisions of section 106-70, and which meet any pretreatment standards and requirements which may be applicable, may be discharged into the sewage works upon obtaining a permit according to section 106-67.

Septage, waste-activated sludge, or grease trap waste may be discharged at the treatment plant at designated locations according to subsection (i) below, provided the hauler meets all city requirements including permitting.

- (b) *Monitoring facilities.* Each significant industrial user shall provide and maintain at his own expense one or more control manholes with such monitoring facilities as may be required for the type of operation and industrial waste involved. The purpose of these facilities shall be to allow inspection, sampling, and flow measurement of the building sewer(s). The monitoring facility(ies) should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility(ies) to be constructed in the public street or sidewalk area and located so that they will not be obstructed by landscaping or parked vehicles.

In cases where regulated waste streams are mixed with other regulated waste streams or with unregulated waste streams before discharge, the city may require the control manhole(s) to be upstream from the mixing point(s). The city may require more than one control manhole in cases where two or more industrial waste streams originate in the same establishment and, in the opinion of the city, require separate monitoring. There shall be ample room in or near such control manholes or facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constricted on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Facilities shall be protected from flooding and shall have an all-weather access road. Construction shall be completed within 90 days following written notification by the city.

All sampling and flow measurement equipment used in control manholes shall be calibrated at the expense of the user at least semiannually with written verification submitted to the city. This equipment shall also be subject to calibration by the city, unless other arrangements acceptable to the city are made.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, maintained in good working order, safe from flooding, and accessible at all times. The failure of a user to keep its monitoring facility accessible and in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- (c) *Flow measurement.* The following provisions shall apply to all users, whether residential, industrial, or other:

The water consumption for any user during the previous month from all sources shall ordinarily be the basis for computing the sewage flow. Water supplied by the city shall be determined from the meter records of the water department. If any user obtains all or part of his water supply from private wells, surface water, or other suppliers, he shall furnish the city with certified meter readings, copies of water billings, or other evidence of the amount of water consumption during the month.

Any user who wishes to measure his sewage flow directly may at his own expense install and maintain a recording flow meter. The reading obtained from this meter shall become the basis for computing the sewage flow, provided the meter:

- (1) Is of a type approved by the city;
- (2) Remains properly calibrated;
- (3) Is accessible for reading and calibration by city personnel; and
- (4) Is verified semi-annually for accuracy, with a verification report submitted to the city, at the user's expense. Verification and calibration shall be provided by a certified instrument technician at the user's expense.

Should meter readings indicate that the effluent flow meter is inaccurate, the city shall notify the user, in writing, and the user shall verify that the reading is correct or have the meter repaired, recalibrated, or replaced as necessary. The city shall adjust the billing immediately to reflect a predetermined percentage of water consumption for the sewer charge.

Should meter readings the next month indicate that the meter is still inaccurate; the city shall adjust the sewer charge to reflect 100 percent of water consumption. This charge shall remain in effect until the user provides written notification and verification that the meter has been repaired and recalibrated, and is recording effluent flow accurately.

In lieu of a permanent recording flow meter, a user may apply for a reduction in the volume of computed sewage flow by using separate water supply meters for water not returned to the sewer. The user shall provide all necessary verification to the city, including flow and piping diagrams as required.

If an unusually large amount of water has been used for watering lawns throughout the city because of dry weather, the city may adjust computed sewage flow to reflect the estimated amount of such usage.

(d) *Sampling and analyses of wastes.*

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the pretreatment coordinator or other parties approved by EPA.
- (2) Detection limits for all applicable pollutants shall be no greater than specified in the appropriate criteria above. For sampling and testing required by specific instructions of the EPA or the Texas Natural Resource Conservation Commission, the instructions from that agency shall govern.
- (3) Samples shall be taken at intervals to be established by the city (1) to control the quality of industrial waste and/or (2) to determine surcharges. In all cases the sampling shall be performed often enough to be representative of average effluent quality.
- (4) All routine sampling and testing shall be performed by (or at the expense of) the user unless the city specifies otherwise under contract or permit provisions. The city shall have the right to perform its own sampling and testing at any reasonable time in order to check the accuracy of the user's testing. The city shall also have the right to require sample splitting upon proper notice.

- (5) For all required sampling performed by the user, chain of custody documents from sample collection through final analysis shall be maintained in the user's records with copies included with all laboratory reports submitted to the city. Records shall be retained for at least three years per subsection 106-69(i).
- (e) *Pretreatment.* Industrial users must comply with any applicable pretreatment standards or requirements in accordance with sections 106-69 and 106-71.
- (f) *Traps.* Where necessary to prevent the discharge of grease, oil, flammable substances, sand, or other harmful wastes into the sewage works, a user shall provide at his own expense a trap to intercept these substances. Traps shall not be required for private living quarters or dwellings, unless the city has observed problems in the sewage works resulting from the discharge from such dwellings.

Traps shall be required for all schools, restaurants, cafeterias, car washes, automotive services (including service stations), hospitals, nursing homes, and other commercial establishments for which, in the opinion of the city's pretreatment coordinator, a trap is necessary for protection of the sewage works. The owner or operator of an establishment shall have the right to appeal the pretreatment coordinator's decision to the water utilities manager.

The pretreatment coordinator may waive the requirement for a grease trap provided the user can verify that only domestic sewage is being discharged, with no floor drains or process water. The pretreatment coordinator may require testing by the user in connection with his request.

All traps shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for easy cleaning and inspection. Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All traps shall be maintained by the user, at his expense, in continuously efficient operation at all times.

Each trap in active use shall be cleaned at least once every 60 days (unless the city specifies otherwise). Cleaning more frequently than 60 days may be specified by the city's pretreatment coordinator. Any user desiring a schedule less frequent than 60 days shall submit a request to the pretreatment coordinator along with testing (as required by the pretreatment coordinator) and copies of the cleaning records for the last four trap cleanings.

The user shall maintain written verification of the date when each trap is cleaned, with the location and identity of the trap clearly defined. Unless otherwise allowed by the city, such verification shall be provided by the commercial firm performing the cleaning. Such verifications shall be kept on site and available to the city for inspection and copying for a minimum of three years.

The city may assess penalties for grease trap violations according to the rate ordinance.

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- (g) *Dilution.* Dilution of wastes by increased use of process water, or by any other methods, will not be acceptable as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard or requirement, unless specifically allowed elsewhere in this division or in the applicable national pretreatment standard or local pretreatment requirement.
- (h) *Slug discharges.* Any industrial user experiencing a slug discharge, as defined in [section] 106-66 (definitions) of this division, shall immediately notify the city.
- (i) *Septage and other hauled wastes.*
 - (1) *Transporter registration.* Any person wishing to:
 - a. Transport septage, waste activated sludge, or grease trap wastes from sources within the city; or

- b. Dispose of any of these wastes at the city sewage works (regardless of source) shall obtain a permit from the pretreatment coordinator for each company or individual hauling such wastes.

Haulers with city permits shall maintain copies of all city and state permits at their designated place of business and in each vehicle operated under the permit. These documents shall be available to the operating staff of the city treatment plant at the time of delivery.

Each permit shall be for the term of one [year], with annual permit fee according to the rate ordinance. Application for permit renewal shall be made at least 30 days before expiration. The permit shall be non-transferable without the approval of the city.

(2) *Vehicles/equipment.*

- a. *Marking and identification.* Owners or operators of vacuum pump trucks shall mark each truck to show the company name, city, telephone number(s), and city and state permit numbers.
- b. *Sanitation standards.* All vehicles and equipment used for the collection and transportation of the waste shall be operated and maintained to prevent loss of liquid or solid waste materials to prevent health and safety hazards to operating personnel and the public.
- c. *Incompatible wastes.* Mixing of incompatible wastes (wastes that have different processing, storage, or disposal requirements) within the same vacuum truck for disposal at the city treatment plant is prohibited.
- d. *Sight gauges.* All vehicles used to transport wastes regulated by this permit shall be equipped with sight gauges to determine the volume of the waste delivered. Gauges shall show what percentage of the tank capacity is filled. The city may require proof of calibration of sight gauges.

(3) *Inspection.* All transport vehicles will be subject to inspection by the city for sight gauges, city and state registration, and truck marking.

A sample of the waste may be taken at the plant prior to unloading the truck. If the sample results prove unacceptable, the hauler will be responsible for the proper disposal of the waste elsewhere.

(4) *Recordkeeping.* Persons who collect and transport waste under this permit shall maintain a record of each collection. Such records shall be in the form of a trip ticket, including:

- a. Name, address, telephone number, city registration number, and Texas Commission on Environmental Quality registration number of transporter.
- b. Name, signature, address, and telephone number of the person who generated the waste and the date and time collected.
- c. Type(s) and amount(s) of all waste collected and transported.
- d. Name(s) and signature(s) of responsible person(s) collecting, transporting, and disposing of the waste.
- e. Name and signature of the facility on-site representative acknowledging receipt of the waste and the type(s) and amount of waste(s) received. This applies whether the wastes are disposed of at the city treatment plant or elsewhere.

In cases where a load of waste is rejected by the city, the rejection shall be noted on the trip ticket or on a supplementary ticket. The treatment plant operating staff shall be provided with a copy of all relevant information concerning the rejected load.

Copies of the trip tickets shall be retained for five years and shall be readily available for review by the superintendent and/or the pretreatment coordinator.

- (5) *Accidental discharge or spills.* In the event of an accidental discharge or spill of waste, the collector or transporter must take appropriate action to protect human health and the environment. Transporters are responsible for cleanup and for reporting spills to the city's pretreatment coordinator; to the city health inspector, if health hazards exist; and to local law enforcement if there is a possibility of a traffic hazard.
- (6) *Time and place for wastes hauled to plant.* Wastes shall be hauled to the treatment plant for disposal during hours designated by the city. The wastes shall be discharged into that portion of the plant designated by the city, provided:
 - a. The plant is capable, in the opinion of the plant operator, of receiving and treating the wastes without inconvenience to the operating staff, overloading, or degradation of plant effluent.
 - b. The city verifies by inspection that no toxic wastes, incompatible wastes (such as mixed septage and grease trap wastes), or other unacceptable wastes are present. The city reserves the right to require laboratory testing of the wastes at no cost to the city.
 - c. Grease trap wastes are delivered within 24 hours after pumpout.*
*Grease trap wastes, if disposed of at the city treatment plant, must be delivered to the plant within 24 hours after pumping from grease traps.
 - d. Inspection and treatment fees are paid according to the rate ordinance and/or the user charge ordinance.
- (7) *Penalties.*
 - a. The following may result in cancellation of the city permit and/or loss of authorization to dispose of waste at the city's facilities:
 - 1. Failure of a transporter to maintain records, trip tickets, or other documents properly, without falsification;
 - 2. Failure of a transporter to submit to the city's pretreatment personnel correct information on a permit application by the required due date;
 - 3. Unauthorized discharge of waste; and
 - 4. Failure of a transporter to maintain a current state permit and to comply with state regulations.
 - b. The city may also take any action authorized by law to secure compliance including:
 - 1. Assessment of administrative penalties of \$50.00 per violation per day up to \$5,000.00 maximum for the violation.
 - 2. Seeking civil penalties as prescribed by city ordinance.

(Ord. No. 1581-11-11, § III, 11-1-2011)

Sec. 106-69. - Pretreatment.

- (a) *Required pretreatment.* Pretreatment of industrial wastes shall be required under any of the following circumstances:
 - (1) When an industrial user is subject to:
 - a. Unmodified national pretreatment standards;
 - b. Locally modified national pretreatment standards;
 - c. Local pretreatment requirements;

- d. General prohibitions per subsection 106-70(b)(1); or
- e. Local limits per section 106-70(d). and the industrial waste violates the applicable standard or requirement for one or more pollutants;

or

- (2) When the industrial waste is, in the opinion of the city:
 - a. Harmful to the structures; processes, or operations of the sewage disposal works;
 - b. Harmful to the receiving stream;
 - c. Detrimental to any existing or proposed method of sludge use or disposal;

or,

- (3) In cases where the treatment plant cannot safely accept the proposed pollutant loading from an industrial user because of limited treatment capacity. (In cases where there is adequate unused capacity, but that capacity is allocated or permitted to other industrial users or user classes for future growth, the city may reserve the right to require pretreatment when needed in the future.)

When pretreatment of industrial wastes is required, the industrial user shall provide, operate, and maintain at his own expense such pretreatment facilities as may be necessary to render the wastes acceptable for discharge. The user may also be required to submit schedules for compliance and other reports in accordance with subsections (c) through (g).

- (b) *Applicable standards.* The city shall notify any industrial user of any of the following requirements to which that user is subject:
 - (1) National pretreatment standard (with or without local modification). The notification shall include any schedule of compliance required in the standard.
 - (2) General prohibitions (subsection 106-70(b)(1)) or local limits (subsection 106-70(d)) to the extent that the city can determine such applicability.
 - (3) Any local pretreatment requirement, including a compliance schedule, to which that user is subject. The city shall also state the reasons for the requirement.
- (c) *Reporting requirements-categorical industries.* The city shall require all industries subject to categorical standards to submit the following reports:
 - (1) *Baseline report.* This is the first report due, with the due date according to subsection 106-69(d). This report shall contain the following information (with subitems a—g. applicable to both existing and new sources):
 - a. Name, address, telephone number, location, and ownership of the industrial user;
 - b. Supervisors (including shift supervisors) and other contact persons.
 - c. List of any environmental permits held by or for the facility, including any permits related to transportation of waste materials.
 - d. Nature, average rate of production, SIC of the operation(s) carried out by the user, and schematic process diagram including points of discharge from regulated processes.
 - e. Average and maximum daily discharge from the user into the sewage works in gallons per day (1) from regulated process streams, (2) from other streams if necessary for use of combined formula, and (3) as totals for each discharge point. Discharges shall be measured unless otherwise allowed by the city.

- f. The nature and concentration (determined according to subsection (h)) of regulated pollutants in the discharge from each regulated process from the user, and identification of the applicable pretreatment standards and requirements. The concentration shall be reported as both an average and a daily maximum level. If an equivalent concentration limit has been calculated in accordance with the standard, this adjusted concentration limit shall also be submitted to the city for approval.

If required by the applicable standard or by the city, the mass of regulated pollutants shall be reported in lieu of the concentration.

Copies of the laboratory reports shall be provided.

- g. Type and amount of any toxic pollutants brought into the plant, or generated within the plant, and scheduled for disposal outside the sewage works.

New sources shall provide the best practical estimates of the information noted in subitems e. and f., above. In addition, new sources shall submit the information in subitem h.

- h. Proposed method of pretreatment, if any, for meeting applicable pretreatment standards.

In addition to subitems a—g., above; the city shall require existing sources to submit the following information:

- i. A statement, reviewed by an authorized representative of the industrial user (as defined in section 106-66) and certified to by a qualified professional, indicating:

- 1. Whether standards and requirements are being met consistently, and if not,
- 2. Whether additional O & M and/or pretreatment will be needed to meet the standards and requirements; and

- j. If additional pretreatment and/or O & M is required, the shortest schedule by which the user will provide these measures. The completion date in this schedule shall not be later than the compliance date established for the applicable standard. The schedule shall be prepared according to subsection (f).

If a standard is modified for the user, either through an equivalent concentration limit or through a variance approved by the approval authority, all information in subitems i. and j. shall be based on the modified limits. If the modification occurs after the user submits the baseline report, the user shall submit amended information for subitems i. and j. within 60 days after approval of the modification.

The baseline report shall be signed by an authorized representative of the user (as defined in section 106-66) and certified by a qualified professional. The authorize user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).

(2) *Initial compliance reports.*

- a. *Due date.* This report shall be submitted to the pretreatment coordinator within 90 days after the following dates:

- 1. For an existing source, the date for final compliance with applicable standards and requirements; or
- 2. For a new source; the commencement of the introduction of industrial waste into the sewage works.

- b. *Contents.* The report shall include the following information:

- 1. All information listed in subsection (c)(1) above (subitems e., f., and i.)
- 2. (For industrial users subject to equivalent mass or concentration limits established by the city) Reasonable estimate of long term production rate.

3. (For other industrial users subject to pretreatment standards specifying pollutant quantities proportional to operation or production) Actual production during sampling period.
 - c. *Certification.* The compliance report shall be signed by an authorized representative of the user: (as defined in section 106-66) and certified by a qualified professional. The authorized representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).
- (3) *Periodic compliance reports.*
- a. *Due dates.* These reports are due periodically after the initial compliance report during the months of June and December, unless required more frequently in the pretreatment standard, by the pretreatment coordinator, or by the approval authority. At the discretion of the pretreatment coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment coordinator may agree to alter the months during which the reports are to be submitted.
 - b. *Contents.*
 1. Type of facility;
 2. Type of discharge;
 3. Nature and concentration (determined according to subsection (h)) of pollutants in the industrial waste which are limited by pretreatment standards and requirements.
 4. The average and maximum daily flow of:
 - i. All process units in the user's facility which are governed by the standards and requirements;
 - ii. Any other streams if necessary for use of combined formula;
 - iii. Totals for each discharge point; and
 - iv. Any other streams if required by city.
 5. Production rate (long-term or for sampling period, as specified in subsection (2) above).
 6. Whether the applicable standards and requirements are being met consistently.
 7. A description of its operations and/or any changes in operations since the previous report.
 8. A description of any additional O & M modifications and/or pretreatment equipment necessary to achieve compliance for non-compliant discharges.
 9. Proof that tanks; sumps, and/or grease traps have been cleaned according to the required schedule.
 10. A copy of the laboratory report for the required sampling and analysis.
 11. Documentation of any disposal of toxic pollutants outside the sewage works.
 12. Any other items which the city may require under other provisions of this division:
 - c. *Mass limitations.* The pretreatment coordinator may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subitem b. above shall indicate the mass pollutants regulated by pretreatment standards in the industrial waste of the user.
 - d. *Certification.* The compliance report shall be signed by an authorized representative of the user (as defined in section 106-66) and certified by a qualified professional. The authorized

representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).

- e. *Waiver.* These reports may be waived to the extent that the city performs the sampling and analysis and otherwise gathers information for the reports.
- (d) *Reporting requirements - Permitted non-categorical industries.* The city shall require initial and/or periodic (monthly, quarterly, or semi-annual) self-monitoring reports from any permitted industrial user. (The reports may be waived to the extent that the city performs the sampling and analysis and otherwise gathers the information.) The information required may include any or all of the following:
 - (1) Identification of the industrial user:
 - (2) List of any applicable environmental permits, including any permits related to transportation of waste materials.
 - (3) A description of its operations and/or any changes in operations since the previous report.
 - (4) Process flows at all points specified by the city (average and/or daily maximum as specified by city).
 - (5) Nature and concentration (determined according to subsection (h) below) of all pollutants required by the city to be reported.
 - (6) A certification statement by the industrial user indicating compliance or non-compliance with the applicable pretreatment requirements. The authorized representative of the user shall include the certification statement specified in 40 CFR 403.6(a)(2)(ii).
 - (7) A description of any additional O & M modifications and/or pretreatment equipment necessary to achieve compliance for non-compliant dischargers.
 - (8) Compliance schedules and related reports.
 - (9) Proof that tanks, sumps, and/or grease traps have been cleaned according to the required schedule.
 - (10) Proof of calibration of effluent meters and/or any other meters used for billing and/or monitoring reports.
 - (11) A copy of the laboratory report for the required sampling and analysis.
 - (12) Type and amount of any toxic pollutants brought into the plant or generated within the plant, and scheduled for disposal outside the plant.
 - (13) Documentation of any disposal of toxic pollutants outside the sewage works.
- (e) *Resampling requirements.* In the event the sampling and analysis indicates non-compliance for one or more of the pollutant parameters, the industrial user shall notify the city of the violation within 24 hours after becoming aware of it. The user shall also resample for all non-compliant parameters. The repeat sampling and analysis must be completed and a report submitted to the city within 30 days after receipt of the laboratory report indicating non-compliance. The industrial user shall continue to monitor the non-compliant parameter on a 30-day schedule until compliance is achieved. The industrial user shall submit copies of all laboratory reports to the city.

Resampling will not automatically be required if the city samples the user's effluent either monthly, or between the time of the user's sampling and the time the user receives the corresponding test results. Resampling may be required, however, on the basis of the city's test results.
- (f) *Schedule for pretreatment facilities.* In the event that any of the reports required by subsection (c) or (d) indicate the need for pretreatment facilities, the industrial user shall provide the city with a scheduled for facility installation. The following conditions shall apply to the required schedule:
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards and/or

requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, beginning routine operation, etc.).

- (2) No increment referred to in paragraph (1) shall exceed nine months.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the pretreatment coordinator including, as a minimum,
 - (1) whether or not it complied with the increment of progress to be met on such date and, if not,
 - (2) the date on which it expects to comply with this increment of progress; reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the pretreatment coordinator.
- (g) *Submission-of plans.* Any industrial user required to construct pretreatment facilities shall submit to the city detailed plans for their construction and for their operating procedures. The city must approve these plans before construction begins. The review of such plans and operating 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. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
- (h) *Sampling and analysis for reports.* The reports required by subsections (c)[(1)f., (2)b.1. (referring to (1)f.), (3)b.3.], (d)(4), and (e) shall contain the results of sampling and analysis of the industrial waste, including the flow and the nature and concentration (or production and mass where applicable) of pollutants contained therein which are limited by the applicable standards. The frequency of monitoring shall be prescribed in the applicable standard (or by the city in cases of sampling due to city requirements). The nature of the sampling (grab, flow composite, or time composite), the number of samples, sample preservation, and holding time shall be as directed by the city, but in no case less stringent than required by the standard or by 40 CFR 403. Sampling locations shall be as directed by the city.

Sampling for these reports shall be conducted during the reporting period and shall be representative of daily operations and conditions occurring during that period. If any pollutant is monitored (according to the requirements of this subsection) more frequently than required by the city, the results of the additional monitoring shall be included in the report.

All sampling and analysis procedures shall be as required in subsection 106-68(d).

The laboratory report shall identify the industrial facility and show all times, dates, sampling locations, and analytical methods. The industrial user shall certify that the sampling is representative of normal work cycles and operating conditions. The report shall include documentation of the chain of custody from sampling through testing.

- (i) *Recordkeeping.* User subject to the reporting requirements of this division shall retain, and make available for inspection and copying all records of information obtained pursuant to any monitoring activities (a) required by this division or (b) undertaken by the user independent of such requirements. Records shall indicate the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates and by whom analyses were performed; lie analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall automatically be extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention time by the city.
- (j) *Operation of pretreatment facilities.*
 - (1) *General.* Any industrial user who operates pretreatment facilities as a requirement for meeting pretreatment standards or requirements shall normally:
 - a. Keep the pretreatment facilities in full operation at all times during discharge of industrial waste to the sewage works, and

- b. Route all designated industrial waste through such facilities prior to discharge.
- (2) *Applicability.* This requirement shall apply only to those specific waste streams for which pretreatment is required by permit. Pretreatment operation is required only during periods of discharge of designated waste, plus such startup operations as are necessary to prevent inadequate treatment.
- (3) *Bypass.*
 - a. *Definitions.*
 - 1. *Bypass* means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
 - 2. *Severe property damage* means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. *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 maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.
 - c. *Notice.* If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the city, if possible at least ten days before the date of the bypass.
- (4) *[Notice of bypass.]* An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the city within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five 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 city may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
 - a. *Prohibition of bypass.*
 - 1. Bypass is prohibited, and the city may take enforcement action against an industrial user for a bypass, unless;
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. 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 downtime. 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
 - iii. The industrial user submitted notices as required under paragraph (3) of this section.
 - b. The city may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.
 - (k) *Public notification by city.* The city shall annually publish in the Nacogdoches Daily Sentinel a list of industrial users in significant noncompliance with the city's pretreatment program (as defined in

[section] 106-66) for the preceding 12-month period. The city may at its discretion publish information on permit violations, including any corrective or remedial measures by the violator, at any time.

- (l) *Annual inspection.* The city shall inspect each significant industrial user which holds an active permit at least once per year. The city shall, in conjunction with the inspection, sample all waste streams containing industrial waste. Minor industries shall be inspected at least once every three years; although sampling need not be performed unless applicable to the permit.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(Ord. No. 1581-11-11, § IV, 11-1-2011)

Sec. 106-70. - Prohibited or limited discharges.

- (a) *Infiltration/inflow sources.* No person shall discharge any stormwater, ground water, roof runoff, foundation drains, subsurface drainage, downspouts, yard drains, ponds, or lawn sprays into any sanitary sewer, or into any building sewer or industrial sewer connected thereto. Stormwater and all other unpolluted drainage shall be discharged into storm sewers or to natural outlets approved by the city.

All building drains, building sewers, industrial sewers; and sanitary sewers leading to the public sewers, including connections thereto, shall be constructed and maintained so as to exclude any ground or surface water from entering the sewer. The city shall require the owner of any of these facilities to correct at his own expense any leaks or other conditions allowing the entry of groundwater or surface water into the sewage works. This provision shall apply to all such leaks or conditions whether they exist prior to the effective date of this division or occur at a later date.

The requirements of the plumbing ordinance, where applicable, shall govern the construction of these facilities. All sewer repairs shall be inspected by the city in the same manner as new facilities. Unpolluted industrial process water (if not returned to a process) may be discharged into storm sewers, natural outlets, or the sewage works, as agreed on by the user, the city, and any applicable state or federal regulatory agencies. Any new discharge of such water into the sewage works shall require the written approval of the manager and/or the pretreatment coordinator. The city may require written justification for any existing or proposed discharge of unpolluted water, based on factors such as economic considerations and regulatory requirements for direct dischargers. In the case of cooling water, the city may require cooling before discharge to the sewage works or otherwise.

- (b) *Prohibited discharges.*

- (1) *General prohibitions.* No user shall discharge or otherwise introduce into the sewage works any pollutant or sewage which causes pass through or interference. This prohibition applies to all industrial and nonindustrial users (regardless of whether they are subject to categorical standards, pretreatment requirements, and/or permitting) and also to all waste haulers.
- (2) *Specific.* No person shall discharge either directly or indirectly any of the following described substances, materials, waters or waste:
 - a. Pollutants which create a fire or explosive hazard in the sewage works, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degree Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21;
 - b. Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewage treatment plant;
 - c. Any solids, slurries, or viscous substances of such character and amounts as to be capable of obstructing the flow in sewers, or otherwise interfering with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails,

- lime slurry, lime residues, slops, chemical residues, paint residues, grease trap cleanings, or bulk solids;
- d. Pollutants, including oxygen demanding pollutants (CBOD, etc.), discharged at a flow rate and/or pollutant concentration which, either, singly or by interaction with other pollutants, will cause interference;
 - e. Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case any sewage which raises the temperature at the upstream end of the treatment plant above 104 degrees Fahrenheit (40 degrees Centigrade);
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems;
 - h. Trucked or hauled pollutants, except for those wastes authorized in subsection 106-68(i) of this division, and then only at the treatment plant according to subsection 106-68(i);
 - i. Any water or waste which contain wax, grease, or oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;
 - j. Any garbage except properly shredded garbage as defined in section 106-66;
 - k. Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids in concentrations exceeding limits established in subsections (c), (d), and (e); or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alteration, or expense to handle such material; or can prevent entry into the sewers for maintenance and repair;
 - l. Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or in the public sewage works;
 - m. Any waters or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to persons or animals, or to create any hazard in the receiving stream of the sewage treatment plant;
 - n. Any materials causing excessive discoloration to the treatment plant effluent, unusual or immediate biochemical oxygen demand, or hydrogen sulfide concentrations sufficient to cause explosion hazards or structural corrosion;
 - o. Any antibiotics, bactericidal solutions, or bacteriostatic solutions, unless rendered ineffective by pretreatment;
 - p. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - q. Medical wastes, unless specifically authorized in a permit;
 - r. Sewage causing alone or in conjunction with other substances, the treatment plant effluent to fail a toxicity test; or
 - s. Detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant
- (c) *Limited discharges (general)*. Except in concentrations, or with provisions stipulated herein, no person shall discharge either directly or indirectly to the sewer works waters or wastes containing any of the following:

CURRENT ORDINANCE: CHAPTER 106, ARTICLE II, DIVISION 2 , “Sewer Use Regulations”

- (1) Free or emulsified oil and/or grease exceeding 100 ppm if, in the opinion of the city, it appears probable that such wastes:
 - a. Can deposit grease and oil in the sewer lines 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 waters without being affected by normal sewage treatment processes; or
 - d. Can have deleterious effects on the treatment process due to the excessive quantities;
 - (2) Any radioactive wastes greater than the allowable releases as specified by current United States Bureau of Standards handbooks dealing with the handling and release of radioactivity;
 - (3) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.5 ppm by weight as CN in the wastes from any outlet into the public sewers;
 - (4) Chlorides in excess of 250 mg/l; or
 - (5) Substances causing an excessive chemical oxygen demand.
- (d) *Technically-based local limits.* The allowable concentrations of specified substances in mg/l, determined on the basis of individual sampling in accordance with "standard methods," are as follows. These limits are approved by the approval authority as being technically based local limits, derived according to procedures specified or approved by the EPA for protection of the receiving stream, the treatment process, and the city's sludge disposal method. These limits may not be modified without the approval of the approval authority.

Substance	Not To Exceed		
	Monthly Average	Daily Average	Daily Composite
Aluminum	—	2.9	2.9
Arsenic	—	0.3	0.3
Cadmium	—	0.025	0.05
Chromium (total)	—	3.4	3.4
Chromium (hexavalent)	—	0.0012+	0.0012+
Copper	0.9	—	2
Cyanide	—	0.1	0.25
Lead	0.04	—	0.1
Mercury	—	0.000*	0.000*

Nickel	---	1.5	3.1
Silver	---	0.25	0.5
Zinc	0.65	---	0.7

*For mercury, permit compliance/noncompliance determinations will be based on the minimum analytical level of 0.0002 mg/L. Monitored discharge concentrations measured as less than 0.0002 mg/L shall be deemed to be compliant with the mercury limit. Mercury concentrations measured below that value shall be reported as "<0.0002 mg/L" and shall be interpreted as zero values for compliance purposes.

+For Hexavalent Chromium, permit compliance determinations will be based on the MAL (minimum analytical level). Monitored discharge concentrations measured as less than the MAL shall be deemed to be compliant with the limit.

- (e) *Other hazardous metals.* The allowable concentrations of hazardous metals in mg/l, determined on the basis of individual sampling in accordance with "Standard methods," are:

	NOT TO EXCEED		
Metal	Average	Daily Composite	Grab Sample
Barium	1	2	4
Manganese	1	2	3
Selenium	0.05	0.1	0.2

- (f) *Other hazardous materials.* No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the city specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions. Prohibited hazardous materials include, but are not limited to: Antimony, beryllium, bismuth, boron (greater than 1 mg/l), Cobalt, iron (greater than .5 mg/l), molybdenum, rhenium, strontium, tellurium, uranyl-ion, herbicides, fungicides, and pesticides; and any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.

- (g) *Accidental discharges.*

- (1) *General.* Each user as specified in subsection (2) below shall provide protection from (a) accidental discharge of materials prohibited or regulated by this division and (b) slug discharges. The user shall provide and maintain the necessary facilities at his own expense.

Detailed plans showing facilities and operating procedures to provide this protection (as specified in subsection (3) below) shall be submitted to the city for review, and shall be approved by the city before construction of the facility. No new user shall be permitted to

introduce pollutants into the system until accidental discharge procedures have been approved by the city.

Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this division.

In the case of an accidental discharge; it is the responsibility of the user to immediately telephone and notify the city of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge, the user shall submit to the pretreatment coordinator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment plant, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties; or other liability which may be imposed by this division or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. Such notice shall be replaced promptly by updated notices as issued by the city.

- (2) *Applicability.* The requirements of this subsection shall apply to each industrial user and also to each commercial (non-industrial) user, including dry industries, which the city has reason to believe may have the potential for accidental discharges of prohibited or regulated materials. Each existing user which the city determines to be subject to the requirements of this subsection shall submit the necessary plans upon 90 days' notice by the city. In lieu of the required plans, any user may provide verification to the satisfaction of the city that such plans are inapplicable.
- (3) *Requirements for plans.* The plans required by this subsection shall address the following as a minimum:
 - a. Description of discharge practices, including nonroutine batch discharges;
 - b. Description, location, and storage facilities for stored chemicals;
 - c. Procedures for immediately notifying the city of any accidental or slug discharge, including names or positions of responsible personnel; and
 - d. Procedures and facilities to prevent adverse impact from any accidental or slug discharge. Such measures include, but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (4) *Periodic evaluation by city.* At least every two years the city shall perform the following evaluations:
 - a. Adequacy of each existing plan for control of accidental discharges and slugs.
 - b. Possible need for such plans for users who have previously verified the inapplicability of such plans, or who have not previously been identified as needing them.

(Ord. No. 1581-11-11, § V, 11-1-2011)

Sec. 106-71. - Establishment of standards.

- (a) *National pretreatment standards.* Each existing national pretreatment standard (with any authorized local modification) shall be binding on those industrial users covered by that standard. Any new industrial users who are covered by one or more standards, or existing users who become covered by such standard(s) because of new or changed operations, shall be governed by the pretreatment standards in the same manner as existing users. If the EPA should subsequently revise any existing standards or promulgate new standards, these revisions or new standards shall automatically be binding in the same manner as existing standards.
- (b) *Modification of pretreatment standards.* If the city's treatment works is found to achieve consistent partial removal of one or more pollutants limited by national pretreatment standards, the city may apply to the approval authority for modification of specific limits in the standards. Upon approval of the approval authority, the city may modify one or more pollutant discharge limits in the pretreatment standards. These modified limits shall be binding upon all industrial users subject to the specific standards which have been modified. The modified limits shall remain in effect as long as the approval authority does not withdraw the authorization for the modification or revise the extent of modifications.
- (c) *Local pretreatment requirements.* The city may develop specific limits for the following prohibited discharges and may incorporate such limits into this division or may publish them as a separate ordinance.
- (1) Pollutants which create a fire or explosion hazard in the collection or treatment works;
 - (2) Pollutants which will cause corrosive structural damage to the collection or treatment works;
 - (3) Solid or viscous pollutants amounts which will obstruct the flow in sewers or otherwise interfere with the operation of the sewage treatment plant;
 - (4) Any pollutant; including oxygen demanding pollutants, released in a discharge of such volume and strength as to cause interference in the sewage treatment plant; and
 - (5) Heat in amounts which will inhibit biological activity in the sewage treatment plant or raises the temperature of the treatment plant influent above 104°F.
- The city may develop other local pretreatment requirements not covered by pretreatment standards if it is found necessary to prevent interference with the treatment process, overloading of the sewage treatment plant, interference with sludge disposal, or stream pollution. These pretreatment requirements shall be incorporated into this division or shall be published as a separate ordinance.
- (d) *Termination or revision of local modifications.* If the approval authority should:
- (1) Withdraw its approval of any local modifications to national pretreatment standards, or
 - (2) Revise the extent of such modifications,
- The pretreatment standards with any remaining modifications shall become binding on all users covered by those standards. The users will be required to achieve compliance within the time schedule specified by the approval authority.
- (e) *State pretreatment standards.* In the event that Texas becomes an NPDES state with an approved state pretreatment program, all applicable state pretreatment standards shall become binding on industrial users in lieu of national pretreatment standards. In the event that the State of Texas develops state pretreatment standards without an approved state pretreatment program, all applicable state pretreatment standards shall become binding to the extent that they are more stringent than the applicable national pretreatment standards.
- (f) *City's right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewage works.

- (g) *Notification of industries.* The city shall promptly notify all affected industries in writing of:
- (1) Any pretreatment standards which are in effect on the effective date of this division;
 - (2) Any new pretreatment standards or requirements, or any revisions to existing standards or requirements;
 - (3) Any local modifications to national pretreatment standards;
 - (4) Termination or revision of any local modifications to pretreatment standards;
 - (5) Any applicable state pretreatment standards.
 - (6) Any new or revised sampling, monitoring, or reporting requirements;
 - (7) Reclassification of industry as significant industrial user or otherwise;
 - (8) Reclassification of industry as subject to pretreatment standards or otherwise; or
 - (9) Any changes in permit status, such changing to active or inactive status.
 - (10) The required notice to industries shall include any appropriate schedules of compliance as specified by the approval authority or by the city.
- (h) *Uniform application.* Any limitation on quantity, concentration, or discharge rate of a specific pollutant shall be applied uniformly to all new or existing discharges within any industrial category. This applies to national pretreatment standards or any local modifications thereto; limitations on prohibited discharges as listed in subsection (c); any state pretreatment standards; and any other local pretreatment requirements.

(Ord. No. 1581-11-11, § VI, 11-1-2011)

Sec. 106-72. - Protection from damage.

No unauthorized person shall maliciously, willfully, or negligibly break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the city sewage works. The city may pursue all criminal and civil penalties to which it is entitled under authority of statutes and ordinances against a person violating this section of the division.

(Ord. No. 1581-11-11, § VII, 11-1-2011)

Sec. 106-73. - Substances not discharged into sewage works.

- (a) No person may discharge any substances, whether normal domestic sewage, admissible industrial waste, prohibited substances, or unpolluted water, into the sewage works except through a building sewer or industrial sewer as authorized by the city. This provision shall not apply to city forces or contractors in the course of performing construction, maintenance, cleaning, or testing of the sewage works. This provision shall also not apply to liquid waste delivered to the treatment plant and accepted by the operating staff according to subsection 106-68(i) of this division.
- (b) The city may require information from any industry within the city regarding the type and amount of toxic pollutants scheduled for disposal outside the city sewage works. This requirement shall apply to all industries whether dry industries or subject to permitting as industrial users.
- (c) The city shall require documentation of the time and method of transportation and disposal of toxic pollutants outside the sewage works within ten days after removal from the plant, unless otherwise specified in the applicable discharge permit.

(Ord. No. 1581-11-11, § VIII, 11-1-2011)

Sec. 106-74. - User charges.

The following user charges shall be assessed and collected as prescribed by the rate ordinance and/or the user charge ordinance:

- (1) Collection and treatment charges for-normal domestic sewage and for industrial wastes.
- (2) Pretreatment fees for industrial users subject to mandatory pretreatment of wastes.
- (3) Treatment charges for septage, waste activated sludge, and grease trap wastes.
- (4) Surcharges for parameters outside allowable values, or for grease trap violations.

(Ord. No. 1581-11-11, § IX, 11-1-2011)

Sec. 106-75. - Billing.

- (a) *Billing procedure.* All user charges for normal domestic sewage and industrial waste, including pretreatment fees, as well as all surcharges, shall be assessed and collected according to provisions of the rate ordinance and/or the user charge ordinance.
- (b) *Grounds for disconnection.* Any of the following violations shall be sufficient reason to disconnect any and all water and/or sanitary sewer service provided by the city, after the prescribed notification and hearing process is carried out:
 - (1) Failure to pay monthly bills for city services when due, including all user charges for the sewage works.
 - (2) Violations by industrial users, as listed in subsection 106-67(h).
 - (3) Any other violations of this ordinance, when termination of services is prescribed by injunction according to subsection 106-76(d).

Before terminating water and/or sanitary sewer services for nonpayment, the city shall notify the user of its intention and shall allow a minimum of ten days to show cause why such services shall not be terminated.

[(c)] *Restoration of service.* Reconnection shall be made only after:

- (1) Payment of:
 - a. All outstanding charges for city services;
 - b. Any charge for late payment which may be provided in the city ordinance prescribing user charges;
 - c. Any lawfully assessed fines and damages; and
 - d. Disconnection and reconnection expenses.
- (2) Evidence satisfactory to the pretreatment coordinator that restoration of service will not result in hazardous discharges to the sewage works (if applicable).
- (3) Reinstatement of the user's discharge permit (if applicable).

(Ord. No. 1581-11-11, § X, 11-1-2011)

Sec. 106-76. - Enforcement powers.

