CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● APRIL 26, 2021

Council Chambers | **Regular Meeting** | **6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Page	Ward 4	Present	
Bill Harp	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Vicky Coopwood, David Orr, Jennifer Evans, Karey Parker, Mashell Daniel, Lisa Thompson, Eric Schlotter, Robby Robertson, Ross Cowling, J. D. Phillips, Gary Smith, and Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, May 10, 2021 at 6:00 p.m.
Monday, May 24, 2021 at 6:00 p.m.
Monday, June 14, 2021 at 6:00 p.m.

Parks & Recreation Events:

May 1st	Sixth Annual Wine Fest	Spring Lake Park
May 1st	Walk for Life	Spring Lake Park
May 3rd	Commercial Softball League begins	Wallace Park
May 7th - 9th	Softball Tournament	Karrh Park
May 8th	Community Wide Yard Sale & Electronics Recycling	Spring Lake Park

Ribbon cutting for the Spring Lake Park Walk Through History, Wednesday April 28th at 11:30 a.m. 4303 North Park Road, park entry on the south end of the park, off Lynn Street.

Additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

The National Professional Fishing League (NPFL) held a tournament last week at Lake Wright Patman. The City was presented a plaque for its participation in hosting the event. The League complimented the City and other supporting sponsors for the community's hospitality. Council Member Harp thanked Natalie Haywood, of the Chamber of Commerce, and Ross Cowling, of the Parks and Recreation Department, for their hard work and efforts in coordinating this event.

IV. SPECIAL PRESENTATION - 9-1-1 TELECOMMUNICATOR OF THE YEAR AWARD

Megan McBain was the recipient of the 9-1-1 Telecommunicator of the Year Award presented by Rea Allen and Merle Luster of Ark-Tex Council of Governments. Ms. McBain was nominated by Tearkana Texas Police Officer Chris Nelson and was selected from 120 dispatchers across nine counties. She is truly a hidden hero for the citizens of Texarkana while also keeping our police officers safe. KUDOS to Megan!

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

Julie Ray Harrison, Fred Norton, Ruth Ellen Whitt, Van Alexander, and Kelly Mitchell addressed council in support of the appointment of David Orr as Interim City Manager.

Gary Gathright thanked the city for its continued support of the annual Wine Festival and he especially thanked Robby Robertson, Kenny Jordan, and Jerry Tittle of the Parks and Recreation Department.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Bruggeman reappointed Denis Washington to the TexAmericas Center Board.

1. Council confirmation of Mayoral reappointment of Denis Washington to TexAmericas Center Board.

   (6:31 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bill Harp, Ward 5
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:33 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 12, 2021 at 6:00 PM.

2. Resolution No. 2021-021 authorizing the City Manager to execute a contract with Denali Water Solutions of Russellville, Arkansas, for the Millwood Water Treatment Plant Cleaning of the Sludge Ponds Project, with budgeted funds, in an amount with the Texas portion not to exceed $168,708.19 and the total amount not to exceed $267,197.00.

   Public Hearing:
   Council Vote: April 26, 2021

Action Items

3. Ordinance No. 2021-029 appointing David Orr, Ph.D., as an Interim City Manager with an effective date of May 1, 2021.

   Public Hearing:
   Council Vote: April 26, 2021

(6:35 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

VIII. FIRST BRIEFINGS

1. Ordinance No. 2021-022 rezoning a 0.33-acre tract of land (being Tract 34) in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road. Single Family-2 to General Retail. Shanna Andrews, owner.

   Public Hearing: May 10, 2021
   Council Vote: May 10, 2021

   Mashell Daniel briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/10/2021 6:00 PM**

2. Ordinance No. 2021-023 rezoning a 0.92-acre tract of land (being Tract 66) in the M. E. P. & P. RWY CO. HRS, A-434, located at the northeast corner of Gazola Street and Hatton Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

   Public Hearing: May 10, 2021
   Council Vote: May 10, 2021

   Mashell Daniel briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/10/2021 6:00 PM**

3. Ordinance No. 2021-024 rezoning a 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434, located west of 100 Gazola Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

   Public Hearing: May 10, 2021
   Council Vote: May 10, 2021

   Mashell Daniel briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/10/2021 6:00 PM**

4. Ordinance No. 2021-025 rezoning Lots 3-10, Block 9, Greater Texarkana Addition, located in the 2700 block of Austin Street. Industrial-1 to Single Family-2. James Cannon, owner.

   Public Hearing: May 10, 2021
   Council Vote: May 10, 2021

   Mashell Daniel briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/10/2021 6:00 PM**

5. Ordinance No. 2021-026 granting a Specific Use Permit to allow a tattoo studio in a tenant space on part of a 1.338-acre tract of land (being Tracts 1 and 1A) located at 3201 Kennedy Lane. Brad Carlow, owner. Caleb McCombs, agent.

   Public Hearing: May 10, 2021
   Council Vote: May 10, 2021

   Mashell Daniel briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/10/2021 6:00 PM**

6. Ordinance No. 2021-028 amending Chapter 42, "Water and Sewers" Article III, "Nondomestic Waste", Division 1, "Publicly-owned Treatment Works" of the Code of Ordinances of the City of Texarkana, Texas.

   Public Hearing: May 10, 2021
   Council Vote: May 10, 2021

   J. D. Phillips briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/10/2021 6:00 PM**

IX. PUBLIC HEARINGS - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

Robby Robertson added that the NPFL tournament was a three-day event and was attended by visitors from several states. He thanked Jack Daugherty, of the Texarkana Convention Center, and Mike Malone, of the Texarkana Chamber of Commerce, for their

participation in such a successful event. Ross Cowling and Natalie Howard shared a PowerPoint presentation highlighting many fun activities during the three days.

XI. ADMINISTRATIVE COMMENTS

1. City Council

   Council Member Harp asked about timing for the payroll true-up to be completed. David Orr said staff is still on target for the final true-up to be on the May 14th payroll.

2. City Staff

   Staff had no administrative comments for Council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:06 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

Vicky Coopwood
Asst. City Secretary

Bob Bruggeman
Mayor

CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● APRIL 12, 2021

Council Chambers | **Regular Meeting** | **6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Page	Ward 4	Present	
Bill Harp	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, David Orr, Kristin Peeples, Wesley Belk, Mashell Daniel, Sherry Jackson Hawkins, J.D. Phillips, Zachary Flanagan, and Karey Parker.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, April 26, 2021 at 6:00 p.m.
Monday, May 10, 2021 at 6:00 p.m.
Monday, May 24, 2021 at 6:00 p.m.

Parks & Recreation Events:

April 16th-17th	Buck Memorial Baseball Tournament	Spring Lake Park
April 22nd	Sportsplex in the Park (Yoga, Zumba, Thunder classes)	Spring Lake Park
May 8th	Community Wide Yard Sale & Electronics Recycling	Spring Lake Park

Ribbon cutting for the Spring Lake Park Walk Through History, Wednesday April 28th at 11:30 a.m. 4303 North Park Road, park entry on the south end of the park, off Lynn Street.

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

Additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

Other City Events:

The City will co-host the National Professional Fishing League from April 22nd - 24th at Lake Wright Patman and Texarkana Convention Center.

The Mayor received a letter from the Texas Municipal Clerks Association congratulating Assistant City Secretary Victoria (Vicky) Coopwood for graduating from the Texas Municipal Clerks Certification Program on January 28, 2021. Ms. Coopwood has achieved the designation "Texas Registered Municipal Clerk". This designation comes with numerous hours of study, course work, classroom training, and completing four final tests for each unit of study. The certification program is recognized and endorsed by Section 22.074 of the Local Government Code, Vernon's Texas Codes Annotated. On behalf of the City Council, **KUDOS to Vicky!**

Outgoing City Manager Shirley Jaster was featured in the Texarkana Gazette's **HER** magazine sharing her employment history and accomplishments as a progressive employee during her tenure at the city.

Proclamation Presentation

Mayor Bruggeman read the proclamation and encouraged citizens to dial "**811**" before beginning any digging projects. Citizens will find that the locates are performed in a very timely manner by the local utility companies.

Texarkana Safe Digging Month - April 2021

RESULT:	**CLOSE ACTION**

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

Zach Flanagan addressed council about the continual delay of firefighter back pay.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council Member Matlock recommended the reappointment of Clyde Glass to the Building & Standards Commission.

Council Member Harp recommended the reappointment of James Cook to the Building & Standards Commission.

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

Council Member Page recommended the reappointment of John Lott to the Building & Standards Commission.

Council member Davis recommended the reappointments of James Bramlett and Thomas Tucker to the Zoning Board of Adjustment.

1. Motion to confirm recommendations to various boards and commissions.

(6:13 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:15 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 8, 2021 at 6:00 PM.

2. Consider approval of the minutes of the Regular Meeting of the City Council held on March 22, 2021 at 6:00 PM.

3. Resolution No. 2021-020 authorizing the City Manager to accept the bid and execute a contract with MVA Services of Quinlan, Texas, in an amount not to exceed $292,103.32, with budgeted funds, for the Millwood Water Treatment Plant valve replacement project.

   Public Hearing:
   Council Vote: April 12, 2021

4. Resolution No. 2021-027 approving the budget calendar for fiscal year 2022.

   Public Hearing:
   Council Vote: April 12, 2021

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

Action Items

[None]

VII. FIRST BRIEFINGS

[None]

VIII. PUBLIC HEARINGS

1. Ordinance No. 2021-013 rezoning a portion of Lot 6, Parcel 2, Block 3, Galleria Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane. Agriculture to Planned Development - Office. Rebecca Nelson, Owner. Darrel Kotur, agent.