- (a) *Access.* Authorized personnel (from the city, the approval authority, or the EPA) bearing credentials and identification shall be permitted to gain ready access (within 15 minutes) at all reasonable times to such properties as may be necessary for the purpose of inspection, observation, measurement,

sampling, testing, calibration, examining, and copying records in accordance with provisions of this division. When a user has security measures requiring proper identification and clearance before entry into its premises, the user shall arrange with its security guards for the pretreatment coordinator to enter without delay upon presenting suitable identification.

Properties to which such access must be granted include, but are not limited to, effluent sources, pretreatment systems, monitoring facilities, flow meters (when used for billing and/or monitoring purposes), control manholes, and any areas where records are kept to satisfy federal, state, or local requirements to assure compliance with pretreatment standards. The city, the approval authority, or the EPA shall also have a right to install such devices upon a user's property as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user (at his own expense) at the written or verbal request of the pretreatment coordinator and shall not be replaced.

(b) *Search warrants.* If the pretreatment coordinator has been refused access to a building, structure or property, or any part thereof, and can demonstrate:

- (1) Probable cause to believe that there may be a violation of this division, or
- (2) The need to inspect and/or sample as part of a routine inspection and sampling program of the city designed (a) to verify compliance with this division or any permit or order issued hereunder, or (b) to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from the appropriate city or state court.

(c) *Minimum procedures in event of violation.*

- (1) *General.* Any person discovered to be violating this division shall, at a minimum, be subject to the following enforcement proceedings. (In cases of emergency, as defined in section 106-66, section 106-77 will apply. Severe or recurring violations may result in measures listed in subsections (d) through (f) below.)

Except in an emergency, the city shall not terminate water and/or sewer service without due process of law as provided in this section or in subsection 106-75(b).

- a. Upon identification of an industrial user's permit violation, the city shall notify the violating user by telephone and/or letter of the violation and request corrective action.
- b. If additional monitoring indicates that the violation has not been corrected, the city shall provide a written notice of violation to the industrial user, indicating that it is in violation of its permit. The notice of violation shall require the violating user to submit to the city a written report explaining the cause of the violation, describing corrective measures, and specifying a compliance schedule under which it will implement said corrective measures.
- c. If the industrial user fails to respond within 30 days after the notice of violation, or if the city finds its response inadequate, the city shall attempt to meet with the management of the user to develop corrective actions and a compliance schedule.
- d. If the industrial user fails to agree to adequate corrective actions and a compliance schedule within 90 days after the notice of violation or fails to implement corrective actions in accordance with its compliance schedule, the city shall:
 1. Assess an administrative penalty against the user and/or
 2. Initiate legal action to assess a fine against the user.

If the violation creates a potential health hazard or an upset condition at the city's sewage works, the city shall also initiate action to discontinue water and/or sewer service to the user.

2. *Flexibility of action.* The city Indy [may] at its option shorten the time frames listed above within this subsection, and/or skip one or more steps in cases where deemed

necessary or appropriate by the superintendent and/or the pretreatment coordinator. Such cases include, but are not limited, to significant violators (as defined in section 106-66); incidents of harm to the treatment works and/or the environment; obvious failure to undertake corrective action; failure to respond to communications from the city; falsification of information provided to the city; and users with a history of serious, prolonged, or recurring noncompliance.

3. *Significant violations.* All significant violators (as defined in section 106-66) shall incur at the minimum an administrative fine, a stipulated penalty, and/or legal action to assess a fine, in addition to requirements for correcting and/or remediating the violation(s). Notice shall be served on the user within 30 days after identification of significant violation.
 4. *Stipulated penalties.* The provisions of this subsection shall not prevent the city from assessing any stipulated penalties and/or surcharges specified in other portions of this division, in the rate ordinance, or in the users permit.
- (d) *Injunctive relief.* The city shall have the right to seek injunctive relief against violators of this division in such city, county, state, or federal courts as may be deemed appropriate, where such action is necessary to achieve compliance. Injunctive relief may include:
- (1) Specific performance of the division with respect to discharge standards, reporting requirements, payment of user charges; access to industrial properties, repair of private sewer leaks; or other provisions;
 - (2) Termination of service where necessary for compliance;
 - (3) Liquidated damages for any illegal discharges which result in:
 - a. Damage to the sewage works;
 - b. Excessive treatment costs; and/or
 - c. Fines for stream pollution;
 - (4) Civil penalties designed to recover any economic benefits which the user may have received through noncompliance, including avoided or delayed costs for compliance; and/or
 - (5) Environmental remediation if needed.
- A petition for injunctive relief shall not be a barrier against, or a prerequisite for, taking any other action against a user.
- (e) *Miscellaneous remedies.* The city may take any or all of the following actions where such action is necessary to achieve compliance. None of these actions shall be a barrier against, or a prerequisite for, taking any other action against a user.
- (1) Administrative penalties not to exceed \$1,000.00 per violation or \$2,000.00 per administrative order. These penalties will be assessed by the pretreatment coordinator along with an administrative order citing the applicable violations. The user shall have the right of appeal to the water utilities manager, then (if unsuccessful) in city court.
 - (2) Consent orders or similar documents establishing a judicially enforceable agreement with a user.
 - (3) Show cause hearings in the appropriate city, county, or state court in which the user must show cause why a proposed enforcement action should not be taken. The city shall serve any authorized representative of the user (as defined in section 106-66) with a notice stating the time and place for the hearing; the proposed enforcement action, the reasons for such action, and an opportunity to show cause why the action should not be taken. The notice shall be served personally or by registered or certified mail at least three days before the hearing.

- (4) Compliance orders or administrative orders imposing a schedule for compliance and, if appropriate, specific measures designed to assure compliance. The order may state that sewer service will be discontinued if compliance is not achieved within the specified time.
- (5) Cease and desist orders requiring immediate compliance even to the extent of halting operations.
- (6) The requirement of a performance bond as a prerequisite for permit issuance or renewal in an amount determined by the city as necessary to assure consistent compliance.
- (7) Issuance of a permit with a duration less than the standard duration.
- (8) Referral to the approval authority for further enforcement action.
- (f) *Severe violations.* The city may seek injunctive relief or may assess a fine not to exceed \$2,000.00 per day per violation against persons falling in the following categories:
 - (1) Willful violators of any provisions of this division;
 - (2) Persons refusing access or placement of equipment under the provisions of subsection (a);
 - (3) Persons not complying promptly with duly issued notices or agreements to correct violations;
 - (4) Persons discharging pollutants which can:
 - a. Cause structural damage to the sewage works;
 - b. Obstruct the collection lines;
 - c. Interfere with the treatment process;
 - d. Create fire or explosion hazard; or
 - e. Cause a violation of stream standards.
 - (5) Persons not complying with emergency notices issued by the city under section 106-77 of this division;
 - (6) Persons failing to comply with reporting or notification requirements; or
 - (7) Persons making false or fraudulent statements in connection with their sewer use.

For violations of a monthly average permit limit, each day of discharged during the month may be considered a day of violation.
- (g) *Limits of inquiry.* No person acting for the city under subsection (a) may inquire into the processes of any industrial user beyond that point having a direct bearing on the type and source of discharge into the sewage works.
- (h) *Staying of enforcement pending ordinance modifications.* The enforcement procedures listed in this section of the division shall be stayed to the extent that the requirements in question are covered by the city-issued compliance schedule specified in subsection 106-67(d)(3) of this division as long as the industrial user remains in compliance with such compliance schedule.
- (i) *Act of God defense.*
 - (1) The act of God defense constitutes a statutory affirmative defense [Texas Water Code §7.251] in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.
 - (2) An industrial user who wishes to establish the act of God affirmative defense shall demonstrate through relevant evidence that:

- a. An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot, or other catastrophe; and
 - b. The industrial user has submitted the following information to the pretreatment coordinator within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a permit under the ordinance (if this information is provided orally, a written submission must be provided within five days):
 1. A description of the event, and the nature and cause of the event;
 2. The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 3. Steps being taken or planned to reduce, eliminate and prevent recurrence of the event.
- (3) *Burden of proof.* In any enforcement proceeding, the industrial user seeking to establish the act of God affirmative defense shall have the burden of providing, by a preponderance of the evidence, that an event that would otherwise be a violation of a pretreatment ordinance, or a permit under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.
- (j) *Affirmative defense for prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in subsections 106-75(b)(1) and 106-75(b)(2) (items c. through g.) of this division if it can prove that:
- (1) It did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference; and
 - (2) Either:
 - a. Limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city's treatment plant was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (k) *Uniform application.* All provisions of this division shall be impartially enforced for all users, or for all users within a specific category when applicable. No distinction shall be made between existing and new dischargers, or between existing and new haulers of septage, waste-activated sludge, and/or grease trap wastes.
- All retail users of the sewage works, whether located inside or outside the city, shall be subject to the provisions of this division. In the event that any user outside the extraterritorial jurisdiction of the city requests services, the city shall require the execution of any necessary service contracts to ensure compliance with the provisions of this division.
- (l) *Criminal prosecution.*
- (1) A user who willfully or negligently violates any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000.00 per violation, and each day that the violation continues shall constitute a distinct and separate offense.
 - (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a maximum fine of up to \$2,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law. Each day that the violation continues shall constitute a distinct and separate offense.

- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, individual wastewater discharge permit, or order issued hereunder, 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 \$2,000.00 per violation. Each day that the violation continues shall constitute a distinct and separate offense.
- (4) Nothing in this section shall limit in any manner the authority of the city to seek any injunctive or other civil relief available under state or federal law.

(Ord. No. 1581-11-11, § XI, 11-1-2011)

Sec. 106-77. - Emergency procedures.

- (a) *Severe emergencies.* The city shall take immediate action to stop any actual or imminent discharge of corrosive, flammable, toxic, organic, or other substances which can cause:

- (1) Rapid deterioration of the sewage works;
- (2) Major fire or explosion hazards; and/or
- (3) Severe danger to the health or welfare of persons.

In the event of actual or imminent discharge as described in this subsection, the city shall, if necessary, shutoff any or all water and/or sewer services immediately. The city shall make all possible efforts to notify the affected user prior to shutting off services, so that the user may begin shutdown operations so as to minimize damage to his property. The water utilities manager and/or the pretreatment coordinator may, at his discretion, notify the user to take immediate action to stop or prevent such discharges in lieu of immediate shutoff of city services, provided such action is effective in eliminating the hazards described above. If the user fails to eliminate the hazard immediately and effectively, the city shall proceed at once to shut off water and/or sewer services.

- (b) *Less severe emergencies.* The city shall notify a user immediately if an actual or imminent discharge from that user contains corrosive, toxic, viscous, organic, or other substances which can cause:

- (1) Severe blockage of major collection lines, or
- (2) Severe interference with the treatment process.

The required notice shall inform the user of the nature of his violation and of the actual and potential consequences to the sewage works, the treatment process, and/or the environment. Such notice shall require the user to take immediate action to stop the discharge of substances described above, even to the extent of shutting down his operation if necessary. If the user fails to take immediate action, or if the action taken is ineffective, the city shall shut off water and/or sewer service.

- (c) *Restoration of service.* If water and/or sewer service to any user is shut off by the city under subsection (a) or (b) of this section, the city shall not restore the service until the manager and/or the pretreatment coordinator is satisfied that restoration of service will not result in hazardous discharges to the sewage works. The manager and/or the pretreatment coordinator may at his discretion restore partial service to the extent required for cleanup and repair operations, withholding full service until the industrial process can be resumed without resulting in hazardous discharges.

Any disconnection and reconnection performed under this section of the ordinance shall be at the expense of the user.

- (d) *Penalties.* If additional damages to the sewage works, to the environment, or to the health and welfare of persons results because the city:

- (1) Allows a user to stop a hazardous discharge by his own procedures, or

- (2) Restores all or part of city services to facilitate cleanup, the fact that the city took such discretionary action will not relieve the user of any applicable civil or criminal penalties for such additional damages.

(Ord. No. 1581-11-11, § XII, 11-1-2011)

Sec. 106-78. - Penalties.

- (a) *Violation of state and federal statutes.* if any person violates any provision of this division, and thereby violates a state or federal statute or injunction, the city may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.
- (b) *Fines.* If any person violates any provision of this division and the violation is not punishable in state or federal courts, that person shall be guilty of a misdemeanor upon conviction in the city court. Each offense shall be punished by a fine not to exceed \$2,000.00. Each day of such violation shall be deemed a separate offense. For violations of a monthly average permit, each day of discharge during the month may be considered a day of violation.
- (c) *Damages.* Any person violating any of the provisions of this division shall become liable to the city for any expense, loss, or damage incurred by the city by reason of such violation. Such recoverable expenses shall include, but not be limited to, reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses.
- (d) *Federal or state prosecution.* Any penalties imposed under this division, including penalties imposed by state or federal courts, shall not relieve the violator from further state or federal prosecution.

(Ord. No. 1581-11-11, § XIII, 11-1-2011)

Sec. 106-79. - Validity.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. In particular, this ordinance is intended to modify and replace Ordinance No. 1207 and to constitute an update of section 31, article III, sewer use provisions of the Nacogdoches Code. If any section or provision of this division, or the application of same to any person or set of circumstances is invalidated or rendered unenforceable by a court of competent jurisdiction, such judgment shall not affect the validity of any remaining parts of the division which can be given effect without the invalidated part or parts, or their application to other persons or sets of circumstances.

(Ord. No. 1581-11-11, § XIV, 11-1-2011)

Secs. 106-80—106-320. - Reserved.



Industrial Pretreatment Program

March 18, 2021

II. ADMINISTRATIVE PROCEDURES

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II. ADMINISTRATIVE PROCEDURES

1. Identification and Location of Industrial Users.

- a. Updating Procedures – General. All Significant Industrial Dischargers, including Categorical Dischargers, are permitted, and facilities are inspected annually. Minor industrial users, such as car washes, are permitted, but do not normally require annual inspection. Permit holders are required by the Sewer Use Ordinance (Section 106-67(g)) to report significant changes in conditions, as follows:

Report of Changes. The industrial user shall *promptly notify** the City *in writing* of any significant changes in the data which was required for the permit application. Items which must be reported include the following:

- (1) Changes in ownership and mailing address;
- (2) Significant changes in operations, processes, and products, including any changes in the SIC number; *or any increase in flow of 20% or greater,*
- (3) Changes in strength or volume of industrial waste, including new pollutants;
- (4) Any changes in the layout of sewers carrying industrial wastes;
- (5) Major changes in plant employment, production schedule, and pretreatment facility schedule;
- (6) Any conditions which could increase the possibility of an accidental discharge; and
- (7) *Changes in type or amount of toxic pollutants scheduled for disposal outside the sewage works.*
- (8) Changes affecting the potential for a slug discharge.

A permit may not be assigned to a new owner or to a new or changed operation without the approval of the City. Any succeeding owner to which a permit is assigned shall comply with the conditions of that permit.

Section 106-67(h) of the ordinance, provides for revocation of permits of industrial users who fail to report changes as required in Section 106-67(g).

- b. New Industries in Existing Buildings. The City employs the following methods of detection:
- (1) Periodic review of City water consumption records.
 - (2) Periodic review of telephone directories.
 - (3) Periodic review of the local newspaper for announcements or advertising of new industries.
 - (4) Periodic review of new water and sewer connections and applications for service.
 - (5) Periodic or special inspection of businesses and industries.
 - (6) Ground observations while doing field work.
- c. Other New Industries. In addition to the activities in item b above, City personnel can make visual observations, review applications for water and sewer service, and review new building permits.
- d. Information from New Industries.— The City will fill out an initial questionnaire or perform a preliminary investigation of the new industries to determine if a permit for the industry is warranted. If the industry has a potential to be subject to pretreatment program. A wastewater survey will be completed either by the industries or by the City. The survey will request information related to the quality and quantity of the proposed discharge. The City may conduct an inspection or sampling to verify any information provided by the industry. Based on the initial questionnaire or survey the industry may be required to obtain a permit.
- e. Reclassified Users. Existing unpermitted users could become subject to permitting requirements in several ways, including the following:
- (1) Changes in operations which cause the user to meet requirements for mandatory permitting.
 - (2) New or revised pretreatment standards issued by the EPA and applicable to the user.
 - (3) Identification of any problems with the City's collection and treatment system attributable to a specific user or class of similar users.
 - (4) Growth in residential and/or nonresidential sewer service to the extent that the headworks loading of any particular conventional or hazardous pollutants is approaching plant capacity.

In cases where a class of users must be added to the permitting list, the City can identify most members of the class by methods in item b above. In some cases, it may be necessary to send special questionnaires or letters to users suspected of falling in that class. *[As an example, restaurant facilities (which are subject to permitting} may be found in many, but not all, major retail stores, which are not subject to permitting in themselves. The City may wish to send questionnaires to such retail stores in lieu of visiting all of them].*

When changes in operation for a specific user are sufficient to require a permit, the changes will usually be detected by methods in item b.

- f. Identification of Unnecessary Permit Holders. The City identifies users for which a permit is no longer necessary (or which may be downgraded from significant to minor industrial user) by the following methods:
- (1) Review any information submitted by an industrial user indicating changes in operations which may eliminate industrial wastes or otherwise prevent the user from meeting current criteria in the Sewer Use Ordinance for mandatory permitting.
 - (2) Note any industrial user which ceases operations on a permanent (or apparently permanent) basis and either (a) indicates a permanent closure or (b) fails to provide any information to the contrary.
 - (3) Review any changes in federal regulations (Categorical Standards in particular) or in the EPA's application of such standards which appear to remove the user from coverage by Categorical Standards. In such an event, other criteria will be reviewed to determine whether the user would otherwise be required to hold a permit.
 - (4) Review any approved changes in the Sewer Use Ordinance which may eliminate the need for permitting of some industries.
 - (5) Review any other changes in the circumstances which previously caused the need for the permit. Such changes include relaxation of state water quality standards for any pollutant discharged by the permittee. Also included are any site-specific studies or reviews of the receiving stream which would relax or eliminate standards for pollutants addressed in the permit.
- g. Frequency of Updating, Availability of List of Industries. Most updating activities occur on a continuous basis, with new users added to the list as they begin operation, become known to the City, or are reclassified as industrial users. If the City needs to identify the members of a new class of users, this identification will occur on a one-time basis, with future updates on a continuous basis.

The updated list of industries which are permitted, or subject to permitting, will be maintained in the Pretreatment Coordinator's office and modifications submitted to the Approval Authority annually.

2. Identification of Pollutants. Each permit must be reviewed periodically by means of a new application (Section II, C and F of ordinance). The City will add any necessary questions to the application forms or will follow up with additional questions where necessary. Most permits contain flow and pollutant limitations, and any user desiring to exceed these limits must apply for an amended permit (Section II, A). (Occasionally permits are issued to control infrequent batch dumping or to require traps on service lines. These permits impose notification requirements and will not address pollutant limitations.)

Information on pollutants is obtained through the permit application. Additional sources of information include baseline reports and compliance reports (Section IV, Subsections C, D, E, F, and H of ordinance), as well as periodic compliance monitoring and other testing by City. These reports are required from all categorical industries, as well as those industries which show a potential for discharging toxic pollutants.

Dry industries which are likely to contain or generate toxic pollutants for discharge outside the sewage works are identified by procedures in Section 1.b above. Specific information on pollutants is then obtained through questionnaires and/or inspection, possibly followed by a requirement for a permit application.

3. Review and Notification in Connection with Pretreatment Standards and Requirements. The Pretreatment Coordinator is responsible for the following tasks:

- a. General Information Files

- (1) Maintaining a file of all categorical Pretreatment Standards with any revisions issued by the EPA. This file includes a separate section for new standards or revisions which have been published in the Federal Register but not yet adopted.
- (2) Maintaining a file of any local Pretreatment Requirements or local modifications of Pretreatment Standards.
- (3) Maintaining a file of all deadlines specified in categorical standards and local pretreatment requirements or derived from such standards.
- (4) Maintaining a file on City's treatment plant showing:
 - (a) Total treatment plant capacity for flow, BOD, (or CBOD), suspended solids, and any other relevant pollutants including those covered by local limits.
 - (b) Total allocated and unallocated capacity for these parameters.
 - (c) Current influent loadings of these parameters.

- (d) Plant flow diagram and resulting sampling points.
- (5) Maintaining a file of all approved local limits for toxic pollutants along with operating data and other information indicating whether these limits are proving to be adequate.
- (6) Keeping emergency notification lists updated.
- (7) Maintaining lists of all toxic or hazardous substances which require disposal outside the sewage works.
- (8) Maintaining a file of state surface water standards (30 TAC 307) including any changes in these standards.
- (9) Maintaining files of state and federal regulations governing sludge disposal, hazardous waste, and any other area which may be pertinent to the City's industrial permitting program.
- (10) Keeping a copy of Sewer Use Ordinance and all other relevant ordinances, including all updates and revisions.
- (11) Keeping copies of state and federal discharge permits for the treatment plant, including all updates and revisions.
- (12) Maintaining files of any state or federal directives to the City related to the Pretreatment Program.

b. Reviewing, Issuing, Revising, and Eliminating Permits.

- (1) Applicants shall apply for permit reissuance a minimum of 90 days prior to expiration of the existing permit.
- (2) Initial review of each permit application (new, renewal, or revision) for location, nature of industry, nature of processes, proposed flows, layout, and other parameters. All limits are compared with Pretreatment Standards.
- (3) Classifying each applicant as categorical or noncategorical under existing (or published) Pretreatment Standards. This determination may in some cases require sampling/testing, onsite visits, and/or follow-up questions;
 - (a) Within 45 days after the promulgation of any new or revised national pretreatment standard, the city shall revise the permits of all users subject to that standard. The revised permits shall require compliance with the standard within the time frame prescribed by that standard.
 - (b) Each existing user subject to any new or revised pretreatment standard shall submit to the pretreatment coordinator the baseline report required by subsections 106-69(c)(1)a—g., i., j. This

information shall be submitted within 180 days after the later of (a) the promulgation of the standard and (b) the final administrative decision by the EPA that the standard (and/or one or more specific subcategories within the standard) is applicable to the user.

(c) New sources and sources which become subject to categorical standards after promulgation of the applicable categorical standard shall submit the required baseline report at least 90 days before beginning their indirect discharges. For these sources, the baseline report shall meet the requirements of subsections 106-69(c)(1)a—h.

- (4) Determining whether application is subject to local Pretreatment Requirements, grease trap requirements, and/or potential discharge of toxic pollutants.
- (5) Reviewing proposed flow and pollutant loadings against available treatment capacity and recommending limited or temporary allocations where appropriate. Best Management Practices based on applicable Pretreatment Standards in Part 403, categorized pretreatment standards, local limits, and state and local law. Provide for alternative discharge limits using combined wastestream formula per 40 CFR Part 403 where process effluent is mixed prior to treatment with non-process wastewaters.
- (6) Determining which parameters need to be monitored (including frequency of monitoring). Monitoring must be at least semiannual for all significant industries.
- (7) Determine requirements for sampling, monitoring, and reporting (by industry and/or by City). This includes sample location(s), as well as any required baseline monitoring reports and related compliance reports. For significant industries, compliance reports must be submitted twice a year, in months six months apart. The Pretreatment Coordinator must designate the months for due dates of reports.
- (8) Determining the need for compliance schedules and reviewing any such schedules submitted by the industry. Deadlines for compliance must not be later than any corresponding deadlines specified in Pretreatment Standards. Along with a compliance schedule, a report on compliance with each milestone will be due 14 days after the milestone date.
- (9) Determining whether pretreatment of wastes will be needed and if so, working with industry to determine type of pretreatment. In some cases, a consultant or other specialist may be needed.
- (10) Determining the need for any special requirements, including controls on batch dumping, toxic organic plans, waste minimization plans, plans for

controlling accidental discharges or slugs, and/or solvent management programs, and reviewing such plans.

- (11) Determining the need for disposal of certain wastes outside the sewer system and determining the need for documentation of such disposal.
- (12) Reviewing any new or revised Pretreatment Standards or Pretreatment Requirements and determining whether any existing permits need to be modified accordingly, or whether any existing users need to be added to the permit list.
- (13) Reviewing any preliminary or detailed plans submitted by industries for constructing and operating pretreatment facilities (with the assistance of specialists as required). This includes requests for partial and/or part time operation of pretreatment units.
- (14) Reviewing any requests for temporary bypasses of pretreatment units.
- (15) Prohibition of Bypass.
 - (a) The Control Authority may take enforcement action against an Industrial User for a bypass, unless;
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) 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 downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The Industrial User submitted notices as required.
 - (b) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (a) of this section.
- (16) Determining the need for grease traps for commercial or industrial establishments, including the required sizing and frequency of cleaning.
- (17) Determining the need for sand traps, flame traps, and/or gas detection meters.

- (18) Reviewing any ordinance revisions, revisions to federal standards, changes reported by industries, and other changes in circumstances (such as relaxation in state stream standards) to determine whether existing permits are no longer necessary. Also, reviewing circumstances to determine when a significant industrial user may be reclassified as a minor industrial user. If such determination is made, the EPA Regional Administrator will be promptly notified.
- (19) Determining the duration of the permit (normally five years; never more than five year).
- (20) Determining whether an existing permit should be placed on inactive status and monitoring/sampling suspended, as in cases where existing industrial discharges are suspended, or proposed discharges are postponed.
- (21) Determining whether an inactive permit should be restored to active status following request by an industrial user or other pertinent circumstances.
- (22) Determining for a dry industry the need for questionnaires and/or inspections in regard to toxic or hazardous pollutants to be disposed of outside the sewage works; review of information from the industry; and determination of need for documentation of disposal of such pollutants.
- (23) Reviewing permit applications for haulers of liquid wastes.
- (24) Reviewing requests by industries to treat designated information as confidential.
- (25) Review need for Slug Discharge Control Plan
- (26) Permit Content: All wastewater discharge permits will contain the following conditions:
 - (a) Duration (in no case more than five years) and statement of non-transferability;
 - (b) Limits on the average and maximum waste constituents and characteristics, based on applicable general pretreatment standards (in 40 CFR 403), categorical pretreatment standards, local limits, and state and local law;
 - (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards; (If a sampling waiver is approved for a local limit parameter, the effluent limit must be placed into the permit. However, the monitoring requirement for the parameter may be adjusted. Rationale and data to support the waiver shall be maintained in the industrial user file, as long as the waiver is in effect.)
 - (d) Requirements to control Slug Discharge, if determined by the Water utilities manager to be necessary;
 - (e) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling

location, sampling frequency, and sample type based on Federal, State, and local law. Written documentation must be maintained to demonstrate alternate sample techniques are representative of discharge.

- (f) Requirements for maintaining and retaining plant records relating to industrial waste discharge as specified by the city, and affording the city access to those records;
- (g) Requirements for notification to the city of any new introduction of pollutants or any substantial change in the volume or character of the pollutants being introduced into the sewage works;
- (h) List of applicable civil and criminal penalties for permit violations, and any applicable compliance schedules (which may not extend the time for compliance beyond that required by applicable federal, state, or local law or regulations);
- (i) The unit charge or schedule of user charges and fees for the industrial waste to be discharged to the public sewer;
- (j) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (k) Notice that the flow and/or pollutant loadings in the permit are temporary or subject to future modification, the water utilities manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (l) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (m) To address significant alterations or additions to the User's operation, processes, or wastewater or character since the time of the individual wastewater discharger permit issuance;
 - (n) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (o) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters; [Note: The Control Authority should consider threats to the POTW's beneficial sludge use.]
- (p) Violation of any terms or conditions of the individual wastewater discharge permit;
- (q) Requirements for gradual phasing in and/or out of specified pollutants in the waste, when the city finds that sudden changes in concentration may interfere with treatment;
- (r) Requirements for installation and maintenance of inspection and sampling facilities, including protection from flooding and any all-weather roads necessary for access;
- (s) Requirements for submission of technical reports or discharge reports according to subsection 106-69(c), (d);
- (t) Requirements for notification of slug discharges as defined in section 106-66;
- (u) Identification of specific permitted waste streams;
- (v) Location of discharge point(s);
- (w) Controls on batch dumping;
- (x) Requirements for toxic organic plans and/or solvent management programs;
- (y) Requirements for calibration of flow meters;

- (z) Requirements for periodic cleanout (with documentation) of tanks, sumps, and grease traps;
 - (aa) Requirements for operation of pretreatment facilities;
 - (bb) Requirements for waste minimization plans to reduce the amount of pollutants discharged to the sewage works;
 - (cc) Requirements for documenting the disposal of toxic pollutants outside the sewage works, where appropriate;
 - (dd) Compliance schedules or a requirement for the user to submit a schedule;
 - (ee) Stipulated administrative penalties up to \$1,000.00 per violation for further violations; and
 - (ff) Other conditions as deemed appropriate by the city to ensure compliance with this division.
- (27) The rationale used to develop permit limits and special provisions will be documented and maintained in the industrial user file.

NOTE: Several of the tasks in subsection b require the concurrence of the Director of Public Works or the Public Works Superintendent with regard to the determinations which are made.

c. Notification to Industries.

- (1) Issuance of permits and transmitting them to industries or haulers.
- (2)* Notifying industries of any Pretreatment Standards and/or local Pretreatment Requirements to which they may be subject. Notify industries within 30 days of SIU approval.
- (3)* Notifying industries of any limited or temporary allocations of pollutant loading.
- (4)* Notifying industries of sampling, monitoring, and reporting requirements, including sample location(s), baseline monitoring reports (if applicable), and related compliance reports. Notice will include requirements for keeping applicable records for the required length of time (normally three years). The notice will also require reports to be signed by authorized personnel as well as being certified by qualified professionals. Moreover, the notice will point out the requirement to submit the results of any additional sampling similar to the required sampling. Reports shall include the certification statement as set forth in §403.6(a)(2)(ii), and shall be signed as follows:
 - (1) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - (i) 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

- (ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance.
- (2) By a general partner or proprietor if the Industrial User submitting the reports is a partnership, or sole proprietorship respectively.
- (3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section
- (5)* Notifying establishments of applicable grease trap requirements.
- (6)* Notifying establishments of applicable requirements for sand traps, flame traps, and/or gas detection meters.
- (7)* Notification of need for compliance schedules, pretreatment facilities, toxic organic plans, waste minimization plants, plans for controlling accidental discharges or slugs, solvent management programs, controls on batch dumping, and other special requirements; includes notification of special compliance schedules prepared by City. For compliance schedules, the notice will specify items such as listing milestone events (no further apart than nine months); submitting a milestone compliance report within 14 days after each milestone deadline; and containing a final deadline no later than specified in a Pretreatment Standard.
- (8)* Notifying industries of need to dispose of certain wastes other than through the sewer system and of need for documentation of such disposal; includes any applicable notice of RCRA requirements.
- (9)* Notifying industries that their existing permits will be revoked and reissued to incorporate new requirements. This includes reclassifying minor industrial users as significant industrial users or otherwise.
- (10) Responding to requests for temporary bypasses.
- (11) Notification of time for permit renewal, including supplying the current application forms.
- (12) Sending updated emergency notification lists.

- (13) Notifying industries that their permits are placed on inactive status or restored to active status.
- (14) Notifying industries that their permits are no longer required or are revoked for any reason.
- (15) Sending questionnaires to dry industries regarding toxic or hazardous pollutants scheduled for disposal outside the sewage works.
- (16) Serving emergency notices on industries according to Section XII of the Sewer Use Ordinance (requiring them to stop discharging harmful substances immediately).
- (17) Sending industries notice of violation, administrative orders, etc.
- (18)* Notifying waste haulers of applicable requirements or of permit renewal or revocation.

*Note: Notice may be incorporated into permits, including new or revised addenda.

- (19) Notifying industries whether any or all of their requests for confidential treatment are approved.

Each notification under subsection c is made in writing (or verbally with written confirmation).

d. Specific Files: Keeping the following files and schedules:

- (1) List of all permitted industries divided into categories of significant and minor users, along with any other users identified as needing permits.
- (2) Files listing which permits are active or inactive.
- (3) File of permit expiration dates (including permits for hauling liquid wastes).
- (4) Schedule of required compliance dates for meeting Pretreatment Standards and Requirements (including reporting dates).
- (5) Calendar for all pertinent events including reporting deadlines, compliance deadlines, and times for sending various notices.
- (6) Schedule of required compliance dates in approved (or City issued) compliance schedules for correction of violations, as well as associated reporting dates.
- (7) Files of all notices of violation and other enforcement action, along with circumstances behind each action. [Although these items will also be contained in files for each industry, a separate file containing copies of these

items for all industries will enable the City staff to ensure consistency between industries.]

- (8) Files of all fines, penalties, and/or liquidated damages imposed on industrial users.
- (9) Files of any stipulated penalties for further violations.
- (10) Files of permits revoked for cause; downgraded from significant to minor industrial user; or eliminated as unnecessary, including notification to the user, notification to the EPA, and justification for the action.
- (11) Files on the City's permitting processes for all permitted industries.
- (12) Files on dry industries with regard to toxic or hazardous pollutants to be disposed of outside the sewage works, including types and amounts of pollutants and documentation of transportation and disposal.
- (13) Copies or originals of files on septage and other hauled-in wastes. *(Originals may be generated by plant operating staff.)*
- (14) Separate files of all information from industries approved for confidential treatment; also, files regarding approval or denial of such requests for confidential treatment.

Exhibits 4 and 5 consist of a sample permit issued by the City. Exhibit 3 consists of sample permit application forms and worksheets used by the City for permit issuance.

4. Receipt and Analysis of Monitoring Reports.

- a. Sampling and Procedures. Exhibit 6 is a sample baseline reporting form. Exhibit 7 is a sample form for periodic compliance reporting. Exhibit 14 is a list of names and telephone numbers for notification to the City of slug loadings and accidental discharges.

Sample locations are as specified or approved by the City. In cases where a wastestream from a regulated process is mixed with other wastes before discharge, a sample is normally required upstream from the junction point.

In many cases the City may request or require split sampling, in which the City witnesses the sampling, receives a portion of the sample, and has the same tests run as the industry for comparison.

All industrial users are required to submit all results for regulated pollutants performed by the industrial user in accordance with accepted procedures and at the appropriate sampling location.

- b. Data Analysis and Management. The Pretreatment Coordinator establishes all necessary procedures for technical review of self-monitoring reports and analysis of the City sampling. All reported pollutant concentrations are checked against Pretreatment Standards, ordinance provisions, and/or permit limitations. Self monitoring data is compared with data from City monitoring. Review is thorough enough to check the credibility of each self-monitoring report.

Logs are kept regarding the chain of custody for each sample taken by the City.

The Pretreatment Coordinator normally reviews all reports from industries. Any complex technical or administrative problems encountered in these reports can be discussed with a specialist or with the Director of Public Works or Public Works Superintendent as appropriate. Legal questions and problems can be referred to the City Attorney.

A file is maintained for each industrial user or liquid waste hauler subject to permitting. Each file contains the following information to the extent applicable:

- (1) Permit applications with supporting data submitted with (or as a follow-up to) application.
- (2) Results of any supplementary questionnaires.
- (3) All worksheets used in permitting process for previous, current, and pending permits particularly for setting parameters.
- (4) Copies of all permit issues, including revisions, renewals, addenda, appendices, etc. The current permit, including all current addenda or other attachments, is filed in a manner to prevent any possible confusion with previous permits.
- (5) Facility name and location (including place of business for liquid waste haulers).
- (6) For liquid waste haulers, copies of trip tickets including acceptance or rejection by City and any applicable test data.
- (7) Location of discharge point(s).
- (8) Ownership [name, address, information on ultimate ownership (parent companies, major stockholders, etc.), phone, and fax if applicable].
- (9) Person(s) to contact, persons on whom to serve legal notice, and phone numbers.
- (10) Types of products and SIC codes.
- (11) Volumes of flow (permitted and actual).

- (12) Sampling/monitoring locations, identified as to function (*such as effluent from each process, combined effluent, pretreated effluent, etc.*). Written authorization from City for alternate sampling methods (i.e. time proportional or grab sampling in lieu of 24-hour flow proportioned composite sample) and documents demonstrating alternate sample is representative of discharge.
- (13) Nature and concentration of pollutants discharged. 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. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative.
- (14) Any changes in processes and/or flow diagrams.
- (15) Potential for accidental discharges (including solvents).
- (16) Type(s) of pretreatment in use, if applicable, including location, size, applicable wastestreams, etc.
- (17) Specific limitations imposed by federal, state, or local standards including local limits.
- (18) Any requirements regarding disposal of waste outside sewer system; also, documentation of transportation and disposal of such waste, including relevant registration or permit numbers for transporters and disposal facilities.
- (19) Any other restrictions including controls on batch dumping, the need to prepare special plans, etc.
- (20) Any special plans (slug prevention, accidental spill prevention, management of toxic substances, solvent management, waste minimization, etc.) submitted and/or approved, including any updates.
- (21) Compliance schedule(s) if applicable.
- (22) Baseline and compliance schedule reports if applicable.
 - (a) Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following 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 following information:

(i). Average and maximum daily discharge flow from the user into the sewage works in gallons per day (1) from regulated process streams, (2) from other streams if necessary for use of combined formula, and (3) as totals for each discharge point. Discharges shall be measured unless otherwise allowed by the city.

(ii). Measurement of Pollutants.

1. The results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process from the user, and identification of the applicable pretreatment standards and requirements. The concentration shall be reported as both an average and a daily maximum level. If an equivalent concentration limit has been calculated in accordance with the standard, this adjusted concentration limit shall also be submitted to the city for approval. If required by the applicable standard or by the city, the mass of regulated pollutants shall be reported in lieu of the concentration.

2. Time, date and place of sampling and methods of analysis, and certification that such sampling and analysis is representative of normal work cycles and expected pollutants of discharges to the sewer system.

3. Copies of the laboratory reports shall be provided.

4. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(iii). In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP), the User must submit documentation required by the control authority or the Pretreatment Standard necessary to determine the compliance status of the User.

(iv). A statement, reviewed by an authorized representative of the industrial user (as defined in the section 106-66 of the City's Waste Ordinance) and certified to by a qualified professional, indicating whether standards and requirements are being met consistently, and if not, whether additional O & M and/or pretreatment will be needed to meet the standards and requirements.

. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §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.

(b) 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 of the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In cases where the categorical Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation to demonstrate compliance.

(c) The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six 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. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto.

- (23) Self-monitoring reports, including resampling as a result of noncompliance.
- (24) City monitoring reports.
- (25) City inspection reports.
- (26) Instances of slug loadings, accidental discharges, and emergency action.
- (27) A statement, reviewed by an authorized representative of the Industrial User (as defined in paragraph (1) of this section) 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 and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- (28) Instances of non-compliance, enforcement procedures, responses from industries, penalties, and resolution of noncompliance. This include copies

of notices of violation and other enforcement-related notices, along with documentation of time of dispatch, delivery, and/or receipt as appropriate.

- (29) Records of upsets reported by industries, including dates of verbal and/or written notice, descriptions of discharge, location, time and dates, causes for upset, steps toward correction, and any information and documentation submitted as a defense.
- (30) Correspondence, telephone logs, and meeting notes.
- (31) Logs showing receipt of reports, acknowledgements, etc. from industries; City's handling of samples; City's responses to effluent violations, etc.
- (32) Files of the time, duration, quality, and magnitude of any approved temporary bypasses (as request, as approved, and as actually occurring).
- (33) Records showing periodic cleanout of traps, sumps, etc.
- (34) Any action taken by City to deactivate, reactivate, upgrade, downgrade, revoke, or cancel permit, including justification.
- (35) Requests for confidential treatment of information, along with approval or denial and reasons for action. (Some portions of these files may in themselves be confidential).
- (36) Separate files for information approved as confidential.

All records are maintained for at least three years, including any time extensions required by enforcement actions or litigation. All records are made available to the EPA immediately upon request.

Similar files are kept for liquid waste haulers to the extent applicable. File items peculiar to waste haulers include TCEQ permit numbers, records of calibration of sight gauges, and records of accidental spills.

The Pretreatment Coordinator keeps the files current and will maintain a system of keeping track of the files when they are borrowed by someone. He also takes measures to ensure that approved confidential information is not made available to unauthorized persons.