   Public Hearing: April 12, 2021
   Council Vote: April 12, 2021

   There were no public comments made at this hearing.
   (6:17 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

2. Ordinance No. 2021-014 rezoning a 5.007-acre tract of land in the George Brinlee HRS, A-18, being part of that certain tract of land described as Lot 1 of the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision, located west of 6210 Gibson Lane. Single Family-1 to Multiple Family-2. Ray Walsh, owner. Jake Taylor, agent.

   Public Hearing: April 12, 2021
   Council Vote: April 12, 2021

   Richard Reynolds and Jake Taylor addressed council at this hearing.
   (6:21 p.m.)

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bill Harp, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

3. Ordinance No. 2021-015 granting a Specific Use Permit to allow the location of a mini-storage facility on a 1.19-acre tract of land (being tract 9B) in the M. E. P. & P. RWY CO. HRS, A-435, located at 1609 North Robison Road. Robert Barwick, owner.

Public Hearing: April 12, 2021
Council Vote: April 12, 2021

Robert Barwick addressed council at this hearing.
(6:23 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Betty Williams, Ward 3
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

4. Ordinance No. 2021-016 amending PD-02-13 (GR) for site plan approval to allow the construction of 10 apartment units on Lots 8 and 9, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place. Brandon Taylor, 2B Builders, owner. Kayla Wood, MTG Engineers & Surveyors, agent.

Public Hearing: April 12, 2021
Council Vote: April 12, 2021

Brad Meador and Brandon Taylor addressed council at this hearing.
(6:26 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

IX. ITEMS FOR DISCUSSION - STAFF UPDATES

Renew Texarkana Comprehensive Plan - by David Orr

Mr. Orr provided the third annual highlights pertaining to the city's Comprehensive Plan as follows:

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

4.1.4 - Prioritizing economic development along commercial corridors - The City kicked off a COVID Rebound Corridor study for small businesses along the New Boston Road corridor. The results will be used citywide.

4.1.5 - Coordinating zoning changes and future land use plan updates with Texarkana, Arkansas along the state line - The State Line Corridor Study is scheduled for 2021 with both Texas and Arkansas Departments of Transportation, the Metropolitan Planning Organization, and Texarkana, Arkansas.

4.3.1 - Parks & Trails improvements - The Texas Parks and Wildlife grant for Spring Lake Park "Walk Through History" Trail improvements is completed. A ribbon cutting is scheduled for April 28, 2021.

5.2.6 - Enhancing the role of Downtown as the cultural and social center of the City - The Courthouse Square Project continues development and is expected to be completed later this summer.

5.2.7 - Mixed use housing diversity in Downtown - The Hotel Grim project is expected to have a ribbon cutting later this fall. In 2021, several new mixed use retail and housing developments are now underway downtown.

These highlights show that the Comprehensive Plan document is not just a document sitting on a shelf, but results in annual and steady progress for the betterment of Texarkana.

(CP Implementation Table 2021 document)

RESULT:	**CLOSE ACTION**

X. ADMINISTRATIVE COMMENTS

1. City Council

   Council Member Harp asked staff to prepare and place an ordinance, as an action item, on the April 26th council meeting agenda naming David Orr as the Interim City Manager effective May 1st.

   The Mayor expressed appreciation to staff for the effort and expediency allowed to "stabilize and rebuild" the city's electronic data platforms due to the very damaging cyber attack across city departments. The cyber attack also affected Texarkana Water Utilities, Bowie County, and Texarkana, Arkansas.

   Council Member Davis thanked staff for providing a tier breakdown of catching up compensation due employees that was delayed as a result of the cyber attack.

2. City Staff

   Related to the earlier comments made at Open Forum, Mr. Orr confirmed that the April

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

16th payroll plan will true up December 2020 and January 2021 compensation due employees. The true up for February 2021 and March 2021 will soon follow. The last true up of routine changes is expected to be completed by May 14th.

Ms. Jaster added that staff is now processing current and regular payroll periods. As finance staff begins true up efforts going back, first priority is to concentrate on paying employees who are owed back pay. The last priority will be to work with employees who will owe the city overpay.

The spring storm that came through the city on Friday, April 9th, did cause damage of downed trees and blocked roadways. Fortunately, there was minimal damage to property, however, a tree in one of the parks did cause some water leaks.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:43 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bill Harp, Ward 5
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

Minutes Acceptance: Minutes of Apr 12, 2021 6:00 PM (Consent Items)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 4/21/2021 2:07 PM

Lead Department: Water Utilities **Action Officer:** Pam White,

Subject: Resolution No. 2021-021 authorizing the City Manager to execute a contract with Denali Water Solutions of Russellville, Arkansas, for the Millwood Water Treatment Plant Cleaning of the Sludge Ponds Project, with budgeted funds, in an amount with the Texas portion not to exceed $168,708.19 and the total amount not to exceed $267,197.00.

Briefing: 4/26/2021 **Public Hearing:** **Council Vote:** 4/26/2021

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bids were received Tuesday, March 30, 2021 for the Millwood Water Treatment Cleaning of the Sludge Ponds Project. Four (4) contractors picked up bid packages for the project and three (3) contractors bid on the project. The low bid received from HydroAg Environmental was not accepted as they were not currently licensed. Denali Water Solutions of Russellville, Arkansas was the apparent low bidder with a low Additive Alternate Bid of $267,197.19. This project consists of cleaning four (4) of the alum/lime sludge ponds at the Millwood WTP located in Ashdown, Arkansas.

Potential Options:

- None
-

Fiscal Implications:

This project is budgeted in the Utility's 2020-2021 Budget in the Millwood Water Treatment Plant Depreciation Fund at $175,000, which was for cleaning only two of the sludge ponds. Due to the unforeseen postponement of another project funds became available in this fund and two additional ponds were added to this project.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2021-021 RES Millwood WTP Cleaning Sludge Ponds (DOCX)
b. 2021-021 ATTH 01 Bid Summary (DOCX)
c. 2021-021 ATTH 02 Bid Tab (PDF)
d. 2021-021 Goals and Perspectives (DOCX)
e. 2021-021 RES Millwood WTP Cleaning Sludge signed (PDF)

Staff Coordination

Water Utilities	Gary Smith 04/12/2021 2:39 PM	Department Head Review	Completed	
Water Utilities	Jennifer Evans	Review	Skipped	04/26/2021 6:21 PM
Water Utilities	Jennifer Evans 04/26/2021 6:21 PM	Water Utilities Review	Skipped	
City Manager	Jennifer Evans	City Manager Review	Skipped	04/26/2021 6:21 PM
City Council	Vicky Coopwood	Meeting	Completed	04/26/2021 6:00 PM

Meeting History

RESOLUTION NO. 2021-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH DENALI WATER SOLUTIONS OF RUSSELLVILLE, ARKANSAS, IN AN AMOUNT, WITH THE TEXAS PORTION, NOT TO EXCEED $168,708.19 AND THE TOTAL AMOUNT NOT TO EXCEED $267,197.00 FOR THE MILLWOOD WATER TREATMENT PLANT CLEANING OF THE SLUDGE PONDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 30, 2021, three (3) bids were received, as described in **ATTH 01**, by Texarkana Water Utilities for the Millwood Water Treatment Plant Cleaning of the Sludge Ponds Project; and

WHEREAS, the project will consist of cleaning four (4) of the alum/lime sludge ponds at the Millwood WTP located in Ashdown, Arkansas; and

WHEREAS, the low bid received from Hydro Ag Environmental was not accepted as they are not currently licensed. The next lowest and best bid by a responsible vendor for this project was submitted by Denali Water Solutions of Russellville, Arkansas, a copy of which is attached hereto as **ATTH 02** in an amount not to exceed $267,197.00; and

WHEREAS, funds are currently budgeted in the Texarkana Water Utilities 2020-2021 Budget in the Millwood WTP Depreciation Fund in the amount of $175,000.00 for the Millwood WTP Cleaning of the Sludge Ponds Project. The remaining funds are available in the Millwood WTP Depreciation Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Denali Water Solutions of Russellville, Arkansas, a copy of which is attached hereto as **ATTH 02** be and is hereby approved in an amount not to exceed the Texas portion $168,708.19 and the total amount not to exceed $267,197.00 for cleaning four (4) of the alum/lime sludge ponds at the Millwood WTP –located in Ashdown, Arkansas.

SECTION 2: That the City Manager be and is authorized to contract with Denali Water Solutions of Russellville, Arkansas, for the above-described services.

SECTION 3: That this resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **26th day of April, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-021 RES Millwood WTP Cleaning Sludge Ponds (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

Bid Summary

Millwood Water Treatment Plant
Cleaning of the Sludge Ponds

2:00 P.M. Tuesday, March 30, 2021

	Base Bid	Alternate
1. JB Tanker Plainview, Arkansas	$ 272,500.00	$ 325,500.00
2. Denali Water Solutions Russellville, Arkansas	$ 207,797.00	$ 267,197.00
3. HydroAg Environmental Russellville, Arkansas	$ 151,900.00	$ 194,500.00

Time First Bid Opened: 2:00 P.M

Number of Bidders: 3

Apparent Low Bidder: Denali Water Solutions

Note: HydroAg Environmental bid was rejected due to not being licensed in the State of Arkansas as required.