- c. Noncompliance, Special Measures by Industries. In the event that any of the required reports from an industry (or the City review of such reports) indicates the need for pretreatment, the Pretreatment Coordinator (or other designated specialist) works with the industry toward implementing pretreatment. The industry is required by the Sewer Use Ordinance (Section IV.F of proposed revised Ordinance) to submit to the City a schedule for designing and constructing the necessary facilities. Section IV.G of the Ordinance requires the industry to submit to the City

detailed plans and operating procedures for these facilities. City approval is required before construction can begin.

The Pretreatment Coordinator (or other designated personnel) ordinarily works with the industry to determine the required facilities, help establish the compliance schedule, review plans and operating procedures, and review operating performance after completion.

The Pretreatment Coordinator also works with industries in a similar manner regarding the need for improved operation and maintenance to achieve compliance.

Violations by industries are normally addresses by the Pretreatment Coordinator, sometimes with participation by the Public Works Superintendent or other City officials. Chapter VIII, Enforcement Response Plan, discusses this matter more thoroughly.

Industrial Users shall notify the City immediately of all discharges that could cause problems at the City's Treatment Works including any slug loadings.

d. Volume of Work by City.

- (1) Overview. *At the time of the sampling program the City had* eleven significant industries permitted (**now ten**), including three food related industries and eight (**now seven**) non-food industries. Also permitted are 201 minor industries. One of the monitored industries (Nacogdoches Coca-Cola Bottling Company) is on inactive status pending a decision as to whether to proceed with its proposed industrial discharge (**now permanently shut down except as a distribution center with no industrial discharge**).

Food industries are monitored for conventional pollutants only. Monitoring requirements for non-food industries vary, with two industries (**now one**) classified as categorical and some others subject to priority pollutant monitoring.

- (2) Routine Activities. Routine program activities include the following:

- (a) Updating general files for any revisions to applicable federal standards, other applicable regulations, and state stream standards.
- (b) Updating general files in other areas including City treatment plant information, City ordinances, emergency notification lists, discharge permits for City's treatment plant, and state or federal directives related to those permits.
- (c) Sampling and testing of industries for conventional pollutants.
- (d) Periodic inspections of industries.

- (e) Periodic inspections and evaluation of pretreatment facilities.
- (f) Maintaining files for each industry, including information from items (c) through (e) above.
- (g) Periodic reissuance of permits, including notifying industries of time for renewal application.
- (h) Periodic review of permits which may no longer be necessary, or which may be downgraded from significant to minor industrial user status.
- (i) Placing permits on active or inactive status as appropriate.
- (j) Monitoring and record keeping related to grease traps.
- (k) Monitoring and record keeping related to septage and other trucked-in wastes.
- (l) Periodic scanning of treatment plant influent, effluent, and sludge for priority pollutants.
- (m) Allocating permit loadings on the basis of available treatment capacity.
- (n) Reviewing requests for bypasses for maintenance purposes.
- (o) Maintaining a calendar for all pertinent events including reporting deadlines, compliance deadlines, and times for sending various notices.
- (p) Reviewing self-monitoring reports from industries.
- (q) Sampling each industry for toxic pollutants and sending samples to commercial laboratory for testing.
- (r) Reviewing testing results and comparing them with self-monitoring reports.
- (s) Gathering information on dry industries with toxic pollutants to be disposed of outside the sewage works, notification of need for documenting transportation and disposal, and keeping files on such documentation.
- (t) Reviewing industries' reports of upsets and making recommendations as to whether the industry has demonstrated an affirmative defense.

- (u) Reviewing all requests from industries for confidential treatment of information.

These activities are in addition to any enforcement actions, emergency cleanups, or work related to new industries subject to the Pretreatment Program.

5. Sampling, Analysis, and Inspection

- a. Sampling of Industries. The Pretreatment Coordinator or designated assistants sample permitted industries for compatible pollutants.

Testing is conducted in the City laboratory. The sampling and testing program includes sampling for toxics where necessary. The Pretreatment Coordinator (or his assistant) (***now the City Laboratory personnel stationed at the wastewater plant***) does all necessary sampling on the part of the City and sends toxic samples to a commercial laboratory for testing. Monitoring schedules vary according to the needs of each industry.

A large amount of required sampling will be performed by the industries and results submitted to the City. Significant industries are required by permit to sample at least twice annually, or more often if required by a Pretreatment Standard or if there is other reason. Monitoring and reporting requirements are also at least semiannual.

The City must sample each significant industry with an active permit at least once a year. Additional sampling by the City may sometimes be needed as a result of effluent violations.

For facilities that discharge less than 24 hours per day, the sample must be representative of the discharge. Samples should not be collected during the hours when wastewater is not discharged to the City's sewer system. Wastewater that is not flowing into the City's sewer system (i.e. standing in discharge pipe) should not be sampled/collected. In order to ensure representative samples are collected, the times for when regulated process wastewater and/or treated process wastewater is generated should be taken into consideration for the sample collection times.

- b. Sampling for Grease Traps. In cases where a user requests less frequent grease trap cleaning than standard, special testing may be required to justify the decreased frequency. In that event, the user and/or a commercial laboratory performs any sampling required by the Pretreatment Coordinator. Testing is normally by the commercial laboratory selected by the user.
- c. Sampling for Treatment Plant. The Pretreatment Program includes periodic sampling and testing of treatment plant influent, effluent, and sludge as required by the NPDES permit. The operating staff takes samples and sends them to a commercial laboratory. The Pretreatment Coordinator and/or the laboratory supervisor for the plant may advise the staff as needed.

- d. Hauled Liquid Wastes. Liquid wastes hauled to the plant are sampled only when required by the operating staff at the treatment plant. Sampling may be performed by the operating staff, but any required testing for toxic wastes is performed by a commercial laboratory at the hauler's expense.

- e. Sample Procedures

- (1) Composites for Industries. For sampling on the part of the City, a portable, battery-powered automatic sampler is suspended inside a manhole on the industrial sewer, or alternatively locked inside a fixed box above ground. The sampler normally takes a sample every 30 minutes, except in cases where the City or the industry prefers more frequent samples. A separate bottle is used for each hour's samples. The samples are refrigerated in an ice compartment during the 24-hour sample period and are normally composited manually according to flow. The flow pattern is based on data submitted by the industry (or measured by the City if necessary). If necessary, a portion of the sample taken at key times of day can be saved for separate analysis.

Samples for total chlorine residuals, pH, and temperature cannot be composited.

Use of other sampling methods, time-proportional or grab sampling must be authorized in writing by the City. Decisions allowing alternative sampling shall be documented in the industrial user's file for that facility.

- (2) Composites at Treatment Plant. Influent and effluent composite samples are taken in a manner similar to the industrial sampling, using the influent and effluent flow measurement structures. Sampling points are before preliminary treatment and after final effluent treatment respectively. For some of the sampling, the samplers are connected with the plant flow meters to take a fixed volume of sample with each specified flow treatment.

- (3) Grab Samples. Grab samples are used in cases where composite samples are inappropriate (pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics).

- (a) For industrial sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical, representative sampling data are available, the control authority may authorize a lower minimum. For the periodic compliance reports, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- (b) For treatment plant sampling for toxic or hazardous substances, grab sampling is conducted according to the NPDES permit or the EPA requirements for local limits development (presently minimum of four grab samples over a 24-hour period).
- (4) Sludge Samples. Sludge from the treatment plant is sampled at the discharges from the belt presses. Only a single sample is required for each sampling event.
- (5) Sample Collection, Preservation, and Analysis Methods. For all sampling related to reporting, enforcement, or user charges the sampling procedures will follow “Standard Methods” and/or 40 CFR 136 as far as possible, and will be modified if necessary, in special circumstances. The City will obtain EPA approval for special or modified procedures when so required.

Samples are preserved according to 40 CFR 136 and/or Standard Methods, or by other methods, as specified or approved by the EPA. Many preservation methods are shown in Exhibit 13 from 40 CFR Part 136. Analysis is performed within the maximum holding periods specified in Exhibit 13.

This practice will allow the test results to be admissible as evidence.

- (6) Other. Sampling in connection with grease trap requirements, when needed, is performed as required by the Pretreatment Coordinator or his designated assistants. Sampling of hauled liquid wastes, when required by the operating staff, consists of a single grab sample representative of the load of liquid waste.

Sampling for special purposes not covered in item (5) above, such as demand monitoring to locate the source of detrimental pollutants being discharged into the system, may be by any methods at the City’s discretion.

- f. Safety Procedures - Visitors to industrial establishments are usually required to abide by any safety regulations observed by plant management. Ideally, access to wastewater flows should be available from manholes or junction boxes located outside of plant property. In this way, plant inspectors would not be exposed to any hazardous operating activities and would be able to sample without the need to gain entry to the plant. Unfortunately, accessible manholes located outside of plant boundaries are rare, and consequently inspectors are generally required to enter upon plant property. Under these circumstances, all pertinent safety rules in force at the plant must be adhered to. The first step upon presenting credentials and entering the plant is to notify appropriate plant management, and request applicable safety information. In most cases, a formal set of safety rules are in effect, and these rules should be recorded and filed with the plant inspection report. Minimum safety equipment that must be carried by each inspector or inspection crew includes:

- Hard Hat
- Safety Goggles
- Rubber Gloves, Boots, and other Protective Clothing
- First Aid Kit

Special safety precautions and equipment are necessary for any sampling activity that requires manhole entry. The most dangerous aspect of sewer sampling and inspection is the possible presence of dangerous gases in sewers. These gases may include either explosive vapors or poisonous mixtures. Conversely, there may be an oxygen deficiency in the sewer. In order to avoid possible injury, several precautions should be taken and proper equipment should be utilized during the course of sewer inspection as follows:

- Manholes should be opened with a hook rather than a pry bar. using a hook reduces the possibility of having metal rub against metal, causing a spark and possible explosion.
- Before entering a manhole, the atmosphere within the sewer should be tested of oxygen content, explosion hazard and poisonous gases. Several portable, probe type oxygen and explosion meters are commercially available. Equipment of this type should be utilized during every sewer entry. Many types of indicating ampoules and gas detection test kits are available which can signal the presence of poisonous gases. A complete set of such test materials must be present and utilized during each sewer inspection.
- Appropriate gas masks and breathing mask respirations should be used whenever there is the lightest indication of danger.

Actual entry into a manhole requires additional special safety precautions. Although nearly all manholes built with ladder rungs, these rungs may have been used infrequently. As a result of the often corrosive atmosphere in a manhole, it is not advisable to use sewer ladder rungs, since is possible that they not be structurally sound. Descent into a manhole should be accomplished utilizing a portable rigid ladder or flexible rope ladder. Even when a ladder is used, each individual entering a manhole should be harnessed with a safety rope leading to the surface. In this way, in the event of a fall, asphyxiation or other injury, the individual can be pulled to the surface with relative ease.

Fire safety should always be practices whenever within an industrial plant or near an open manhole. No open flames should be permitted, and all equipment should explosive-proof and water resistant. Since many manholes are located on a streets or other thorough fares, additional safety precautions should be taken to avoid automobile accidents and the possibility of pedestrians falling into open manhole. Consequently, appropriate pylons, barricades and flashing lights should be used in the vicinity of the manholes.

Source: Federal Guidelines: State and Local Pretreatment Programs, MCD-43, vol. I, EPA, January 1977, pages D-15 and D-16.

- g. Chain of Custody. Once an appropriate sample is obtained and properly stabilized, it is essential that the possession of the sample be properly documented. That is, the person completing the field sampling should maintain a log, containing pertinent information such as date, time and location of the sampling activity. Before releasing the sample to the laboratory, or any other appropriate official, a signed receipt should be obtained documenting the exchange. As the sample is transported, a continuous history of its condition and locations should be maintained through successive log entries and receipts. (Sample Chain of Custody form Exhibit 8)

The reason for such caution in the handling and transfer of samples stems for the need to be certain of sample integrity as part of any enforcement activity. It should be assumed that every scheduled compliance monitoring sample may become evidence in a court of law. In practice, few ordinance violations will require legal action, but nevertheless, sample integrity must be maintained. If the municipality cannot prove that a sample has not been mishandled or tampered with, then any inferences regarding the quality of the wastewater that the sample represents fall into jeopardy. It is therefore essential that a chain of possession be maintained and recorded.

The technician taking the samples records appropriate data in a logbook before leaving the sampling site. A receipt is obtained each time the sample changes hands, and a duplicate of the logbook entry accompanies the sample.

In many cases the same technician may take samples (for compatible pollutants) and then analyze them in the City laboratory.

When a commercial laboratory analyzes toxic samples, the chain of custody includes any bus or express services used for intercity transportation.

ADDED NOTE: The receipt referred to in the first paragraph above must be signed by the person relinquishing and receiving the sample, showing dates and ties of transfer, for all sampling for purposed of the Pretreatment Program with the possible exception of demand sampling performed in an effort to locate the source of undesirable discharges into the collection system.

- h. Analytical Procedures. Analysis will follow “Standard Methods” and/or 40 CFR 136 where possible. The City laboratory, which will test for compatible pollutants, is equipped for the following tests:

1. Acidity-alkalinity.
2. BOD (biochemical oxygen demand) and/or CBOD (carbonaceous biochemical oxygen demand).
3. Chlorine.
4. Dissolved oxygen.

5. Ammonia nitrogen.
6. pH.
7. TSS (total suspended solids).
8. Temperature.
9. Oil and grease.
10. COD (chemical oxygen demand).

Tests for toxic pollutants are performed by a contract laboratory.

Quality assurance and quality control are practiced and documented by the City laboratory. The City requires the same practices and documentation from any contract laboratory which its own laboratory uses for the Pretreatment Program.

The City takes steps to ensure that all laboratory reports are clearly understandable. Specifically, in cases where sludge is analyzed, the reports should state plainly whether concentrations are on dry weight basis (ppm or ppb of oven dried sludge). If not stated in dry weight basis, sufficient information should appear on the report to convert to dry basis.

- i. Record Keeping. The City keeps records on all sampling which it performs in connection with the Pretreatment Program, as well as related testing (whether by the City or by a contract laboratory). Sampling records include dates, times, exact place, methods, person(s) taking the samples, and documentation associated with any required BMPs. Analysis records include dates and methods of testing, person(s) performing the analysis, and the results.
- j. Inspections. The City inspects each significant industry at least once annually. Dry industries are inspected as needed for determining type and amount of toxic or hazardous pollutants which are to be disposed of outside the sewage works. Inspections are either announced or unannounced at the discretion of the Pretreatment Coordinator and/or the Public Works Superintendent. In any event, the person(s) conducting the inspection present credentials at the plant entrance and request immediate admittance under authority of the Sewer Use Ordinance.

Inspections are made for various purposes, including determination of possible categorical processes, new industries, compliance problems, verification of discharge patterns (for user charge purposes), changes in processes and pretreatment facilities, verification of unsewered water usage determination/compliance with plan or other action to control slug discharges. Items to be noted include one or more of the following as appropriate: general nature of manufacturing facilities and processes, raw materials, flow patterns, chemicals and solvents, finished products, chemical storage areas, hazardous waste generation, spill prevention and control procedures, solvent recovery, cleaning

techniques, general housekeeping and cleanliness, pretreatment facilities, sampling and laboratory procedures, monitoring equipment and records, and storage and disposal of wastes not discharged.

- k. The inspection will involve the review of the industrial user's records. The industrial user is required to retain, and make available for inspection and copying, all records and information including documentation associated with any required BMPs required to be retained. These records shall remain available for a period of a minimum of three (3) years after permit expiration date. This period shall be automatically extended for the duration of any litigation concerning compliance, or where the industrial user has been specifically notified of a longer retention period by the City. Each inspection form (sample, Exhibit 10) will show the date, time, industry, representatives of City and industry, reason(s) for inspection, and general notes and remarks. The Pretreatment Coordinator reviews each inspection report and follows up verbally or in writing, if necessary, with any necessary request for additional information. Flow Calibration. In cases where a flow meter operated by the industry is used for billing purposes and/or for monitoring and reporting industrial waste, the industry normally checks the calibration of the meter at least twice per year. The industry is required to submit written proof of the meter check. The City may perform independent calibration at its own discretion.
6. Investigations of noncompliance. Noncompliance with discharge standards (especially categorical standards or local limits) may be detected through reviewing reports submitted by industries, or through the City's own monitoring program. Additionally, the user is required by ordinance to notify the City within 24 hours after becoming aware of a violation on the basis of self monitoring. The user must then repeat the sampling and analysis and submit the retest results to the City **within 30 days**. Where the City performs sampling, the City is required to repeat the sampling and analysis within 30 days of becoming aware of the violation unless it notifies the User of the violation and requires the User to perform the repeat analysis.

In some cases where solids create problems in the collection system, interceptor screens are installed at selected locations on a temporary or long-term basis to trap and identify the solids.

The Pretreatment Coordinator determines when an industry is in noncompliance, subject to the approval of the Public Works Superintendent. The Public Works Superintendent (or designated representative) promptly notifies the offending industry (sample notice, Exhibit 12), except that the Pretreatment Coordinator or the Wastewater Superintendent may issue emergency notices according to Section XII of the Sewer Use Ordinance. All notices of noncompliance and all emergency notices are issued or confirmed in writing.

Continued violation results in a follow-up letter requiring a written report as to the cause of the problem and proposed steps to correct the problem including a compliance schedule for corrective action. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction of operation of additional pretreatment required for the Industrial User to meet the

applicable categorical Pretreatment Standards. No increment shall exceed 9 months. Not later than 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.

Failure to respond to the second letter within thirty days, or an inadequate response will result in a meeting between the City and the industry to develop corrective actions and a compliance schedule. If the industry fails to agree to adequate corrective action and a compliance schedule within ninety days after the second letter or fails to implement corrective actions according to its compliance schedule, the City will initiate legal action. Such action includes monetary fines (up to \$2000 per day per violation), requirements for specific actions, and/or environmental remediation.

The schedule above can be accelerated, or initial steps dispensed with in cases of serious or repeated violations. Other actions which the City may take include administrative orders and fines, enforceable consent orders, show cause hearings, compliance orders, cease and desist orders, and referral to the Approval Authority (*currently the EPA*) for further enforcement. In cases where the violation causes treatment plant upsets or health hazards, the City will also take legal action to terminate water and/or sewer service.

The documented chain of custody for any relevant sampling by the City will be used in enforcement proceedings.

7. Entry Procedures

- a. Upon arrival at the facility, the Pretreatment Coordinator or his duly authorized representative will need to locate the authorized representative of the industrial user. The authorized representative may verify identification of the inspectors by contacting the City.
- b. The city inspectors must gain legal entry. Consent to inspect the premises must be given by the authorized representative of the industry at the time of inspection. As long as the city inspectors are allowed to enter, entry is considered voluntary and consensual, unless the city inspectors are expressly told to leave the premises. Expressed consent is not necessary; absence of an expressed denial constitutes consent.
- c. If city inspectors are refused entry into a facility for the purpose of an inspection, they will follow these procedures:
 - (1) Under no circumstances will the inspectors discuss potential penalties or do anything that may be construed as coercive or threatening to the authorized representative.
 - (2) Inspectors will use discretion and avoid potentially threatening or inflammatory situations.

- (3) If entry is not granted, ask why. Tactfully probe the reason for the denial to see if obstacles (such as misunderstandings) can be cleared.
- (4) If entry is still denied, the inspectors will withdraw from the premises and contact the Director of Utilities and the city attorney.
- (5) All observations pertaining to the denial are to be carefully noted on the "Industrial Inspection Form" by the city inspectors. Include the following information:
 - i. facility name and exact address,
 - ii. name and titles of person(s) approached,
 - iii. name and title of person who refused entry,
 - iv. date and time of denial,
 - v. detailed reasons for denial,
 - vi. facility appearance,
 - vii. any reasonable suspicions that refusal was based on a desire to cover up regulatory violations.

8. Significant Noncompliance Determination

a. Significant Noncompliance Criteria

Subsequent to the end of each calendar quarter the City (Environmental Compliance Manager or delegated personnel) will document Significant Noncompliance (SNC) calculations for all criteria identified in 40 CFR Part 403.8(f)(2)(viii)(A-H).

Following are the criteria listed.

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 2 of the City's Discharge to Public Sewers Ordinance;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average, instantaneous limit or narrative standard) that the City 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);

- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 40 CFR Part 403.8(f)(1)(vi)(B) to halt or prevent such discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report non-compliance;
- (H) Any other violation or group of violations, which may include BMPs, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

The criteria are evaluated either on a rolling six-month time frame or on each calendar quarter. Below are the time frames for each type of evaluation.

- b. Significant Noncompliance for Effluent Violations
SNC for effluent violations as defined in 40 CFR Part 403.8(f)(2)(viii)(A-B) are evaluated on a rolling six-month window. Due to this method, SNC calculations for effluent violations could show a facility in SNC for two quarters for the same violation data. It is EPA Region VIII's position that a facility should not be place in SNC for two quarters for the same effluent violation data.

The timeframe to be evaluated for each calendar quarter is presented below.

SNC Evaluation Periods

First Quarter Evaluation Period

Sep.	Oct.	Nov.	Dec.	Jan.	Feb.
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Second Quarter Evaluation Period

Dec.	Jan.	Feb.	Mar.	Apr.	May
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Third Quarter Evaluation Period

Mar.	Apr.	May	Jun.	Jul.	Aug.
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Fourth Quarter Evaluation Period

Jun.	Jul.	Aug.	Sep.	Oct.	Nov.
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- (1) At the end of each quarter, the City will evaluate Industrial User (IU) compliance status for effluent violations in regards to chronic violations and technical review criteria violations as defined in 40 CFR Part 403.8(f)(2)(viii)(A-B). The two types of significant noncompliance violations are evaluated on six-month timeframe.
 - (2) At the end of the each quarter, the City will review the data from industrial users for the previous six months.
 - (3) At the end of the “Pretreatment Year,” the City will summarize the compliance status of the IUs over the reporting period and report on the compliance status to TCEQ. IUs that were identified as SNC during the “Pretreatment Year” are published in the local newspaper. If the IU was previously published for a violation that occurred solely in the last quarter of the previous “Pretreatment Year,” the industrial user is not published as SNC.
- c. Significant Noncompliance for Reporting Violations and Other Criteria
SNC for reporting violations and other criteria at 40 CFR Part 403.8(f)(2)(viii)(C-H) are evaluated for each calendar quarter. The quarter in which the facility is in SNC is the quarter in which the report was due or that the incident occurred.

SNC Quarters

SNC Quarter	Time Frame
1 st Quarter	December – February
2 nd Quarter	March – May
3 rd Quarter	June – August
4 th Quarter	September – November

9. Personnel Training and Updating. Because of the small staff and the constantly changing characteristics of the pretreatment field, no standard program is employed for training and updating. The present Pretreatment Coordinator and his successors will be partially equipped for the job by college education and possibly by prior job experience. Additional training can be obtained through pretreatment seminars, college courses, or other means at the discretion of the City.

The level of training required for any assistants to the Pretreatment Coordinator will be determined by the Coordinator and/or by the Public Works Superintendent.

Updating of information on federal regulations, including new Pretreatment Standards, is provided by periodic visits to the library of SFA University located within the City. The

library maintains subscriptions to the Federal Register, as well as the Texas Register. Any revisions to state stream standards will be noted through the City's subscription to RPC (a state publication) or from review of the Texas Register. Updated information on pretreatment technology, sampling/analysis techniques, and other technical matters can be obtained from various sources including seminars, EPA publications, magazines, and manufacturers' brochures.

The City is also working on procedures to obtain updated information through the Internet.

10. Future Updating of Local Limits. The Pretreatment Coordinator will make a preliminary review of the various local limits as required by the EPA **and/or the TNRCC**. ***Before Texas became an NPDES state on September 14, 1998, the*** EPA policy *(for treatment plants which already have approved technically based local limits)* **was** to require a written evaluation of the need for revision of the limits in the process of NPDES permit renewal. This evaluation **would** normally occur every five years, except for shorter terms as required for the transition to the new basin cycle* developed by the TNRCC.

*Future state and federal discharge permits for this portion of the Neches Basin will expire on dates which are multiples of five years after August 1, 1996.

The EPA **supplied** a form and instructions for making an evaluation of local limits. The Pretreatment Coordinator **would have to** fill in various information from the development of the local limits, along with updated values for the parameters used in development. Certain other information **was** also required.

Presumably the TNRCC will now require a similar evaluation upon renewal of state permits in lieu of the evaluation for the EPA.

The evaluation may be required or advantageous more often than five-year intervals, as in the case of significant changes in treatment capacity, industrial loadings, stream quality, federal or state standards, sludge disposal method, or other relevant criteria. Also, a permit may be issued with a shorter term, as for conformity with the state's basin cycle, thus requiring evaluation upon renewal.

If the evaluation indicates the need for modification of one or more local limits, the modification process will be conducted by the Pretreatment Coordinator with the help of other City personnel and/or consultants. Modification of local limits will be conducted according to EPA requirements at the time.

11. Multijurisdictional Issues. Nacogdoches does not presently have to deal with other municipalities or outside entities in its operation of the Pretreatment Program. All industries receiving sewer service from the City are located within the City and receive retail service from the City. The only outside municipality connected to the City sewage works is a small water district serving only a residential subdivision.

The Sewer Use Ordinance provides that if any industry outside the City desires City sewer service in the future, appropriate contracts or agreements must be executed so as to provide the City with jurisdiction similar to what it has over existing industries.

12. Public Participation

- a. Public Access Versus Confidentiality. Section II.I of the Sewer User Ordinance calls for full public access to all information relating to industrial users except when the user can justify confidentiality of trade secrets. All data regarding waste constituents is considered public information.

The permit application form (Exhibit 3) specifically offers the industrial user a chance to request confidential treatment of applicable information.

- b. Providing Public Access. Nonconfidential materials are kept in designated files in the laboratory building for the use of the Pretreatment Coordinator. Public access is allowed during normal working hours.
- c. Public Notification. In accordance with the Sewer Use Ordinance the City publishes a list of violators that meet the definition of Significant Noncompliance (SNC) annually in the Nacogdoches Daily Sentinel. The City may also publish information more frequently relating to current enforcement actions against industries, and in such cases will normally include any mitigative or corrective actions undertaken by the industries.
- d. Other Public Participation. Public notice will be provided before the City adopts the revised ordinances to implement the program modifications, including local limits, as required by the EPA.

13. Annual Reporting. The Pretreatment Coordinator **has been** responsible for preparing an annual status report for submission to the EPA. This report **was** submitted in November or early December at least 14 days before publication of the list of offenders as noted in Section 10.c above. Requirements for the report are specified in the NPDES permit.

14. Slug Control Plan Development

A Slug Load or Slug Discharge is defined as any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the City's regulations, local limits or permit conditions.

The City Manager shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan within one year of becoming a significant industrial user. The City Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the City Manager may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- a. Description of discharge practice, including non-routine batch discharges;
- b. Description of stored chemicals;

- c. Procedures for immediately notifying the City Manager of any accidental or slug discharge.
- d. Procedures for follow-up notification within five (5) days.
- e. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

The City will maintain records of the activities associated with slug control evaluation and results of such activities. The records will be available to the Approval Authority upon request.

15. Hazardous Waste Notification

The City will notify the Industrial User of its responsibility to report (in addition to 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 in each of the individual discharge permits. The City shall verify if such notification includes 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) and meets the following guidelines as set in 40 CFR part 403.12 (p).

- a. If the Industrial User discharges more than 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 months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. This notification requirement does not apply to pollutants already reported under the self-monitoring requirements.
- b. Dischargers will be exempt from notification during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes. Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes, 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 notification.
- 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 Waste

Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

- d. In the case of any notification made for hazardous waste discharge, 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.

III. Enforcement Response
a. Enforcement Response Plan
b. Enforcement Response Guide

III.a. ENFORCEMENT RESPONSE PLAN

1. General. This Enforcement Response Plan is intended to supplement other portions of the Pretreatment Program. Some items may overlap or duplicate information presented in other chapters, and/or in the ordinances.
2. Objectives. The Enforcement Response Plan is designed to help the City meet its responsibility for enforcing all applicable Pretreatment Standards, local limits, and other requirements imposed on industries. Enforcement of these requirements must be conducted under the doctrine of strict liability, which means that each instance of noncompliance must be addressed, whether or not due to negligence or criminal intent. However, this doctrine does not require an actual penalty for every minor violation.

The plan is also designed to assure consistent, predictable, and prompt enforcement for all degrees of violation, commensurate in every case with the degree of violation, its harmful effects if any, the corrective efforts by the violator, and the compliance history of the violator.

3. Inspections. The City inspects each significant industry at least annually, with minor permitted industries inspected at least once every three years. These inspections provide one way of detecting violations. Additional inspections, either random or for cause, are made to sample and analyze effluent and conduct surveillance to identify, independent of information supplied by IU, occasional and continuing non-compliance with Pretreatment Standards.

Inspections are conducted by the Pretreatment Coordinator and/or by his assistant, the Pretreatment Technician. The Pretreatment Coordinator enters the results into the computer files or other pertinent files. He then acts on his own in relatively routine cases, but many consult with the Water Utilities Manager in cases which appear to be serious or complex. In some cases the consultation may extend upward to the Director of Public Works, the City Engineer, and the City Attorney.

A Note of Violation is normally issued within five days after a violation is discovered through inspection. However, if the inspection reveals an emergency condition, the Pretreatment Coordinator may issue appropriate instruction on the spot. If the Pretreatment Technician notes an emergency while conducting the inspection alone, he may in some cases consult with the Pretreatment Coordinator or with a higher official. However, an emergency notice will normally be issued within a few hours if warranted. Inspections are conducted within a few days, if practical, after learning that a new or existing business appears to need a permit. An inspection may be scheduled on an emergency basis if the City learns of an apparent emergency condition. For a violation not constituting an emergency, an inspection may be scheduled within a few days if warranted.

Follow-up inspections may be made to verify correction of violations. The number and scheduling will depend on factors such as the seriousness of the violation and the anticipated time for correction.

The City inspector may or may not notify the industry before the inspection. The inspector presents his identification at the visitors' entrance, where the attendant should already have standing instructions to let him in immediately. For entrance to retail businesses such as restaurants, the inspector uses either the customer entrance or another designated entrance as appropriate.

If not granted immediate entrance, the inspector shows the guard a copy of ordinance provisions requiring admittance within fifteen minutes. If entrance is still denied, further enforcement procedures, possibly including a search warrant, will be followed. In such a case, if serious violations are visible from outside the plant, the inspector may take photographs for documentation.

Similar measure will be taken in cases where the inspector is admitted to the plant but denied entrance to specific areas to which access is required.

Elements of an inspection are shown on the sample inspection form (Exhibit 10) and in II Administrative Procedures, Section 5.j. Sample collection, analysis and collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or judicial action.

The inspector normally evaluates his findings later at his office, either on his own or in consultation with a higher official.

4. City Sampling Activities. Routine or special sampling by the City can be used to identify or follow up on noncompliance. The Pretreatment Coordinator normally prepares the sampling plan (*or selects a standard plan already prepared*), enters the results into the system, and recommends action if warranted.

A notice of violation is normally issued within five working days after the City becomes aware that the sample is noncompliant.

Sampling frequency is annual for significant industrial users unless conditions such as violations or highly variable results warrant more frequent sampling. Sampling, chain of custody, and analysis procedures are discussed in II Administrative Procedures, Sections 5.e, g and h. Evaluation is made by the Pretreatment Coordinator with the aid of the computer software (discussed below).

5. Data Management. The Pretreatment Coordinator updates industrial user information by appropriate entries into computer software (currently PreWin) and in any appropriate paper files. Information is entered as soon as practical after receipt. Information is received all year round from various sources including permit applications, inspections, and notices and reports from the industries.

The Pretreatment Coordinator processes and tracks all notices and reports from industries (including renewal applications), as well as all notices to industries. He keeps special logs or calendars which cover due dates and receipt of all notices and reports, as well as associated due dates for responses on the part of the City. Reports and notices include the following:

- a. Baseline Reports: 180 days after effective date of categorical Pretreatment Standard or after final administrative decision or 90 days before commencement of discharge for new sources and sources that become Industrial Users subsequent to categorical standard.
- b. Compliance schedule reports: within 14 days of scheduled compliance actions.
- c. Periodic Reports: semi-annual (June and December) to be filed by categorical user (except non-significant categorical user) and significant Industrial User.
- d. Potential Problems: Notification of all discharges, including slug loadings, that could cause problems to the POTW.
- e. Violation: Notification within 24 hours of becoming aware of violation.
- f. Compliance Follow-up: Provide repeat sampling to demonstrate compliance within 30 days of violation.
- g. Changed Discharge: Immediate notification in advance of any substantial change in volume or character of pollutants in discharge.
- h. Hazardous: Written notification to Control Authority, Approval Authority, and EPA of any discharge that is considered hazardous.
- i. Slug Discharge: Provide slug discharge plan when required by Control Authority, and provide notification if any change affect plan.
- j. Change at facility: Notification of changes at the industrial user facility affecting the potential for a slug discharge.
- k. Permit Renewal Application
- l. Open Reports: Notification when production rates are in excess of 20% from base line productions and 10 days prior notification before bypass of pretreatment units for essential maintenance.

Reports are evaluated for completeness by comparison between the information provided and the form or format specified by the City. Completeness and accuracy are also evaluated using the knowledge and experience of the Pretreatment Coordinator, as well as any additional information available. Reports shall include required BMP compliance information. In cases of doubt, the Pretreatment Coordinator can call the appropriate industry official and/or make a special inspection.

The data in sampling reports is compared with permit limits by exercising certain functions in the computer software. Violations other than parameters are noted by the Pretreatment Coordinator in inspections, by any special notices from industries, in reviews of reports, in periodic reviews of tracking logs (for late reports), and by any other available information.

The Pretreatment Coordinator initiates enforcement action (*or begins discussions with higher officials in special cases*) according to the enclosed guidelines (III.b Enforcement

Response Guide) or according to his experience and judgment in any cases not fitting the guidelines closely. Responses to enforcement are kept in a separate file for the affected industry.

Provide for the determination and tracking of significant noncompliance for annual public notification. Determination will be made on a rolling quarterly basis. Determination of significant noncompliance includes:

- Chronic violation of discharge limits.
- Technical review criteria (TRC) violation.
- Violation of Pretreatment Standard or requirements (daily maximum, long-term average, installations limits or narrative standard) that causes interference or pass-through.
- Discharge of pollutant that has caused imminent endangerment to human health, welfare or environment.
- Failure to meet within 90 days after schedule due date a compliance milestone.
- Failure to provide within 45 days, after due date, required reports.
- Failure to accurately report noncompliance.
- Violations which may include a violation of BMPs which adversely affects the operation or implementation of local pretreatment program.

The determination of significant noncompliance will be in accordance with the procedures described in II. Administrative Procedures, Section 8, Significant Noncompliance Determination.

All inspections and sampling reports which indicate (or contribute to identification of) a violation are grouped into a file for the relevant enforcement action, or at least pertinent excerpts from such reports are kept in the file. This enables the Pretreatment Coordinator to track any enforcement action for its entire duration. All enforcement actions and responses from the industry up through final achievement of compliance are also kept in the file.

6. Anticipated Types of Noncompliance. The guidelines (III.b Enforcement Response Guide) help the City distinguish between different types of degrees of violations within categories of discharge violations, reporting violations, and other non-effluent violations. The guidelines help determine the relative severity of each violation as well as a short list of optional responses by the City.
7. Range of Enforcement Responses. The following enforcement responses are available to the City: Informal notice (phone call, etc.), informal meetings, letter (notice of violation), injunctive relief, administrative orders, show cause orders, compliance orders, consent orders, cease and desist orders, administrative penalty orders, civil judicial orders, criminal penalties, termination of service, and referral to the Approval Authority.
8. Criteria for Determining an Appropriate Enforcement Response. The City considers factors including the magnitude and duration of the violation; the effect on the collection

system, the treatment plant, the receiving stream, and/or the City's sludge disposal; compliance history of the industry in violation; and good faith efforts by the industry to correct the problem (including efforts to communicate with the City regarding the problems).

9. Enforcement Response Procedures and Time Frames. The City makes a response to each case of noncompliance by an industrial user, varying from a notation in the user's file for future reference to severe measures such as fines or criminal prosecution. The general procedure is summarized as follows:

- a. Violation of Permit or Ordinance Limits. For each month that one or more parameters in an industry's effluent are found to be out of compliance with ordinance or permit limits, the Pretreatment Coordinator notifies the industry by telephone and in writing. The notice lists the violation(s) and the stipulated penalties (per Rate Ordinance) which will appear in the next month's bill for water, sewer service, and refuse collection. Penalties can be as much as \$200 per day per violation, and for violation of monthly averages each day of discharge is a separate violation.

Failure to pay the bill on time, including any penalties, can lead to disconnection of water and sewer service with a reconnection fee payable before restoration of service.

These standard measures do not prevent the City from taking further action as in Subsections c and d below.

- b. Violations Causing an Emergency. The City takes immediate action, or requires the user to take such action, to stop the harmful discharge immediately even to the extent of shutting off all water and sewer service. Action on the part of the City is initiated by the Pretreatment Coordinator when possible, or by the Water Utilities Manager or his delegated personnel in the absence of the Pretreatment Coordinator.

The City may plug or sever the sewer line from the industry, and/or cut off water service. In cases of industries with a high risk of accidental spills, the City may require a shutoff valve on the sewer accessible at all times to City forces.

Restoration of service is not made until the emergency conditions are corrected, except to the extent required for cleanup and repair operations.

The industry is still subject to further enforcement action as noted below unless it can qualify for an affirmative defense because of upset or bypass according to the Sewer Use Ordinance.

c. Minor or Moderate Violations.

- (1) Upon identification of an industrial user's permit violation, the Pretreatment Coordinator notifies the violating user by letter of the violation and requests corrective action. (Some minor violations are handled by telephone in lieu of, or preceding, a letter. This occurs in cases where a prompt response is expected.)
- (2) If additional monitoring indicates that the violation has not been corrected (*in the case of a discharge violation*), the Pretreatment Coordinator provides a written Notice of Violation to the industrial user, indicating that it is in violation of its permit. The Notice of Violation requires the violating user to submit to the City a written report explaining the cause of the violation, describing corrective measures, and specifying a compliance schedule under which it will implement said corrective measures.
- (3) If the industrial user fails to respond within thirty days after the Notice of Violation, or if the City finds its response inadequate, the Pretreatment Coordinator attempts to meet with the management of the user to develop corrective actions and a compliance schedule.
- (4) If the industrial user fails to agree to adequate corrective actions and a compliance schedule within ninety days after the Notice of Violation or fails to implement corrective actions in accordance with its compliance schedule, the City* takes one or more of the following steps: legal action to assess a fine against the user; others, such as injunctive relief, administrative orders, show cause orders, compliance orders, consent orders, cease and desist orders, administrative penalty orders, civil judicial orders, criminal penalties, and referral to the Approval Authority (~~presently the EPA~~).

If the violation creates a potential health hazard or an upset condition at the City's sewage works, the City* also initiates action to discontinue water and/or sewer service to the user.

*Through higher officials, at the request of the Pretreatment Coordinator.

- d. More Severe Violations. For severe or recurrent violations, the City may shorten the time between the steps in subsection c and/or may dispense with one or more steps. In these cases, the Pretreatment Coordinator normally issues the first notices along with a statement that he is pursuing one or more of the remedies (fines, injunctions, etc) which require action on the part of higher officials.
- e. Affirmative Defense. The Pretreatment Coordinator will review any affirmative defense submitted by an industry on the basis of upset or bypass and will discuss his findings, if necessary, with higher officials.

- f. Criteria for Penalty Amounts. Stipulated penalties for violations of discharge parameters are stated in the Rate Ordinance. Where additional penalties must be sought as in the case of significant, severe, or recurrent violations, the amounts will be at a minimum the greater of:
- a. Any costs which the City has incurred in extra treatment costs, damage to facilities, tracing the source of the problem, pursuing enforcement action, etc., and
 - b. Any economic benefit which the industry may have received by not complying with requirements.

Fines by the City are limited by state law to \$2000 per day per violation. However, this limit does not apply to compensation of costs incurred by the City. Some penalties based on economic benefit may be increased beyond \$2000 on the grounds of multiple violations or days of violation.

Action on the part of the City, including any penalties imposed, does not relieve the violator from possible prosecution by the state or federal governments. In some cases state or federal penalties may be higher than what the City is limited to by state law.

IV. Resources for Program Operation

IV. RESOURCES FOR PROGRAM OPERATION

1. Organizational and Staff Qualifications. As the organizational chart (Section V) indicates, most of the responsibilities for implementing the Pretreatment Program rests with the Environmental Manager – Wastewater Treatment (EM) under the supervision of the Water Utilities Manager. The Pretreatment Program is a part of the Water Utilities Department and, consequently, is ultimately under the direction of the Water Utilities Manager.

One hundred percent of the EM's time is devoted to the implementation of the Pretreatment Program. Inspections are normally conducted by or overseen by the EM. All sampling of industrial effluent is conducted by City staff or contract personnel under the supervision of the EM. The EM will be assisted with inspections and/or sampling on a part-time basis by the Sampling Technician, which is a full time City employee.

The samples are sent to a contract laboratory* for testing,

The job description for the EM requires a minimum of two years of college education (*in chemistry, biology, or other related fields*) and/or related experience. The Sampling Technician normally will have two years of wastewater related experience.

The City attorney practices law in a local firm in addition to his duties with the City. It is anticipated that the City attorney can handle most legal work (consisting mainly of enforcement proceedings) in addition to his other municipal duties. If proceedings requiring extensive legal services should arise, the City attorney can either (a) delegate work to the assistant City attorney and/or (b) retain an attorney in private practice who has no conflicts of interest.

****At the time of the 1999 submittal the City used Aqua-Tech Laboratories, Inc. of Bryan, Texas. The City is now using Eastex Environmental Labs Inc located in Nacogdoches., Texas.***

2. Equipment. The major items of equipment which the City provides for Pretreatment Program operation are as follows:
 - One portable automatic composite sampler. (*When necessary, as in the case of local limits development, the City can rent additional units.*)
 - One vehicle; also, one other vehicle is used approximately 70% for the Pretreatment Program.
 - One computer, including a software program designed for pretreatment program operation (part time for pretreatment).
 - One copier.

- Safety equipment: hard hats, safety goggles, rubber gloves, boots, first aid kit, gas detection kit, explosion meter, safety harness.
 - Laboratory equipment: Portable meters for flow, pH, chlorine; Microtox 500 to screen samples for toxicity; test kits for color, bacteria, and oil/grease are all available to use if needed. The City currently uses Eastex Environmental Labs Inc. for sampling and testing.
3. Program Costs and Funding. Approximate annual operating costs for Pretreatment Program operation total \$65,000, including supplies, contract laboratory testing, salaries, vehicle use, etc. All pretreatment fees assessed to industries (annual permit fees and inspection fees) are used to help defray the costs of program operation, with remaining costs coming from utility funds.

III.b. ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
I. UNAUTHORIZED DISCHARGES (No permit)			
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	PC
	IU unaware of requirement; harm to POTW/environment	AO with fine Civil action	PC M
	Failure to apply continues after notice by the POTW	Civil action Legal action to fine Terminate service	M M M
2. Failure to renew permit	IU has not submitted application within 10 days after due date	Phone call; NOV	PC
II. DISCHARGE LIMIT VIOLATION			
Exceedance of local or federal standard (including permit limit)	Isolated, not significant (penalty not listed in Rate Ordinance)	Phone call; NOV	PC
	Isolated, not significant (penalty listed in Rate Ordinance)	Phone call; NOV; stipulated penalty	PC
	Isolated, significant (no harm)	AO (with fine) to develop corrective action plan	PC
	Isolation, significant, harm to POTW or environment	AO with fine Legal action to fine	PC M
	Recurring, no harm to POTW/environment	AO with fine	PC
	Recurring, significant, harm	AO with fine Civil action Legal action to fine Terminate service	PC M M M

Enforcement Response Guide (cont.)

III. MONITORING AND REPORTING VIOLATIONS

1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	PC
	Report is improperly signed or certified after notice by POTW	AO Show cause order	PC PC, M
	Failure to report BMP compliance information	Phone call or NOV	PC
	Isolated, significant (e.g., 5 days late)	Phone call; NOV	PC
	Significant (e.g., 30 days or more later)	AO (with fine) to submit with fine per additional day	PC
	Reports are always late or no reports at all	AO with fine Show cause order Legal action to fine	PC PC, M
	Failure to report spill, slug load, or changed discharge (no harm)	Phone call; NOV	PC
	Failure to report spill, slug loads, or changed discharge (results in harm)	AO with fine Civil action Legal action to fine	PC M M
	Repeated failure to report spills or slug loads	Show cause with order Legal action to fine Terminate service	PC, M M M
	Falsification	Criminal investigation Terminate service	M M
	Failure to accurately report non-compliance (initial violation)	Phone call or NOV	PC
	Failure to accurately report non-compliance (recurring violation)	AO with fine	PC
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit, include compliance with required narrative standards or BMPs, include representative sample results	NOV or AO	PC
	Recurring failure to monitor	AO with fine Legal action to fine	PC M
3. Improper sampling or analytical procedure	No evidence of intent	AO with fine	PC
	Evidence of intent	Criminal investigation Terminate service	M M

Enforcement Response Guide (cont.)

4. Failure to install monitoring equipment	Delay of less than 30 days	Phone call; NOV	PC
	Delay of 30 days or more	AO (with fine) to install with fine per additional day	PC
	Recurring, violation of AO	Civil action Legal action to fine Terminate service	M M M
5. Compliance schedules	Missed milestone by less than 30 days, or will not affect final milestone	NOV AO with fine	PC PC
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with fine	PC
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Civil action Legal action to fine Terminate service	M M M
	Recurring violation or violation of schedule in AO	Civil action Legal action to fine Terminate service	M M
IV. OTHER PERMIT VIOLATIONS			
1. Wastestreams are diluted in lieu of treatment	Initial violation	AO with fine	PC
	Recurring	Show cause order Legal action to fine Terminate service	PC, M M M
2. Failure to mitigate noncompliance or halt production	Does not result in harm	Phone call; NOV	PC
	Does result in harm	AO with fine Civil action	PC M
3. Failure to operate and maintain pretreatment facility properly or implement narrative standards or BMPs	See No. 2 above		
4. Failure to submit required notifications	Does not result in harm	Phone call; NOV	PC
	Does result in harm	AO with fine Civil action	PC M
5. Failure to implement Best Management Practice	Does not result in harm	Phone call; NOV	PC
	Does result in harm	AO with fine Civil action	PC M

Enforcement Response Guide (cont.)

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V. VIOLATIONS DETECTED DURING SITE VISIT

1. Entry denial	Entry denied to all or relevant portions of facility, including records	Show excerpt from City ordinance requiring admittance	I
	Entry denied after showing ordinance requirements	Obtain search warrant and return to IU AO with fine Legal action to fine Terminate service	PC PC M M
2. Illegal discharge	No harm to POTW or environment	AO with fine	PC
	Discharge causes harm or evidence of intent/negligence	Civil action Legal action to fine	M M
	Recurring, violation of AO	Terminate service	M
3. Improper sampling	Unintentional sampling at incorrect location	Phone call; NOV	PC
	Unintentionally using incorrect sample type	Phone call; NOV	PC
	Unintentionally using incorrect sample techniques	Phone call; NOV	PC
	Incorrect sampling (evidence of intent)	AO with fine Legal action to fine	PC M
4. Inadequate recordkeeping, including compliance documentation associated with any required narrative standard or BMPs	Inspector finds files incomplete or missing (no evidence of intent)	Phone call; NOV	PC
	Recurring	AO with fine	PC
5. Failure to report additional monitoring results of regulated pollutant at the appropriate sampling location.	Inspection finds additional files	Phone call; NOV	PC
	Results of unreported additional monitoring show or contributes to showing of violation	AO with fine Legal action to fine	PC M
	Recurring	AO with fine	PC

Enforcement Response Guide (cont.)

VI. TIME FRAMES FOR RESPONSES

-
- A. All violations, including noncompliance with BMPs will be identified and documented within five days after receiving compliance information.
 - B. Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventive action(s)] will occur within 15 days after violation detection.
 - C. Follow-up actions for continuing or recurring violations will be taken within 60 days after the initial response. For all continuing violations, the response will include a compliance schedule or a request for such schedule from industry.
 - D. Violations which pose immediate threats to health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
 - E. All violations meeting the criteria for significant noncompliance will be addressed with an order (administrative order with fine, at minimum) within 30 days after the identification of significant noncompliance.
 - F. Additional actions which the City will take if necessary include injunctions for environmental remediation; consent orders; performance bonds; short term permits; and referral to the Approval Authority.
-

Code: AO – Administrative Order

Civil Litigation = Civil litigation against the industrial user seeking equitable relief, monetary penalties, and actual damages

Criminal Prosecution = Pursuing punitive measures against an individual and/or organization through a court of law

Fine = Monetary penalty assessed by City officials. Fines should be assessed by the Pretreatment Coordinator or by the Public Works Superintendent

I = Inspector

IU – Industrial User

Meeting = Informal compliance meeting with the IU to resolve recurring noncompliance

NOV = Notice of Violation

PC = Pretreatment Coordinator

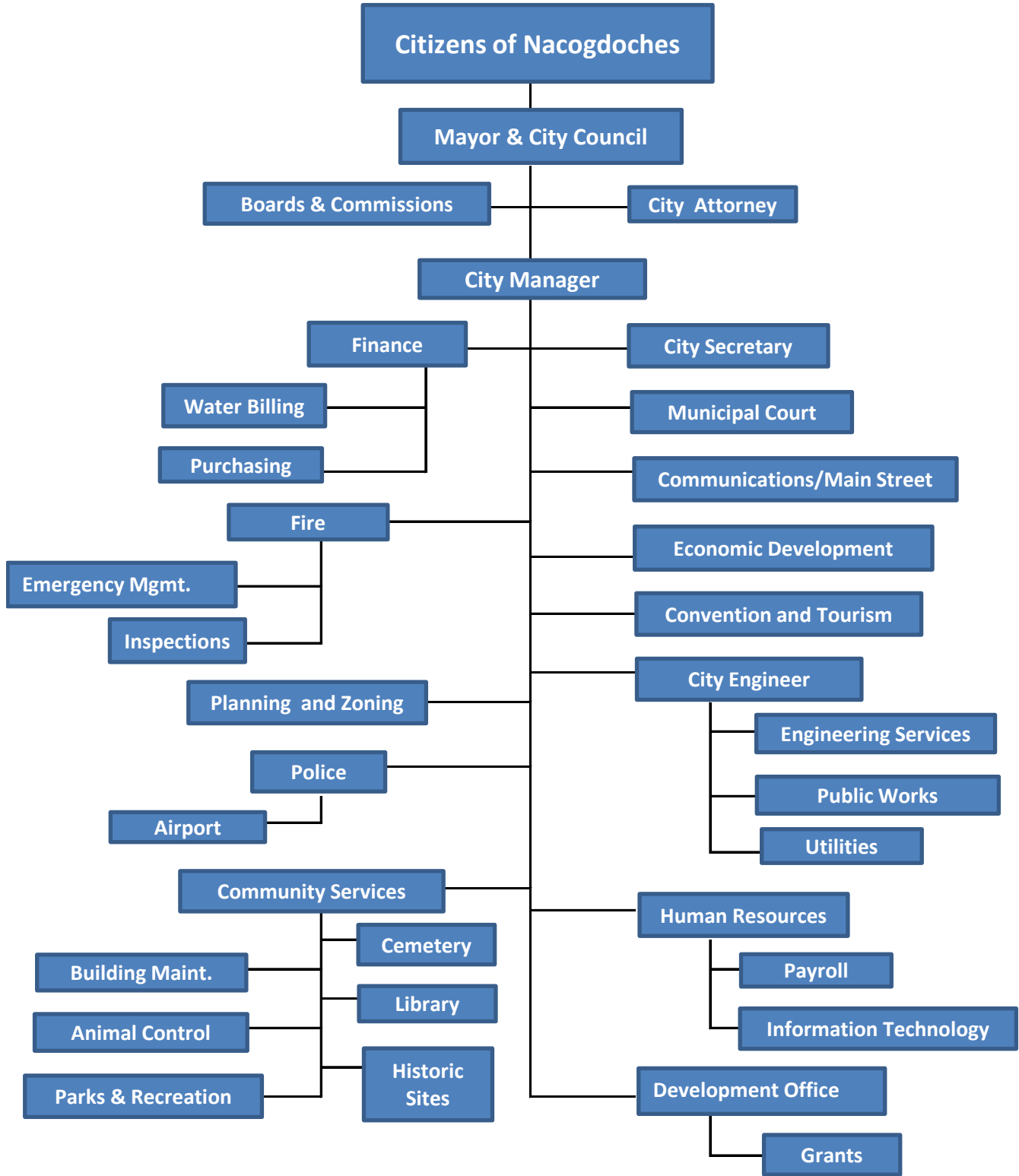
M = Water Utilities Manager

SV = Significant Violation

Show Cause = Formal meeting requiring the IU to appear and demonstrate why the City should not take a proposed action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

V. Organizational Chart

City of Nacogdoches Organizational Chart



City of Nacogdoches
Organizational Chart

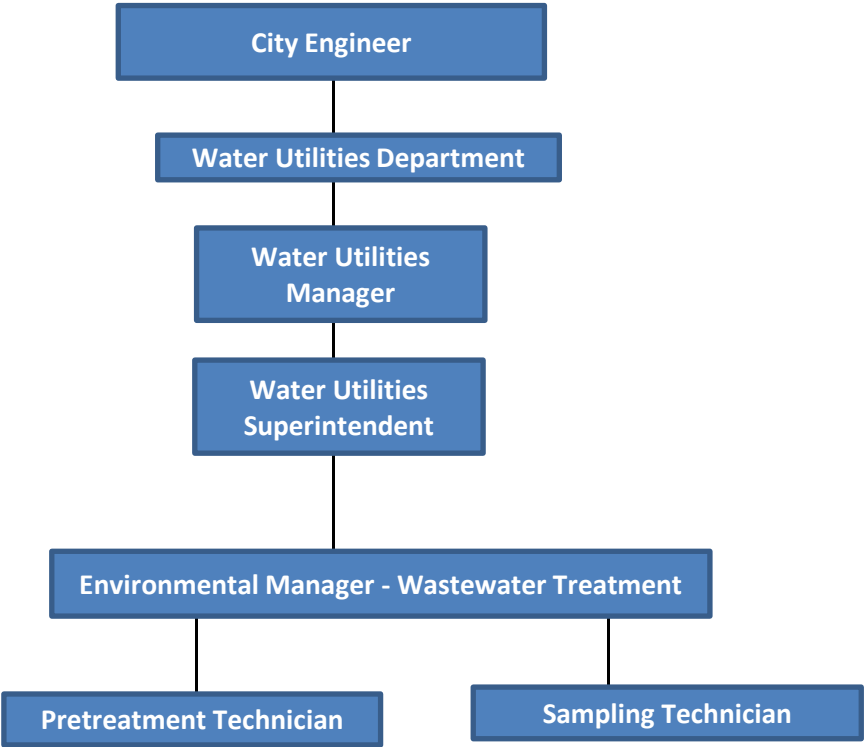


Exhibit 1
Survey Form



**CITY OF NACOGDOCHES
PRETREATMENT
SURVEY**

In accordance with the U.S. Environmental Protection Agency (EPA) General Pretreatment Regulations (40 CFR 403), and the City of Nacogdoches (City) Code of Ordinances, Chapter 106, Article II, Division 2 – Sewer Use Regulations, the City implements an Industrial Pretreatment Program. The Pretreatment Program regulates the contribution of industrial wastewaters into the public sanitary sewer system.

In order for the City to identify and locate possible industrial users that might be subject to Pretreatment Program requirements, and to help characterize the wastes being discharged into the sewer system, please complete the following questions:

1. Company Name: _____
2. Mailing Address: _____
3. Physical Location: _____
4. Business Owner/Contact Person: _____
5. Telephone #: _____
6. Business Hours: _____ 7. Number of Employees: _____
8. Check which type of business(es) is being conducted on the premises:
☐ Manufacturing/Production ☐ Service ☐ Retail ☐ Warehouse ☐ Assembly
☐ Other, Specify: _____
Briefly describe the type of business being conducted: _____

9. If in operation when operations begun at this location? _____
10. SIC Code: _____
11. Est. process wastewater discharge (gals/day): ☐ <10,000 ☐ 10,000 – 24,999 ☐ >25,000
Estimated____ Actual____
12. Est. non-process wastewater discharge (gals/day):
Estimated____ Actual____

13. Does this facility discharge any wastewater other than from restrooms? ☐ Yes ☐ No
If yes, briefly describe: _____

14. Does facility holds any environmental permit? ____ Yes ____ No
____ No If yes, please list
them below.

Agency	Number
_____	_____
_____	_____
_____	_____

15. Water is being supply by:
City of Nacogdoches Yes No If yes Account # _____
If no by who _____ Account # _____
☐ Private Well
☐ Surface Water
☐ Others (specify) _____

15. For an existing business:

Is building connected to the public sanitary sewer? ____ Yes ____ No

Will you be occupying an existing building? ____ Yes ____ No

For a new business:

Will you be occupying an existing building? ____ Yes ____ No

If yes, will you be expanding it? ____ Yes ____ No

Have you applied for a building permit? ____ Yes ____ No

Will you be connected to the public sanitary sewer? ____ Yes ____ No

16. Is any form of wastewater pretreatment being utilized at this facility? ☐ Yes ☐ No
Check all pretreatment devices being utilized at this premise:

☐ Grease trap	☐ Interceptor	☐ Grit trap
☐ Lint trap	☐ Oil skimmer	☐ Flow equalization, baffles
☐ Silver Reclaimer	☐ Metals precipitation	☐ Wastewater recycling
☐ Other, briefly describe: _____		

17. Does (or Will) this facility discharge any wastewater other than domestic wastewater from restrooms to the city's sewer? ☐ Yes ☐ No

18. Check all process activities being conducted at the premise and indicate if wastewater is generated from the corresponding activities:

		Is wastewater generated from this activity?		Est. gallons of wastewater discharged /day
Industrial Activity		Yes (✓)	No (✓)	
1	Food preparation service			
2	Laundry/cleaning			
3	Medical care			
4	Laboratory			
5	Photographic processing			
6	X-ray processing			
7	Printing			
8	Painting			
9	Painting, finishing, phosphating			
10	Paint or ink formulation			
11	Repair shop/garage			
12	Machine shop			
13	Metal molding/casting			
14	Metals products – clean & strip			
15	Leather tanning/finishing			
16	Fertilizer manufacturing			
17	Pesticides manufacturing			
18	Rubber processing			
19	Non-contact cooling water			
20	Boiler blowdown			
21	Other:			

19. Please indicate (✓) in the appropriate box which pollutants may be generated by your manufacturing or service activity or generated as a by-product.

Pollutant	Known Present	Suspected Present	Known Absent	Suspected Absent	Comments
Arsenic					
Cadmium					
Chromium					
Copper					
Cyanide					
Lead					
Mercury					
Molybdenum					
Nickel					
Selenium					
Silver					
Zinc					

20. "I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or the person directly responsible for gathering the information, the information is to the best of my knowledge and belief, 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."

Printed Name of Signing Official

Title

Signature of Signing Official

Date

⇒ Please mail this survey to: City of Nacogdoches, Water Utilities ⇒ or fax to (936) 569-2729
Attention: Environmental Manager – Wastewater Treatment
P.O. Box 635030
Nacogdoches, TX 75963

If you have any questions or need additional information, please contact the Pretreatment Department at (936) 564-5046

Exhibit 2
Initial Questionnaire



**CITY OF NACOGDOCHES
PRETREATMENT PROGRAM**

PRELIMINARY

QUESTIONNAIRE/INVESTIGATION REPORT

FOR POTENTIAL INDUSTRIAL USERS

Name of Industry: _____

Physical Address of Industry: _____

Mailing Address of Industry: _____

Name of Industry Contact: _____

Title of Industry Contact: _____

Phone Number of Industry Contact:

Information received by:

Phone Call _____

Industry Visit _____

Questionnaire _____

What is the type of business performed at this facility?

What are the applicable Standard Industrial Classification (SIC) code(s)?

What is the wastewater flow (if unknown, obtain water use amount)?

Does the facility discharge only sanitary sewer?

Yes _____ No _____

If yes, skip the next three questions. If no, please complete all questions.

1) List types and concentrations of pollutants contained in the discharge.

Type

Concentration

[illegible]

2) Give a description of the major products manufactured and the services provided by the company.

3) Give a description of existing pretreatment practices and pretreatment facilities.

Is there enough information to determine if the industry should be part of the pretreatment program?

Yes _____ No _____

If yes, begin the permitting process or document that the industry will not be part of the program. If no, what will be the next steps and when will they be completed?

Report completed by: _____ on _____
Name Date

Will this industrial user be part of the City of Nacogdoches Pretreatment Program?

YES _____ NO _____

Exhibit 3
Sample Permit Application Form and Worksheet



Wastewater Discharge Permit Application

This application is required in conjunction with any proposed discharge of industrial wastewater to the City of Nacogdoches' (City) sanitary sewer system. All sections of this application must be completed before it will be accepted by the City. Unauthorized revisions to or modifications of this form may invalidate the application.

Completing this application will meet the Baseline Monitoring Requirements for Significant Industrial Users. Automotive repair shops, analytical laboratories, bakeries, car washes, daycare facilities, doctor & dentist offices, grocery stores, laundry facilities, restaurants (& similar food service establishments), schools, photo processors, print shops and silk screen operations may instead complete a **Wastewater Discharge Permit Application For General Industrial Users** if the proposed processes are not subject to federal categorical pretreatment standards **and** if the expected discharge rate is less than 10,000 gallons per day.

For assistance, call the Office of Pretreatment Coordinator Monday-Friday between 8:00 a.m. and 5:00 p.m. at (936)559-2516.

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Mail completed application to:
Water Utilities
Post Office Box 635030
Nacogdoches, Texas 75963

City of Nacogdoches

A. Identifying Information

Operator Information (operates the facility described in the application)			
Name (legal name of person, company or entity)		Title (if applicable)	
Address of Site Discharging Wastewater		Business Mailing Address	
Site Address		Mailing Address	
,		,	
City, State	Zip Code	City, State	Zip Code

Owner Information (owns the facility described in the application)			
Name (legal name of person, company or entity)		Title (if applicable)	
		() - ext.	
E-mail Address		Telephone No.	
		() - ext.	
Mailing Address		24-Hour Emergency Phone Number	
,		() -	
City, State	Zip Code	Fax Number	

Contact Information			
Name (person)		Title	
		() - ext.	
E-mail Address		Telephone No.	
		() - ext.	
Mailing Address		24-Hour Emergency Phone Number	
,		() -	
City, State	Zip Code	Fax Number	

If the operator is not the owner of the facility, submit a copy of the contract and/or other documents indicating the operator's scope of responsibility for the facility and attach to this application as **Exhibit H**.

B. General Information

1. Indicate pertinent identification numbers and permits (attach additional sheets if necessary):

Standard Industrial Classification (SIC):	(1°)
Standard Industrial Classification (SIC):	(2°)
Standard Industrial Classification (SIC):	(3°)
Standard Industrial Classification (SIC):	(4°)
Water Source (i.e. private well, municipal water utility, etc.):	
TCEQ Notice of Registration:	Permit No.
TCEQ Stormwater Permit:	Permit No.
TCEQ Air Emissions Permit:	Permit No.
Permit Type:	Permit No.
Permit Type:	Permit No.
Permit Type:	Permit No.
Permit Type:	Permit No.

2. Identify an authorized representative and, if applicable, a duly authorized representative as the designated signatory authority of the facility.

The authorized representative may be:

- a. A responsible corporate officer, if the industrial user submitting the reports required by this permit is a corporation. For the purposes of this section, a responsible corporate officer means:
 - 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 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned to the manager in accordance with corporate procedures.
- b. A general partner or proprietor, if the industrial user submitting reports required by this permit is a partnership or sole proprietorship, respectively.
- c. By the director or highest official appointed or designated to oversee the operations of the facility, if the industrial user submitting reports required by this permit is a federal, state or local government entity or other institutional organization (i.e. churches, schools, non-profit agencies...etc.).

The duly authorized representative may be a person specified by the authorized representative identified below if the specified person holds a position with 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, or having overall responsibility for environmental matters for the company.

Authorized Representative		
Printed Name		Signature
		() - ext.
Title		Telephone No.
		() - ext.
Mailing Address		24-Hour Emergency Phone Number
		() -
City, State	Zip Code	Fax Number

Duly Authorized Representative		
Printed Name		Signature
		() - ext.
Title		Telephone No.
		() - ext.
Mailing Address		24-Hour Emergency Phone Number
		() -
City, State	Zip Code	Fax Number

C. Business Activity

1. Identify the type of business, activity or service conducted at this facility. Give a brief description of all operations at this facility including primary products or services and dates the discharges of wastestreams to the City's sewer system commenced. (attach additional sheets if necessary):

--

2. If your facility employs or will be employing processes in any of the industrial categories or business activities listed below (regardless of whether they generate wastewater, waste sludge, or hazardous wastes), place a check beside the category of business activity (check all that apply).

Industrial Categories with Categorical Standards

- | | |
|---|---|
| ☐ Dairy Products Processing (Part 405) | ☐ Coal Mining (Part 434) |
| ☐ Grain Mills (Part 406) | ☐ Oil & Gas Extraction (Part 435) |
| ☐ Canned & Preserved Fruits and Vegetables Processing (Part 407) | ☐ Mineral Mining & Processing (Part 436) |
| ☐ Canned & Preserved Seafood Processing (Part 408) | ☐ Centralized Waste Treatment (Part 437) |
| ☐ Sugar Processing (Part 409) | ☐ Metal Products & Machinery (Part 438) |
| ☐ Textile Mills (Part 410) | ☐ Pharmaceutical Manufacturing (Part 439) |
| ☐ Cement Manufacturing (Part 411) | ☐ Ore Mining & Dressing (Part 440) |
| ☐ Concentrated Animal Feeding Operations (CAFO) (Part 412) | ☐ Transportation Equipment Cleaning (Part 442) |
| ☐ Electroplating (Part 413) | ☐ Paving & Roofing Materials (Tars and Asphalt) (Part 443) |
| ☐ Organic Chemicals, Plastics, & Synthetic Fibers (Part 414) | ☐ Waste Combustors (Part 444) |
| ☐ Inorganic Chemicals Manufacturing (Part 415) | ☐ Landfills (Part 445) |
| ☐ Soap & Detergent Manufacturing (Part 417) | ☐ Paint Formulating (Part 446) |
| ☐ Fertilizer Manufacturing (Part 418) | ☐ Ink Formulating (Part 447) |
| ☐ Petroleum Refining (Part 419) | ☐ Concentrated Aquatic Animal Production (Part 451) |
| ☐ Iron & Steel Manufacturing (Part 420) | ☐ Gum & Wood Chemicals Manufacturing (Part 454) |
| ☐ Nonferrous Metals Manufacturing (Part 421) | ☐ Pesticide Chemicals (Part 455) |
| ☐ Phosphate Manufacturing (Part 422) | ☐ Explosives Manufacturing (Part 457) |
| ☐ Steam Electric Power Generating (Part 423) | ☐ Carbon Black Manufacturing (Part 458) |
| ☐ Ferroalloy Manufacturing (Part 424) | ☐ Photographic (Part 459) |
| ☐ Leather Tanning & Finishing (Part 425) | ☐ Hospitals (Part 460) |
| ☐ Glass Manufacturing (Part 426) | ☐ Battery Manufacturing (Part 461) |
| ☐ Asbestos Manufacturing (Part 427) | ☐ Plastics Molding & Forming (Part 463) |
| ☐ Rubber Manufacturing (Part 428) | ☐ Metal Molding & Casting (Part 464) |
| ☐ Timber Products Processing (Part 429) | ☐ Coil Coating (Part 465) |
| ☐ Pulp, Paper, & Paperboard (Part 430) | ☐ Porcelain Enameling (Part 466) |
| ☐ Builders' Paper & Paperboard Mills (Part 431) | ☐ Aluminum Forming (Part 467) |
| ☐ Meat Products (Part 432) | ☐ Copper Forming (Part 468) |
| ☐ Metal Finishing (Part 433) | ☐ Electrical & Electronic Components (Part 469) |
| | ☐ Nonferrous Metals Forming & Metal Powders (Part 471) |
| | ☐ Other: _____ |

A facility with processes inclusive in these business areas may be covered by the United States Environmental Protection Agency's (EPA) categorical pretreatment standards. Refer to the above referenced parts of Chapter 40 of the Code of Federal Regulations to determine if such regulations apply to your Such facilities are termed "categorical users."

3. Indicate production levels for the past calendar year and estimates for the current calendar year:

Type of Product or Brand Name	Past Calendar Year Daily Quantities (with units)		Estimate This Calendar Year Daily Quantities (with units)	
	Average	Maximum	Average	Maximum

4. Provide the following information regarding the number of employees working at the facility:

	1 st Shift	2 nd Shift	3 rd Shift	Other
	start time:	start time:	start time:	start time:
	end time:	end time:	end time:	end time:
	Approximate Number of Employees per Shift			
Mon				
Tue				
Wed				
Thu				
Fri				
Sat				
Sun				

5. Is the business activity continuous throughout the year?

☐ Yes

☐ No

If no, indicate below the months of the year during which the business activity occurs:

--

6. Does the operation shut down for vacation, maintenance, or other reasons?

☐ Yes

☐ No

If yes, indicate the reasons and periods when shutdown occurs:

--

D. Water Use Information

List average water usage on the premises in gallons per day (new facilities may use estimates):

Water Use		Average Water Usage (GPD)	Estimated or Measured? (E or M)
Process			
Contact Cooling Water			
Non-contact Cooling Water			
Boiler Feed			
Water Contained in Product			
Sanitary Wastes (restrooms, employee showers, etc.)			
Air Pollution Control			
Plant and Equipment Washdown			
Storm Water Runoff to Sanitary Sewer			
Irrigation and Lawn Watering			
Reclaimed Water			
Others			
Grand Total			

E. Sewer Information

1. Indicate all wastewater disposal methods employed (check all that apply):

Type of Discharge		Average Discharge Flow (GPD)	Estimated or Measured? (E or M?)
☐	Sanitary Sewer		
☐	Storm Sewer		
☐	Surface Water		
☐	Ground Water		
☐	Septic Tank		
☐	Waste Haulers		
Others	☐		
	☐		
	☐		
	☐		
Grand Total			

2. List size, location of connection, and estimated flow of each building sewer that connects to the City sanitary sewer system. (If more than five, attach additional information on another sheet).

Sewer Size (inches)	Descriptive Location of Sewer Connection or Discharge Point	Average Discharge Flow (GPD)

F. Wastewater Discharge Information

1. Does (or will) this facility discharge any wastewater other than from restrooms to the sanitary sewer?

☐ Yes

☐ No

If yes, complete the remainder of this application. If no, skip to **Section J, Non-Discharged Wastes**.

2. Provide the following information on wastewater discharges (new facilities may estimate).

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Holiday
Average Discharge Duration (Number of Hours per Day)								
Maximum Discharge Duration (Number of Hours per Day)								
Wastewater Discharge Start Time								
Wastewater Discharge End-Time								

Proposed duration of wastewater discharge permit: _____

Number of days per year on which discharge occurs or will occur: _____

Peak Hourly Flow Rate (GPM): _____

Maximum Daily Flow Rate (GPD): _____

3. Does or will the facility discharge throughout the year?

☐ Yes

☐ No

If no, indicate below the months of the year during which discharge occurs:

4. Provide the following information specific to batch discharges (batch discharges are intentional, controlled discharges that occur as the result of non-continuous operations) if they occur or will occur. New facilities may use estimates:

Number of batch discharges per day: _____

Average discharge volume per batch (gallons): _____

Discharge times (day(s) of the week & hours of the day): _____

Flow rate (gpm): _____

Percent of total discharge (volume of daily batch discharges ÷ total daily discharge): _____

5. Provide the wastewater discharge flows for each of your processes or proposed processes. Include the Identification (ID) Number from a schematic block flow process diagram that corresponds to each process (New facilities should provide estimates for each discharge). The ID numbers must correspond to the ID numbers used in **Exhibits A, B & C**.

Categorical Users must enter the appropriate letter for the *Stream Type* as follows:

R = Categorically Regulated Process Stream (defined as wastewater from an industrial process that is regulated for a particular pollutant by a categorical pretreatment standard).

U = Unregulated process stream (defined as a wastestream from an industrial process that is not regulated by a categorical pretreatment standard and is not defined as a dilution wastestream).

D = Dilution wastestream [includes sanitary wastewater, boiler blowdown, noncontact cooling water or blowdown, stormwater streams and process wastestreams from certain industrial categories exempted by the US Environmental Protection Agency from categorical pretreatment standards—for further details see 40 CFR 403.6 (e)].

ID No.	Process Description	Stream Type	Average Flow (GPD)	Maximum Flow (GPD)	Estimated or Measured (E or M)?	Discharge Type (none, batch or continuous)

6. For Categorical Users subject to total toxic organic (TTO) requirements (refer to the appropriate categorical pretreatment standards as referenced on page 5 of this application.

Provide the following TTO information

- a. Does (or will) this facility use any of the toxic organics listed under the applicable TTO standards published by the EPA in 40 CFR 413 through 699 (categorical pretreatment standards).

☐ Yes

☐ No

- b. Has a Baseline Monitoring Report (BMR) containing TTO information been submitted to EPA, TCEQ, the City, or wholesale wastewater customer of the City?

☐ Yes

☐ No

- ☐ Yes ☐ No

If no, the applicant may develop and submit a TOMP/SMP as noted above for possible reduced TTO sampling requirements [this option is available to regulated industrial users in the Electroplating, Metal Finishing, and Electrical and Electronic Components (both Phase I and Phase II) categories].

- ☐
- N/A
- ☐
- Yes
- ☐
- No

7. Indicate the presence or planned installation of the following equipment at the facility.

	Flow Metering Equipment		Sampling Equipment	
Is this equipment currently in place?	☐ Yes	☐ No	☐ Yes	☐ No
Will this equipment be installed?	☐ Yes	☐ No	☐ Yes	☐ No

--

- ☐ Yes ☐ No

9. Describe below any previous spill events and remedial measures taken to prevent their reoccurrence (attach additional pages if necessary as an addendum to **Exhibit E**).

10. Are any reclamation systems in use or planned for wastes or wastewater that are currently disposed of or discharged?

☐ Yes

☐ No

Briefly describe the recovery process, wastes recovered, and percent recovered. Submit a flow diagram for each process as required in **Exhibit B**:

G. Characteristics of Discharge

The purpose of this section is to determine if any wastestreams require pretreatment and if existing or proposed pretreatment systems are adequate. Any wastewater analytical data submitted must be based on 40 CFR Part 136 approved test methods.

For new industrial users that do not have access to site specific analytical data, historical data from another business with a similar process or other evidence documenting the potential waste concentrations may be accepted as long as the information is sufficient to determine the need for pretreatment.

Those significant industrial users currently operating under a valid Wastewater Discharge Permit may reference a recent self-monitoring report in lieu of completing the Pollutant Data Sheets below and **Exhibit G** if each of the following five conditions is met:

- The referenced report contains analytical results that are representative of proposed discharges;
- The referenced report includes data for each pollutant that could reasonably be expected to be present in the discharge;
- The data referenced in the report is less than three years old;
- Current plans do not include changes to existing processes; **AND**
- Current plans do not include the addition of new processes.

Reference the self-monitoring report submitted on [date(s)]: _____

1. **End-of-Pipe:** The following Pollutant Data Sheets must be used to describe the characteristics of the wastewaters that are currently discharged or proposed to be discharged at the End-of-Pipe outfall. Analytical data from at least two samples should be submitted for all of the pollutants listed on the following Pollutant Data Sheet that could reasonably be expected to be present in the combined discharge from the facility.

Under the column "Average of Analysis", indicate NA (not applicable) for those pollutants that are known to be absent from all manufacturing and/or service activity and are not generated as a

byproduct.

2. **End-of-Process (Categorical Industrial Users Only):** Analytical data for each End-of-Process outfall for which a categorical pretreatment standard may apply must be submitted for each potentially regulated pollutant (refer to the appropriate categorical pretreatment standards as referenced on page 5 of this application). This data should be attached to this application as **Exhibit G**.