Attachment: 2021-021 ATTH 01 Bid Summary (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

Bid Tabulation
MILLWOOD WTP
CLEANING OF THE SLUDGE PONDS
Project No. 61/62-000/135112-A/T132011
March 30, 2021

RES 2021-021
ATTH 02

BASE BID:								
			HydroAg Environmental, LLC		Denali Water Solutions		J & B Tanker, Inc.	
			Russellville, AR		Russellville, AR		Plainview, AR	
Item	Quantity	Description	Unit Price	Total Bid	Unit Price	Total Bid	Unit Price	Total Bid
1	1	Remove & Dispose of Sludge From Ponds #1, #2, & #3	$151,900.00	$151,900.00	$207,797.00	$207,797.00	$272,500.00	$272,500.00
		TOTAL BASE BID		$151,900.00		$207,797.00		$272,500.00
ADDITIVE ALTERNATE BID "A"								
1	1	Add Pond #4	$42,600.00	$42,600.00	$59,400.00	$59,400.00	$53,000.00	$53,000.00
		TOTAL ADDITIVE ALTERNATE BID "A"		$42,600.00		$59,400.00		$53,000.00
		TOTAL BASE BID AND ADDITIVE ALTERNATE BID "A"		$194,500.00		$267,197.00		$325,500.00
HydroAg Environmental's bid is rejected due to not being licensed in the State of Arkansas at the time of the bid opening.								

Prepared by Gary L. Smith, P.E.
Certified Correct

_____
Gary L. Smith, P.E., Assistant Director, TWU

Attachment: 2021-021 ATTH 02 Bid Tab (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☑ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☑ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☑	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☑	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

Attachment: 2021-021 Goals and Perspectives (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

RESOLUTION NO. 2021-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH DENALI WATER SOLUTIONS OF RUSSELLVILLE, ARKANSAS, IN AN AMOUNT, WITH THE TEXAS PORTION, NOT TO EXCEED $168,708.19 AND THE TOTAL AMOUNT NOT TO EXCEED $267,197.00 FOR THE MILLWOOD WATER TREATMENT PLANT CLEANING OF THE SLUDGE PONDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 30, 2021, three (3) bids were received, as described in **ATTH 01**, by Texarkana Water Utilities for the Millwood Water Treatment Plant Cleaning of the Sludge Ponds Project; and

WHEREAS, the project will consist of cleaning four (4) of the alum/lime sludge ponds at the Millwood WTP located in Ashdown, Arkansas; and

WHEREAS, the low bid received from Hydro Ag Environmental was not accepted as they are not currently licensed. The next lowest and best bid by a responsible vendor for this project was submitted by Denali Water Solutions of Russellville, Arkansas, a copy of which is attached hereto as **ATTH 02** in an amount not to exceed $267,197.00; and

WHEREAS, funds are currently budgeted in the Texarkana Water Utilities 2020-2021 Budget in the Millwood WTP Depreciation Fund in the amount of $175,000.00 for the Millwood WTP Cleaning of the Sludge Ponds Project. The remaining funds are available in the Millwood WTP Depreciation Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Denali Water Solutions of Russellville, Arkansas, a copy of which is attached hereto as **ATTH 02** be and is hereby approved in an amount not to exceed the Texas portion $168,708.19 and the total amount not to exceed $267,197.00 for cleaning four (4) of the alum/lime sludge ponds at the Millwood WTP –located in Ashdown, Arkansas.

SECTION 2: That the City Manager be and is authorized to contract with Denali Water Solutions of Russellville, Arkansas, for the above-described services.

SECTION 3: That this resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **26th day of April, 2021**.

ATTEST:

VICKY COOPWOOD, ASST. CITY SECRETARY
6:33 p.m.

BOB BRUGGEMAN, MAYOR

Attachment: 2021-021 RES Millwood WTP Cleaning Sludge signed (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

Bid Summary

Millwood Water Treatment Plant
Cleaning of the Sludge Ponds

2:00 P.M. Tuesday, March 30, 2021

	Base Bid	Alternate
1. JB Tanker Plainview, Arkansas	$ 272,500.00	$ 325,500.00
2. Denali Water Solutions Russellville, Arkansas	$ 207,797.00	$ 267,197.00
3. HydroAg Environmental Russellville, Arkansas	$ 151,900.00	$ 194,500.00

Time First Bid Opened: 2:00 P.M

Number of Bidders: 3

Apparent Low Bidder: Denali Water Solutions

Note: HydroAg Environmental bid was rejected due to not being licensed in the State of Arkansas as required.

Attachment: 2021-021 RES Millwood WTP Cleaning Sludge signed (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

Bid Tabulation
MILLWOOD WTP
CLEANING OF THE SLUDGE PONDS
Project No. 61/62-000/135112-A/T132011
March 30, 2021

RES 2021-021
ATTH 02

BASE BID:								
			HydroAg Environmental, LLC		Denali Water Solutions		J & B Tanker, Inc.	
			Russellville, AR		Russellville, AR		Plainview, AR	
Item	Quantity	Description	Unit Price	Total Bid	Unit Price	Total Bid	Unit Price	Total Bid
1	1	Remove & Dispose of Sludge From Ponds #1, #2, & #3	$151,900.00	$151,900.00	$207,797.00	$207,797.00	$272,500.00	$272,500.00
		TOTAL BASE BID		$151,900.00		$207,797.00		$272,500.00
ADDITIVE ALTERNATE BID "A"								
1	1	Add Pond #4	$42,600.00	$42,600.00	$59,400.00	$59,400.00	$53,000.00	$53,000.00
		TOTAL ADDITIVE ALTERNATE BID "A"		$42,600.00		$59,400.00		$53,000.00
		TOTAL BASE BID AND ADDITIVE ALTERNATE BID "A"		$194,500.00		$267,197.00		$325,500.00
HydroAg Environmental's bid is rejected due to not being licensed in the State of Arkansas at the time of the bid opening.								

Prepared by Gary L. Smith, P.E.
Certified Correct

Gary L. Smith, P.E., Assistant Director, TWU

Attachment: 2021-021 RES Millwood WTP Cleaning Sludge signed (2454 : 2021-021 RES Millwood WTP Cleaning of Sludge Ponds)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/19/2021 12:51 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Ordinance No. 2021-029 appointing David Orr, Ph.D., as an Interim City Manager with an effective date of May 1, 2021.

Briefing: 4/26/2021 **Public Hearing:** **Council Vote:** 4/26/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City Council wishes to consider the appointment of David Orr, Ph.D., as the Interim City Manager.

Potential Options:

- None
-

Fiscal Implications:

N/A

Staff Recommendation:

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2021-029 ORD Appoint interim CM - delay eff date(DOCX)
b. 2021-029 Goals & Perspective (DOCX)
c. 2021-029 ORD Appoint interim CM Signed (PDF)

City of Texarkana, Texas

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	04/19/2021 12:50 PM
City Manager	Shirley Jaster	City Manager Review	Completed	04/20/2021 1:47 PM
City Council	Vicky Coopwood	Meeting	Completed	04/26/2021 6:00 PM

Meeting History

ORDINANCE NO. 2021-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPOINTING DAVID ORR, Ph.D., AS INTERIM CITY MANAGER; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2021.

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

SECTION 1: The appointment of David Orr, Ph.D., as Interim City Manager of the City of Texarkana, Texas, be and is hereby approved, subject, however, to the decision of the City Council to fill the position of Interim City Manager or City Manager by the appointment of another.

SECTION 2: This Ordinance shall be in full force and effect beginning May 1, 2021.

PASSED AND APPROVED in Regular Council Session on this the **26th day of April, 2021.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2021-029 ORD Appoint interim CM - delay eff date (2461 : 2021-029 ORD Appointing an Interim CM)

City of Texarkana, Texas 2021-029

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☑ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☑	None Required	☐	

Other:

Attachment: 2021-029 Goals & Perspective (2461 : 2021-029 ORD Appointing an Interim CM)

ORDINANCE NO. 2021-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPOINTING DAVID ORR, Ph.D., AS INTERIM CITY MANAGER; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2021.

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

SECTION 1: The appointment of David Orr, Ph.D., as Interim City Manager of the City of Texarkana, Texas, be and is hereby approved, subject, however, to the decision of the City Council to fill the position of Interim City Manager or City Manager by the appointment of another.

SECTION 2: This Ordinance shall be in full force and effect beginning May 1, 2021.

PASSED AND APPROVED in Regular Council Session on this the **26th day of April, 2021.**

ATTEST:

Vicky Coopwood
VICKY COOPWOOD, ASST. CITY SECRETARY
6:35 p.m.

Bob Bruggeman
BOB BRUGGEMAN, MAYOR

Attachment: 2021-029 ORD Appoint interim CM Signed (2461 : 2021-029 ORD Appointing an Interim CM)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 4/20/2021 11:47 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2021-022 rezoning a 0.33-acre tract of land (being Tract 34) in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road. Single Family-2 to General Retail. Shanna Andrews, owner.		

Briefing: 5/10/2021 **Public Hearing:** 5/10/2021 **Council Vote:** 5/10/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Shanna Andrews, owner, to rezone a 0.33-acre tract of land (being Tract 34) in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road from Single Family-2 to General Retail to allow the location of a portable classroom building for a daycare. The property is currently vacant land.

The adjacent zoning is Single Family-2 to the east, south, and west, and General Retail to the north. The adjacent land use is residences to the west, east and south, and a business to the north.

The applicant, Shanna Andrews, bought an existing property directly to the north of this vacant tract of land. Ms. Andrews is opening a daycare at this location to the north and needs more space than the existing building provides. Therefore, she is proposing to place a portable classroom on the vacant tract to expand her daycare facility.

There is currently a city/utility easement between these two properties that is owned by the applicant, (2401 Summerhill Road and 2321 Summerhill Road). It is the applicant's plan to put up a fence to keep the children contained between these two properties. The applicant is aware that if utility companies need to access the property and remove the fence, she will be responsible for replacing the fence.

Staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or Deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

Planning and Zoning Commission unanimously recommended for approval.

Advisory Board/Committee Meeting Date and Minutes:

April 5, 2021

Attachments

a. 2021-022 ORD rezoning at 2321 Summerhill Rd (DOCX)
b. 2021-022 ORD ATTH 01 (Maps) (PDF)
c. 2021-022 ORD ATTH 02 (Floorplans) (PDF)
d. 2021-022 ORD ATTH 03 (Elevations) (PDF)
e. 2021-022 Goals Perspectives(PDF)
f. 2021-022 ORD rezoning at 2321 Summerhill Road - signed(PDF)

Staff Coordination

City Manager	David Orr 04/15/2021 2:33 PM	Department Head Review	Completed	
Building Code Administration		Laura Puckett 04/15/2021 2:05 PM	Reviewer	Skipped
City Council 6:00 PM	Vicky Coopwood	Meeting	Completed	04/26/2021

Meeting History

Z-21-04

ORDINANCE NO. 2021-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 0.33-ACRE TRACT OF LAND BEING TRACT 34, IN THE W. W. WOOTEN HRS, A-652, LOCATED AT 2321 SUMMERHILL ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **0.33-acre tract of land being Tract 34, in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to General Retail**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to General Retail on an approximate 0.33-acre tract of land being Tract 34, in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to General Retail** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **0.33-acre tract of land being Tract 34, in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to General Retail.**

Attachment: 2021-022 ORD rezoning at 2321 Summerhill Rd (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

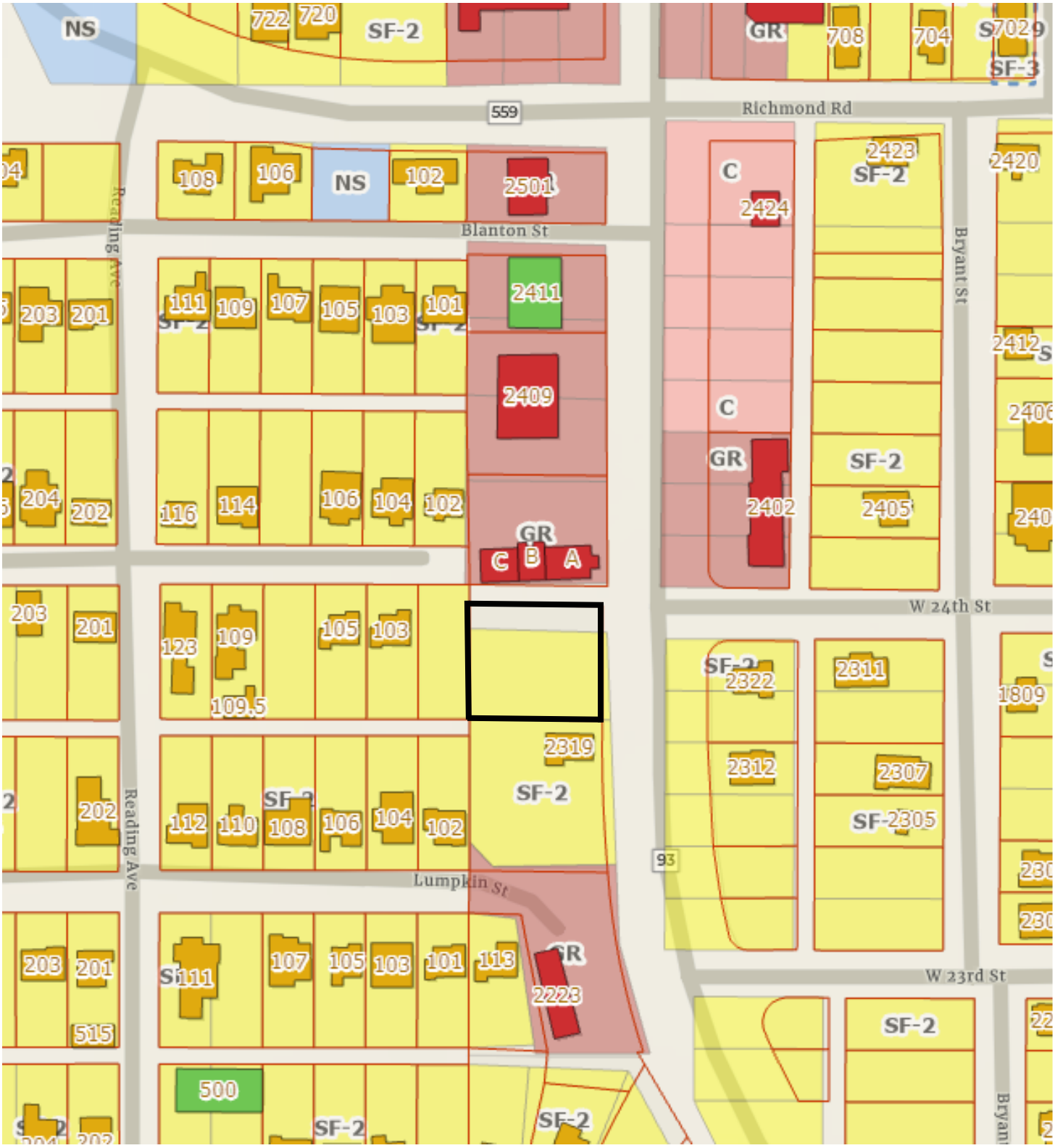
_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2021-022 ORD rezoning at 2321 Summerhill Rd (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

2021-022
ATTH 01

2401 Summerhill Rd



Attachment: 2021-022 ORD ATTH 01 (Maps) (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

2021-022
ATTH 01

2401 Summerhill Rd



Attachment: 2021-022 ORD ATTH 01 (Maps) (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

SYMBOLS

J-BOXES ONLY

- P — FIRE ALARM PULL STATION
- H — FIRE ALARM HORN/STROBE
- S — FIRE ALARM STROBE LIGHT
- J — JUNCTION BOX (NON POWERED UNLESS CIRCUIT NO. IS SHOWN)
- S — SMOKE DETECTOR
- DUPLEX RECEPTACLE 120 V.
- SINGLE RECEPTACLE 240 V.
- INCANDESCENT LIGHT WITH 1– 60 W. BULB
- COMPACT FLOURESENT LIGHT 1–60 W. BULB
- HIGH PRESSURE SODIUM LIGHT
- METAL HALIDE WALL PACK
- VENT FAN
- COMB. VENT FAN & LIGHT
- SUPPLY AIR REGISTER
- RETURN AIR REGISTER
- FLOOD LIGHT 2–150W BULBS
- T — THERMOSTAT
- FLUORESCENT FIXTURE WITH 2–32W TUBES
- EXIT/EMERGENCY COMBO W/BATTERY BACKUP
- EXIT/EMERGENCY COMBO W/REMOTE HEAD W/BATTERY BACKUP
- EXIT — EXIT/EMERGENCY COMBO W/BATTERY BACKUP
- EXIT SIGN W/BATTERY BACKUP
- EMERGENCY LIGHT WITH BATTERY BACKUP
- TELEPHONE JACK
- S_3 — SWITCH & 3 WAY SWITCH
- S_{OS} — OCCUPANCY SENSOR SWITCH
- F.E. — FIRE EXTINGUISHER

ELECTRICAL SCHEDULE

CIRCUIT	NOMENCLATURE	BREAKER (AMPS)	WIRE (CU.)
1, 3	HVAC	60 A (2P) HACR	6–2 @10 GRND.
6	WATER HEATER	20 A(1P)	12–2 NM
2, 4, 8	RECEPTACLES	20 A	12–2 NM
5	LIGHTING/FAN	20 A	12–2 NM

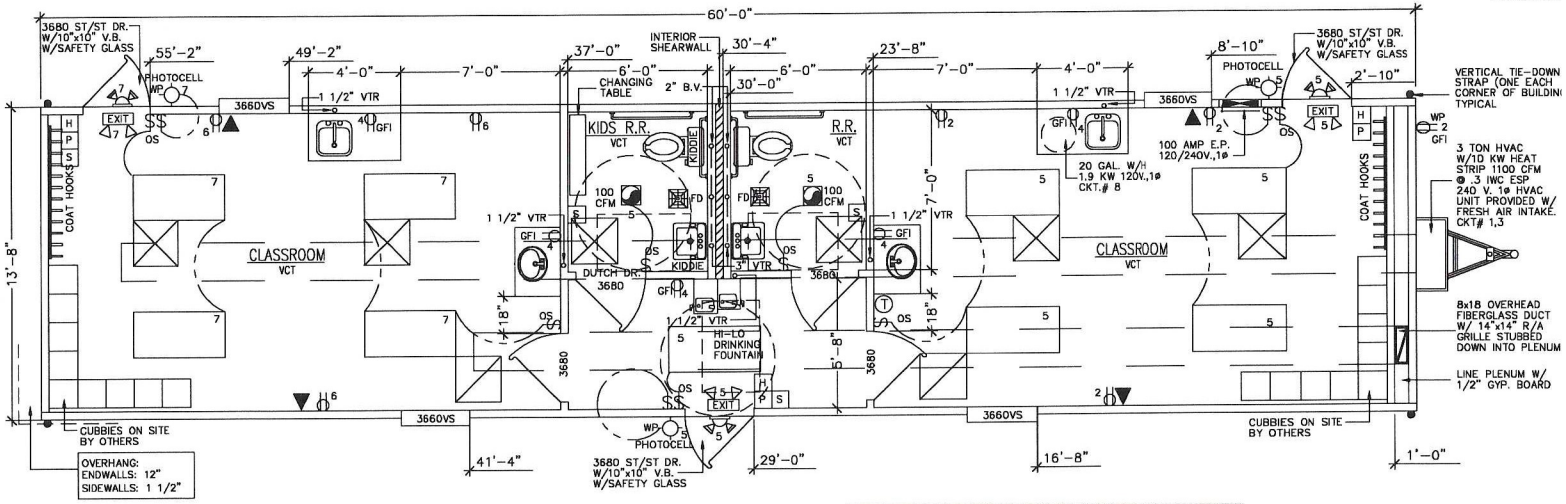
ELECTRICAL PANEL SIZING:

DESCRIPTION	KVA
GENERAL LIGHTING .0035 KW/SF X 820 SF X 1.25=	3.1
12 RECEPTS AT 180VA/1000=	2.2
WATER HEATER 1.9 KW x 1.25=	2.4
2 FANS AT .3 KW X 1.25=	.8
HVAC	10.5

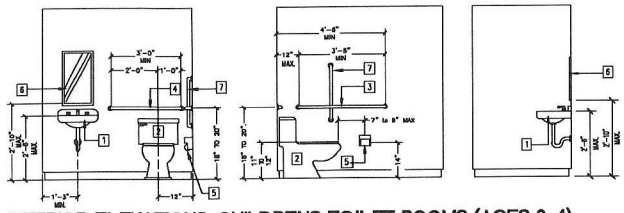
TOTAL 20 KW
TOTAL/240 X 1000= 84 AMPS
INSTALL 100 AMP PANEL
120/240 V 1ø

LEGEND:

1. LAVATORY
2. H/C WATER CLOSET
3. 42" GRAB BAR 12 INCHES MAXIMUM FROM REAR WALL
4. 36" GRAB BAR
5. TOILET PAPER HOLDER
6. MIRROR
7. 18" VERT GRAB BAR

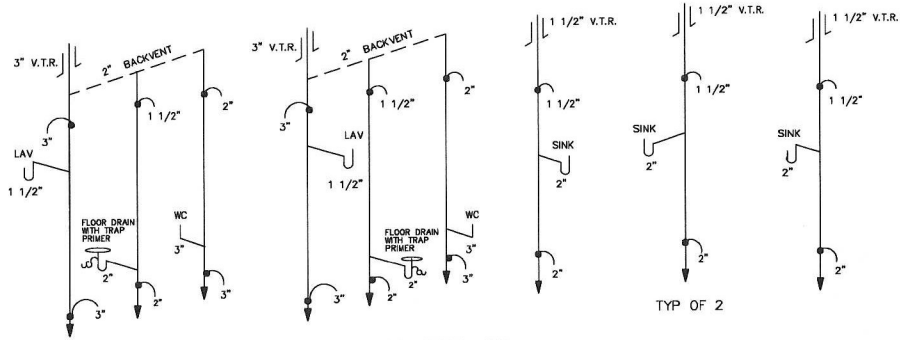


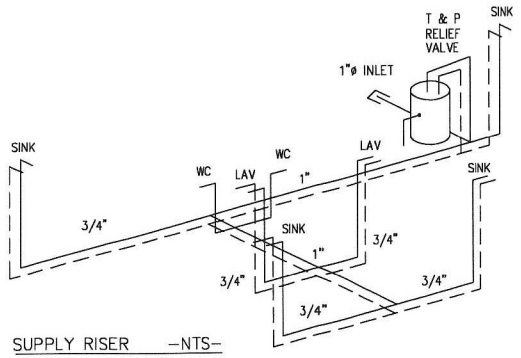
TEXAS INDUSTRIALIZED BUILDING CODE COUNCIL
This document is approved pursuant to the Industrialized Housing and Buildings Act.
DRA No. 17 IBC ✓ IRC ___
Date: Aug 12, 2016
DRA Signature:



INTERIOR ELEVATIONS–CHILDRENS TOILET ROOMS (AGES 2-4)

ELEMENT	TABLE 3201 AGES 3 AND 4	5 THRU 8	9 THRU 12
WATER CLOSET (CENTERLINE)	12 INCHES	12–15 INCHES	15–18 INCHES
	305 MM.	305–308 MM	380–455 MM
SEAT HEIGHT	11–12 INCHES	12–15 INCHES	15–17 INCHES
	280–302 MM	305–380 MM	380–430 MM
GRAB BAR (MOUNTING HEIGHT)	18–20 INCHES	20–25 INCHES	25–27 INCHES
	455–810 MM	510–635 MM	635–685 MM
TOILET T. DISP. (CENTER)	14 INCHES	14–17 INCHES	17–19 INCHES
	355 MM	365–430 MM	430–485 MM





SUPPLY LINE SIZING IS BASED ON AN ASSUMED AVAILABLE PRESSURE OF 46 TO 60 PSI AT MAIN INLET AND SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.
COLD
HOT
ALL SUPPLY LINES SHALL BE 3/4", ALL STUB–UPS SHALL BE 1/2" UNLESS OTHERWISE SPECIFIED.

Reg. P.E. Firm Name: James E. Bradley
Firm Reg. # F-1285

DWV RISER NTS

RADCO APPROVED
Aug 12, 2016
RESOURCES, APPLICATIONS, DESIGN & CONTROLS, INC.
EASTERN NATIONAL REGION
5801 BENJAMIN CENTER DRIVE, SUITE 102
TAMPA, FL 33634
(813) 243-0370 O | (813) 243-1314 F
www.radcoinc.com
RADCO
YOUR VISION · OUR MISSION
THIRD PARTY DESIGN APPROVAL & INSPECTION AGENCY

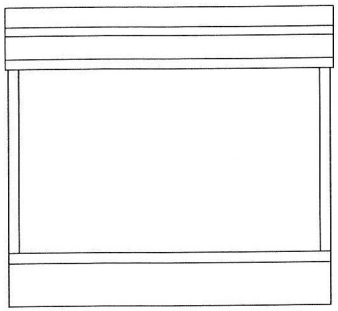
STATE OF TEXAS — JAMES EDWARD BRADLEY — 36684 — LICENSED PROFESSIONAL ENGINEER — AUG 12 2016
STATE OF LOUISIANA — JAMES E. BRADLEY — License No. 13772 — PROFESSIONAL ENGINEER

CONSULTING ENGINEER JAMES BRADLEY, P.E. — 212 FOX TRAIL — PARKESBURG, PA. 19365 — (610) 857-24

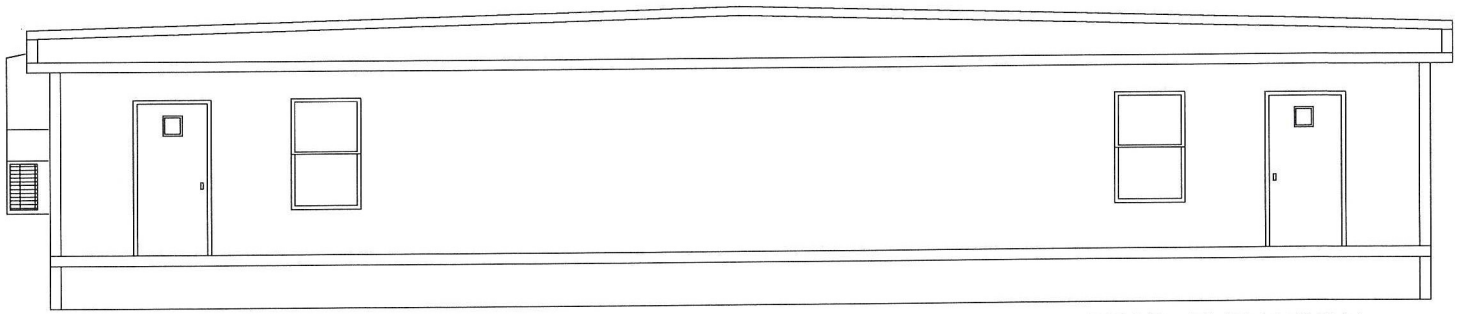
SPECIALIZED STRUCTURES INC.
2400 SPRINGHEAD CHURCH ROAD WILLACOOCHEE, GA 31650
1-912-384-7565 FAX: 1-912-384-4943

DATE: 8-9-16	THIRD PARTY: RADCO 5801 BENJAMIN CENTER, SUITE 102 TAMPA, FLORIDA 33634 813-243-0370
SCALE : 3/16"=1'-0"	
CODES: SEE NOTES	
STATES: TX, OK, LA.	REVISIONS: BY: J.B.
SSI4780 14 x 60 DAYCARE EDUCATION	SHEET 2 OF 5
FLOOR PLAN	DESTINATION: HOUSTON, TX.