Pollutant Data Sheet

End-of-Pipe Sampling Location (Outfall ID): _____

Pollutant	Method ID	Detection Level Used	Number of Analyses	Maximum Daily Value		Average of Analyses		Units	
				Conc.	Mass	Conc.	Mass	Conc.	Mass
Acenaphthene									
Acenaphthylene									
Acrolein									
Acrylonitrile									
Aldrin									
Anthracene									
Benzene									
Benzidine									
Benzo (a) anthracene									
Benzo (a) pyrene									
Benzo (b) fluoranthene									
Benzo (g, h, i) perylene									
Benzo (k) fluoroanthene									
Alpha-BHC									
Beta-BHC									
Delta-BHC									
Gamma-BHC									
Bis (2-chloroethyl) ether									
Bis (2-chloroethoxy) methane									
Bis (2-chloroisopropyl) ether									
Bis (2-ethylhexyl) phthalate									
Bromodichloromethane									
Bromoform									
Bromomethane									
4-Bromophenylphenylether									
Butylbenzyl phthalate									
Carbon tetrachloride									
Chlordane									

Pollutant Data Sheet (continued)

End-of-Pipe Sampling Location (Outfall ID): _____

Pollutant	Method ID	Detection Level Used	Number of Analyses	Maximum Daily Value		Average of Analyses		Units	
				Conc.	Mass	Conc.	Mass	Conc.	Mass
4-Chloro-3-methylphenol									
Chlorobenzene									
Chloroethane									
2-Chloroethylvinyl ether									
Chloroform									
Chloromethane									
2-Chloronaphthalene									
2-Chlorophenol									
4-Chlorophenyl-phenylether									
Chrysene									
4,4'-DDD									
4,4'-DDE									
4,4'-DDT									
Dibenzo (a,h) anthracene									
Dibromochloromethane									
1,2-Dichlorobenzene									
1,3-Dichlorobenzene									
1,4-Dichlorobenzene									
3,3'-Dichlorobenzidine									
1,1-Dichloroethane									
1,2-Dichloroethane									
1,1-Dichloroethene									
Trans-1,2-dichloroethene									
2,4-Dichlorophenol									
1,2-Dichloropropane									
Cis-1,3-Dichloropropene									
Trans- 1,3-Dichloropropene									
Dieldrin									

Pollutant Data Sheet (continued)

End-of-Pipe Sampling Location (Outfall ID): _____

Pollutant	Method ID	Detection Level Used	Number of Analyses	Maximum Daily Value		Average of Analyses		Units	
				Conc.	Mass	Conc.	Mass	Conc.	Mass
Diethyl Phthalate									
2,4-Dimethyphenol									
Dimethyl Phthalate									
Di-n-butylphthalate									
Di-n-octylphthalate									
4,6-Dinitro-2-methylphenol									
2,4-Dinitrophenol									
2,4-Dinitrotoluene									
2,6-Dinitrotoluene									
1,2-Diphenylhydrazine									
Alpha-Endosulfan									
Beta-Endosulfan									
Endosulfan Sulfate									
Endrin									
Endrin aldehyde									
Ethylbenzene									
Fluoranthene									
Fluorene									
Heptachlor									
Heptachlor epoxide									
Hexachlorobenzene									
Hexachlorobutadiene									
Hexachloro-cyclopentadiene									
Hexachloroethane									
Indeno (1,2,3-cd) pyrene									
Isophorone									
Methylene Chloride									
Naphthalene									

Pollutant Data Sheet (continued)

End-of-Pipe Sampling Location (Outfall ID): _____

Pollutant	Method ID	Detection Level Used	Number of Analyses	Maximum Daily Value		Average of Analyses		Units	
				Conc.	Mass	Conc.	Mass	Conc.	Mass
Nitrobenzene									
2-Nitrophenol									
4-Nitrophenol									
N-Nitrosodimethylamine									
N-Nitrosodi-n-propylamine									
N-Nitrosodiphenylamine									
PCB-1016									
PCB-1221									
PCB-1232									
PCB-1242									
PCB-1248									
PCB-1254									
PCB-1260									
Pentachlorophenol									
Phenanthrene									
Phenol									
Pyrene									
1,1,2,2-Tetrachloroethane									
Tetrachloroethene									
Toluene									
Toxaphene									
1,2,4-Trichlorobenzene									
1,1,1-Trichloroethane									
1,1,2-Trichloroethane									
Trichloroethene									
2,4,6-Trichlorophenol									
Vinyl Chloride									

Pollutant Data Sheet (continued)

End-of-Pipe Sampling Location (Outfall ID): _____

Pollutant	Method ID	Detection Level Used	Number of Analyses	Maximum Daily Value		Average of Analyses		Units	
				Conc.	Mass	Conc.	Mass	Conc.	Mass
pH									
Aluminum									
Antimony									
Arsenic									
Barium									
Boron									
Cadmium									
Chloride									
Chromium									
Copper									
Cyanide									
Fats, Oils, & Greases (FOG)									
Fluoride									
Lead									
Manganese									
Mercury									
Molybdenum									
Nickel									
Phosphorous									
Phosphate									
Selenium									
Silver									
Sulfate									
Thallium									
Total Dissolved Solids									
Zinc									

Pollutant Data Sheet (continued)

Table V – Toxic Pollutants and Hazardous Substances Required to Be Tested by Existing Dischargers if Expected to be Present

Pollutant	Method ID	Detection Level Used	Concentration Value	Unit of Measurement
Asbestos				
Acetaldehyde				
Allyl alcohol				
Allyl chloride				
Amyl acetate				
Aniline				
Benzonitrile				
Benzyl chloride				
Butyl acetate				
Butylamine				
Captan				
Carbaryl				
Carbofuran				
Carbonyl disulfide				
Chlorpyrifos				
Coumaphos				
Cresol				
Crotonaldehyde				
Cyclohexane				
2,4-D(2,4-Dichlorophenoxyacetic acid)				
Diazinon				
Dicamba				
Dichlobenil				
Dichlone				
2,2-Dichloropropionic acid				
Dichlorvos				

Pollutant	Method ID	Detection Level Used	Concentration Value	Unit of Measurement
Diethylamine				
Dimethylamine				
Dinitrobenzene				
Diquat				
Disulfoton				
Diuron				
Epichlorohydrin				
Ethion				
Ethylenediamine				
Ethylenedibromide				
Formaldehyde				
Furfural				
Guthion				
Isoprene				
Isopropanolamine				
Dodecylbenzenesulfonate				
Kelthane				
Kepone				
Malathion				
Mercaptodimethur				
Methoxychlor				
Methylmercaptan				
Methylmethacrylate				
Methylparathion				
Mevinphos				
Mexacarbate				
Monoethylamine				
Monomethylamine				
Naled				

Pollutant	Method ID	Detection Level Used	Concentration Value	Unit of Measurement
Napthenicacid				
Nitrotoluene				
Parathion				
Phenolsulfanate				
Phosgene				
Propargite				
Propyleneoxide				
Pyrethrins				
Quinoline				
Resorcinol				
Strontium				
Strychnine				
Styrene				
2,4,5-T (2,4,5-Trichlorophenoxyaceticacid)				
TDE(Tetrachlorodiphenylethane)				
2,4,5-TP[2-(2,4,5-				
Trichlorofan				
Triethanolamine				
Dodecylbenzenesulfonate				
Triethylamine				
Trimethylamine				
Uranium				
Vanadium				
Vinylacetate				
Xylene				
Xylenol				
Zirconium				

H. Treatment

1. Is any form of wastewater treatment (see list below) performed at this facility?

☐ Yes

☐ No

If no, skip to **Section I**.

2. Is any form of wastewater treatment (or changes to an existing wastewater treatment) planned for this facility within the next three years?

☐ Yes

☐ No

If yes, describe in **Exhibit D**.

3. Treatment devices or processes used or proposed for treating wastewater or sludge prior to discharge or disposal (Check all that apply).

- ☐ Air flotation
- ☐ Centrifuge
- ☐ Chemical precipitation
- ☐ Chlorination
- ☐ Cyclone
- ☐ Filtration
- ☐ Flow equalization
- ☐ Grease or oil separation, type: _____
- ☐ Grease trap
- ☐ Grinding filter
- ☐ Grit removal
- ☐ Ion exchange
- ☐ Neutralization, pH correction
- ☐ Ozonation
- ☐ Reverse osmosis
- ☐ Screen
- ☐ Sedimentation
- ☐ Septic tank
- ☐ Solvent separation
- ☐ Spill protection
- ☐ Sump
- ☐ Biological treatment, _____
- ☐ Rainwater diversion or storage
- ☐ Other chemical treatment, type: _____
- ☐ Other physical treatment, type: _____
- ☐ Other, type: _____
- ☐ Best Available Technology used for Pretreatment (describe in **Exhibit C**)
- ☐ Best Management Practices used for Pretreatment (describe in **Exhibit C**)

4. Does the facility have one or more wastewater treatment plant operators?

☐ Yes

☐ No

If yes, include the following information:

Primary Wastewater Treatment Operator

Name () - ext.	Title
Telephone No.	Working Hours (e.g. Mon-Fri; 9:00 AM to 5:00 PM)

Secondary Wastewater Treatment Operator

Name () - ext.	Title
Telephone No.	Working Hours (e.g. Mon-Fri; 9:00 AM to 5:00 PM)

5. Does the facility have a manual on the operation of the wastewater treatment system?

☐ Yes

☐ No

6. Does the facility have a written maintenance schedule for the wastewater treatment equipment?

☐ Yes

☐ No

7. Does the facility have a wastewater treatment plant operator-training program?

☐ Yes

☐ No

If No to questions 4, 5, 6, or 7 above, explain:

--

I. Raw Materials and Chemicals Used

Provide the following information regarding the raw materials and chemicals used in the processes (attach additional sheets if necessary):

[illegible]

J. Non-Discharged Wastes

Are any waste liquids or sludges generated and not disposed of in the sanitary sewer system?

☐ Yes

☐ No

If yes, provide the information requested in the two tables below and indicate the location where the wastes are stored prior to disposal. (add additional lines as necessary):

Examples of type of waste/substances includes alkaline cleaners, organic solvents, treatment sludges, caustics, distillation residues, reactive materials, pesticides, plating solutions, and heavy metals hauled off-site for disposal or reclamation. Under the column *Means of Removal*, enter the type of firm or facility that removes or accepts these materials from your site. Under the column *Off-site Disposal*, enter yes if the waste substances are disposed of off-site, no if they are disposed of on-site (i.e. septic system, lagoon, evaporative equipment).

ID	Type of Waste/Substance	Means of Removal	Off-site Disposal?	Frequency	Quantity (per year)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					

[illegible]

K. Supporting Exhibits

Attach the following exhibits and submit with the permit application:

Exhibit A: Building Layout: Draw to scale the location of each building on the premises. Show map orientation and location of all water meters, flow meters, storm drains, numbered unit processes (as noted in the table in Section F.5 above), public sewers, each facility sewer line connected to the public sewers, and location where chemicals and hazardous wastes are stored. Show all existing and proposed sampling locations and sampling equipment. A blueprint or drawing of the facilities showing the above items may be acceptable.

Exhibit B: Schematic Block Flow Process Diagram: For each major activity in which wastewater is or will be generated, submit a schematic block flow process diagram of the processes showing the flow of raw materials, products, water, and wastewater from the start of the activity to its completion. Indicate which processes use water and which generate wastestreams. Label each unit process that has a wastewater discharge to the sanitary sewer system using the ID Numbers noted in the table in Section F.5 (page 10) above (also use these same numbers when showing these unit processes in Exhibits A and C).

Exhibit C Wastewater Treatment Diagrams and Treatment System Operation: Attach a process flow diagram for each existing treatment system. Include treatment equipment, wastes, by-products, disposal methods, waste volumes, and design and operating conditions. List all wastewater sample collection locations including those described on the Pollutant Data Sheet in Section G. Describe the pollutant loadings, flow rates, design capacity, physical size, and operating procedures of each treatment facility installed.

Exhibit D Planned Changes: Describe any process changes or expansions planned during the next three years that could alter wastewater volumes or characteristics. Include any changes in treatment or disposal methods planned or under construction for the wastewater discharge to the sanitary sewer. Also consider production processes as well as air or water pollution treatment systems that may affect the discharge. Estimated completion dates must be included as well.

Exhibit E Slug Control Plan: Applicants required to submit a *Slug Control Plan* may contact the City for guidance material relating to *Slug Control Plan* requirements and preparation guidelines.

Exhibit F Toxic Organic Management Plan (Optional): Certain categorical industries subject to total toxic organics (TTO) sampling requirements can submit a Toxic Organic Management Plan (TOMP)/ Solvent Management Plan (SMP) to the control authority for potential reductions in TTO sampling requirements. For guidance material relating to the preparation of a TOMP/SMP contact the City.

Exhibit G End-of-Process Sampling Data (for categorically regulated users only): Attach analytical data specific to the applicable categorical pretreatment standards for each regulated End-of-Process outfall. Refer to the appropriate categorical pretreatment standards as referenced on page 5 of this application.

Exhibit H Scope of Responsibility Documentation: Those applicants that operate but do not own the facility must submit a copy of the contract and/or other documents indicating the operator's scope of responsibility for the facility.

Exhibit I Compliance Schedule: If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, attach the shortest schedule by which the permittee will provide such additional pretreatment and/or operation and maintenance.

L. Compliance Certification

1. Are all applicable Federal, State, or Local pretreatment standards and requirements being met on a consistent basis?

☐ Yes

☐ No

☐ NA (not yet discharging)

If no, what additional operations and maintenance procedures are being considered to bring the facility into compliance? Also, list additional treatment technology or practice being considered in order to bring the facility into compliance. Also, attach as **Exhibit I** a schedule for bringing the facility into compliance. Specify major events planned along with reasonable compliance dates.

2. Certification Statement:

The Authorized Representative as identified in Section B.2 (page 4) must sign this statement.

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 assure 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 the information, the information submitted is, to the best of my knowledge and belief, 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.

Printed Name

Title

Signature

Date

Exhibit 4
Minor IU Permit Template



City of Nacogdoches Industrial Pretreatment Program

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Date of Issuance: MONTH DAY, YEAR

Date of Expiration: MONTH DAY, YEAR

Permit #: IU-XXXXXX

In accordance with all terms and conditions of the City of Nacogdoches Code of Ordinances, Section 106, and also with any applicable provisions of the Federal or State laws or regulations, permission is hereby granted to:

Business name

Address

Nacogdoches, TX 75965

for the contribution of non-domestic wastewater into the City of Nacogdoches Sewer. This permit is granted in accordance with the application filed in the office of the Environmental Manager – Wastewater Treatment, and in conformity with plans, specification, and other data submitted to the Environmental Manager – Wastewater Treatment in support of the above application, all of which are filed with and considered as part of this permit, together with the following named conditions and requirements.

Permit Duration

This permit shall be effective for a period of two years, to expire at midnight on the date of expiration listed above. The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date, an application must be filed for renewal of this permit in accordance with the requirements of the City of Nacogdoches Code of Ordinance Sec. 106-67, at a minimum of 90 days prior to the expiration date.

Permit Standards and Requirements – The following is table of contents for your pretreatment standards and requirements.

Addendum I – Numerical Pollutant Limitations

Addendum II – Prohibited Discharges

Addendum III – Pretreatment Requirements & Best Management Practices

Addendum IV – Notification Requirements & Water Utilities Contact Information

Addendum V – Administration and Enforcement

This permit shall become effective upon receipt by the industrial user and shall expire on MONTH DAY, YEAR.
Issued this the ?th day of MONTH YEAR by:

Joy L. Yarbrough, Environmental Manager – Wastewater Treatment
City of Nacogdoches, Water Utilities

Addendum I Pollutant Limitations

Technically Based Local Limits as prescribed in Sec. 106-70
of the City of Nacogdoches Code of Ordinances

Technically Based Local Limits (mg/l)

Substance	Daily Composite	Monthly Average
Aluminum	2.9	2.9
Arsenic	0.3	0.3
Cadmium	0.05	0.025
Chromium (total)	3.4	3.4
Chromium (hex)	0.0012	0.0012
Copper	2	0.9
Cyanide	0.25	0.1
Lead	0.1	0.04
Mercury	0.000*	0.000*
Nickel	3.1	1.5
Silver	0.5	0.25
Zinc	0.7	0.65

Other Hazardous Metals (mg/l)

Substance	Daily Composite	Monthly Average	Grab
Barium	2	1	4
Manganese	2	1	3
Selenium	0.1	0.05	0.2

*For mercury, permit compliance/noncompliance determinations will be based on the minimum analytical level of 0.0002 mg/l. Monitored discharge concentrations measured as less than 0.0002 mg/l shall be deemed to be compliant. Conversely, any detection of mercury will be deemed as noncompliant.

Addendum II

Prohibited Discharges

No person shall discharge either directly or indirectly any of the following described substances, materials, waters or wastes:

- Free or emulsified oil and/or grease exceeding 100 parts per million (mg/l)
- Pollutants that create a fire or explosive hazard in the sewage works
- Any waters or wastes having a pH lower than 5.5 or higher than 9.5
- Any solids, slurries, or viscous substances capable of obstructing the flow in sewers
- Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin
- Pollutants that result in the presence of toxic gases, vapors, or fumes
- Wastes containing wax, oils, plastics or other substance that may solidify
- Any garbage, except properly shredded garbage as defined in Sec. 106-66 of the City of Nacogdoches Code of Ordinances
- Any waters or wastes containing oxygen demanding pollutants, toxic, or poisonous substances in sufficient quantity to:
 - o interfere with any sewage treatment process,
 - o to constitute a hazard to persons or animals,
 - o or to create any hazard in the receiving stream of the sewage treatment plant
- Any antibiotics, bactericidal solutions, or bacteriostatic solutions
- Sludge, screenings, or other residues from the pretreatment of wastes
- Medical wastes, unless specifically authorized in a permit
- Sewage causing the treatment plant effluent to fail a toxicity test
- Detergents, surfactants, or other substances that may cause excessive foaming in the treatment plant
- Liquids having a temperature higher than 150° F
- Trucked or hauled wastes
- Any materials causing excessive discoloration to the treatment plant effluent
- Substances causing unusual or immediate chemical or biochemical or oxygen demand
- Hydrogen sulfide concentrations sufficient to cause structural corrosion.
- Radioactive wastes
- Cyanide or cyanogens compounds capable of liberating hydrocyanic gas on acidification in excess of 0.5 ppm by weight as Cn
- Chlorides in excess of 250 mg/l
- And any other substance deemed a hazard by pretreatment personnel.

Addendum III

Pretreatment Requirements & Best Management Practices

Pretreatment Generally

Any industrial user who operates pretreatment facilities as a requirement for meeting pretreatment standards or requirements shall:

- 1) Keep pretreatment facilities in fully efficient operation at all times during discharge of process wastewater to the City's sewage works.
- 2) Route all designated industrial wastewater through such facilities prior to discharging. Dilution of pollutant concentrations by increased use of process water or by any other means shall not be an acceptable method of pretreatment. Bypassing pretreatment facilities, either completely or partially, is prohibited except as provided by state and local regulations.

Site Specific Pretreatment Requirements

Permitted Outfall: The current sampling location for this facility shall be **THE NORTHWEST END OF THE PET FOOD BUILDING, NEXT TO THE BOILER ROOM**. All limits and prohibitions listed in addendum I and addendum II shall apply at this point. Sampling and monitoring activities will be conducted at this point.

Sand/Grit Traps: Sand traps and/or grit traps shall be completely evacuated at least once every six months. Cleaning more frequently may be required.

Grease Interceptors/Grease Traps: Grease interceptors shall be completely evacuated at least once every 60 days. Cleaning more frequently may be required.

Off-Site Waste Disposal: Manifests for wastes disposed off-site, showing transporter and final disposal information, shall be maintained for three years and be readily available for inspection.

Best Management Practices

Inflow & Infiltration: Manholes, clean-outs, sampling ports, tank lids and all other points of entry to the sewer system shall be constructed and maintained so as to, at all times, exclude groundwater, rain water, or other non-wastewater sources from entering the City's sewer system.

Chemical Storage / Storm water: This facility shall maintain its chemical storage areas in such a manner so as to prevent pollution or contamination of stormwater run-off, groundwater sources, and/or surface water bodies of the State of Texas. Chemicals or industrial products shall be stored in such a manner so as to, in the event of a spill or container breach, prevent entry into the sanitary sewer or stormwater outfalls. Secondary containment may be required.

Pollution Prevention (P2) Measures: P2 activities include the reduction of wastes, wastestreams, or individual pollutants via source reduction, beneficial reuse, and/or process control. This facility's pollution prevention activities will be evaluated at least annually, but will not be used for compliance/non-compliance determinations. Pollution prevention goals should be expressed in standard units (i.e.: gallons, kilowatt hours, pounds, % VOC, etc.). Pollution prevention activities should be implemented in a manner that allows for periodic measurement and evaluation of progress.

Addendum IV Notification Requirements

Industrial user permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the Environmental Manager – Wastewater Treatment. In the event of sale, the permittee shall inform the purchaser of all responsibilities and obligations under this permit.

The permittee shall apply for permit renewal a minimum of **ninety (90) days** prior to permit expiration.

The permittee shall notify the City Pretreatment Department **thirty (30) days** prior to:

- changes in ownership
- significant change in process,
- wastewater strength, character or volume,
- discharge practices, or pretreatment operations.

The permittee shall notify the City Pretreatment Department **within twenty-four (24) hours** of an identified effluent violation.

The permittee shall notify the Environmental Manager – Wastewater Treatment and the Wastewater Treatment Facility **immediately** in the event of an accidental or slug discharge. Emergency numbers and contact information shall be posted for employees at all times.

City of Nacogdoches Water Utilities Contact Information:

Joy L. Yarbrough
Environmental Manager – Wastewater Treatment.....Office: (936) 564-5046 Ext: 2204; Fax: (936) 569-2729
E-mail: yarbroughj@ci.nacogdoches.tx.us

Wastewater Treatment Plant
Office Hours (8am-5pm, M-F).....Phone: (936) 564-5046; Fax: (936) 569-2729

After Hours Water or Sewer Emergency.....(936) 559-2900

Mailing Address
City of Nacogdoches, Water Utilities
P.O. Box 635030
Nacogdoches, TX 75963

Physical Address
City of Nacogdoches, Wastewater Treatment Facility
2996 FM 1275
Nacogdoches, TX 75961

Addendum V Administration & Enforcement

Record Keeping Requirements

1. This industrial user shall maintain a current wastewater discharge permit.
2. This industrial user shall maintain records of, and all information resulting from, sampling and analysis of process wastewater for a minimum of three (3) years. All records shall be readily available for inspection and copying by the city.
3. This industrial user shall maintain records of, and all information resulting from, off-site disposal of wastes for a minimum of three (3) years. All records shall be readily available for inspection and copying by city personnel.

Penalties

If a permittee or individual violates any section of this division, and thereby violates a state or federal statute or injunction, the city may seek prosecution of the responsible company official or individual in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction. If any permittee or individual violates any section of this division, and the violation is not punishable in state or federal courts, the responsible company official or individual shall be guilty of a misdemeanor upon conviction in the city court. Each offense shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) as provided in Subdivision II of the City of Nacogdoches Code of Ordinances. Each day of such a violation shall be deemed as a separate offense.

Any permittee or individual violating any of the sections of this division shall become liable to the city for any expenses, loss, or damage incurred by the city because of such violation. Such recoverable expenses shall include but not be limited to reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses. Any penalties imposed under this division, including penalties imposed by state or federal courts, shall not relieve the violator from further state or federal prosecution.

Right of Access

The permittee shall allow the City of Nacogdoches or other authorized representatives, upon presentation of credentials and other documents as may be required, to:

- a) enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit,
- b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, (records shall be maintained for a minimum of three (3) years at the facility addressed above),
- c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations,
- d) sample or monitor, for the purposes of assuring compliance, any substances or parameters at any location, and/or
- e) inspect any production, manufacturing, fabricating, or storage area where pollutants could originate.

Authorized personnel from the City of Nacogdoches, Texas Commission on Environmental Quality, or the Environmental Protection Agency bearing credentials and identification shall be permitted to gain ready access (within 15 minutes) at all reasonable times to such properties as may be necessary for the purpose of inspection, calibration, examining, and copying records in accordance with this division. When a user has security measures requiring proper identification and clearance before entry into its premises, the user shall arrange with its security guards for the Environmental Manager – Wastewater Treatment to enter without delay upon presenting suitable identification. The city may seek issuance of a search warrant from the appropriate city or state court if the Environmental Manager – Wastewater Treatment has been refused access to a building, structure, or property, or any part thereof, and can demonstrate:

- a. probable cause to believe that there may be a violation of this division; or
- b. the need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to:
- c. verify compliance with this division or any permit or order issued under this division; or protect the overall public health, safety, and welfare of the community.

Exhibit 5
SIU Permit Template



**Significant Industrial User
Wastewater Discharge Permit**

PERMIT NO. SIU-####

In accordance with all terms and conditions of the Nacogdoches Sewer Use Ordinance, Article II, 10 Et. Seq., and also with any applicable provisions of Federal or State law or regulations,

**permission is hereby granted to: ABC Industry
 123 Industrial Drive
 Nacogdoches, TX**

**Classified by SIC no. ####
Classified by CFR no. n/a**

for the contribution of wastewater from industrial processes and domestic use into the City of Nacogdoches Sewer system at: 123 Industrial Dr. Nacogdoches, TX.

This permit is granted in accordance with the application submitted on DATE, in the office of the Environmental Manager – Wastewater Treatment, and in conformity with plans, specifications, and other data submitted to the Environmental Manager – Wastewater Treatment in support of the above application, all of which are filed with, and considered as part of, this permit, together with the following named conditions and requirements.

The City may modify terms and conditions of this permit if: revision is necessary to meet the City's TPDES Discharge Permit requirements, substantial changes of the permittee's operations or wastewater occur, if applicable Federal Pretreatment Standards are amended, or if the City's treatment works determine that there is other good cause. To the extent otherwise permissible by law, changes or new conditions in the permit shall include a reasonable schedule for compliance.

**Effective this the 1st day of May 2012.
To expire on the 30th day of April 2015
or upon 30 days notice by the City.**

=====

**Joy L. Yarbrough
Environmental Manager – Wastewater Treatment**

SECTION I

EFFLUENT LIMITATIONS:

PARAMETERS* (in mg/l unless otherwise noted)	LIMITATIONS ON WASTEWATER STRENGTH			Limit Type**
	Daily Composite Maximum	Daily Average	Monthly Average	
CBOD	500	---	400	Surcharge
TSS	300	---	350	Surcharge
AMMONIA	20	---	20	Surcharge
FLOW (Gallons per day)	75,000	---	50,000	Surcharge
OIL & GREASE	G* 100	---	---	Local Limit
pH MAX. (pH Units)	G* 9.5	---	---	Local Limit
pH MIN. (pH Units)	G* 5.5	---	---	Local Limit
TEMPERATURE (°C)	G* 65	---	---	Local Limit
ALUMINUM	2.9	2.9	---	Local Limit
ARSENIC	0.3	0.3	---	Local Limit
BARIUM	2.0	1.0	---	Local Limit
CADMIUM	0.05	0.025	---	Local Limit
CHROMIUM, TOTAL	3.4	3.4	---	Local Limit
CHROMIUM HEXAVALENT	0.0012*	0.0012*	---	Local Limit
COPPER	2.0	---	0.9	Local Limit
CYANDIE	G* 0.25	0.1	---	Local Limit
LEAD	0.1	---	0.04	Local Limit
MANGANESE	2.0	1.0	---	Local Limit
MERCURY	0.000*	0.000*	---	Local Limit
NICKEL	3.1	1.5	---	Local Limit
SELENIUM	0.1	0.05	---	Local Limit
SILVER	0.5	0.25	---	Local Limit
ZINC	0.7	---	0.65	Local Limit
BORON	1	---	---	Local Limit
IRON	5	---	---	Local Limit
CHLORIDES	250	---	---	Local Limit

****Surcharge limits will be used for rate assessment and surcharge monitoring only. Local limits will be used for compliance determinations and enforcement purposes. Other limits are permit specific and shall be enforced as Local Limits.**

*** Calculated local limit for Hg is below the detection limit of 0.0002 mg/l. Therefore, any detection shall be a violation. TRC for Hg (0.000228) is calculated using a theoretical limit of 0.00019.**

*** Compliance with the Hexavalent Chromium limit shall be determined at the minimum analytical level (MAL.)**

G* These pollutants require grab samples or require analysis within a short time frame. Limits for these pollutants apply to each discrete grab sample. Each grab sample will be evaluated individually.

(Note to Permit Writer:

- *Limitations shall be based on local limits or applicable categorical standards. If one sampling location is used to demonstrate compliance with effluent quality limits, the most stringent limit shall be presented in list and described in the Limit Type column.*
- *For production-based categorical standards, flow and production rates used to develop limits need to be stated in footnotes.*
- *If the IU is subject to categorical regulations that have established BMP pretreatment standards, the BMP provisions and demonstration of compliance shall be presented in this section.)*

SECTION II

REPORTING REQUIREMENTS

1. All reports required by this permit shall be submitted to the City of Nacogdoches at the following address:

City of Nacogdoches
Environmental Manager – Wastewater Treatment
P.O. Box 635030
Nacogdoches, TX 75961

2. The attached semi-annual monitoring reports shall be completed and submitted by the 20th day of the month following each evaluation period.
The evaluation periods for your semi-annual self-monitoring reports are:
 - January – May the first semi-annual report is due by June 20th.
 - June - October the second report is due by November 20th.
3. The certification statement in Section V of the Semi-Annual Compliance Report shall be submitted and signed by an authorized representative of the industry.
4. Results of any re-tests, including laboratory analytical reports, shall be submitted for any parameter outside of allowable limits listed within this permit. (for additional details, see SECTION III. 3).
5. The demonstration of compliance to all applicable BMPs described in SECTION I of this permit shall be submitted with each semi-annual self-monitoring report.
6. The monitoring of any regulated pollutant at the appropriate sampling locations shall be submitted with the semi-annual compliance report. This applies only to sampling and analyses conducted in accordance with standard methods (latest approved edition).
7. The permittee has the responsibility to identify the toxic organic constituents of any solvents and degreasers that use commercial or trademark names and shall not only list the proprietary name(s).
8. If BMP or TTO non-compliance is indicated by sampling and analysis by the city or by the permittee, the permittee will initiate TTO sampling at a frequency and duration specified by the city.
9. Resampling and reporting shall be conducted within 30 days upon awareness of violation.
10. Compliance Schedule Reporting: No later than 14 days following each date in the above schedule, the permittee shall submit to the [name of Control Authority] a report 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 the increment of progress, the reasons for delay, and the steps being taken to return the project to the schedule established

SECTION III

SAMPLING AND MONITORING REQUIREMENTS:

1. Sampling location shall be: the discharge side of the parshall flume located approximately sixty-four feet west of the railroad tracks and one-hundred eighteen feet north of the southern fence line. This stream should be sampled for all parameters listed on SECTION I.

Testing for metals, toxic organics (excluding volatile organics), CBOD, TSS, and ammonia shall be by composite sample caught over a 24-hour workday. The permittee may use an automatic sampler with samples caught every 15 minutes or the samples may be manually caught once every half-hour over a 24-hour workday and composited. During the workday, four (4) grab samples should be caught approximately two (2) hours apart and analyzed separate for cyanide, oil & grease, pH, temperature. *(Note to permit writer: The composite sampling requirements and number of grabs established in the permit shall be specified and sufficient to assess and assure compliance by the permittee with applicable pretreatment standards and requirements. More than four grab samples collected and analyzed separately may be authorized to ensure sampling is representative.)*

2. One set of sampling and analysis is required for each semi-annual compliance report.

3. In the event the self-monitoring sampling and analysis indicates that any discharge is non-compliant, the permittee shall notify the city's environmental manager – wastewater treatment within twenty-four (24) hours of receiving the test results of any parameters out of compliance. Any parameters found to be out of compliance with the facility's permit will be deemed a violation and may be surcharged for the violation(s). The permittee shall repeat the sampling and analysis for all non-compliant parameters at the discharge points where the non-compliance occurred. The repeat sampling and analysis must be completed within 30 days of receipt of the laboratory report indicating non-compliance. The permittee shall continue to monitor on a 30-day schedule until compliance is achieved.

Resampling is not required if the City performs sampling at the facility at least once a month or if the City has performed sampling at the facility between the time when the sample that was non-compliant was collected and the time when the permittee or City receives the results of the sampling and analysis. If the City conducts the repeat sampling in lieu of the industrial user, the sampling and analysis will be conducted within 30 days of becoming aware of the initial violation.

4. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutants in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, the sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the environmental manager – wastewater treatment or other parties, approved by the EPA. All analysis shall be conducted to detection levels of permitted limits or lower.

5. All laboratory analysis (or copies) should be attached to the semi-annual compliance report. The laboratory reports should include the signature of the sampler, the date, time, and place of sampling. Completed chain of custody sheets, methodology, and QA/QC sheets should accompany all results. Laboratory reports must show detection limit, or test result numbers.

6. The city environmental manager – wastewater treatment should be notified at least seven (7) days prior to the actual sampling. This will allow the city to witness the sampling and will allow the city and the permittee the opportunity to split the sample if necessary.

7. The permittee shall provide and maintain at their expense a control manhole(s) with such monitoring facilities as may be required for the type of operation and industrial waste involved. The purpose of these facilities shall be to allow inspection, sampling, and flow measurement of the facilities sewer. There shall be ample room in or near such control manholes or facilities to allow accurate sampling and preparation of the samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

8. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Facilities shall be protected from flooding and shall have an all-weather access road.

9. All sampling and flow measurement equipment used in control manholes shall be calibrated at the expense of the user at least semiannually with written verification submitted to the city. This equipment shall also be subject to calibration by the city, unless other arrangements acceptable to the city are made.

10. The failure of a user to keep the monitoring facility accessible and in good working order shall not be grounds for the user to claim that sample results are unrepresentative of the discharge.

11. The city shall have the right to set up on permittee's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

12. All sampling equipment and containments set out by the City of Nacogdoches shall remain the property of the City of Nacogdoches, and shall not be altered or tampered with by other than city personnel unless directly authorized by the city environmental manager – wastewater treatment.

13. Data collected shall be representative of the daily discharge over the reporting period, i.e. pollutant concentrations, flow, production rates.

14. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

SECTION IV

RECORD KEEPING REQUIREMENTS:

1. The permittee shall maintain records of all information, including documentation of compliance with BMP's, resulting from all monitoring activities for a minimum of three (3) years. The records shall be available for inspection and copying by the City of Nacogdoches.
2. The permittee shall maintain a current City of Nacogdoches wastewater discharge permit.

SECTION V

NOTIFICATION REQUIREMENTS:

1. The permittee shall notify the city in writing in the event of any of the following:

a. Thirty (30) days prior to changes in ownership or mailing address

A letter must be submitted to the city environmental manager – wastewater treatment, and provision of a copy of the existing permit to the new owner or operators (s).

A permit may not be assigned to a new owner or to a new or changed operation without the approval of the city. Any succeeding owners to which a permit is assigned shall comply with the conditions of that permit. Permits issued to new owners or due to changed operation shall be subject to the charged for a new permit.

b. Significant changes in operations, processes, and products, including any change in the SIC number or any increase in flow of 20 percent or greater.

c. Changes in strength or volume of industrial wastes, including any new pollutants.

d. Any changes in the layout of sewers carrying industrial wastes.

e. Major changes in plant employment, production schedule, and pretreatment facility schedule.

f. Any conditions which could increase the possibility of an accidental or slug discharge.

g. Changes in type or amount of toxic pollutants scheduled for disposal outside the sewage works.

2. The permittee shall notify the City of Nacogdoches wastewater treatment plant at (936-564-5046) and receive clearance prior to making any discharge that could cause problems at the plant, including slug discharges. In the event of an accidental discharge, the treatment plant shall be notified immediately.

During normal business hours (8:00am to 5:00 pm Monday through Friday) the City of Nacogdoches should be notified by telephone at (936) 564-5046. After Business hours, the following contact numbers should be called until someone is reached:

***On-Call Operator -**

***Water Utilities Manager Cell Phone – (281)979-5215**

***Environmental Mngr – WW Treatment Cell Phone – (281)635-0041**

A written notification shall be provided within five days of occurrence. The notification shall include cause and location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken.

3. Emergency phone numbers for water pollution control will be posted for employees at all times.

4. The city shall be notified within 24 hours of an identified effluent violation: wastewater treatment plant phone number: (936) 564-5046.

5. The permittee shall maintain a current City of Nacogdoches wastewater discharge permit. The permittee shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the existing permit.

6. The permittee shall provide notification of batch discharges in sufficient time for the City of Nacogdoches to collect a representative sample.

SECTION VI

SPECIAL REQUIREMENTS:

1. Toxicity limits may be developed and made a part of this permit if deemed necessary to prevent interferences or inhibition of city biological wastewater treatment processes.
2. The permittee shall maintain an all-weather road to the control manhole at their own expense to enable the city to monitor their effluent wastestream.
3. *Notification of hazardous waste disposal:* the permittee 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 hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the permittee discharges more than 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 permittee: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 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).
4. *General prohibitions:* the permittee may not introduce into the city POTW any pollutant(s) which causes pass through or interference. This prohibition applies to all industrial users whether or not the industrial user is subject to categorical standards or any other national, state, or local pretreatment requirements.
5. *Specific prohibitions:* no person shall discharge either directly or indirectly any of the following described substances, materials, waters or wastes:
 - a) pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius using the test methods specified in 40 CFR 261.21;
 - b) any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewage treatment plant;
 - c) any solids, slurries, or viscous substances of such character and amounts as to be capable of obstructing the flow in sewers or otherwise interfering with the proper operation of the sewage works, such as 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, grease trap cleanings, or bulk solids;
 - d) pollutants, including oxygen-demanding pollutants (CBOD, etc.), discharged at a flow rate and/or pollutant concentration which, either, singly, or by interaction with other pollutants, will cause interference;
 - e) any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in

interference, but in no case any sewage which raises the temperature at the upstream end of the treatment plant above 104 degrees Fahrenheit (40 degrees Celsius);

f) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

g) 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;

h) any trucked or hauled pollutants, except for those authorized in section 106-68(i), and then only at the treatment plant according to section 106-68(i),;

i) any water or waste which contains wax, grease, or oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;

j) any garbage except properly shredded garbage as defined in section 106-66;

k) any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors or hazard to life; forms solids in concentrations exceeding limits established in sections 106-70(c), 106-70(d), 106-70(e) and 106-70(f); creates any other condition deleterious to structures or treatment processes; requires unusual provisions, alteration, or expense to handle such material; or can prevent entry into the sewers for maintenance and repair;

l) any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or in the public sewage works;

m) any waters or wastes containing toxic or poisonous substances such as plating or heat treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to persons or animals, or to create any hazard in the receiving stream of the sewage treatment plant;

n) any materials causing excessive discoloration to the treatment plant effluent, unusual or immediate biochemical oxygen demand, or hydrogen sulfide concentrations sufficient to cause explosion hazards or structural corrosion;

o) any antibiotics, bactericidal solutions, bacteriostatic solutions, unless rendered ineffective by pretreatment;

p) sludge, screenings, or other residues from the pretreatment of industrial wastes;

q) medical wastes, unless specifically authorized in a permit;

r) sewage causing, alone or in conjunction with other substances, the treatment plant effluent to fail a toxicity test; or

s) detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant.

SECTION VII

PRETREATMENT REQUIREMENTS:

A. Any industrial user required to construct pretreatment facilities shall submit to the city detailed plans for their construction and for their operating procedures. The city must approve these plans before construction begins. The review of such plans and operating 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 this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

B. Any industrial user who operates pretreatment facilities as a requirement for meeting pretreatment standards or requirements shall normally:

- (1) Keep the pretreatment facilities in full operation at all times during discharge of industrial waste to the sewage works; and
- (2) Route all designated industrial waste through such facilities prior to discharge. There is no bypassing of any process waste to city sewers.
- (3) Dilution of wastes by increased use of process water, or by any other methods, will not be acceptable as a partial or complete substitute for adequate pretreatment to achieve compliance with pretreatment standard or requirement, unless specifically allowed elsewhere in this division or in the applicable national pretreatment standard or local pretreatment requirement.
- (4) any industrial user required by categorical standards shall follow prescribed management practices such as best management practices (BMPs) and toxic organic management plans (TOMPs), and other management plans and/or pollution prevention alternatives as applicable. *(Note to permit writer: Applicable BMPs, TOMPs, management plans, pollution prevention alternatives and/or other action shall be described in this section of the SIU permit.)*

C. Compliance Schedule: *(Sample Compliance Schedule)* The permittee shall accomplish the following tasks in the designated time period:

<u>Event</u>	<u>No Later Than</u>
1. New wastewater pretreatment plant design completed.	[Date]
2. Equipment and materials ordered	[Date]
3. Develop and submit a copy to the [name of Control Authority] a slug loading control plan to eliminate or minimize the accidental spill or slug discharge of pollutants into the sewer system.	[Date]
4. Implement the slug loading control plan.	[Date]
5. Complete installation of wastewater pretreatment plant	[Date]
6. Obtain full pretreatment plant operational status and achieve full compliance	

SECTION VIII

RIGHT OF ENTRY:

- 1. The permittee shall cooperate with the City of Nacogdoches, the Texas Commission on Environmental Quality (TCEQ), the Environmental Protection Agency (EPA) and its representatives by providing ready access (within 15 minutes) at all reasonable times to all parts of the premises for the purpose of inspection, sampling inspections, compliance monitoring, and/or metering operations, records examination and to take independent samples in addition to compliance monitoring when necessary for the study of industrial waste.**
- 2. When a user has security measures requiring proper identification and clearance before entry into its premises, the user shall arrange with its security guards for the environmental manager – wastewater treatment to enter without delay upon presenting suitable identification.**
- 3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user, at his own expense, at the written or verbal request of the environmental manager – wastewater treatment, and shall not be replaced.**
- 4. The city may seek issuance of a search warrant from the appropriate city or state court if the environmental manager – wastewater treatment has been refused access to a building, structure, or property, or any part thereof, and can demonstrate:**
 - A. Probable cause to believe that there may be a violation of this division.**
 - B. The need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to:**
 - 1. Verify compliance with this division or any permit or order issued under this division.**
 - 2. Protect the overall public health, safety, and welfare of the community.**
- 5. The city shall have the right to require the permittee to provide and maintain at their expense a control manhole(s) to allow inspection, sampling, and flow measurement of the facilities sewer.**
- 6. The city, the approval authority, or the environmental protection agency shall have the right to set up on permittee's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.**
- 7. All sampling equipment and containments set out by the City of Nacogdoches shall remain the property of the City of Nacogdoches, and shall not be altered or tampered with by other than city personnel unless directly authorized by the city environmental manager – wastewater treatment.**

SECTION IX

PENALTIES:

- 1) VIOLATION OF STATE AND FEDERAL STATUTES.** If any person violates any provision of this article, and thereby violates a state or federal statute or injunction, the city may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.
- 2) FINES.** If any person violates any provision of this article, and the violation is not punishable in state or federal courts, that person shall be guilty of a misdemeanor upon conviction in the city court. Each offense shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day of such violation shall be deemed a separate offense. For violations of a monthly average permit limit, each day of discharge during the month may be considered a day of violation.
- 3) DAMAGES.** Any person violating any of the sections of this division shall become liable to the city for any expense, loss, or damage incurred by the city because of such violation.
- 4) FEDERAL OR STATE PROSECUTION.** Any penalties imposed under this division, including penalties imposed by state or federal courts, shall not relieve the violator from further state or federal prosecution.
- 5) CRIMINAL PROSECUTION**
 - (a) A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000.00 per violation, and each day that the violation continues shall constitute a distinct and separate offense.
 - (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a maximum fine of up to \$2,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Each day that the violation continues shall constitute a distinct and separate offense.
 - (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$2,000.00 per violation. Each day that the violation continues shall constitute a distinct and separate offense.
 - (d) Nothing in this section shall limit in any manner the authority of the City to seek any injunctive or other civil relief available under State or Federal Law.
- 6) REVOCATION OF PERMIT.** Termination of service, as allowed under the sewer ordinance, may be implemented as a measure to mitigate non-compliance.
- 7) ACT OF GOD DEFENSE.** In any enforcement proceeding, the industrial user may seek to establish the act of God affirmative defense as defined in Section 106-76(i) of the Sewer Use Ordinance. The user shall have the burden of providing, by a preponderance of the evidence as described in Section 106-6(i)(2) of the ordinance, that an event that would otherwise be a violation of this permit was caused solely by an act of God, war, strike, riot or other catastrophe.

- 8) The City shall annually publish in the Nacogdoches Daily Sentinel a list of industrial users in significant noncompliance with the City's pretreatment program. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria (40 CFR PART 403.8 (f) (2) (viii)):
- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all measurements taken for the same parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in SECTION I. [$\frac{\text{\# of violations}}{\text{\# of samples}}$]
 - (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC ($\text{TRC} = 1.4$ for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH); [$\frac{\text{\# of violations greater than 120 or 140 percent of limit}}{\text{\# of samples}}$]
 - (C) Any other violation of a Pretreatment Standard or Requirement defined in SECTION I (daily maximum, longer term average, Instantaneous Limit, or narrative standard) that the control authority 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);
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, compliance reports for categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (G) failure to accurately report noncompliance;
 - (H) any other violation, which may include a violation of BMPs, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program,.

SEMI-ANNUAL COMPLIANCE REPORT

I. COMPANY INFORMATION:

NAME:_____

MAILING ADDRESS:_____

TELEPHONE NO._____

CITY OF NACOGDOCHES WASTEWATER DISCHARGE PERMIT NO._____

STANDARD INDUSTRIAL CODES:_____

INDUSTRIAL WASTE CONTACT PERSON:_____

TITLE:_____

II. OPERATIONS UPDATE:

Have there been any significant changes in the operating procedures or products of this facility since the last permit application and/or compliance report was filed?

YES____ **NO**____

IF YES, PLEASE EXPLAIN_____

(City Use Only)

Date Received:_____ By:_____
--

III. WASTEWATER STREAM ANALYSIS**A. SAMPLING POINT #1:** _____**B. SAMPLING INFORMATION: DATE/TIME (SET)** _____
TO: DATE/TIME (PICK-UP) _____**C. SAMPLE CAUGHT BY:** _____**D. 24-HOUR COMPOSITE: TEST RESULTS**

PARAMETERS* (in mg/l unless otherwise noted)	LIMITATIONS ON WASTEWATER STRENGTH			ANALYTICAL RESULTS
	Daily Composite Maximum	Daily Average	Monthly Average	
CBOD	500	---	400	
TSS	300	---	350	
AMMONIA	20	---	20	
FLOW (Gallons per day)	75,000	---	50,000	
ALUMINUM	2.9	2.9	---	
ARSENIC	0.3	0.3	---	
BARIUM	2.0	1.0	---	
CADMIUM	0.05	0.025	---	
CHROMIUM, TOTAL	3.4	3.4	---	
CHROMIUM HEXAVALENT	0.0012*	0.0012*	---	
COPPER	2.0	---	0.9	
LEAD	0.1	---	0.04	
MANGANESE	2.0	1.0	---	
MERCURY	0.000*	0.000*	---	
NICKEL	3.1	1.5	---	
SELENIUM	0.1	0.05	---	
SILVER	0.5	0.25	---	
ZINC	0.7	---	0.65	
BORON	1	---	---	
IRON	5	---	---	
CHLORIDES	250	---	---	

E. GRAB SAMPLING: TEST RESULTS**a. OIL & GREASE (mg/L)**

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

b. pH (pH units)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

c. TEMPERATURE (°C)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

d. CYANIDE (mg/L)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

If this report indicates non-compliance on any parameter, complete SECTION IV (compliance schedule). Fill in dates in all areas that apply, in order to bring your effluent into compliance. Upon approval and notification by the city, this schedule will become official.

PARAMETERS CONVERSION DATA SHEET:

If the parameters are reported in lbs./D, conversion factors must be shown on data sheet.

Calculation (Conversion) Data - mg/L. to lbs./D.

Formula: $\text{mg/L.} \times 8.34 \times \text{flow} = \text{lbs./D.}$

	Parameter	Calculation	Result
1.			
2.			
3.			
4.			
5.			

III. COMPLIANCE SCHEDULE

IDENTIFY ADDITIONAL PRETREATMENT AND/OR OPERATIONAL AND MAINTENANCE MEASURES WHICH ARE EXPECTED TO BRING YOUR COMPANY INTO COMPLIANCE AND LIST THEM BELOW:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

COMPLETE THE FOLLOWING COMPLIANCE SCHEDULE FOR THE MEASURES RECOMMENDED ABOVE:

<u>INCREMENT OF PROGRESS:</u>	<u>COMMENCEMENT DATE</u>	<u>COMPLETION DATE</u>
A. ENGINEERING INVESTIGATION	_____	_____
CONSULTANT SELECTION	_____	_____
REVIEW OF PRESENT COND.	_____	_____
TREATMENT. PROCESS.	_____	_____
CONCEPTUAL DESIGN	_____	_____
FINAL DESIGN	_____	_____
B. PERMITTING PROCESS	_____	_____
C. CONSTRUCTION	_____	_____
EQUIPMENT SELECTION	_____	_____
INSTALLATION	_____	_____
D. STARTUP & TROUBLE SHOOT	_____	_____
E. COMPLETION/COMPLIANCE	_____	_____

NO PROGRESS INCREMENT SHALL EXCEED NINE (9) MONTHS; SUBDIVIDE ANY INCREMENT IF IT EXCEEDS NINE (9) MONTHS.

WITHIN FOURTEEN (14) DAYS OF EACH COMPLETION DATE IN THE SCHEDULE, YOUR COMPANY SHALL SUBMIT A PROGRESS REPORT TO THE CITY OF NACOGDOCHES, INDICATING 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 AND THE STEPS BEING TAKEN TO RETURN TO THE SCHEDULE.

IV. HAZARDOUS MATERIALS UPDATE {SUPPLY A LIST}

V. CERTIFICATION

"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 assure 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 the information, the information submitted is, to the best of my knowledge and belief, 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."

Signature Of Authorized Company Official^(*) **Date**

Print or Type Name of Official **Title**

* An authorized representative of an industrial user may be:

- (1) *Corporations.*
 - a. A president, vice-president, secretary, or treasurer 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.
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measure to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit (optional)] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures
- (2) *Partnerships.* A general partner.
- (3) *Proprietorships.* The proprietor.
- (4) *Governmental facility (federal, state, or local).* A director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or a ranking elected official for the governmental entity.
- (5) *Any organization.* A duly authorized representative of the individual designated in subsection (1), (2), or (3) above, provided:
 - a. The authorization is made in writing by the individual above;
 - 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, or an equivalent position, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the city.

Exhibit 6
Sample Baseline Report Form

CITY OF NACOGDOCHES
P.O. BOX 630648
NACOGDOCHES, TEXAS 75963-0648

BASELINE MONITORING REPORT
FOR EPA METAL MOLDING OR CASTING POINT SOURCE CATEGORY
REGULATIONS
(Please Print or Type)

I. COMPANY INFORMATION:

NAME: _____ TEL. # _____

STREET ADDRESS: _____ ZIP: _____

MAILING ADDRESS (IF DIFFERENT): _____

_____ ZIP: _____

CITY OF NACOGDOCHES WASTEWATER DISCHARGE PERMIT NUMBER: _____

INDUSTRIAL WASTE CONTACT PERSON: _____

TITLE: _____

OWNER OF COMPANY: _____

II. WASTESTREAMS SUBJECT TO CATEGORICAL STANDARDS:

A. TYPE OF FOUNDRY OPERATIONS:

PLEASE CHECK ANY OF THE FOLLOWING OPERATIONS * WHICH ARE PERFORMED
AT YOUR FACILITY.

_____ ALUMINUM OR ALUMINUM ALLOY CASTING.

_____ COPPER OR COPPER ALLOY CASTING.

_____ FERROUS METALS CASTING.

_____ ZINC OR ZINC ALLOY CASTING.

IF NONE OF THE OPERATIONS LISTED ABOVE ARE PERFORMED AT THIS FACILITY,
THIS FACILITY IS NOT REGULATED BY THE METAL MOLDING AND CASTING
CATEGORICAL STANDARDS. PROCEED TO SECTION X. OF THIS FORM, COMPLETE
THE CERTIFICATION STATEMENT AND RETURN THIS FORM.

B. IDENTIFICATION OF CATEGORICAL WASTESTREAMS:

CHECK ANY OF THE FOLLOWING WASTEWATERS * WHICH ARE GENERATED AT THIS FACILITY.

1. ALUMINUM OR ALUMINUM ALLOY CASTING

_____ CASTING CLEANING WASTEWATER
_____ CASTING QUENCH WASTEWATER
_____ DIE CASTING WASTEWATER
_____ DUST COLLECTION SCRUBBER WASTEWATER
_____ GRINDING SCRUBBER WASTEWATER
_____ INVESTMENT CASTING WASTEWATER
_____ MELTING FURNACE SCRUBBER WASTEWATER
_____ MOLD COOLING WASTEWATER

2. COPPER OR COPPER ALLOY CASTING:

_____ CASTING QUENCH WASTEWATER
_____ DIRECT CHILL CASTING WASTEWATER
_____ DUST COLLECTION SCRUBBER WASTEWATER
_____ GRINDING SCRUBBER WASTEWATER
_____ INVESTMENT CASTING WASTEWATER
_____ MELTING FURNACE SCRUBBER WASTEWATER
_____ MOLD COOLING WASTEWATER

3. FERROUS METALS CASTING:

_____ CASTING CLEANING WASTEWATER
_____ CASTING QUENCH WASTEWATER
_____ DUST COLLECTION SCRUBBER WASTEWATER
_____ GRINDING SCRUBBER WASTEWATER
_____ INVESTMENT CASTING WASTEWATER
_____ MELTING FURNACE SCRUBBER WASTEWATER
_____ MOLD COOLING WASTEWATER
_____ SLAG QUENCH WASTEWATER

4. ZINC OR ZINC ALLOY CASTING:

----- CASTING QUENCH WASTEWATER
----- DIE CASTING WASTEWATER
----- MELTING FURNACE SCRUBBER WASTEWATER
----- MOLD COOLING WASTEWATER

IF NONE OF THE WASTEWATERS LISTED IN SECTION II. B. ARE GENERATED AT THIS FACILITY, THEN THIS FACILITY HAS NO DISCHARGES REGULATED BY THE METAL MOLDING AND CASTING CATEGORICAL STANDARDS. PROCEED TO SECTION X. OF THIS FORM, COMPLETE THE CERTIFICATION STATEMENT AND RETURN THE FORM.

* DEFINITIONS ARE PROVIDED IN APPENDIX C.

III. TOTAL TOXIC ORGANIC (TTO) INFORMATION:

COMPARE THE LIST OF TOXIC ORGANIC CHEMICAL COMPOUNDS IN APPENDIX A WITH THE CHEMICALS USED, STORED, OR GENERATED AT THIS FACILITY. CHECK THE APPROPRIATE BOX(ES) BELOW:

----- NO TOXIC ORGANIC COMPOUNDS LISTED IN APPENDIX A
ARE USED, STORED, OR GENERATED AT THIS FACILITY.

----- A TOXIC ORGANIC MANAGEMENT PLAN WILL BE SUBMITTED
TO THE CITY OF NACOGDOCHES. THE PLAN WILL PROVIDE
THE METHOD USED AT THIS FACILITY TO KEEP ALL TOXIC
ORGANICS OUT OF THE WASTEWATER DISCHARGED TO THE
SANITARY SEWER SYSTEM.

----- MONITORING FOR TOTAL TOXIC ORGANICS WILL BE
PERFORMED AND INFORMATION ON THE TOXIC ORGANIC
COMPOUNDS IN THE FACILITIES WASTEWATER WILL BE
SUBMITTED TO THE CITY OF NACOGDOCHES.

PLEASE LIST ALL ORGANIC CHEMICAL COMPOUNDS REGULARLY USED OR STORED AT YOUR FACILITY:

IV. ENVIRONMENTAL CONTROL PERMITS:

PLEASE INDICATE OTHER ENVIRONMENTAL CONTROL PERMITS HELD BY OR FOR YOUR FACILITY (DO NOT INCLUDE PERMITS REGULATING AIR QUALITY CONTROL).

DOES YOUR FACILITY HAVE AN AIR POLLUTION CONTROL DEVICE WHICH PRODUCES A DISCHARGE TO THE SEWER? YES____ NO____

V. PRODUCTION INFORMATION:

NATURE OF OPERATION: _____

PRODUCT(S): _____

SIC CODE NO(S): _____

RATES OF PRODUCTION: (PLEASE TABULATE BELOW OR USE A SEPARATE LISTING)

	(1)	(2)	(3)
NAME OF UNIT OPERATION	_____	_____	_____
UNIT OF PRODUCTION	_____	_____	_____
DAILY PRODUCTION RATE	_____	_____	_____
MONTHLY PRODUCTION RATE	_____	_____	_____

ATTACH TO THIS REPORT A SCHEMATIC PROCESS DIAGRAM WHICH INDICATES POINTS OF DISCHARGE FROM THE REGULATED PROCESSES TO THE CITY OF NACOGDOCHES SANITARY SEWER SYSTEM.

VI. FLOW MEASUREMENT INFORMATION:

A. INDUSTRIAL WASTEWATER DISCHARGE PERMIT FLOW:

CITY OF NACOGDOCHES INDUSTRIAL WASTEWATER DISCHARGE PERMIT NO. _____

PERMIT FLOW _____ GAL/DAY

B. WASTEWATER FLOW INFORMATION FOR CONTINUOUS DISCHARGES:

EPA REGULATED WASTEWATER FLOWS (1)	AVERAGE DAILY FLOW (GAL/DAY)	MAXIMUM DAILY FLOW (GAL/DAY)	FLOW DESCRIPTION (2)
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

NONREGULATED WASTEWATER FLOWS (3)	AVERAGE DAILY FLOW (GAL/DAY)	MAXIMUM DAILY FLOW (GAL/DAY)	FLOW DESCRIPTION (2)
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____

COOLING WATER OR OTHER
WASTEWATER DILUTION FLOWS: _____

TOTAL INDUSTRIAL WASTEWATER
FLOWS: (total regulated and
nonregulated wastewater flows) _____

C. WASTEWATER FLOW INFORMATION FOR BATCH DUMPING:

EPA REGULATED WASTEWATER FLOWS (1)	AVERAGE VOLUME DUMP (GAL)	FREQUENCY OF DUMPS (#/DAY, MO, YR)	FLOW DESCRIPTION (2)
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

NONREGULATED WASTEWATER FLOWS (3)	AVERAGE VOLUME DUMPED (GAL)	FREQUENCY OF DUMPS (#/DAY, MO, YR)	FLOW DESCRIPTION (2)
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____

COOLING WATER OR OTHER
WASTEWATER DILUTION FLOWS: _____

NOTES:

1. WASTEWATER FLOWS FROM OPERATIONS LISTED IN SECTION II.B.
2. PLEASE INDICATE BY LETTER IN THIS COLUMN WHETHER WASTEWATER FLOW VALUE IS: ESTIMATED (E) OR MEASURED (M).
3. WASTEWATER FLOWS FROM OPERATIONS NOT COVERED BY EPA INDUSTRIAL CATEGORICAL REGULATIONS.

ANNUAL WATER INTAKE: IN MILLIONS OF GALLONS _____ PER YEAR.

SOURCE OF WATER: PURCHASE FROM WATER PURVEYOR _____.

COMPANY WELL _____.

VII. CONCENTRATION OF POLLUTANTS IN WASTEWATER:

A. SAMPLING AND ANALYSIS INFORMATION:

THE DAILY MAXIMUM AND AVERAGE CONCENTRATIONS MUST BE FURNISHED FOR ALL REGULATED POLLUTANTS * IN ALL REGULATED WASTEWATER STREAMS DESCRIBED IN SECTION VI ABOVE. THE WASTEWATER MUST BE SAMPLED AND ANALYZED AND OTHER INFORMATION FURNISHED AS DESCRIBED IN APPENDIX B. COPIES OF THE WASTEWATER ANALYSIS RESULTS MUST BE ATTACHED TO THIS BMR WHEN IT IS SUBMITTED TO THE CITY OF NACOGDOCHES.

THE METHOD OF WASTEWATER SAMPLE COLLECTION USED WAS:

_____ FLOW-PROPORTIONED COMPOSITE SAMPLE

_____ TIME-PROPORTIONED COMPOSITE SAMPLE

_____ GRAB SAMPLE---FOR WHICH POLLUTANTS? _____

B. OTHER WASTEWATER SAMPLING AND ANALYSIS INFORMATION:

SAMPLING DATES AND TIMES: _____

WASTEWATER SAMPLING LOCATION(S): _____

NAME AND ADDRESS OF COMPANY OBTAINING WASTEWATER SAMPLES:

NAME AND ADDRESS OF LABORATORY PERFORMING THE ANALYSIS:

* REGULATED POLLUTANTS AND ALLOWABLE CONCENTRATIONS ARE SPECIFIED IN APPENDIX D.

VIII. COMPLIANCE CERTIFICATION:

THIS STATEMENT IS TO BE MADE BY A QUALIFIED ENVIRONMENTAL PROFESSIONAL.

I HEREBY CERTIFY THAT THE EPA CATEGORICAL PRETREATMENT STANDARDS
WHICH APPLY TO THIS COMPANY ARE BEING MET ON A CONSISTENT BASIS.

YES _____

NO _____

EXEMPT _____

PRINT NAME: _____ DATE: _____

SIGN NAME: _____

COMPANY NAME: _____

COMPANY ADDRESS: _____

IX. COMPLIANCE SCHEDULE:

IF YOUR COMPANY IS PRESENTLY IN COMPLIANCE WITH THE EPA CATEGORICAL PRETREATMENT STANDARDS, DISREGARD THIS ITEM AND CONTINUE ON TO SECTION X.

IF PRESENTLY NOT IN COMPLIANCE WITH EPA CATEGORICAL PRETREATMENT STANDARDS, IDENTIFY ADDITIONAL PRETREATMENT OR OPERATIONAL AND MAINTENANCE MEASURES WHICH ARE RECOMMENDED TO BRING YOUR COMPANY INTO COMPLIANCE AND LIST THEM BELOW.

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

COMPLETE THE FOLLOWING COMPLIANCE SCHEDULE FOR THE MEASURES RECOMMENDED ABOVE:

INCREMENT OF PROGRESS	COMMENCEMENT DATE	COMPLETION DATE
A. ENGINEERING INVESTIGATION	_____	_____
CONSULTANT SELECTION, IF NEEDED	_____	_____
REVIEW OF PRESENT CONDITION	_____	_____
TREATMENT PROCESS SELECTION	_____	_____
CONCEPTUAL DESIGN	_____	_____
FINAL DESIGN	_____	_____
B. PERMITTING PROCESS	_____	_____
C. CONSTRUCTION	_____	_____
EQUIPMENT SELECTION	_____	_____
INSTALLATION	_____	_____
D. START UP AND TROUBLE SHOOTING	_____	_____
E. DATE OF FINAL COMPLETION AND COMPLIANCE	_____	_____

NO PROGRESS INCREMENT SHALL EXCEED NINE MONTHS. SUBDIVIDE ANY INCREMENT IF IT EXCEEDS NINE MONTHS.

WITHIN FOURTEEN (14) DAYS OF EACH COMPLETION DATE IN THE SCHEDULE, YOUR COMPANY SHALL SUBMIT A PROGRESS REPORT TO THE CITY OF NACOGDOCHES, INDICATING 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 AND THE STEPS BEING TAKEN TO RETURN TO
THE SCHEDULE.

X. CERTIFICATION:

I CERTIFY, UNDER THE PENALTY OF PERJURY, THAT I HAVE PERSONALLY EXAMINED, AND AM FAMILIAR WITH ALL OF THE INFORMATION IN THIS BASELINE MONITORING REPORT, INCLUDING ALL ATTACHMENTS. BASED UPON MY INQUIRY OF THOSE PERSONS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION CONTAINED IN THE REPORT, I BELIEVE THAT THE INFORMATION IS TRUE, ACCURATE AND COMPLETE.

DATE: _____

SIGNATURE OF RESPONSIBLE COMPANY OFFICIAL * _____

PRINT NAME OF OFFICIAL: _____

TITLE OF PERSON CERTIFYING REPORT: _____

PLEASE SUBMIT THIS REPORT TO:

CITY OF NACOGDOCHES
P.O. BOX 630648
NACOGDOCHES, TEXAS 75963 0648

* RESPONSIBLE COMPANY OFFICIAL IS DEFINED AS:

- (1) PRESIDENT
- (2) SECRETARY
- (3) TREASURER
- (4) VICE-PRESIDENT IN CHARGE OF A PRINCIPAL BUSINESS FUNCTION
- (5) MANAGER OF A FACILITY EMPLOYING MORE THAN 250 PERSONS OR HAVING GROSS ANNUAL SALES OR EXPENDITURES EXCEEDING \$25 MILLION.
- (6) GENERAL PARTNER
- (7) PROPRIETOR
- (8) A DULY AUTHORIZED REPRESENTATIVE IF:
 - (a) THE AUTHORIZATION IS MADE IN WRITING AND SUBMITTED TO THE CITY OF NACOGDOCHES BY ONE OF THE OFFICIALS DESCRIBED IN (1) THROUGH (7), AND
 - (b) THE AUTHORIZATION SPECIFIES THE INDIVIDUAL OR POSITION HAVING OVERALL RESPONSIBILITY FOR THE FACILITY OR OVERALL RESPONSIBILITY FOR ENVIRONMENTAL MATTERS FOR THE COMPANY.

APPENDIX A

LIST OF ORGANIC CHEMICALS INCLUDED IN TOTAL TOXIC ORGANICS (TTO) REGULATED UNDER ELECTROPLATING AND METAL FINISHING CATEGORIES

1. Acenaphthene	38. Fluoranthene
2. Acrolein	39. 4-chlorophenyl phenyl ether
3. Acrylonitrile	40. 4-bromophenyl phenyl ether
4. Benzene	41. Bis(2-chloroisopropyl) ether
5. Benzidine	42. Bis(2-chloroethoxy) methane
6. Carbon tetrachloride (tetrachloromethane)	43. Methylene chloride (dichloromethane)
7. Chlorobenzene	44. Methyl chloride (chloromethane)
8. 1,2,4 trichlorobenzene	45. Methyl bromide (dibromomethane)
9. Hexachlorobenzene	46. Bromoform (tribromomethane)
10. 1,1-dichloroethane	47. Dichlorobromomethane
11. 1,2-dichloroethane	48. Chlorodibromomethane
12. 1,1,1-trichloroethane	49. Hexachlorobutadiene
13. Hexachloroethane	50. Hexachlorocyclopentadiene
14. 1,1,2-trichloroethane	51. Isophorone
15. 1,1,2,2-tetrachloroethane	52. Naphthalene
16. Chloroethane	53. Nitrobenzene
17. Bis(2-chloroethyl) ether	54. 2-nitrophenol
18. 2-chloroethyl vinyl ether (mixed)	55. 4-nitrophenol
19. 2-chloronaphthlene	56. 2,4-dinitrophenol
20. 2,4,6-trichlorophenol	57. 4,6-dinitro-o-cresol
21. Parachlorometa cresol	58. N-nitrosodimethylamine
22. Chloroform (trichloromethane)	59. N-nitrosodiphenylamine
23. 2-chlorophenol	60. N-nitrosodi-n-propylamine
24. 1,2 dichlorobenzene	61. Pentachlorophenol
25. 1,3 dichlorobenzene	62. Phenol
26. 1,4 dichlorobenzene	63. Bis(2-ethylhexyl) phthalate
27. 3,3-dichlorobenzidine	64. Butyl benzyl phthalate
28. 1,1-dichloroethylene	65. Di-n-butyl phthalate
29. 1,2-trans-dichloroethylene	66. Di-n-octyl phthalate
30. 2,4-dichlorophenol	67. Diethyl phthalate
31. 1,2 dichloropropane	68. Dimethyl phthalate
32. 1,2 dichloropropylene (1,3 dichloropropene)	69. 1,2-benzanthracene (benzo(a)anthracene)
33. 2,4-dimethylphenol	70. Benzo(a)pyrene
34. 2,4-dinitrotoluene	
35. 2,6-dinitrotoluene	
36. 1,2-diphenylhydrazine	
37. Ethylbenzene	

71. 3,4-Benzofluoranthene
(benzo(b)fluoranthene)
72. 11,12-
benzofluoranthene
(benzo(k)fluoranthene)
73. Chrysene
74. Acenaphthylene
75. Anthracene
76. 1,12-benzoperylene
(benzo(ghi)perylene)
77. Fluorene
78. Penanthrene
79. 1,2,5,6-
dibenzanthracene
(dibenzo(a,h)anthra-
cene
80. Indeno (1,2,3-
cd)pyrene (2,3-o-
phenylene pyrene)
81. Pyrene
82. Tetrachloroethylene
83. Toluene
84. Trichloroethylene
85. Vinyl chloride
(chloroethylene)
86. Aldrin
87. Dieldrin
88. Chlordane (technical
mixture & metabolites)
89. 4,4-DDT
90. 4,4-DDE (p,p-DDX)
91. 4,4-DDD (p,p-TDE)
92. Alpha-endosulfan
93. Beta-endosulfan
94. Endosulfan sulfate
95. Endrin
96. Endrin aldehyde
97. Heptachlor
98. Heptachlor epoxide
(BHC-
hexachlorocyclohexane)
99. Alpha-BHC
100. Beta-BHC
101. Gamma-BHC (lindane)
102. Delta-BHC PCB-
polychlorinated
biphenyls
103. PCB-1242 (Arochlor
1242)

104. PCB-1254 (Arochlor
1254)
105. PCB-1221 (Arochlor
1221)
106. PCB-1232 (Arochlor
1232)
107. PCB-1248 (Arochlor
1248)
108. PCB-1260 (Arochlor
1260)
109. PCB-1016 (Arochlor
1016)
110. Toxaphene
111. 2,3,7,8-tetrachlorodi-
benzo-p-dioxin (TCDD)

Inorganic Priority
Pollutants

112. Antimony (Total)
113. Arsenic
114. Asbestos
115. Beryllium
116. Cadmium
117. Chromium
118. Copper
119. Cyanide
120. Lead
121. Mercury
122. Nickel
123. Selenium
124. Silver
125. Thallium
126. Zinc

APPENDIX B
WASTEWATER SAMPLING AND ANALYSIS REQUIREMENTS

REGULATED WASTEWATER DISCHARGES MUST BE ANALYZED FOR THE POLLUTANTS SPECIFIED BY EPA'S METAL MOLDING AND CASTING CATEGORICAL STANDARDS. THESE STANDARDS ARE FOUND IN APPENDIX D.

THE FOLLOWING PROCEDURE SHOULD BE OBSERVED FOR WASTEWATER SAMPLING AND ANALYSIS.

- (1) A FLOW-PROPORTIONED COMPOSITE SAMPLE OVER THE FULL OPERATING DAY MUST BE USED WHERE FEASIBLE. TIME-PROPORTIONED COMPOSITE SAMPLES OR GRAB SAMPLES MAY BE PERMISSIBLE IN SPECIAL SITUATIONS WITH THE CITY OF NACOGDOCHES' PERMISSION OR WHERE THE NATURE OF THE POLLUTANT (e.g. cyanide) REQUIRES GRAB SAMPLING.
- (2) INFORMATION FURNISHED MUST INCLUDE THE DATE, TIME AND PLACE OF SAMPLING; THE METHODS OF ANALYSIS; AND A STATEMENT CERTIFYING THAT THE SAMPLES ARE REPRESENTATIVE OF NORMAL WORK CYCLES AND EXPECTED POLLUTANT DISCHARGES. THE LOCATION AT WHICH THE WASTEWATER SAMPLE WAS TAKEN MUST BE DEFINED IN RELATION TO THE REGULATED AND UNREGULATED WASTE STREAMS PRESENT IN THE SAMPLED WASTEWATER.
- (3) SAMPLING AND ANALYSIS PROCEDURES SHALL CONFORM TO EPA 40 CFR 136 REQUIREMENTS OR THOSE SPECIFIED IN STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER.

APPENDIX C DEFINITIONS

1. ALUMINUM CASTING - THE RE-MELTING OF ALUMINUM OR AN ALUMINUM ALLOY TO FORM A CAST INTERMEDIATE OR FINAL PRODUCT BY POURING OR FORCING THE MOLTEN METAL INTO A MOLD, EXCEPT FOR INGOTS, PIGS, OR OTHER CAST SHAPES RELATED TO NON-FERROUS (PRIMARY OR SECONDARY) METALS MANUFACTURING AND ALUMINUM FORMING.

2. COPPER CASTING - THE RE-MELTING OF COPPER OR A COPPER ALLOY TO FORM A CAST INTERMEDIATE OR FINAL PRODUCT BY POURING OR FORCING THE MOLTEN METAL INTO A MOLD, EXCEPT FOR INGOTS, PIGS, OR OTHER CAST SHAPES RELATED TO NON-FERROUS (PRIMARY OR SECONDARY) METALS MANUFACTURING.

3. FERROUS CASTING - THE RE-MELTING OF FERROUS METALS TO FORM A CAST INTERMEDIATE OR FINISHED PRODUCT BY POURING THE MOLTEN METAL INTO A MOLD.

4. ZINC CASTING - THE RE-MELTING OF ZINC OR ZINC ALLOY TO FORM A CAST INTERMEDIATE OR FINAL PRODUCT BY POURING OR FORCING THE MOLTEN METAL INTO A MOLD, EXCEPT FOR INGOTS, PIGS, OR OTHER CAST SHAPES RELATED TO NON-FERROUS (PRIMARY) METALS MANUFACTURING AND NON-FERROUS METALS FORMING.

5. CASTING CLEANING WASTEWATER - WASTEWATER GENERATED BY THE APPLICATION OF WATER TO A CAST PRODUCT TO RID IT OF IMPURITIES SUCH AS DIE LUBRICANTS OR SAND.

6. CASTING QUENCH WASTEWATER - DISCHARGED FROM CASTING QUENCH TANKS. THE WATER TANKS ARE USED FOR THE SUDDEN IMMERSION OF A CAST PRODUCT INTO WATER TO COOL THE HEATED METAL, OR TO CHANGE THE METALLURGICAL PROPERTIES OF THE CASTING.

7. DIE CASTING WASTEWATER - WASTEWATER THAT ORIGINATES FROM THE LEAKAGE OF HYDRAULIC FLUID FROM HYDRAULIC SYSTEMS ASSOCIATED WITH DIE CASTING OPERATIONS AND FROM THE DIE LUBE SOLUTIONS THAT ARE APPLIED TO THE DIE SURFACE PRIOR TO CASTING. DIE LUBE SOLUTIONS ARE EMULSIONS THAT CONTAIN CASTING RELEASE AGENTS WHICH PERMIT THE CASTING TO FALL AWAY OR BE READILY REMOVED FROM THE DIES. IN DIE CASTING OPERATIONS, THE MOLD CAVITY IS FORMED IN METALLIC DIE BLOCKS WHICH ARE LOCKED TOGETHER TO MAKE A COMPLETE CAVITY.

8. DIRECT CHILL CASTING WASTEWATER - CONTACT COOLING WATER USED DURING THE DIRECT CHILL CASTING OPERATION. THE COOLING WATER MAY BE SPRAYED DIRECTLY ONTO THE HOT CASTING, OR IT MAY BE PRESENT AS A CONTACT COOLING WATER BATH INTO WHICH THE CAST PRODUCT IS LOWERED AS IT IS CAST.

9. DUST COLLECTION SCRUBBER WASTEWATER - WASTEWATER THAT ORIGINATES IN THE REMOVAL OF DUST FROM AIR IN A SCRUBBER, WHEN WATER OR PROCESS WASTEWATER IS USED AS THE CLEANING MEDIUM. THE DUST MAY ORIGINATE WITH SAND PREPARATION, SAND MOLDING, CORE MAKING, SAND HANDLING AND TRANSFER, THE REMOVAL OF SAND FROM THE CASTING (INCLUDING SHAKE-OUT AND SHOT-BLASTING), OR OTHER DUST SOURCES ON THE FOUNDRY FLOOR.

10. GRINDING SCRUBBER WASTEWATER - WASTEWATER THAT ORIGINATES FROM THE REMOVAL OF GRINDING DUST FROM AIR IN A SCRUBBER, WHEN WATER OR PROCESS WASTEWATER IS USED AS A CLEANING MEDIUM. GRINDING DUST IS GENERATED DURING THE MECHANICAL ABRADING, OR PRELIMINARY GRINDING OF CASTINGS FOLLOWING REMOVAL FROM THE MOLD.

11. INVESTMENT CASTING WASTEWATER - WASTEWATER GENERATED BY MOLD BACKUP, HYDROBLAST (OF CASTINGS), AND DUST COLLECTION (USED IN CONJUNCTION WITH HYDROBLASTING AND THE HANDLING OF THE INVESTMENT MATERIAL AND CASTINGS), INVESTMENT CASTING OPERATIONS ARE SOMETIMES CALLED LOST WAX, LOST PATTERN, HOT INVESTMENT, OR PRECISION CASTING PROCESSES.

12. MELTING FURNACE SCRUBBER WASTEWATER - WASTEWATER THAT ORIGINATES IN THE REMOVAL OF DUST AND FUMES FROM MELTING FURNACE EXHAUST GASES IN A SCRUBBER, WHEN WATER OR PROCESS WASTEWATER IS USED AS A CLEANING MEDIUM. THE DUST AND FUMES ARE GENERATED BY MELTING OR HOLDING FURNACE OPERATIONS AND ARE EXPELLED IN THE EXHAUST GASES FROM THESE OPERATIONS.

13. MOLD COOLING WASTEWATER - WASTEWATER THAT ORIGINATES FROM THE DIRECT SPRAY COOLING OF A MOLD OR DIE, OR OF THE CASTING IN AN OPEN MOLD.

14. SLAG QUENCH WASTEWATER - WASTEWATER THAT IS GENERATED BY QUENCHING THE SLAG REMOVED DURING THE MELTING OPERATION. THE SLAG IS QUENCHED IN ORDER TO COOL AND SOLIDIFY IT. THE QUENCHED SLAG IS SUBSEQUENTLY REMOVED FOR DISPOSAL OR REUSE IN OTHER APPLICATIONS.

15. WET SAND RECLAMATION WASTEWATER - THE WASTEWATER IS GENERATED AS A RESULT OF USING WATER TO WASH USED CASTING SAND. THE WATER IS USED TO REMOVE IMPURITIES, PRIMARY "SPENT" BINDERS AND SAND, FROM THE CASTING SAND PRIOR TO ITS REUSE IN THE MOLDING PROCESS. THE SAND BINDERS BECOME "SPENT" AS A RESULT OF THE HEAT PRESENT IN THE CASTING PROCESS.

APPENDIX D REGULATED POLLUTANTS

1. ALUMINUM OR ALUMINUM ALLOY CASTING:

A. CASTING CLEANING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS) (1,000,000 POUNDS METAL FOUNDED)	
COPPER	0.0771	0.0421
LEAD	0.0791	0.039
ZINC	0.114	0.0431

B. CASTING QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS) (1,000,000 POUNDS METAL POURED)	
COPPER	0.0093	0.0051
LEAD	0.0096	0.0047
ZINC	0.0138	0.0052
TTO	0.029	0.0095
OIL/GREASE	0.363	0.121

C. DIE CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS) (1,000,000 POUNDS METAL POURED)	
COPPER	0.0066	0.0036
LEAD	0.0068	0.0034
ZINC	0.0098	0.0037
TOTAL PHENOLS	0.0074	0.0026
TTO	0.0308	0.01
OIL/GREASE	0.259	0.0864

D. DUST COLLECTION SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS) (BILLION SCF OF AIR SCRUBBED)	
COPPER	0.231	0.126
LEAD	0.237	0.117
ZINC	0.343	0.129
TOTAL PHENOLS	0.258	0.09
TTO	0.613	0.2
OIL/GREASE	9.01	3.00

E. GRINDING SCRUBBER WASTEWATER NO DISCHARGE ALLOWED

F. INVESTMENT CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS METAL Poured)	
COPPER	8.48	4.63
LEAD	8.7	4.3
ZINC	12.6	4.74
TTO	18.1	5.91
OIL/GREASE	330	110

G. MELTING FURNACE SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	BILLION SCF OF AIR SCRUBBED)	
COPPER	3.01	1.64
LEAD	3.09	1.52
ZINC	4.45	1.68
TOTAL PHENOLS	3.36	1.17
TTO	7.97	2.6
OIL/GREASE	117	39.1

H. MOLD COOLING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS METAL Poured)	
COPPER	0.297	0.162
LEAD	0.305	0.151
ZINC	0.44	0.166
TTO	0.935	0.304
OIL/GREASE	11.6	3.86

2. COPPER AND COPPER ALLOY CASTING

A. CASTING QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS METAL Poured)	
COPPER	0.0307	0.0168
LEAD	0.0211	0.0104
ZINC	0.0303	0.0116
TTO	0.0335	0.0109

B. DIRECT CHILL CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS METAL Poured)	
COPPER	0.928	0.506
LEAD	0.639	0.314
ZINC	0.916	0.35

C. DUST COLLECTION SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER	0.552	0.301
LEAD	0.38	0.187
ZINC	0.545	0.208
TOTAL PHENOLS	0.617	0.215
TTO	1.65	0.54
OIL/GREASE	21.5	7.18

D. GRINDING SCRUBBER WASTEWATER
NO DISCHARGE ALLOWED

E. INVESTMENT CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS METAL Poured)	
COPPER	8.48	4.63
LEAD	5.84	2.86
ZINC	8.37	3.19
TTO	25.4	8.29
OIL/GREASE	330	110

F. MELTING FURNACE SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER	1.81	0.988
LEAD	1.25	0.612
ZINC	1.79	0.673
TOTAL PHENOLS	2.02	0.706
TTO	5.41	1.77
OIL/GREASE	70.6	23.5

G. MOLD COOLING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL POURED)	
COPPER	0.392	0.214
LEAD	0.27	0.132
ZINC	0.387	0.148
TTO	0.428	0.14
OIL/GREASE	15.3	5.09

3. FERROUS METALS CASTING - PLANTS CASTING PRIMARILY DUCTIBLE IRON, PLANTS CASTING PRIMARILY MALLEABLE IRON WHERE GREATER THAN 3,557 TONS OF METAL ARE POURED PER YEAR, AND TO PLANTS THAT ARE CASTING PRIMARY GRAY IRON WHERE GREATER THAN 1,784 TONS OF METAL ARE POURED PER YEAR.