Attachment: 2021-022 ORD ATTH 02 (Floorplans) (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321

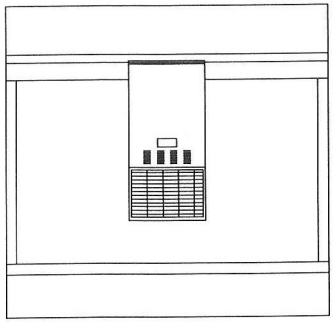


LEFT ELEVATION

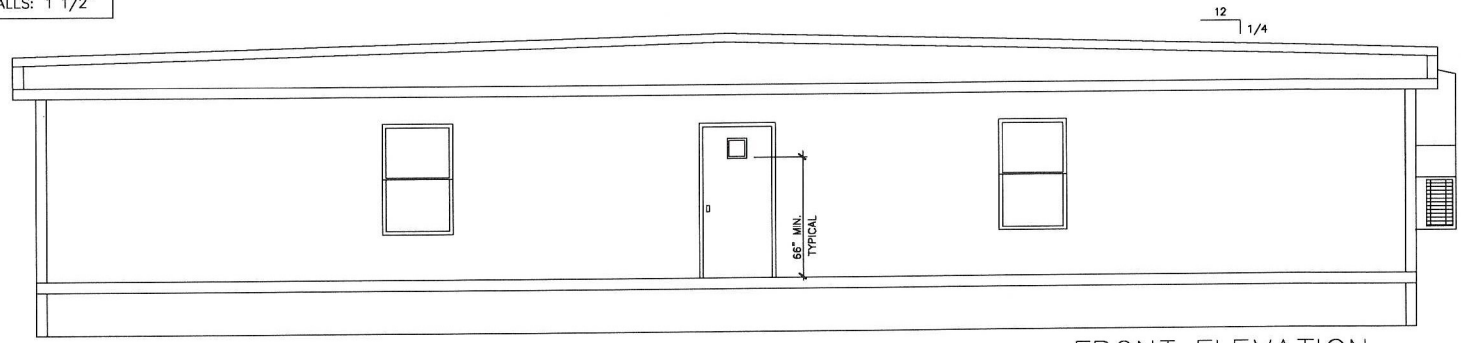


REAR ELEVATION

OVERHANG:
ENDWALLS: 12"
SIDEWALLS: 1 1/2"



RIGHT ELEVATION



FRONT ELEVATION

ELEVATION NOTES: TYPICAL

SEE-CROSS SECTION FOR METHOD OF ROOF VENTILATION

ACCESSIBLE RAMP(S), STAIR(S), AND HANDRAILS ARE SITE INSTALLED, DESIGNED BY OTHERS, AND SUBJECT TO LOCAL JURISDICTION.

FOUNDATION ENCLOSURE (WHEN PROVIDED) MUST HAVE 1 SQUARE FOOT NET VENT AREA PER 1/150TH OF THE FLOOR AREA, AND AN 18" X 24" MINIMUM CRAWL SPACE ACCESS, SITE INSTALLED BY OTHERS SUBJECT TO LOCAL JURISDICTION.

TEXAS INDUSTRIALIZED BUILDING CODE COUNCIL
This document is approved pursuant to the Industrialized Housing and Buildings Act.
DRA No. 17 IBC ✓ IRC
Date: Aug 12, 2016
DRA Signature:

Reg. P.E. Firm Name:
James E. Bradley
Firm Reg. # F-1285

RADCO APPROVED
Aug 12, 2016
RESOURCES, APPLICATIONS, DESIGN & CONTROLS, INC.
EASTERN NATIONAL REGION
5801 BENJAMIN CENTER DRIVE, SUITE 102
TAMPA, FL 33634
(813) 243-0370 - O | (813) 243-1314 - F
www.radcoinc.com
RADCO
YOUR VISION • OUR MISSION
THIRD PARTY DESIGN APPROVAL & INSPECTION AGENCY

STATE OF TEXAS
JAMES EDWARD BRADLEY
36684
LICENSED
PROFESSIONAL ENGINEER

STATE OF LOUISIANA
JAMES E. BRADLEY
License No. 13772
PROFESSIONAL ENGINEER

CONSULTING ENGINEER | JAMES BRADLEY, P.E. — 212 FOX TRAIL — PARKESBURG, PA. 19365 — (610) 857-24

SPECIALIZED STRUCTURES INC
2400 SPRINGHEAD CHURCH ROAD WILLACOOCHEE, GA 31650
1-912-384-7565 FAX: 1-912-384-4943

DATE: 8-9-16	THIRD PARTY: RADCO 5801 BENJAMIN CENTER, SUITE 10 TAMPA, FLORIDA 33634 813-243-0370
SCALE : 3/16"=1'-0"	
CODES: SEE NOTES	
STATES: TX, OK, LA,	REVISIONS: BY: J.B.
SSI4780 14 x 60 DAYCARE EDUCATION	SHEET 3 OF
ELEVATIONS	DESTINATION: HOUSTON, TX.

Attachment: 2021-022 ORD ATTH 03 (Elevations) (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☑ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☑	None Required	☐	

Other:

Attachment: 2021-022 Goals Perspectives (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

Z-21-04

ORDINANCE NO. 2021-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 0.33-ACRE TRACT OF LAND BEING TRACT 34, IN THE W. W. WOOTEN HRS, A-652, LOCATED AT 2321 SUMMERHILL ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **0.33-acre tract of land being Tract 34, in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to General Retail**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to General Retail on an approximate 0.33-acre tract of land being Tract 34, in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to General Retail** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **0.33-acre tract of land being Tract 34, in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to General Retail.**

Attachment: 2021-022 ORD rezoning at 2321 Summerhill Road - signed (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:38p.m.

Attachment: 2021-022 ORD rezoning at 2321 Summerhill Road - signed (2456 : 2021-022 ORD rezoning SF-2 to GR at 2321 Summerhill)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 4/22/2021 11:24 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2021-023 rezoning a 0.92-acre tract of land (being Tract 66) in the M. E. P. & P. RWY CO. HRS, A-434, located at the northeast corner of Gazola Street and Hatton Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.		

Briefing: 5/10/2021 **Public Hearing:** 5/10/2021 **Council Vote:** 5/10/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

A letter of opposition to this rezoning request was submitted prior to the Planning and Zoning Commission. Signatures on the letter did not represent twenty percent (20%) of the property owners notified. Please see attached letter.

A letter from the Chamber of Commerce was also received. See attached. The Chamber had no opposition to the rezoning if it did not affect the present or future zoning of their property.

Executive Summary and Background Information:

This is a request by Barbara Stoker, representing Mt. Sinai House of Prayer Church, to rezone a 0.92-acre tract of land (being Tract 66) in the M. E. P. & P. RWY CO. HRS, A-434, located at the northeast corner of Gazola Street and Hatton Street from Single Family-2 to Multiple Family-2. The proposed use is multiple family housing for the elderly. The property is currently vacant land.

The adjacent zoning is Single Family-2 to the west, east, and north, and Industrial-1 to the south. The adjacent land use is vacant land to the north, south, east, and west

The proposed plan is to build duplexes or triplexes for the elderly. Most of the property in this area is vacant land. The construction of new housing for the elderly could be a revitalization housing alternative and improvement for this area. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or Deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval.

Advisory Board/Committee Meeting Date and Minutes:

April 5, 2021

Attachments

a. 2021-023 ORD rezoning the NE corner of Gazola and Hatton (DOCX)
b. 2021-023 ORD EXH 'A' (Legal Description)(PDF)
c. 2021-023 ORD ATTH 01 (Maps) (PDF)
d. 2021-023 ORD ATTH 02 (conceptual Site plan) (PDF)
e. 2021-023 ORD ATTH 03 (Proposed exteriors) (PDF)
f. 2021-023 ORD ATTH 04 (Chamber of Commerce Letter) (PDF)
g. 2021-023 ORD ATTH 05 (Opposition letter Sylvia McHenry) (PDF)
h. 2021-023 Goals Perspectives(PDF)
i. 2021-023 ORD rezoning NE corner of Gazola and Hatton - signed (PDF)

Staff Coordination

City Manager	David Orr 04/15/2021 2:34 PM	Department Head Review	Completed	
Building Code Administration		Laura Puckett 04/15/2021 2:05 PM	Reviewer	Skipped
City Council 6:00 PM	Vicky Coopwood	Meeting	Completed	04/26/2021

Meeting History

Z-21-5

ORDINANCE NO. 2021-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 0.92-ACRE TRACT OF LAND BEING TRACT 66, IN THE M. E. P. & P. RWY CO. HRS, A-434, LOCATED AT THE NORTHEAST CORNER OF GAZOLA STREET AND HATTON STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO MUTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **0.92-acre tract of land being Tract 66, in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located at the northeast corner of Gazola Street and Hatton Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Multiple Family-2, on an approximate 0.92-acre tract of land being Tract 66, in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located at the northeast corner of Gazola Street and Hatton Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Multiple Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **0.92-acre tract of land being Tract 66, in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located at the northeast corner of Gazola Street and Hatton Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2.**

Attachment: 2021-023 ORD rezoning the NE corner of Gazola and Hatton (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2021-023 ORD rezoning the NE corner of Gazola and Hatton (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Nov 16,2016 at 04:32P

SHERIFF'S TAX RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DATE OF SALE: October 4, 2016

GRANTOR/TAXING UNIT(S): Bowie Central Appraisal District, Trustee, in trust for the use and benefit of The City of Texarkana, Texas, Liberty-Eylau Independent School District, and The County of Bowie, Texas

GRANTEE: MT Sinai House of Prayer

GRANTEE'S MAILING ADDRESS: c/o Barbara Stoker, 100 Gazola St, Texarkana, Texas 75501-6791

PROPERTY: 0.92 Acre, more or less, out of Abstract 434 of the M E P & P RR Co Survey, City of Texarkana, Bowie County, Texas (Volume 321, Page 491 and Volume 6589, Page 32 of the Deed Records, Bowie County, Texas) Tax Account No. 15640006600

CONSIDERATION: $500.00

TAX FORECLOSURE LAWSUIT: Cause No. 12C1186-102, Bowie Central Appraisal District v. Queen Ann Hill et al, 102nd Judicial District Court

SHERIFF: James Prince

COUNTY: Bowie County, Texas

NEWSPAPER: *Citizens Tribune*

DATES OF PUBLICATION: September 7, 2016, September 14, 2016 and September 21, 2016

WHEREAS, by virtue of an Order of Sale issued pursuant to a Judgment rendered in the TAX FORECLOSURE LAWSUIT listed above, I, Sheriff, after having advertised the sale of said PROPERTY by giving notice of the time and place of tax foreclosure sale by advertisement published in a newspaper published in said COUNTY, did convey to the TAXING UNIT(S) all the right, title and interest that DEFENDANT(S) in the judgment rendered in the TAX FORECLOSURE LAWSUIT had in and to the PROPERTY.