A. CASTING CLEANING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL FOUNED)	
COPPER	0.0129	0.0071
LEAD	0.0237	0.0116
ZINC	0.0437	0.0165

B. CASTING QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL FOUNED)	
COPPER	0.0138	0.0076
LEAD	0.0252	0.0124
ZINC	0.0466	0.0176
TTO	0.0257	0.00838
OIL/GREASE	1.43	0.476

C. DUST COLLECTION SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER	0.218	0.12
LEAD	0.398	0.195
ZINC	0.736	0.278
TOTAL PHENOLS	0.646	0.225
TTO	2.04	0.664
OIL/GREASE	22.5	7.51

D. GRINDING SCRUBBER WASTEWATER
NO DISCHARGE ALLOWED

E. INVESTMENT CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL POURED)	
COPPER	3.19	1.76
LEAD	5.84	2.86
ZINC	10.8	4.07
TTO	13.2	4.3
OIL/GREASE	330	110

F. MELTING FURNACE SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER	1.02	0.561
LEAD	1.86	0.911
ZINC	3.44	1.30
TOTAL PHENOLS	3.01	1.05
TTO	8.34	2.73
OIL/GREASE	105	35

G. MOLD COOLING WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS METAL POURED)	
COPPER	0.0428	0.0236
LEAD	0.0783	0.0384
ZINC	0.145	0.0546
TTO	0.0797	0.026
OIL/GREASE	4.43	1.48

H. SLAG QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL POURED)	
COPPER	0.0527	0.0291
LEAD	0.0964	0.0473
ZINC	0.178	0.0673
TTO	0.0257	0.00838
OIL/GREASE	5.46	1.82

I. WET SAND RECLAMATION WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF SAND RECLAIMED)	
COPPER	0.217	0.12
LEAD	0.396	0.194
ZINC	0.732	0.276
TOTAL PHENOLS	0.642	0.224
TTO	1.18	0.386
OIL/GREASE	22.4	7.47

FERROUS METALS CASTING - PLANTS THAT ARE CASTING PRIMARILY STEEL, PLANTS THAT ARE CASTING PRIMARILY MALLEABLE IRON WHERE 3,557 OR LESS TONS OF METAL ARE POURED PER YEAR, AND PLANTS THAT ARE CASTING PRIMARILY GRAY IRON WHERE 1,784 OR LESS TONS OF METAL ARE POURED PER YEAR.

A. CASTING CLEANING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL Poured)	
COPPER	0.0129	0.0071
LEAD	0.0353	0.0174
ZINC	0.0656	0.025

B. CASTING QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL Poured)	
COPPER	0.0138	0.0076
LEAD	0.0376	0.0185
ZINC	0.0699	0.0266
TTO	0.0257	0.00838
OIL/GREASE	1.43	0.476

C. DUST COLLECTION SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER	0.218	0.12
LEAD	0.593	0.293
ZINC	1.1	0.421
TOTAL PHENOLS	0.656	0.225
TTO	2.04	0.664
OIL/GREASE	22.5	7.51

D. GRINDING SCRUBBER WASTEWATER NO DISCHARGE ALLOWED

E. INVESTMENT CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL Poured)	
COPPER	3.19	1.76
LEAD	8.7	4.3
ZINC	16.2	6.17
TTO	13.2	4.3
OIL/GREASE	330	110

F. MELTING FURNACE SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER	1.02	0.561
LEAD	2.77	1.37
ZINC	5.15	1.96
TOTAL PHENOLS	3.01	1.05
TTO	8.34	2.73
OIL/GREASE	105	35

G. MOLD COOLING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL POURED)	
COPPER	0.0428	0.0236
LEAD	0.117	0.0576
ZINC	0.217	0.0827
TTO	0.0797	0.026
OIL/GREASE	4.43	1.48

H. SLAB QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL POURED)	
COPPER	0.0527	0.0291
LEAD	0.144	0.0709
ZINC	0.267	0.102
TTO	0.0257	0.00838
OIL/GREASE	5.46	1.82

I. WET SAND RECLAMATION WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS) (1,000,000 POUNDS OF SAND RECLAIMED)	
COPPER	0.217	0.12
LEAD	0.59	0.291
ZINC	1.1	0.418
TOTAL PHENOLS	0.642	0.224
TTO	1.18	0.386
OIL/GREASE	22.4	7.47

5. ZINC OR ZINC ALLOY CASTING

A. CASTING QUENCH WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS) (1,000,000 POUNDS OF METAL POURED)	
COPPER	0.0344	0.0187
LEAD	0.0237	0.0116
ZINC	0.0339	0.0129
TTO	0.093	0.0304
OIL/GREASE	1.34	0.446

B. DIE CASTING WASTEWATER

POLLUTANT	MAXIMUM FOR	MAXIMUM FOR
	ANY ONE DAY	MONTHLY AVERAGE
	(POUNDS) (1,000,000 POUNDS OF METAL POURED)	
COPPER	0.0066	0.0036
LEAD	0.0046	0.0022
ZINC	0.0066	0.0026
TOTAL PHENOLS	0.0074	0.0026
TTO	0.0196	0.0064
OIL/GREASE	0.259	0.0864

C. MELTING FURNACE SCRUBBER WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(BILLION SCF OF AIR SCRUBBED)	
COPPER.	1.56	0.852
LEAD	1.07	0.527
ZINC	1.54	0.588
TOTAL PHENOLS	1.74	0.608
TTO	3.95	1.29
OIL/GREASE	60.8	20.3

D. MOLD COOLING WASTEWATER

POLLUTANT	MAXIMUM FOR ANY ONE DAY	MAXIMUM FOR MONTHLY AVERAGE
	(POUNDS)	
	(1,000,000 POUNDS OF METAL FOUNDED)	
COPPER	0.304	0.166
LEAD	0.209	0.103
ZINC	0.3	0.114
TTO	0.821	0.268
OIL/GREASE	11.8	3.94

Exhibit 7
Sample Periodic Compliance Report Form

MONTHLY COMPLIANCE REPORT

I. COMPANY INFORMATION:

NAME: _____

MAILING ADDRESS: _____

TELEPHONE NO. _____

CITY OF NACOGDOCHES WASTEWATER DISCHARGE PERMIT NO. _____

STANDARD INDUSTRIAL CODES: _____

INDUSTRIAL WASTE CONTACT PERSON: _____

TITLE: _____

II. OPERATIONS UPDATE:

HAVE THERE BEEN ANY SIGNIFICANT CHANGES IN THE OPERATING
PROCEDURES OR PRODUCTS OF THIS FACILITY SINCE THE LAST
PERMIT APPLICATION AND / OR COMPLIANCE REPORT
WAS FILED?

YES _____ NO _____

IF YES, PLEASE EXPLAIN _____

(City Use Only)

Date Received: _____
By: _____

III. WASTEWATER STREAM ANALYSIS:

A. SAMPLING POINT: _____

B. SAMPLING INFORMATION: DATE/TIME (SET) _____
TO: DATE/TIME (PICK-UP) _____

C. SAMPLE CAUGHT BY: _____

D. 24 HOUR COMPOSITE: TEST RESULTS

	<u>PERMIT LIMIT</u>	<u>SAMPLE RESULTS</u>
1. AMMONIA	_____	_____
2. TSS	_____	_____
3. _OD	_____	_____
4. FLOW (____)	_____	_____

COD = CHEMICAL OXYGEN DEMAND

TSS = TOTAL SUSPENDED SOLIDS

GPD = GALLONS PER DAY

MGD = MILLION GALLONS PER DAY

E. GRAB SAMPLING: TEST RESULTS

b. OIL & GREASE (mg/L)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

c. pH (pH units)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

d. temperature (°C)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

IF THIS REPORT INDICATES NON-COMPLIANCE ON ANY PARAMETER, COMPLETE SECTION IV (COMPLIANCE SCHEDULE). FILL IN DATES IN ALL AREAS THAT APPLY, IN ORDER TO BRING YOUR EFFLUENT INTO COMPLIANCE. UPON APPROVAL AND NOTIFICATION BY THE CITY, THIS SCHEDULE WILL BECOME OFFICIAL.

IV. [COMPLIANCE SCHEDULE]:

IDENTIFY ADDITIONAL PRETREATMENT AND/OR OPERATIONAL AND MAINTENANCE MEASURES WHICH ARE EXPECTED TO BRING YOUR COMPANY INTO COMPLIANCE AND LIST THEM BELOW:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

COMPLETE THE FOLLOWING COMPLIANCE SCHEDULE FOR THE MEASURES RECOMMENDED ABOVE:

<u>INCREMENT OF PROGRESS:</u>	<u>COMMENCEMENT DATE</u>	<u>COMPLETION DATE</u>
A. ENGINEERING INVESTIGATION	_____	_____
CONSULTANT SELECTION	_____	_____
REVIEW OF PRESENT CONDITION	_____	_____
TREATMENT PROCESS SELECTION	_____	_____
CONCEPTUAL DESIGN	_____	_____
FINAL DESIGN	_____	_____
B. PERMITTING PROCESS	_____	_____
C. CONSTRUCTION	_____	_____
EQUIPMENT SELECTION	_____	_____
INSTALLATION	_____	_____
D. STARTUP & TROUBLE SHOOT	_____	_____
E. COMPLETION/COMPLIANCE	_____	_____

NO PROGRESS INCREMENT SHALL EXCEED NINE (9) MONTHS; SUBDIVIDE ANY INCREMENT IF IT EXCEEDS NINE (9) MONTHS.

WITHIN FOURTEEN (14) DAYS OF EACH COMPLETION DATE IN THE SCHEDULE, YOUR COMPANY SHALL SUBMIT A PROGRESS REPORT TO THE CITY OF NACOGDOCHES, INDICATING 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 AND THE STEPS BEING TAKEN TO RETURN TO THE SCHEDULE.

V. CERTIFICATION:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for Total Toxic Organics (TTO), I certify that to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewater has occurred since filing of the last compliance report.

I certify, under penalty of perjury, that I believe the information contained in this report is true, accurate, and complete."

DATED: _____

SIGNATURE OF RESPONSIBLE COMPANY OFFICIAL:(1)

PRINT OR TYPE NAME OF OFFICIAL: _____

TITLE OF OFFICIAL: _____

(1) A responsible company official is defined as the president, secretary, treasurer, a vice-president in charge of a principal business function, or the individual responsible for the overall operation of the industrial facility.

QUARTERLY COMPLIANCE REPORT

I. COMPANY INFORMATION:

NAME: _____

MAILING ADDRESS: _____

TELEPHONE NO. _____

CITY OF NACOGDOCHES WASTEWATER DISCHARGE PERMIT NO. _____

STANDARD INDUSTRIAL CODES: _____

INDUSTRIAL WASTE CONTACT PERSON: _____

TITLE: _____

II. OPERATIONS UPDATE:

HAVE THERE BEEN ANY SIGNIFICANT CHANGES IN THE OPERATING PROCEDURES OR PRODUCTS OF THIS FACILITY SINCE THE LAST PERMIT APPLICATION AND / OR COMPLIANCE REPORT WAS FILED?

YES _____ NO _____

IF YES, PLEASE EXPLAIN _____

(City Use Only)

Date Received: _____

By: _____

III. WASTEWATER STREAM ANALYSIS

A. SAMPLING POINT #1: _____

B. SAMPLING INFORMATION: DATE/TIME (SET) _____
TO: DATE/TIME (PICK-UP) _____

C. SAMPLE CAUGHT BY: _____

D. 24 HOUR COMPOSITE: TEST RESULTS

	<u>PERMIT LIMIT</u>	<u>SAMPLE RESULTS</u>
1. CADMIUM	_____	_____
2. CHROMIUM	_____	_____
3. COPPER	_____	_____
4. SILVER	_____	_____
5. LEAD	_____	_____
6. NICKEL	_____	_____
7. ZINC	_____	_____
8. TTO *	_____	_____

*TTO IS THE SUMMATION OF ALL QUANTIFIABLE VALUES GREATER THAN 0.01 mg/L FOR THE TOXIC ORGANICS LISTED IN APPENDIX "A" OF THE PERMIT. FOR VOLATILE ORGANICS, USE THE AVERAGE OF THE FOUR GRAB SAMPLES.

COD = CHEMICAL OXYGEN DEMAND
TSS = TOTAL SUSPENDED SOLIDS
GPD = GALLONS PER DAY
MGD = MILLION GALLONS PER DAY

E. GRAB SAMPLING: TEST RESULTS**SAMPLING POINT #2****a. CYANIDE (mg/L)**

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

b. VOLATILE ORGANICS (mg/L)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

Calculation (Conversion) Data - mg/L. to lbs./D.

Formula: $\text{mg/L.} \times 8.34 \times \text{flow} = \text{lbs./D.}$

	Parameter	Calculation	Result
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

III. WASTEWATER STREAM ANALYSIS

A. SAMPLING POINT #2: _____

B. SAMPLING INFORMATION: DATE/TIME (SET) _____
TO: DATE/TIME (PICK-UP) _____

C. SAMPLE CAUGHT BY: _____

D. 24 HOUR COMPOSITE: TEST RESULTS

	<u>PERMIT LIMIT</u>	<u>SAMPLE RESULTS</u>
1. AMMONIA	_____	_____
2. TSS	_____	_____
3. COD	_____	_____
4. COPPER	_____	_____
5. FLOW (GPD)	_____	_____
6. FLUORIDE	_____	_____
7. CADMIUM	_____	_____
8. CHROMIUM	_____	_____
9. SILVER	_____	_____
10. LEAD	_____	_____
11. NICKEL	_____	_____
12. ZINC	_____	_____
13. TTO *	_____	_____

*TTO IS THE SUMMATION OF ALL QUANTIFIABLE VALUES GREATER THAN 0.01 mg/L FOR THE TOXIC ORGANICS LISTED IN APPENDIX "A" OF HE PERMIT. FOR VOLATILE ORGANICS, USE THE AVERAGE OF THE FOUR GRAB SAMPLES.

COD = CHEMICAL OXYGEN DEMAND
TSS = TOTAL SUSPENDED SOLIDS
GPD = GALLONS PER DAY
MGD = MILLION GALLONS PER DAY

E. GRAB SAMPLING: TEST RESULTS**SAMPLING POINT #2****a. OIL & GREASE (mg/L)**

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

b. pH (pH units)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

c. TEMPERATURE (°C)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

d. CYANIDE (mg/L)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

F. TOTAL TOXIC ORGANICS (TTO)* (mg/L)

PERMIT LIMIT _____ TEST RESULTS _____

*TTO IS THE SUMMATION OF ALL QUANTIFIABLE VALUES GREATER THAN 0.01 mg/L FOR THE TOXIC ORGANICS LISTED IN APPENDIX A OF THE PERMIT. FOR VOLATILE ORGANICS USE THE AVERAGE OF THE FOUR GRAB SAMPLES.

IF THIS REPORT INDICATES NON-COMPLIANCE ON ANY PARAMETER, COMPLETE SECTION IV (COMPLIANCE SCHEDULE). FILL IN DATES IN ALL AREAS THAT APPLY, IN ORDER TO BRING YOUR EFFLUENT INTO COMPLIANCE. UPON APPROVAL AND NOTIFICATION BY THE CITY, THIS SCHEDULE WILL BECOME OFFICIAL.

Calculation (Conversion) Data - mg/L. to lbs./D.

Formula: mg/L. X 8.34 X flow = lbs./D.

	Parameter	Calculation	Result
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

IV. COMPLIANCE SCHEDULE

IDENTIFY ADDITIONAL PRETREATMENT AND/OR OPERATIONAL AND MAINTENANCE MEASURES WHICH ARE EXPECTED TO BRING YOUR COMPANY INTO COMPLIANCE AND LIST THEM BELOW:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

COMPLETE THE FOLLOWING COMPLIANCE SCHEDULE FOR THE MEASURES RECOMMENDED ABOVE:

<u>INCREMENT OF PROGRESS:</u>	<u>COMMENCEMENT DATE</u>	<u>COMPLETION DATE</u>
A. ENGINEERING INVESTIGATION	_____	_____
CONSULTANT SELECTION	_____	_____
REVIEW OF PRESENT COND.	_____	_____
TREATMT. PROC. SE.	_____	_____
CONCEPTUAL DESIGN	_____	_____
FINAL DESIGN	_____	_____
B. PERMITTING PROCESS	_____	_____
C. CONSTRUCTION	_____	_____
EQUIPMENT SELECTION	_____	_____
INSTALLATION	_____	_____
D. STARTUP & TROUBLE SHOOT	_____	_____
E. COMPLETION/COMPLIANCE	_____	_____

NO PROGRESS INCREMENT SHALL EXCEED NINE (9) MONTHS; SUBDIVIDE ANY INCREMENT IF IT EXCEEDS NINE (9) MONTHS.

WITHIN FOURTEEN (14) DAYS OF EACH COMPLETION DATE IN THE SCHEDULE, YOUR COMPANY SHALL SUBMIT A PROGRESS REPORT TO THE CITY OF NACOGDOCHES, INDICATING 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 AND THE STEPS BEING TAKEN TO RETURN TO THE SCHEDULE.

V. HAZARDOUS MATERIALS UPDATE {SUPPLY A LIST}

VI. CERTIFICATION

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for Total Toxic Organics (TTO), I certify that to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewater has occurred since filing of the last compliance report.

I certify, under penalty of perjury, that I believe the information contained in this report is true, accurate, and complete."

SIGNATURE OF RESPONSIBLE COMPANY OFFICIAL⁽¹⁾

PRINT OR TYPE NAME OF OFFICIAL

TITLE OF OFFICIAL

DATED

(1) A responsible company official is defined as the president, secretary, treasurer, a vice-president in charge of a principal business function, or the individual responsible for the overall operation of the industrial facility.

SEMI-ANNUAL COMPLIANCE REPORT

I. COMPANY INFORMATION:

NAME: _____

MAILING ADDRESS: _____

TELEPHONE NO. _____

CITY OF NACOGDOCHES WASTEWATER DISCHARGE PERMIT NO. _____

STANDARD INDUSTRIAL CODES: _____

INDUSTRIAL WASTE CONTACT PERSON: _____

TITLE: _____

II. OPERATIONS UPDATE:

HAVE THERE BEEN ANY SIGNIFICANT CHANGES IN THE OPERATING
PROCEDURES OR PRODUCTS OF THIS FACILITY SINCE THE LAST
PERMIT APPLICATION AND / OR COMPLIANCE REPORT
WAS FILED?

YES _____ NO _____

IF YES, PLEASE EXPLAIN _____

(City Use Only)

Date Received: _____

By: _____

III. WASTEWATER STREAM ANALYSIS:

A. SAMPLING POINT: _____

B. SAMPLING INFORMATION: DATE/TIME (SET) _____
TO: DATE/TIME (PICK-UP) _____

C. SAMPLE CAUGHT BY: _____

D. 24 HOUR COMPOSITE: TEST RESULTS

	<u>PERMIT LIMIT</u>	<u>SAMPLE RESULTS</u>
1. AMMONIA	_____	_____
2. TSS	_____	_____
3. COD	_____	_____
4. FLOW (MGD)	_____	_____
5. COPPER	_____	_____
6. CADMIUM	_____	_____
7. CHROMIUM	_____	_____
8. LEAD	_____	_____
9. ZINC	_____	_____
10. SILVER	_____	_____
11. NICKEL	_____	_____
12. CYANIDE	_____	_____

COD = CHEMICAL OXYGEN DEMAND

TSS = TOTAL SUSPENDED SOLIDS

GPD = GALLONS PER DAY

MGD = MILLION GALLONS PER DAY

E. GRAB SAMPLING: TEST RESULTS

a. OIL & GREASE (mg/L)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

b. pH (pH units)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

c. TEMPERATURE ($^{\circ}\text{C}$)

	time/date	sample caught by	permit limit	test results
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

F. TOTAL TOXIC ORGANICS (TTO)* (mg/L) .

PERMIT LIMIT _____ TEST RESULTS _____

*TTO IS THE SUMMATION OF ALL QUANTIFIABLE VALUES GREATER THAN 0.01 mg/L FOR THE TOXIC ORGANICS LISTED IN APPENDIX A OF THE PERMIT. FOR VOLATILE ORGANICS USE THE AVERAGE OF THE FOUR GRAB SAMPLES.

IF THIS REPORT INDICATES NON-COMPLIANCE ON ANY PARAMETER, COMPLETE SECTION IV (COMPLIANCE SCHEDULE). FILL IN DATES IN ALL AREAS THAT APPLY, IN ORDER TO BRING YOUR EFFLUENT INTO COMPLIANCE. UPON APPROVAL AND NOTIFICATION BY THE CITY, THIS SCHEDULE WILL BECOME OFFICIAL.

IV. [COMPLIANCE SCHEDULE]:

IDENTIFY ADDITIONAL PRETREATMENT AND/OR OPERATIONAL AND MAINTENANCE MEASURES WHICH ARE EXPECTED TO BRING YOUR COMPANY INTO COMPLIANCE AND LIST THEM BELOW:

- 1). _____
- 2). _____
- 3). _____
- 4). _____
- 5). _____

COMPLETE THE FOLLOWING COMPLIANCE SCHEDULE FOR THE MEASURES RECOMMENDED ABOVE:

INCREMENT OF PROGRESS: COMMENCEMENT DATE COMPLETION DATE

A. ENGINEERING INVESTIGATION	_____	_____
CONSULTANT SELECTION	_____	_____
REVIEW OF PRESENT CONDITION	_____	_____
TREATMENT PROCESS SELECTION	_____	_____
CONCEPTUAL DESIGN	_____	_____
FINAL DESIGN	_____	_____
B. PERMITTING PROCESS	_____	_____
C. CONSTRUCTION	_____	_____
EQUIPMENT SELECTION	_____	_____
INSTALLATION	_____	_____
D. STARTUP & TROUBLE SHOOT	_____	_____
E.COMPLETION/COMPLIANCE	_____	_____

NO PROGRESS INCREMENT SHALL EXCEED NINE (9) MONTHS; SUBDIVIDE ANY INCREMENT IF IT EXCEEDS NINE (9) MONTHS.

WITHIN FOURTEEN (14) DAYS OF EACH COMPLETION DATE IN THE SCHEDULE, YOUR COMPANY SHALL SUBMIT A PROGRESS REPORT TO THE CITY OF NACOGDOCHES, INDICATING 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 AND THE STEPS BEING TAKEN TO RETURN TO THE SCHEDULE.

V. CERTIFICATION:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for Total Toxic Organics (TTO), I certify that to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewater has occurred since filing of the last compliance report.

I certify, under penalty of perjury, that I believe the information contained in this report is true, accurate, and complete."

DATED: _____

SIGNATURE OF RESPONSIBLE COMPANY OFFICIAL:(1)

PRINT OR TYPE NAME OF OFFICIAL: _____

TITLE OF OFFICIAL: _____

(1) A responsible company official is defined as the president, secretary, treasurer, a vice-president in charge of a principal business function, or the individual responsible for the overall operation of the industrial facility.

E=Enforcement Monitoring
SV=Surveillance Monitoring
SC=Surcharge Monitoring
SM=Self Monitoring
RA=Rate Assessment Monitoring

05/11/90

Exhibit 8
Chain of Custody Form

P.O. Box 1089 Coldspring, TX 77331 (36) 653-3249 * (800) 525-0508	P.O. Box 631375 Nacogdoches, TX 75963-1375 (936) 569-8879 * FAX (936) 569-8951
---	--

[illegible]

Chain of Custody
REVISION 3: 03/01/17

Exhibit 9
Pre-Inspection Procedure Checklist

Industrial Inspection Procedures Checklist

a. Preparation for the Inspection of: _____ Permit # _____

Completed [____]

- ☐ 1. Determine the need for inspection of the given industry. Review Industrial User's Permit and/or applicable regulations and discharge limits.
- ☐ 2. Review existing files for available information about the Industry. Existing information such as plant layouts, process flow diagrams, compliance schedule (if applicable), and wastewater analytical data should be taken along during the inspection and verified for accuracy, date discharge commenced.
- ☐ 3. Review water and sewer records to determine water usage and verify connection to the sanitary sewer.
- ☐ 4. Review literature about unfamiliar industrial processes which may be encountered. Prepare specific questions to be asked about industrial processes to be encountered.
- ☐ 5. As appropriate, contact the industrial user to establish a convenient date and time to perform the inspection. In some cases, no advance notice should be given.
- ☐ 6. Prepare sample containers and sampling equipment if monitoring activities may be performed.

b. The On-Site Inspection:

Completed [____]

- ☐ 1. Conduct a peripheral examination of the Industrial User. Note the size of the industry, additional buildings, outside chemical storage and location of the sanitary sewer.
- ☐ 2. Observe the physical characteristics of the wastestream in the sanitary sewer which is emanating from the industrial user, if access is available. Obtain samples if appropriate.
- ☐ 3. Establish contact with the chief executive officer, plant manager, or engineer, or another person in similar authority.
- ☐ 4. Request a pre-inspection meeting/discussion with the industry representative to:
 - * Provide an overview of the local pretreatment program and how it affects the industry
 - * Explain the purpose of your visit
 - * Emphasize that any process information necessary for the inspection report which the industry feels is proprietary can be handled as confidential information. However, advise the industry that effluent data is public information subject to public access through appropriate means.
 - * State the City's intent to work cooperatively with industry to meet the goals and requirements of the pretreatment program and the National Pretreatment Policy including Categorical Pretreatment Standards.
 - * Describe the information you wish to collect during the inspection. Offer the industry official an opportunity to review the inspection report form that you intend to complete.
 - * Answer any questions for the industry representative about the purpose of the visit or about the pretreatment program.
- ☐ 5. Obtain the basic biographical information about the industry such as industry name and address, contact name, title and phone number, number of employees, general overview of the business, hours of operation, SIC Code.
- ☐ 6. Request a complete tour of the facility and obtain all necessary information to complete the industrial inspection. If the industry manufactures a product, it may be advantageous to follow the process in sequence so that flow diagrams can be prepared.
- ☐ 7. Document the exact locations of all sampling points used by the industry. This is especially important if the combined wastestream formula is used by the industry to determine discharge standards.
- ☐ 8. Check for implementation of an Accident Spill Prevention Control Plan at the industry. Comment as appropriate on the operation and effectiveness of the plan.
- ☐ 9. During the inspection it should be determined if sampling inside the industry will be necessary. Sampling should be conducted at this time or scheduled for a later time with the industry. Unscheduled sampling may be done at any time in the sanitary sewer or at the industry with no advance notice.
- ☐ 10. Results of any sampling activities should be incorporated into the inspection report.
- ☐ 11. Complete the inspection report as soon as possible after the site visit to aid in its accuracy. Both inspectors must sign and date the final report upon completion. If the industry has requested that specific process information remain confidential, that information should be handled as such. Data on the effluent characteristics cannot be considered proprietary.
- ☐ 12. If no follow-up activities are required, the report may be appropriately filed.

Industrial Inspection Procedures Checklist

(Continued, Page 2 of 2)

c. Follow-Up Compliance Activities:

Completed [____]

- | |
|--|
| ☐ 1. When all the information has been evaluated, the final conclusion in the inspection report should indicate whether or not the industrial user is in compliance with applicable pretreatment standards and whether any further action is needed by the City at this time. Recommendations with regard to future monitoring may be included, where appropriate, such as:
* If the industrial user has been consistently in compliance and has had no major problems, then the monitoring frequency might be reduced or abbreviated.
* Conversely, if the monitoring visit results show problems with pretreatment facilities, chemical handling, or other violations, then the City may want to increase the monitoring frequency, modify the industrial discharge permit, request additional information from the industrial user, etc.
☐ 2. If the industrial inspection of sampling results identify problems or violations, the Nacogdoches Industrial Pretreatment Coordinator must be notified and copies of the report made available to them. The Nacogdoches Industrial Pretreatment Coordinator shall follow through with the problem/violation until it is satisfactorily resolved. The City should:
* Notify the industrial user of the problem/violation
* Possibly conduct additional sampling to verify violations
* Establish or require the development of a compliance schedule
* If appropriate, request that enforcement proceedings be taken against the industrial user
* Ensure that remedial actions have been taken by the industrial user
* Keep the Nacogdoches Wastewater Treatment Plant Superintendent and the Public Works Director informed of the status of compliance/enforcement actions.
* Submit a final report to the file once corrective actions have been completed.
☐ 3. If the industrial user has processes which are subject to Federal Categorical Pretreatment Standards, then the City must:
* Notify the industrial user of its responsibilities [40 CFR 403.8(f)(2)(iii)]
* Submit a category determination request to the TNRCC [40 CFR 403.6(a)], if appropriate
* Require the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards [40 CFR 403.8(f)(1)(iv)(A)]
* Require the submission of all notices and reports (baseline monitoring report, self-monitoring reports, etc.) from the industrial user [40 CFR 403.8(f)(1)(iv)(B)].
☐ 4. Finally, all reports, communications, data, etc. on each industrial user should be filed in a manner so the information is readily available to the Nacogdoches Industrial Pretreatment Coordinator. |
|--|

Exhibit 10
Inspection Field Report Form



**INDUSTRIAL WASTEWATER INSPECTION
FIELD REPORT**

Permit # _____
Inspector: _____

Date: _____
Time: _____

Name: _____
Contact Person: _____ Title: _____
Phone: _____ Email: _____
Current Signatory: _____

1. Inspection Type: Scheduled [] Unscheduled [] New Business []

2. Product or Service Information

Date operations or service started at this facility: _____

SIC or NAICS Code: _____ Fact Sheet Reviewed (Permit Application): _____

Nature of Operation: _____

Number of Employees: 1st _____ 2nd _____ 3rd _____

Shifts (hours): 1st _____ 2nd _____ 3rd _____

Current production rate: _____

3. Describe all Wastestreams to Nacogdoches Sewer System:

Discharge Source(s)	<u>Regulated</u> <u>Unregulated</u> or <u>Dilution</u>	Average Daily Volume (gpd)	<u>Estimated</u> or <u>Measured</u>

Major discharges: Batch [] Continuous [] Both []

4. Process Areas:

Condition/Operation: Good [] Fair [] Poor []

General Cleanliness: Good [] Fair [] Poor []

Comments: _____

5. Pretreatment System:

Type: Flow-Thru [] Batch [] Other [] _____

**INDUSTRIAL WASTEWATER INSPECTION
FIELD REPORT Pg. 2**

Describe: _____

General Condition & Cleanliness: Good [] Fair [] Poor []

Comments: _____

Flow Meter: (Type) _____

Date of Last Calibration _____

Other Installed Monitoring instruments: _____

Evidence of dilution in lieu of treatment: Yes [] No []

6. Changes since last Inspection:

Production rate: _____

Raw materials or product: _____

Pretreatment: _____

Waste Management: _____

7. Planned Changes

Production rate: _____

Raw materials or product: _____

Pretreatment: _____

Waste Management: _____

Potential for slug discharge: _____

8. List all other Discharge Permits: _____

9. Record Keeping:

Self-Monitoring Data:

Record Retention:	3 years []	<3 years []
Flow Log:	Complete []	Incomplete []
Chain-of-Custody:	Complete []	Incomplete []
Laboratory Results:	Complete []	Incomplete []
Laboratory QA/QC:	Complete []	Incomplete []
Submitted All Monitoring for Regulated Pollutants at the Permitted Outfall:	Yes []	No []

Certifications/Records:

Flow Meter:	Complete []	Incomplete []
-------------	--------------	----------------

TTO: Complete ☐ Incomplete ☐
 Authorized Rep. Sig. & Cert.: Complete ☐ Incomplete ☐
 Review Fact Sheet: Up to Date ☐ Needs Changes ☐
 Review Diagrams: Up to Date ☐ Needs Changes ☐
 Documentation for BMPs: Complete ☐ Incomplete ☐ N/A ☐
 Other: _____ Complete ☐ Incomplete ☐

Comments: _____

10. Pollution Prevention:

Formal Program In-place: Yes ☐ No ☐

Current Pollution Prevention Activities:

Comments: _____

11. Chemical & Waste Handling and Storage:

Stored Chemical or Waste	Storage Location

General condition & cleanliness: Good ☐ Fair ☐ Poor ☐
 Floor drains present in chemical storage: Yes ☐ No ☐ N/A ☐
 Hazardous Chemical & Waste Drums properly labeled: Yes ☐ No ☐ N/A ☐
 Hazardous waste properly stored and disposed: Yes ☐ No ☐ N/A ☐
 Floor drains present in hazardous waste storage: Yes ☐ No ☐ N/A ☐
 Any additional containment needed: Yes ☐ No ☐ N/A ☐

Comments: _____

12. Slug Discharge Prevention Plan:

Plan Required: Yes ☐ No ☐
 MSDS on file: Yes ☐ No ☐
 Plan Implemented: Yes ☐ No ☐

Date of Last Revision/Revision: _____

Comments: _____

13. Inspection Results & Recommended Actions?

[illegible]

INSPECTOR'S SIGNATURE:

Date: _____ Time: _____

Exhibit 11
Inspection Record Checklist



RECORDS INSPECTION CHECK LIST

The Industrial User Records Inspection Check List is a brief guide covering the records required under the Nacogdoches Industrial Pretreatment Program. Incomplete or inaccurate records are considered a permit violation. Make a check mark of "X" in the appropriate column for every item in the check list as the inspection is made. "S"=Satisfactory; "U"=Unsatisfactory; "N" means the requirement is not applicable to the facility. Comments should be provided as appropriate.

FACILITY NAME: _____ DISCHARGE PERMIT No. _____ DATE: _____

FLOW METER READINGS	S	U	N
Facility Name appears on Log			
Monitoring Site identified			
Date: Month/Year			
Date of each reading			
Time of each reading			
Initial of person taking reading			
Reading taken for each day of operation			
Calculation of flow is accurate			
Comments section of Log used			
Comments:			
FIELD ANALYSIS	S	U	N
Facility Name appears on Log			
Monitoring Site identified			
Date Analysis is Collected and Analyzed			
Initial of person performing Field Analysis			
Instrument Calibration or Standardization Record (pH meter)			
Parameter Analyzed			
Type of Sample (Grab)			
Results of Analysis			
Comments: Note: pH must be analyzed within 15 minutes of collection Temperature must be analyzed immediately on collection Note: Chain-of-Custody is not required for Field Analysis			

SAMPLING CHAIN-OF-CUSTODY	S	U	N
Chain-of-Custody made for every sample			
Name of Lab collecting sample			
Name of Facility being sampled			
Identification of Sample Site			
Date Sample Collected			
Time Sample Collected			
Name & Signature of person collecting sample			
Type of Sample Collected (grab, composite)			
Sample Identification Number			
Preservatives Used (none, H ₂ SO ₄ , HCl, NaOH, refrigerate, etc)			
Analysis to be run on sample			
Name of Lab Receiving Sample			
Name of Person Receiving Sample			
Date and Time Sample Received			
Comments:			
LABORATORY ANALYSIS REPORT	S	U	N
Name and Address of Laboratory making analysis			
Sample Identification Number			
Does Sample Identification Number correspond with Chain-of-Custody			
Date Sample Collected			
Date Analyzed			
Initials of Analyst			
Parameter Tested			
Analytical Method used			
Results of Analysis			
Units of Analysis (it is preferred that mg/L be used for concentration analysis)			
Detection Limits of Analysis			
Comments:			

SELF-MONITORING REPORTS	S	U	N
Name of Facility			
Date Report Submitted			
Due Date for Self-Monitoring Report			
Reporting Period Identified			
Data Summaries are properly identified as to Monitoring Site (#001, #002, End-of-Pipe, etc)			
Data Summaries are accurate (check that summary data corresponds to Lab Analysis Reports)			
Data Summary Calculations are Accurate (spot check calculations)			
Data Summary Reports all parameters listed in Discharge Permit			
Data Summary Reports all monitoring of all wastestreams identified in Discharge Permit			
Data is reported in appropriate units (gpd, mg/L, g/MC, etc)			
TTO Requirements Met			
Notification not filed including changes affecting slug discharge			
Authorized Representative Statement and Signature			
SLUG DISCHARGE PREVENTION PLAN	S	U	N
Copy of Plan is on File			
MSDS up to date			
Contact List is up to date			
Hazardous Materials Inventory is current			
Plan has been reviewed and updated within last 12 months			
Training is conducted on a regular basis			
TOXIC ORGANICS MANAGEMENT PLAN	S	U	N
Copy of TOMP is on File			
MSDS Sheets are up to date			
TOMP has been reviewed and updated within last 12 months			
Toxic Organic Materials Inventory is current			
TOMP Training Log is on File			
TOMP Training is conducted on a regular basis			
Alternate Chemical Survey conducted within last 12 months			
Comments:			

OTHER BEST MANAGEMENT PRACTICES	S	U	N
Schedule of activities			
Prohibitions of practices			
Maintenance procedures			
Other management practices for prohibitions 403.5(a)(1) and (b)			
Treatment Requirements			
Operating Procedures			
Practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw materials storage			
COMMUNICATIONS RECORDS	S	U	N
Copy of Correspondence from City to Industrial User			
Copy of Correspondence from Industrial User to City			
Copy of Correspondence with EPA			
Copy of Correspondence with TNRCC			
Copy of Follow up Reports of Spills			
Copy of Follow up Reports of Discharge Permit Violations			
Copy of Hazardous Waste Discharge Notification			
MISC RECORDS	S	U	N
Copy of NPDES Permits (EPA)			
Copy of Air Quality Permits (EPA)			
Copy of Hazardous Waste Generator Permit			
Copy of TNRCC Permits			
Copy of Sludge Hauling Records			
Copy of Hazardous Waste Disposal Records			
Comments:			

Reporting Violations and/or Discrepancies Found:

Recordkeeping Violations and/or Discrepancies Found:

Total Number of Violations Reported From Inspection of Records: []
Total Number of Discrepancies Reported from Inspection of Records []

The preceding check list and the records indicated have been personally inspected and found to be as represented by notes made during this inspection.

(Name/Title) (Date)

Exhibit 12
Sample Notice of Noncompliance

DATE

Contact Person
Company Name
Address
City, State Zip Code

Re: Violation of _____

Dear _____:

On _____, your effluent wastewater stream was sampled and found to be out of compliance on _____. Our analysis indicated an _____ of _____ mg/L, which is above your permit limit of _____ mg/L.

On _____, at approximately _____ pm, I left a message on your answering machine informing you of the test results and that the _____ level was in violation of your permit limits.

Please take the necessary actions to keep your effluent in compliance with your permit limit.

Your next bill will reflect the assessed surcharge for the violation of your permit for _____.

cost X flow (thousands of gallons) X violation = violation fee + \$25.00 per day

Date -Chemical Name- _____

Total: \$ _____

Sincerely,

HENRY L. SIMON
Pretreatment Coordinator
City of Nacogdoches Wastewater Treatment Facility

HLS/akc

cc: Gordon Pierce, City Manager
David Smith, City Engineer
John Phillips, Director of Public Works

Exhibit 13
Sample Preservation

Exhibit 13 - Sample Preservation

Sample collection containers, preservation techniques and holding times must comply with the requirements in 40 CFR part 136 Table II and its footnotes.

TABLE II—REQUIRED CONTAINERS, PRESERVATION TECHNIQUES, AND HOLDING TIMES

Parameter number/name	Container¹	Preservation^{2 3}	Maximum holding time⁴
Table IB—Inorganic Tests			
Acidity	P, FP, G	Cool, $\leq 6^{\circ}\text{C}^{18}$	14 days.
Alkalinity	P, FP, G	Cool, $\leq 6^{\circ}\text{C}^{18}$	14 days.
Ammonia	P, FP, G	Cool, $\leq 6^{\circ}\text{C}$, ¹⁸ H_2SO_4 to pH <2	28 days.
Biochemical oxygen demand	P, FP, G	Cool, $\leq 6^{\circ}\text{C}^{18}$	48 hours.
Boron	P, FP, or Quartz	HNO_3 to pH <2	6 months.
Bromide	P, FP, G	None required	28 days.
Biochemical oxygen demand, carbonaceous	P, FP G	Cool, $\leq 6^{\circ}\text{C}^{18}$	48 hours.
Chemical oxygen demand	P, FP, G	Cool, $\leq 6^{\circ}\text{C}$, ¹⁸ H_2SO_4 to pH <2	28 days.
Chloride	P, FP, G	None required	28 days.
Chlorine, total residual	P, G	None required	Analyze within 15 minutes.
Color	P, FP, G	Cool, $\leq 6^{\circ}\text{C}^{18}$	48 hours.
Cyanide, total or available (or CATC) and free	P, FP, G	Cool, $\leq 6^{\circ}\text{C}$, ¹⁸ NaOH to pH >10, ^{5 6} reducing agent if oxidizer present	14 days.
Fluoride	P	None required	28 days.
Hardness	P, FP, G	HNO_3 or H_2SO_4 to pH <2	6 months.
Hydrogen ion (pH)	P, FP, G	None required	Analyze within 15 minutes.
Kjeldahl and organic N	P, FP, G	Cool, $\leq 6^{\circ}\text{C}$, ¹⁸ H_2SO_4 to pH <2	28 days.
Table IB—Metals⁷			
Chromium VI	P, FP, G	Cool, $\leq 6^{\circ}\text{C}$, ¹⁸ pH = 9.3-9.7 ²⁰	28 days.
Mercury (CVAA)	P, FP, G	HNO_3 to pH <2	28 days.

Exhibit 13 - Sample Preservation

Mercury (CVAFS)	FP, G; and FP-lined cap ¹⁷	5 mL/L 12N HCl or 5 mL/L BrCl ¹⁷	90 days. ¹⁷
Metals, except boron, chromium VI, and mercury	P, FP, G	HNO ₃ to pH <2, or at least 24 hours prior to analysis ¹⁹	6 months.
Nitrate	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
Nitrate-nitrite	P, FP, G	Cool, ≤6 °C, ¹⁸ H ₂ SO ₄ to pH <2	28 days.
Nitrite	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
Oil and grease	G	Cool to ≤6 °C, ¹⁸ HCl or H ₂ SO ₄ to pH <2	28 days.
Organic Carbon	P, FP, G	Cool to ≤6 °C, ¹⁸ HCl, H ₂ SO ₄ , or H ₃ PO ₄ to pH <2	28 days.
Orthophosphate	P, FP, G	Cool, to ≤6 °C ^{18 24}	Filter within 15 minutes; Analyze within 48 hours.
Oxygen, Dissolved Probe	G, Bottle and top	None required	Analyze within 15 minutes.
Phenols	G	Cool, ≤6 °C, ¹⁸ H ₂ SO ₄ to pH <2	28 days.
Phosphorus (elemental)	G	Cool, ≤6 °C ¹⁸	48 hours.
Phosphorus, total	P, FP, G	Cool, ≤6 °C, ¹⁸ H ₂ SO ₄ to pH <2	28 days.
Residue, total	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
Residue, Filterable	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
Residue, Nonfilterable (TSS)	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
Residue, Settleable	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
Residue, Volatile	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
Silica	P or Quartz	Cool, ≤6 °C ¹⁸	28 days.
Specific conductance	P, FP, G	Cool, ≤6 °C ¹⁸	28 days.
Sulfate	P, FP, G	Cool, ≤6 °C ¹⁸	28 days.
Sulfide	P, FP, G	Cool, ≤6 °C, ¹⁸ add zinc acetate plus sodium hydroxide to pH >9	7 days.
Sulfite	P, FP, G	None required	Analyze within 15 minutes.

Exhibit 13 - Sample Preservation

Surfactants	P, FP, G	Cool, $\leq 6^{\circ}\text{C}^{18}$	48 hours.
Temperature	P, FP, G	None required	Analyze within 15 minutes.
Turbidity	P, FP, G	Cool, $\leq 6^{\circ}\text{C}^{18}$	48 hours.
Table IC—Organic Tests⁸			
Purgeable Halocarbons	G, FP-lined septum	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$, ⁵ HCl to pH 2	14 days.
2-Chloroethylvinyl ether	G, FP-lined septum	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ ⁵	14 days.
Purgeable aromatic hydrocarbons	G, FP-lined septum	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$, ⁵ HCl to pH 2 ⁹	14 days. ⁹
Acrolein and acrylonitrile	G, FP-lined septum	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$, pH to 4-5 ¹⁰	14 days. ¹⁰
Phenols ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$	7 days until extraction, 40 days after extraction.
Benzidines ^{11 12}	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ ⁵	7 days until extraction. ¹³
Phthalate esters ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$	7 days until extraction, 40 days after extraction.
Nitrosamines ^{11 14}	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$ store in dark, 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ ⁵	7 days until extraction, 40 days after extraction.
PCBs ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$	1 year until extraction, 1 year after extraction.
Nitroaromatics and isophorone ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$ store in dark, 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ ⁵	7 days until extraction, 40 days after extraction.
Polynuclear aromatic hydrocarbons ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$ store in dark, 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ ⁵	7 days until extraction, 40 days after extraction.
Haloethers ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}^{18}$ 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ ⁵	7 days until extraction, 40 days after extraction.

Exhibit 13 - Sample Preservation

Chlorinated hydrocarbons ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}$ ¹⁸	7 days until extraction, 40 days after extraction.
Alkylated phenols	G	Cool, $< 6^{\circ}\text{C}$, H_2SO_4 to pH < 2	28 days until extraction, 40 days after extraction.
Adsorbable Organic Halides (AOX)	G	Cool, $< 6^{\circ}\text{C}$, 0.008% $\text{Na}_2\text{S}_2\text{O}_3$, HNO_3 to pH < 2	Hold <i>at least</i> 3 days, but not more than 6 months.
Chlorinated Phenolics	G, FP-lined cap	Cool, $< 6^{\circ}\text{C}$, 0.008% $\text{Na}_2\text{S}_2\text{O}_3$, H_2SO_4 to pH < 2	30 days until acetylation, 30 days after acetylation.
Pesticides ¹¹	G, FP-lined cap	Cool, $\leq 6^{\circ}\text{C}$, ¹⁸ pH 5-9 ¹⁵	7 days until extraction, 40 days after extraction.

¹⁴"P" is for polyethylene; "FP" is fluoropolymer (polytetrafluoroethylene (PTFE); Teflon®), or other fluoropolymer, unless stated otherwise in this Table II; "G" is glass; "PA" is any plastic that is made of a sterilizable material (polypropylene or other autoclavable plastic); "LDPE" is low density polyethylene.

²Except where noted in this Table II and the method for the parameter, preserve each grab sample within 15 minutes of collection. For a composite sample collected with an automated sample (e.g., using a 24-hour composite sample; see 40 CFR 122.21(g)(7)(i) or 40 CFR part 403, appendix E), refrigerate the sample at $\leq 6^{\circ}\text{C}$ during collection unless specified otherwise in this Table II or in the method(s). For a composite sample to be split into separate aliquots for preservation and/or analysis, maintain the sample at $\leq 6^{\circ}\text{C}$, unless specified otherwise in this Table II or in the method(s), until collection, splitting, and preservation is completed. Add the preservative to the sample container prior to sample collection when the preservative will not compromise the integrity of a grab sample, a composite sample, or aliquot split from a composite sample within 15 minutes of collection. If a composite measurement is required but a composite sample would compromise sample integrity, individual grab samples must be collected at prescribed time intervals (e.g., 4 samples over the course of a day, at 6-hour intervals). Grab samples must be analyzed separately and the concentrations averaged. Alternatively, grab samples may be collected in the field and composited in the laboratory if the compositing procedure produces results equivalent to results produced by arithmetic averaging of results of analysis of individual grab samples. For examples of laboratory compositing procedures, see EPA Method 1664 Rev. A (oil and grease) and the procedures at 40 CFR 141.24(f)(14)(iv) and (v) (volatile organics).

³When any sample is to be shipped by common carrier or sent via the U.S. Postal Service, it must comply with the Department of Transportation Hazardous Materials Regulations (49 CFR part 172). The person offering such material for transportation is responsible for ensuring such compliance. For the preservation requirement of Table II, the Office of Hazardous Materials, Materials Transportation Bureau, Department of Transportation has determined that the Hazardous Materials Regulations do not apply to the following materials: Hydrochloric acid (HCl) in water solutions at concentrations of 0.04% by weight or less (pH about 1.96 or greater; Nitric acid (HNO_3))

Exhibit 13 - Sample Preservation

in water solutions at concentrations of 0.15% by weight or less (pH about 1.62 or greater); Sulfuric acid (H_2SO_4) in water solutions at concentrations of 0.35% by weight or less (pH about 1.15 or greater); and Sodium hydroxide (NaOH) in water solutions at concentrations of 0.080% by weight or less (pH about 12.30 or less).

⁴Samples should be analyzed as soon as possible after collection. The times listed are the maximum times that samples may be held before the start of analysis and still be considered valid. Samples may be held for longer periods only if the permittee or monitoring laboratory have data on file to show that, for the specific types of samples under study, the analytes are stable for the longer time, and has received a variance from the Regional ATP Coordinator under §136.3(e). For a grab sample, the holding time begins at the time of collection. For a composite sample collected with an automated sampler (e.g., using a 24-hour composite sampler; see 40 CFR 122.21(g)(7)(i) or 40 CFR part 403, appendix E), the holding time begins at the time of the end of collection of the composite sample. For a set of grab samples composited in the field or laboratory, the holding time begins at the time of collection of the last grab sample in the set. Some samples may not be stable for the maximum time period given in the table. A permittee or monitoring laboratory is obligated to hold the sample for a shorter time if it knows that a shorter time is necessary to maintain sample stability. See §136.3(e) for details. The date and time of collection of an individual grab sample is the date and time at which the sample is collected. For a set of grab samples to be composited, and that are all collected on the same calendar date, the date of collection is the date on which the samples are collected. For a set of grab samples to be composited, and that are collected across two calendar dates, the date of collection is the dates of the two days; e.g., November 14-15. For a composite sample collected automatically on a given date, the date of collection is the date on which the sample is collected. For a composite sample collected automatically, and that is collected across two calendar dates, the date of collection is the dates of the two days; e.g., November 14-15. For static-renewal toxicity tests, each grab or composite sample may also be used to prepare test solutions for renewal at 24 h, 48 h, and/or 72 h after first use, if stored at 0-6 °C, with minimum head space.

⁵ASTM D7365-09a specifies treatment options for samples containing oxidants (e.g., chlorine) for cyanide analyses. Also, Section 9060A of Standard Methods for the Examination of Water and Wastewater (20th and 21st editions) addresses dechlorination procedures for microbiological analyses.

⁶Sampling, preservation and mitigating interferences in water samples for analysis of cyanide are described in ASTM D7365-09a. There may be interferences that are not mitigated by the analytical test methods or D7365-09a. Any technique for removal or suppression of interference may be employed, provided the laboratory demonstrates that it more accurately measures cyanide through quality control measures described in the analytical test method. Any removal or suppression technique not described in D7365-09a or the analytical test method must be documented along with supporting data.

⁷For dissolved metals, filter grab samples within 15 minutes of collection and before adding preservatives. For a composite sample collected with an automated sampler (e.g., using a 24-hour composite sampler; see 40 CFR 122.21(g)(7)(i) or 40 CFR part 403, appendix E), filter the sample within 15 minutes after completion of collection and before adding preservatives. If it is known or suspected that dissolved sample integrity will be compromised during collection of a composite sample collected automatically over time (e.g., by interchange of a metal between dissolved and suspended forms), collect and filter grab samples to be composited (footnote 2) in place of a composite sample collected automatically.

⁸Guidance applies to samples to be analyzed by GC, LC, or GC/MS for specific compounds.

Exhibit 13 - Sample Preservation

⁹If the sample is not adjusted to pH 2, then the sample must be analyzed within seven days of sampling.

¹⁰The pH adjustment is not required if acrolein will not be measured. Samples for acrolein receiving no pH adjustment must be analyzed within 3 days of sampling.

¹¹When the extractable analytes of concern fall within a single chemical category, the specified preservative and maximum holding times should be observed for optimum safeguard of sample integrity (*i.e.*, use all necessary preservatives and hold for the shortest time listed). When the analytes of concern fall within two or more chemical categories, the sample may be preserved by cooling to ≤ 6 °C, reducing residual chlorine with 0.008% sodium thiosulfate, storing in the dark, and adjusting the pH to 6-9; samples preserved in this manner may be held for seven days before extraction and for forty days after extraction. Exceptions to this optional preservation and holding time procedure are noted in footnote 5 (regarding the requirement for thiosulfate reduction), and footnotes 12, 13 (regarding the analysis of benzidine).

¹²If 1,2-diphenylhydrazine is likely to be present, adjust the pH of the sample to 4.0 ± 0.2 to prevent rearrangement to benzidine.

¹³Extracts may be stored up to 30 days at < 0 °C.

¹⁴For the analysis of diphenylnitrosamine, add 0.008% $\text{Na}_2\text{S}_2\text{O}_3$ and adjust pH to 7-10 with NaOH within 24 hours of sampling.

¹⁵The pH adjustment may be performed upon receipt at the laboratory and may be omitted if the samples are extracted within 72 hours of collection. For the analysis of aldrin, add 0.008% $\text{Na}_2\text{S}_2\text{O}_3$.

¹⁶Place sufficient ice with the samples in the shipping container to ensure that ice is still present when the samples arrive at the laboratory. However, even if ice is present when the samples arrive, immediately measure the temperature of the samples and confirm that the preservation temperature maximum has not been exceeded. In the isolated cases where it can be documented that this holding temperature cannot be met, the permittee can be given the option of on-site testing or can request a variance. The request for a variance should include supportive data which show that the toxicity of the effluent samples is not reduced because of the increased holding temperature. Aqueous samples must not be frozen. Hand-delivered samples used on the day of collection do not need to be cooled to 0 to 6 °C prior to test initiation.

¹⁷Samples collected for the determination of trace level mercury (< 100 ng/L) using EPA Method 1631 must be collected in tightly-capped fluoropolymer or glass bottles and preserved with BrCl or HCl solution within 48 hours of sample collection. The time to preservation may be extended to 28 days if a sample is oxidized in the sample bottle. A sample collected for dissolved trace level mercury should be filtered in the laboratory within 24 hours of the time of collection. However, if circumstances preclude overnight shipment, the sample should be filtered in a designated clean area in the field in accordance with procedures given in Method 1669. If sample integrity will not be maintained by shipment to and filtration in the laboratory, the sample must be filtered in a designated clean area in the field within the time period necessary to maintain sample integrity. A sample that has been collected for determination of total or dissolved trace level mercury must be analyzed within 90 days of sample collection.

¹⁸Aqueous samples must be preserved at ≤ 6 °C, and should not be frozen unless data demonstrating that sample freezing does not adversely impact sample integrity is maintained on file

Exhibit 13 - Sample Preservation

and accepted as valid by the regulatory authority. Also, for purposes of NPDES monitoring, the specification of " $\leq$ °C" is used in place of the "4 °C" and "<4 °C" sample temperature requirements listed in some methods. It is not necessary to measure the sample temperature to three significant figures (1/100th of 1 degree); rather, three significant figures are specified so that rounding down to 6 °C may not be used to meet the ≤ 6 °C requirement. The preservation temperature does not apply to samples that are analyzed immediately (less than 15 minutes).

¹⁹An aqueous sample may be collected and shipped without acid preservation. However, acid must be added at least 24 hours before analysis to dissolve any metals that adsorb to the container walls. If the sample must be analyzed within 24 hours of collection, add the acid immediately (see footnote 2). Soil and sediment samples do not need to be preserved with acid. The allowances in this footnote supersede the preservation and holding time requirements in the approved metals methods.

²⁰To achieve the 28-day holding time, use the ammonium sulfate buffer solution specified in EPA Method 218.6. The allowance in this footnote supersedes preservation and holding time requirements in the approved hexavalent chromium methods, unless this supersession would compromise the measurement, in which case requirements in the method must be followed.

²¹Holding time is calculated from time of sample collection to elution for samples shipped to the laboratory in bulk and calculated from the time of sample filtration to elution for samples filtered in the field.

²²Sample analysis should begin as soon as possible after receipt; sample incubation must be started no later than 8 hours from time of collection.

²³For fecal coliform samples for sewage sludge (biosolids) only, the holding time is extended to 24 hours for the following sample types using either EPA Method 1680 (LTB-EC) or 1681 (A-1): Class A composted, Class B aerobically digested, and Class B anaerobically digested.

²⁴The immediate filtration requirement in orthophosphate measurement is to assess the dissolved or bio-available form of orthophosphorus (*i.e.*, that which passes through a 0.45-micron filter), hence the requirement to filter the sample immediately upon collection (*i.e.*, within 15 minutes of collection).

[38 FR 28758, Oct. 16, 1973]

SEWER USE (PRETREATMENT) ORDINANCE

- Amends Chapter 106 Utilities, Article II, Division 2, “Sewer Use Regulations”
- Updates ordinance to meet current regulations and streamlining procedures
- TPDES Permit requires reviews and updates every few years
First submitted to TCEQ in 2012 & later in 2016
- No significant changes or impacts to local industries.





City Council Meeting

Date: April 20, 2021

Agenda Item: 9.E.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Presentation of Mid-Year financial update. (Finance Director)

SUMMARY/BACKGROUND: Presentation of Mid-Year Financial reports as of March 31, 2021 including early estimates of the recovery of revenues post-pandemic.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Pamela Curbow, Director of Finance
curbowp@nactx.us
936-559-2526

ATTACHMENTS:

1. MidYearFinancials 03 31 2021
2. Mid Year 2020 2021 Financial Report PowerPoint



**Mid-Year
Financial Update
(Major Funds)**

At March 31, 2021

General Fund Operating Budget

	Adopted Budget	Amended Budget	Actual YTD March 31, 2021	% Used
Revenues				
Taxes:				
Property - Current	\$ 9,388,882	\$ 9,388,882	\$ 9,189,899	98%
Property - Delinquent	\$ 85,000	\$ 85,000	\$ 73,795	87%
Property - Penalty & Interest	\$ 125,000	\$ 125,000	\$ 68,486	55%
Property - Other Personal	\$ 7,000	\$ 7,000	\$ -	0%
Sales Tax	\$ 6,350,000	\$ 6,350,000	\$ 3,552,085	56%
Sales Tax - Mixed Beverage	\$ 50,000	\$ 50,000	\$ 38,087	76%
Franchise - Elec	\$ 1,533,000	\$ 1,533,000	\$ -	0%
Franchise - Cable	\$ 320,000	\$ 320,000	\$ 160,797	50%
Franchise - Gas	\$ 338,000	\$ 338,000	\$ 139,183	41%
Franchise - Communication	\$ 134,000	\$ 134,000	\$ 50,814	38%
Franchise - Mixed Beverage	\$ 40,000	\$ 40,000	\$ 31,050	78%
Licenses & Permits:				
Alcoholic Beverage	\$ 15,000	\$ 15,000	\$ 10,125	68%
Inspection Permits	\$ 75,000	\$ 75,000	\$ 33,764	45%
Animal Adoption Fees	\$ 35,000	\$ 35,000	\$ 16,695	48%
Animal Microchip Fees	\$ 10,000	\$ 10,000	\$ 7,419	74%
Other Licenses & Permits	\$ 70,000	\$ 70,000	\$ 42,392	61%
Fines:				
Adm Fee State Court Costs	\$ 45,000	\$ 45,000	\$ 10,665	24%
Court Fines	\$ 420,000	\$ 420,000	\$ 139,019	33%
Arrest Fees	\$ 60,000	\$ 60,000	\$ 14,249	24%
Charges for Services:				
County Fire Protection	\$ 10,000	\$ 10,000	\$ 5,000	50%
Library	\$ 5,000	\$ 5,000	\$ 1,340	27%
Recreation Fees	\$ 200,000	\$ 200,000	\$ 30,485	15%
Cemetery Lot Sales	\$ 70,500	\$ 70,500	\$ 82,575	117%
Intergovernmental Receipts	\$ 27,500	\$ 1,509,244	\$ 1,497,201	99%
Investment Earnings	\$ 35,280	\$ 35,280	\$ 22,378	63%
Rents & Royalties	\$ 8,360	\$ 8,360	\$ 1,681	20%
Contributions from County	\$ 334,300	\$ 334,300	\$ 167,149	50%
Contributions from NEDCO	\$ 251,462	\$ 251,462	\$ 107,616	43%
Contributions from CVB	\$ 282,301	\$ 282,301	\$ 118,033	42%
Contributions from Other	\$ 19,000	\$ 19,000	\$ 17,000	89%
Miscellaneous Revenues	\$ 134,000	\$ 135,000	\$ 65,286	48%
Total Operating Revenues	\$ 20,478,585	\$ 21,961,329	\$ 15,694,267	71%
Inter-Fund Transfers In				
Transfer Water / Wastewater Franchise Fee	\$ 1,536,000	\$ 1,536,000	\$ 768,000	50%
Transfer Sanitation Franchise Fee	\$ 450,800	\$ 450,800	\$ 225,400	50%
Transfer Utility Fund Overhead Cost	\$ 1,921,514	\$ 1,921,514	\$ 960,757	50%
Transfer Sanitation Fund Overhead Cost	\$ 1,794,010	\$ 1,794,010	\$ 897,005	50%
Transfer Equipment Replacement	\$ -	\$ 50,000	\$ -	0%
Total Inter-Fund Transfers In	\$ 5,702,324	\$ 5,752,324	\$ 2,851,162	50%
Total Revenues	\$ 26,180,909	\$ 27,713,653	\$ 18,545,429	67%

General Fund Operating Budget

	Adopted Budget		Amended Budget		Actual YTD March 31, 2021	% Used
Expenditures						
General Government						
City Council	\$	27,425	\$	27,425	\$	12,755 47%
City Manager	\$	384,332	\$	388,107	\$	167,864 43%
Municipal Court	\$	209,358	\$	212,508	\$	96,811 46%
City Secretary	\$	122,841	\$	124,466	\$	63,429 51%
Finance	\$	637,694	\$	666,294	\$	250,318 38%
Information Technology	\$	439,795	\$	464,195	\$	254,852 55%
Personnel	\$	291,217	\$	317,117	\$	143,823 45%
Legal	\$	275,628	\$	292,178	\$	123,942 42%
Planning & Zoning	\$	188,968	\$	191,278	\$	93,441 49%
Building Maintenance	\$	369,237	\$	373,312	\$	190,542 51%
Communications	\$	131,883	\$	131,883	\$	43,973 33%
Vehicle Maintenance	\$	308,066	\$	310,266	\$	145,188 47%
Conventions & Tourism	\$	390,901	\$	394,326	\$	192,197 49%
Economic Development	\$	251,462	\$	256,787	\$	127,674 50%
Non-Departmental	\$	1,835,962	\$	1,968,839	\$	1,437,940 73%
Total General Government	\$	5,864,769	\$	6,118,981	\$	3,344,747 55%
Public Safety						
Police	\$	8,594,193	\$	8,680,803	\$	4,252,014 49%
Fire	\$	6,041,206	\$	6,166,806	\$	3,389,863 55%
Inspections	\$	425,482	\$	429,782	\$	200,428 47%
Animal Control	\$	500,504	\$	530,704	\$	237,978 45%
Total Public Safety	\$	15,561,385	\$	15,808,095	\$	8,080,284 51%
Cultural & Recreational						
Historic Sites & Main Street	\$	248,482	\$	262,232	\$	124,533 47%
City Library	\$	555,325	\$	567,025	\$	262,460 46%
Recreation	\$	605,475	\$	636,875	\$	214,315 34%
Parks & Cemetery	\$	1,077,318	\$	1,316,580	\$	589,901 45%
Total Cultural & Recreational	\$	2,486,600	\$	2,782,712	\$	1,191,209 43%
Highways & Streets						
Public Works Admin.	\$	123,948	\$	124,473	\$	72,691 58%
Streets	\$	1,164,837	\$	1,183,387	\$	489,925 41%
Engineering	\$	492,919	\$	498,269	\$	259,253 52%
Total Highways & Streets	\$	1,781,704	\$	1,806,129	\$	821,868 46%
Total Expenditures	\$	25,694,458	\$	26,515,917	\$	13,438,108 51%
Inter-Fund Transfers Out						
Transfers - Eco Dev	\$	150,000	\$	150,000	\$	150,000 100%
Transfers - Airport Construction	\$	50,000	\$	50,000	\$	1,875 4%
Transfers - Airport Operation	\$	50,000	\$	50,000	\$	50,000 100%
Total Inter-Fund Transfers Out	\$	250,000	\$	250,000	\$	201,875 81%
Total Expenditures	\$	25,944,458	\$	26,765,917	\$	13,639,983 51%

Utility Fund Operating Budget

			Actual YTD		
	Adopted Budget	Amended Budget	March 31, 2021	% Used	
Revenues					
<u>Charges for Sales & Services:</u>					
Water Sales	\$ 10,200,000	\$ 10,000,000	\$ 4,853,490	49%	
Sewer Sales	\$ 9,000,000	\$ 9,000,000	\$ 4,220,898	47%	
Plumbing Permits	\$ 10,000	\$ 10,000	\$ 3,670	37%	
Water / Wastewater Permits - Inspections	\$ 32,000	\$ 32,000	\$ 28,600	89%	
Water Taps	\$ 30,000	\$ 30,000	\$ 9,679	32%	
Sewer Taps	\$ 10,000	\$ 10,000	\$ 5,239	52%	
Utility Service Fees	\$ 90,000	\$ 90,000	\$ 44,718	50%	
Late Payment Penalties Fees	\$ 300,000	\$ 300,000	\$ 134,140	45%	
Water Miscellaneous Receipts	\$ 20,000	\$ 20,000	\$ 1,523	8%	
Sewer Miscellaneous Receipts	\$ 135,000	\$ 135,000	\$ 87,130	65%	
Receipt on Bad Accounts	\$ 30,000	\$ 30,000	\$ 18,146	60%	
Miscellaneous Receipts	\$ 2,500	\$ 2,500	\$ 7,597	304%	
Total Operating Revenues	\$ 19,859,500	\$ 19,659,500	\$ 9,414,829	48%	
<u>Nonoperating Revenues</u>					
<u>Investment Earnings:</u>					
Water / Sewer Interest	\$ 51,500	\$ 51,500	\$ 40,105	78%	
Water / Sewer Reserve Interest	\$ 3,000	\$ 3,000	\$ 571	19%	
Water / Sewer Debt Service Interest	\$ 6,000	\$ 6,000	\$ 1,030	17%	
Transfer f/ Capital Projects	\$ 150,000	\$ 298,850	\$ -	0%	
Total Investment Earnings	\$ 210,500	\$ 359,350	\$ 41,706	12%	
Total Revenues	\$ 20,070,000	\$ 20,018,850	\$ 9,456,535	47%	
<u>Operating Expenses</u>					
Water Billing	\$ 1,311,199	\$ 1,318,099	\$ 631,906	48%	
Water Production	\$ 2,391,735	\$ 2,437,835	\$ 858,378	35%	
Utility Construction	\$ 1,398,606	\$ 1,431,356	\$ 622,684	44%	
Wastewater Treatment	\$ 2,191,293	\$ 2,227,593	\$ 1,117,482	50%	
Non - Departmental	\$ 462,431	\$ 425,881	\$ 270,887	64%	
Total Operating Expenses	\$ 7,755,264	\$ 7,840,764	\$ 3,501,337	45%	
Debt Service - Principal	\$ 3,110,000	\$ 3,110,000	\$ 1,190,000	38%	
Debt Service - Interest	\$ 975,436	\$ 975,436	\$ 451,277	46%	
Transfer to Eco Dev Fund	\$ 50,000	\$ 50,000	\$ 50,000	100%	
Transfer to Airport FBO Fund	\$ 50,000	\$ 50,000	\$ 50,000	100%	
Transfer to Capital Projects	\$ 10,000	\$ 172,345	\$ -	0%	
Transfer to General Fd - Franchise Fee	\$ 1,536,000	\$ 1,536,000	\$ 768,000	50%	
Transfer to General Fd - Overhead Cost	\$ 1,921,514	\$ 1,921,514	\$ 960,757	50%	
Total Nonoperating Expenses	\$ 7,652,950	\$ 7,815,295	\$ 3,470,034	44%	
Total Expenditures	\$ 15,408,214	\$ 15,656,059	\$ 6,971,371	45%	

Sanitation Fund Operating Budget

	Adopted Budget	Amended Budget	Actual YTD March 31, 2021	% Used
<u>Revenues</u>				
<u>Charges for Sales & Services:</u>				
Sanitation Charges	\$ 5,425,000	\$ 5,425,000	\$ 2,742,961	51%
Sanitation Fuel Charge	\$ 210,000	\$ 210,000	\$ 94,111	45%
Landfill Gate Receipts	\$ 625,000	\$ 625,000	\$ 382,118	61%
Miscellaneous Receipts	\$ 375,000	\$ 375,000	\$ 144,786	39%
Total Operating Revenues	\$ 6,635,000	\$ 6,635,000	\$ 3,363,976	51%
<u>Nonoperating Revenues</u>				
Sanitation Fund Interest	\$ 69,000	\$ 69,000	\$ 40,218	58%
Gain from Disposal of Assets	\$ -	\$ -	\$ -	#DIV/0!
Total Nonoperating Revenues	\$ 69,000	\$ 69,000	\$ 40,218	58%
Total Revenues	\$ 6,704,000	\$ 6,704,000	\$ 3,404,194	51%
<u>Operating Expenses</u>				
Sanitation Collection	\$ 1,264,528	\$ 1,577,178	\$ 643,283	41%
Sanitation Disposal	\$ 872,487	\$ 880,587	\$ 379,742	43%
Sanitation Administration	\$ 123,982	\$ 125,182	\$ 53,598	43%
Non - Departmental	\$ 359,140	\$ 345,690	\$ 166,273	48%
Total Operating Expenses	\$ 2,620,137	\$ 2,928,637	\$ 1,242,896	42%
<u>Transfers Out</u>				
Transfer to Eco Dev Fd	\$ 50,000	\$ 50,000	\$ 50,000	100%
Transfer to General Fd - Franchise Fee	\$ 450,800	\$ 450,800	\$ 225,400	50%
Transfer to General Fd - Overhead Cost	\$ 1,794,010	\$ 1,794,010	\$ 897,005	50%
Total Transfers Out	\$ 2,294,810	\$ 2,294,810	\$ 1,172,405	51%
Total Expenditures	\$ 4,914,947	\$ 5,223,447	\$ 2,415,301	46%

Hotel Tax Fund Operating Budget

	Adopted Budget	Amended Budget	Actual YTD March 31, 2021	% Used
<u>Revenues</u>				
Hotel Occupancy Tax	\$ 472,500	\$ 472,500	\$ 333,124	71%
Total Operating Revenues	\$ 472,500	\$ 472,500	\$ 333,124	71%
<u>Nonoperating Revenues</u>				
Investment Earnings:				
Interest Income	\$ 3,000	\$ 3,000	\$ 754	25%
Total Investment Earnings	\$ 3,000	\$ 3,000	\$ 754	25%
Total Revenues	\$ 475,500	\$ 475,500	\$ 333,878	70%
<u>Operating Expenses</u>				
Bldg & Structure Maint	\$ 12,500	\$ 15,500	\$ -	0%
Special Services	\$ 95,000	\$ 95,000	\$ 47,500	50%
Tourist & Convention Services	\$ 342,563	\$ 342,563	\$ 208,701	61%
Total Operating Expenses	\$ 450,063	\$ 453,063	\$ 256,201	57%
Transfer to Historical Fd	\$ 25,000	\$ 25,000	\$ 25,000	100%
Total Nonoperating Expenses	\$ 25,000	\$ 25,000	\$ 25,000	100%
Total Expenditures	\$ 475,063	\$ 478,063	\$ 281,201	59%

2020-2021 Mid Year Financial Report

As of March 31, 2021



General Fund Major Revenues

thru March 31, 2021

• Property Taxes	\$ 9,332,180	97%
• Sales Tax	\$ 3,590,172	56%
• Franchise Fee (exclude Oncor July)	\$ 381,844	16%
• Court Fines	\$ 163,932	31%
• Other Revenues	\$ 728,938	47%
— Rec, Insp, Interest,		
• CARES Funds	\$ 1,497,201	100%
• Transfers	\$ 2,851,162	50%

General Fund Major Revenues

thru March 31, 2021

- Revenues — Compared to Prior Year Collections at 3/31/2020
 - Property Tax — **up 2%** (\$195,000)
 - Sales Tax — **up 5%** (\$184,000)
 - Franchise Fees — **down 5%** (\$21,000)
 - Fines — **down 44%** (\$126,000)
 - Misc Fees — **down 27%** (\$272,000)
 - Interest Earnings — **down 79%** (\$85,000)

Utility & Sanitation Funds

Major Revenues

thru March 31, 2021

• Water Sales	\$ 4,853,490	49%
• Sewer Sales	\$ 4,220,898	47%
• Sanitation Fees	\$ 2,742,961	51%
• Sanitation Fuel Charges	\$ 94,111	45%
• Landfill Gate Fees	\$ 382,118	61%

Hotel Tax Fund

thru March 31, 2021

- Hotel Taxes \$ 333,124 71%
 - Estimate to end year with additional \$75,000
 - Means additional CVB funding of \$54,375
- Compared to Prior Year Collections at 3/31/2020
 - Up 19% (\$29,700)



City Council Meeting

Date: April 20, 2021

Agenda Item: 9.F.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Consider ordinance amending ordinance no. 1835-09-20 to cover emergency expenditures and unanticipated revenues for fiscal year 2020-2021 due to Mid-Year Budget Adjustments. (Finance Director)

SUMMARY/BACKGROUND: Consider adoption of Budget Amendments to cover overages of expenditures and unanticipated revenues through March 31, 2021.

FINANCIAL:

Item is not budgeted (*Budget Amendment required – see attached*)

Account No.: see attached

Account Name: see attached

Amount: see attached

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Pamela Curbow, Director of Finance
curbowp@nactx.us
936-559-2526

ATTACHMENTS:

1. Ordinance for Mid Year BA for 2021
2. 2020 2021 Mid Year BA Detail

AN ORDINANCE AMENDING ORDINANCE NO. 1835-09-20 APPROPRIATING VARIOUS AMOUNTS IN ACCORDANCE WITH BUDGET ADOPTED FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021.

WHEREAS, the City Council of the City of Nacogdoches, Texas has approved and adopted the budget for said city for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that sums of money as herein set forth in said budget are hereby appropriated and amended for the receipts of revenue, payments of operating expenses and capital outlays of the city government of the City of Nacogdoches as follows:

Fund	Dept	Acct.	Department	Description	Amt.
				SEE ATTACHED DETAIL	

PASSED AND APPROVED this the 20th day of April 2021.

Shelley Brophy, Mayor
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

Approved as to form:

Robert Davis, Interim City Attorney

Approved as to content:

Pamela Curbow, Director of Finance

**CITY OF NACOGDOCHES
MID-YEAR BUDGET ADJUSTMENTS
2020-2021**

<u>Fund/Dept Name</u>	<u>Acct No.</u>	<u>Account Name</u>	<u>Description</u>	<u>Expense Amendment</u>
<u>GENERAL FUND</u>				
City Manager	01.02.620.10	Office Equip Maintenance	Agenda Preparation Software	\$ 11,536
Finance	01.05.601.10	Operational Salaries	Employee Payouts at Separation	\$ 14,000
Info Tech	01.06.630.70	Special Services	State Required IT Security Training-All Employees	\$ 5,800
Personnel	01.07.601.40	Overtime	Winter Storm Overtime	\$ 2,000
Legal	01.08.601.10	Operational Salaries	Employee Payouts at Separation	\$ 27,500
Legal	01.08.630.70	Special Services	SGR Hiring Assistance for City Attorney	\$ 21,475
Planning	01.09.601.40	Overtime	Winter Storm Overtime	\$ 500
Police	01.15.601.10	Operational Salaries	Employee Payouts at Separation	\$ 75,000
Police	01.15.601.40	Overtime	Winter Storm Overtime	\$ 95,000
Fire	01.17.601.40	Overtime	Winter Storm Overtime	\$ 115,000
Fire	01.17.630.70	Special Services	Fire Station Study	\$ 18,000
Inspections	01.18.601.40	Overtime	Winter Storm Overtime	\$ 4,200
Animal Shelter	01.19.601.40	Overtime	Winter Storm Overtime	\$ 3,000
Animal Shelter	01.19.620.00	Building Maintenance	Resurface Floor in Puppy Room	\$ 5,000
Historic Sites	01.20.601.40	Overtime	Winter Storm Overtime	\$ 1,500
Historic Sites	01.20.620.00	Building Maintenance	Replace Two AC Units at Durst Taylor	\$ 6,800
Historic Sites	01.20.620.00	Building Maintenance	ADA Handrail and Front Gate Repair	\$ 3,000
Library	01.21.601.40	Overtime	Winter Storm Overtime	\$ 2,650
Recreation	01.22.601.40	Overtime	Winter Storm Overtime	\$ 7,750
Parks	01.23.601.40	Overtime	Winter Storm Overtime	\$ 2,750
Parks	01.23.All Accts	Parks Dept Operations	Combine Parks and Cemetery Depts	\$ 221,082
Cemetery	01.24 All Accts	Cemetery Dept Operations	Combine Parks and Cemetery Depts	\$ (221,082)
Parks	01.23.610.15	Communication Equipment	Emergency Phones Replacement (3)	\$ 8,850
Parks	01.23.620.15	Communication Equipment Maintenance	Emergency Phones Repair (2)	\$ 1,800
Parks	01.23.630.70	Special Services	Install Festival Park Playground Equip	\$ 8,700
Public Works Admin	01.25.601.40	Overtime	Winter Storm Overtime	\$ 7,000
Streets	01.26.601.10	Operational Salaries	Employee Payouts at Separation	\$ 20,750
Streets	01.26.601.40	Overtime	Winter Storm Overtime	\$ 6,000
Engineering	01.28.601.40	Overtime	Winter Storm Overtime	\$ 3,400
Non-Departmental	01.75.610.91	Reimb Emer Expenditures	COVID Vaccine Clinic	\$ 10,000
Non-Departmental	01.75.610.91	Reimb Emer Expenditures	Winter Storm Expenses	\$ 65,000
Transfers	01.85.699.00	General Fund Transfers	Contribution to Mayors Committee on Disabilities	\$ 5,000
Total General Fund:				\$ 558,961
<u>UTILITY FUND</u>				
Utility Billing	30.35.601.40	Overtime	Winter Storm Overtime	\$ 6,500
Water Production	30.36.601.40	Overtime	Winter Storm Overtime	\$ 9,000
Water Production	30.36.630.70	Special Services	Consultant for EPA Required Study	\$ 31,500
Utility Construction	30.37.601.40	Overtime	Winter Storm Overtime	\$ 20,000
Wastewater	30.39.601.40	Overtime	Winter Storm Overtime	\$ 12,500
Wastewater	30.39.630.72	Consulting Services	WWTP Consultant - TCEQ Issue	\$ 23,500
Non-Departmental	30.75.630.70	Special Services	Winter Storm Expenses	\$ 110,000
Total Utility Fund:				\$ 213,000
<u>SANITATION FUND</u>				
Sanitation Collection	31.40.601.10	Operational Salaries	Employee Payouts at Separation	\$ 18,750
Sanitation Collection	31.40.601.40	Overtime	Winter Storm Overtime	\$ 6,500
Sanitation Disposal	31.41.601.10	Operational Salaries	Employee Payouts at Separation	\$ 15,500
Sanitation Disposal	31.41.601.40	Overtime	Winter Storm Overtime	\$ 2,200
Non-Departmental	31.75.630.70	Special Services	Winter Storm Expenses	\$ 15,600
Total Sanitation Fund:				\$ 58,550
<u>MAYORS COMMITTEE FUND</u>				
Transfers	20.590.00	Transfer f/ General	Contribution to Mayors Committee on Disabilities	\$ 5,000
Total Mayors Committee Fund:				\$ 5,000