AND WHEREAS, I, Sheriff, having been requested by Resolution of the Commissioners' Court of Bowie County to resell the PROPERTY pursuant to Section 34.05(c) TEXAS TAX CODE, did advertise the resale of the PROPERTY by giving notice of the time and place of said resale by an advertisement in the English language, published once a week for three consecutive weeks preceding such resale, the first publication appearing not fewer than twenty days immediately preceding the date of sale, on the DATES OF PUBLICATION referenced above, in the NEWSPAPER listed above, which newspaper is published in said COUNTY, stating in said advertisement a description of the PROPERTY, the number and style of the TAX FORECLOSURE LAWSUIT under which the PROPERTY was sold at the tax foreclosure sale, and the date of the tax foreclosure resale.

AND THEREAFTER, on the DATE OF SALE, within the hours prescribed by law, I, Sheriff, sold said PROPERTY at public venue at the courthouse door of COUNTY, at which sale the PROPERTY was struck off to the GRANTEE for the amount of CONSIDERATION listed above, the GRANTEE being the highest bidder therefore, and that being the highest bid for the same.

NOW, THEREFORE, in consideration of the premises aforesaid and the payment of said CONSIDERATION, the receipt of which is hereby acknowledged, I, Sheriff, have granted, sold and conveyed, and by these presents do grant, sell and convey to the GRANTEE all of the estate, right, title and interest of the TAXING UNIT(S) in and to the PROPERTY.

Attachment: 2021-023 ORD EXH 'A' (Legal Description) (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of Gazola and

TO HAVE AND TO HOLD the PROPERTY unto the said GRANTEE, the GRANTEE'S successors and assigns, forever, as fully and as absolute as I, as Sheriff aforesaid, can convey by virtue of said Judgment and Order of Sale, subject, however, to the DEFENDANT(S) in the TAX FORECLOSURE LAWSUIT rights to redeem the same in the manner prescribed by law, and to such and further conditions and stipulations as may be applicable under the provisions of TEXAS TAX CODE Chapter 34.

I, and all the TAXING UNITS, exclude and except any warranties, express or implied, regarding the PROPERTY, including, without limitation, any warranties arising by common law or Section 5.023 of the TEXAS PROPERTY CODE, or its successor. I, and all the TAXING UNITS, have not made, and do not make any representations, warranties or covenants of any kind or character whatsoever, whether express or implied, with respect to the quality or condition of the PROPERTY, the suitability of the property for any and all activities and uses which grantees may conduct thereon, compliance by the PROPERTY with any laws, rules, ordinances or regulations of any applicable governmental authority or habitability, merchantability or fitness for a particular purpose, and specifically, I, and all the TAXING UNITS, have not made, and do NOT make any representations regarding hazardous waste, as defined by the Texas Solid Waste Disposal Act and the regulations adopted thereunder, or the U.S. Environmental Protection Agency regulations, or the disposal of any hazardous or toxic substances in or on the PROPERTY. In addition, I and all of the TAXING UNITS, have not made, and do NOT make any representation regarding any aboveground storage tank or belowground storage tank which may exist or may have existed, or the release of any petroleum product, in or on the PROPERTY. The PROPERTY is sold "AS IS" with all faults.

This deed is made expressly subject to the property taxes for the tax year 2013 and subsequent years. This deed is made expressly subject to all easements, restrictions and reservations of record. When the context requires, singular nouns and pronouns include the plural.

IN TESTIMONY WHEREOF, pursuant to the provisions of Section 34.05(c) and (e) of the TEXAS TAX CODE, I have hereunto set my hand this 15th day of November, 2016.

JAMES PRINCE
Sheriff, Bowie County, Texas

By: David Childers

DAVID CHILDERS, Deputy Sheriff

STATE OF TEXAS §
§
COUNTY OF BOWIE §

Before me, the undersigned authority, on this day personally appeared DAVID CHILDERS, Deputy Sheriff, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated, and in the capacity therein set forth.

Given under my hand and seal of office, this 15th day of November, 2016.

TINA J LEE
Notary Public
STATE OF TEXAS
ID#554672-3
My Comm. Exp. April 18, 2020

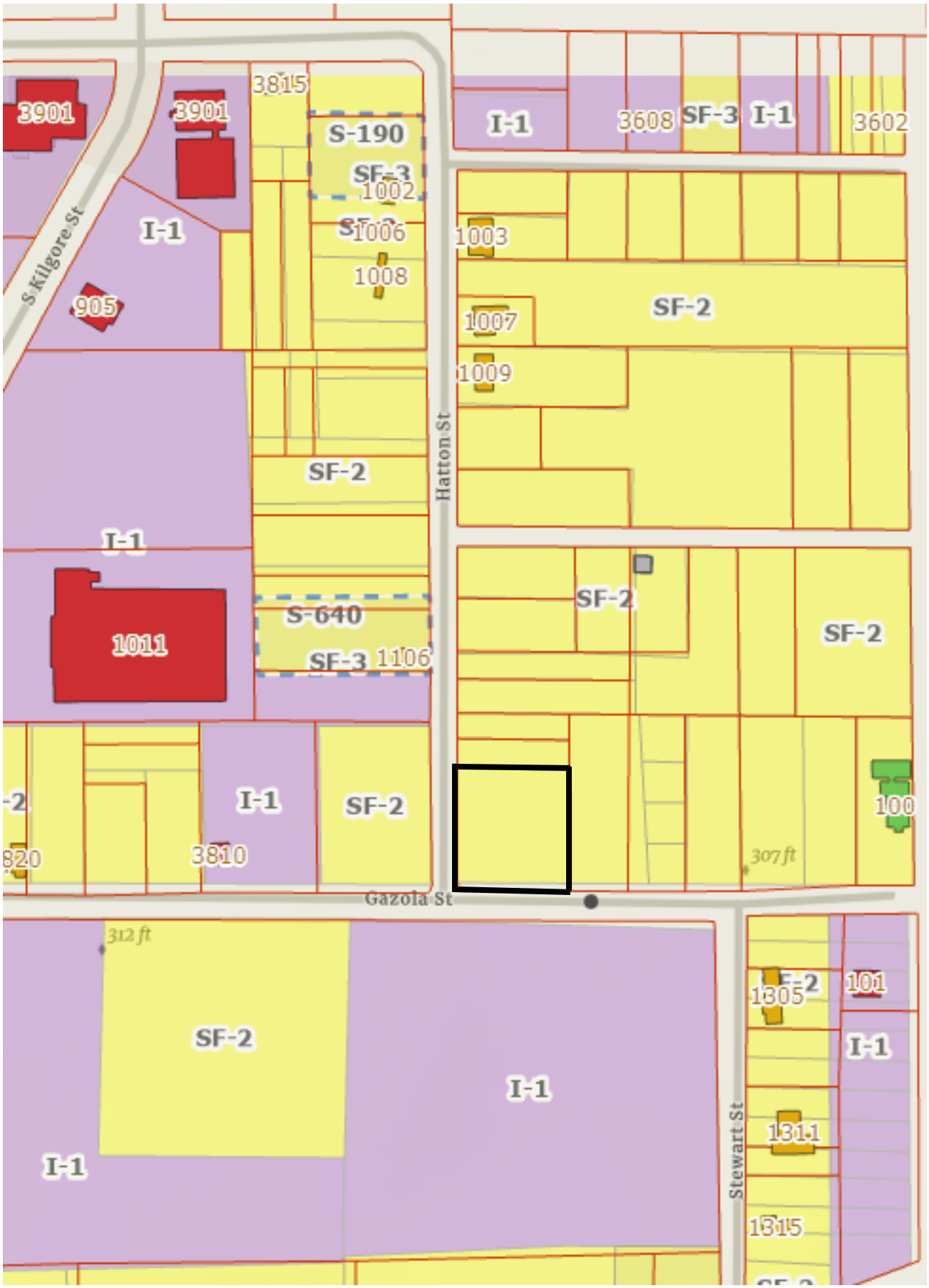
Tina J. Lee
Notary Public, State of Texas

After Recording, Return to:
MT Sinai House of Prayer
c/o Barbara Stoker
100 Gazola St
Texarkana, Texas 75501-6791

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Nov 16,2016 at 04:32P

Attachment: 2021-023 ORD EXH 'A' (Legal Description) (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of Gazola and

Northeast corner Gazola St. & Hatton St.



Attachment: 2021-023 ORD ATTH 01 (Maps) (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of Gazola and Hatton)

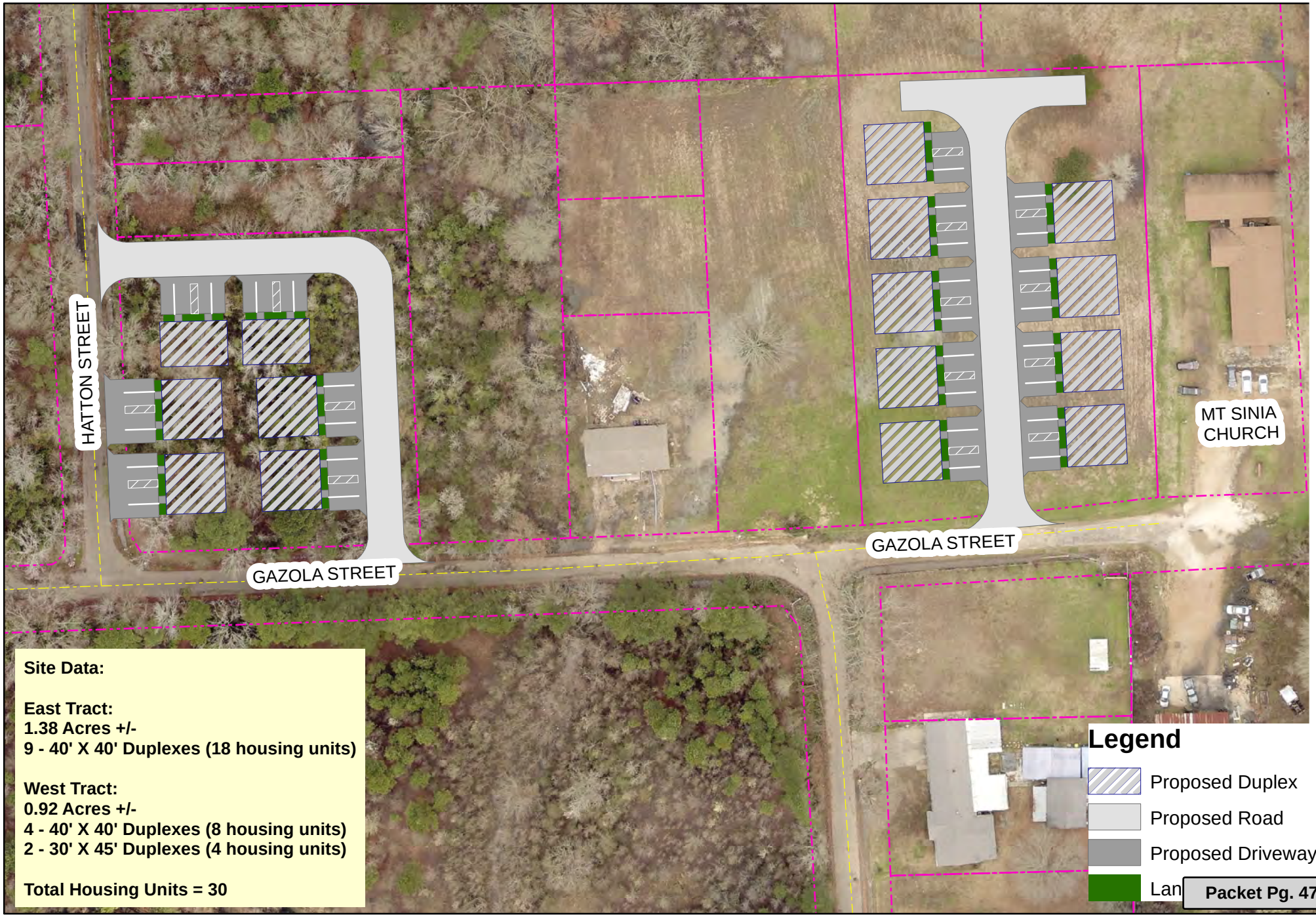
Northeast corner Gazola St. & Hatton St.



Attachment: 2021-023 ORD ATTH 01 (Maps) (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of Gazola and Hatton)

Mountain View Duplexes
Conceptual Site Layout

60 30 0 60 Feet



Site Data:

East Tract:
1.38 Acres +/-
9 - 40' X 40' Duplexes (18 housing units)

West Tract:
0.92 Acres +/-
4 - 40' X 40' Duplexes (8 housing units)
2 - 30' X 45' Duplexes (4 housing units)

Total Housing Units = 30

Legend

- Proposed Duplex
- Proposed Road
- Proposed Driveways
- Lan

Attachment: 2021-023 ORD ATTH 02 (conceptual Site plan) (2457 : 2021-023 ORD rezoning from SF-2 to



Attachment: 2021-023 ORD ATTH 03 (Proposed exteriors) (2457 : 2021-023 ORD rezoning from SF-2 to

2021-023 ORD ATTH 03



Attachment: 2021-023 ORD ATTH 03 (Proposed exteriors) (2457 : 2021-023 ORD rezoning from SF-2 to

2021-023 ORD ATTH 03



Attachment: 2021-023 ORD ATTH 03 (Proposed exteriors) (2457 : 2021-023 ORD rezoning from SF-2 to

Texarkana USA
CHAMBER OF COMMERCE

April 5, 2021

Mr. Gene Joyce, III
Chairman
City of Texarkana Planning & Zoning Commission
#2 Hickory Ridge
Texarkana, Texas 75503

Dear Mr. Joyce,

The Texarkana USA Regional Chamber of Commerce wishes to express their concern for an application to rezone (Z-21-05) a parcel located at the northwest corner of Gazola Street and Hatton Street, Texarkana, Texas, in the Falvey Industrial Park. This parcel is located across Gazola Street from parcel #077600000700 owned by the Texarkana Chamber of Commerce. The Chamber's parcel is zoned light manufacturing.

The Chamber understands the need for additional housing opportunities in the Texarkana community. However, we are concerned about the zoning in question. We would not support this zoning change if it would affect the present and/or future zoning of the Chamber's parcel. We would not want to endanger the possible manufacturing opportunity on the Chamber's parcel if a change in the zoning of a nearby parcel would set a precedent.

If a change in the proposed parcel, #15640000006600, would have an affect on the future of the Chamber's parcel, #077600000700, then we are opposed to the change requested for parcel #1564000600.

Sincerely,

Michael Malone
President/CEO
Texarkana USA Chamber of Commerce

Attachment: 2021-023 ORD ATTH 04 (Chamber of Commerce Letter) (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of

3 April 2021

3720 Gazola
Texarkana, TX 75501

City of Texarkana Texas
Zoning Commission
220 Texas Blvd, Rm 301
Texarkana, TX 75504

Dear Sir or Madam:

I, Sylvia McHenry, and all said signatures below, protest any and all proposed rezoning changes to the northeast corner of Gazola Street and Hatton Street, Texarkana, TX 75501. These changes propose building multiple family homes for the elderly.

1) Printed Name Robert Heath Signature Robert Heath
2) Printed Name Beverly Manley Signature Beverly Manley
3) Printed Name Kristy Manley Signature Kristy Manley
4) Printed Name Minnie Howard Signature Minnie Howard
5) Printed Name Jimmy L Fitzgerald Signature
6) Printed Name Sylvia McHenry Signature Sylvia McHenry

Respectfully Submitted,

Sylvia McHenry
Sylvia McHenry

Attachment: 2021-023 ORD ATTH 05 (Opposition letter Sylvia McHenry) (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☑ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☑	None Required	☐	

Other:

Attachment: 2021-023 Goals Perspectives (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast corner of Gazola and Hatton)

Z-21-5

ORDINANCE NO. 2021-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 0.92-ACRE TRACT OF LAND BEING TRACT 66, IN THE M. E. P. & P. RWY CO. HRS, A-434, LOCATED AT THE NORTHEAST CORNER OF GAZOLA STREET AND HATTON STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO MUTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **0.92-acre tract of land being Tract 66, in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located at the northeast corner of Gazola Street and Hatton Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Multiple Family-2, on an approximate 0.92-acre tract of land being Tract 66, in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located at the northeast corner of Gazola Street and Hatton Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Multiple Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **0.92-acre tract of land being Tract 66, in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located at the northeast corner of Gazola Street and Hatton Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2.**

Attachment: 2021-023 ORD rezoning NE corner of Gazola and Hatton - signed (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:30 p.m.

Attachment: 2021-023 ORD rezoning NE corner of Gazola and Hatton - signed (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Nov 16,2016 at 04:32P

SHERIFF'S TAX RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DATE OF SALE: October 4, 2016

GRANTOR/TAXING UNIT(S): Bowie Central Appraisal District, Trustee, in trust for the use and benefit of The City of Texarkana, Texas, Liberty-Eylau Independent School District, and The County of Bowie, Texas

GRANTEE: MT Sinai House of Prayer

GRANTEE'S MAILING ADDRESS: c/o Barbara Stoker, 100 Gazola St, Texarkana, Texas 75501-6791

PROPERTY: 0.92 Acre, more or less, out of Abstract 434 of the M E P & P RR Co Survey, City of Texarkana, Bowie County, Texas (Volume 321, Page 491 and Volume 6589, Page 32 of the Deed Records, Bowie County, Texas) Tax Account No. 15640006600

CONSIDERATION: $500.00

TAX FORECLOSURE LAWSUIT: Cause No. 12C1186-102, Bowie Central Appraisal District v. Queen Ann Hill et al, 102nd Judicial District Court

SHERIFF: James Prince

COUNTY: Bowie County, Texas

NEWSPAPER: *Citizens Tribune*

DATES OF PUBLICATION: September 7, 2016, September 14, 2016 and September 21, 2016

WHEREAS, by virtue of an Order of Sale issued pursuant to a Judgment rendered in the TAX FORECLOSURE LAWSUIT listed above, I, Sheriff, after having advertised the sale of said PROPERTY by giving notice of the time and place of tax foreclosure sale by advertisement published in a newspaper published in said COUNTY, did convey to the TAXING UNIT(S) all the right, title and interest that DEFENDANT(S) in the judgment rendered in the TAX FORECLOSURE LAWSUIT had in and to the PROPERTY.

AND WHEREAS, I, Sheriff, having been requested by Resolution of the Commissioners' Court of Bowie County to resell the PROPERTY pursuant to Section 34.05(c) TEXAS TAX CODE, did advertise the resale of the PROPERTY by giving notice of the time and place of said resale by an advertisement in the English language, published once a week for three consecutive weeks preceding such resale, the first publication appearing not fewer than twenty days immediately preceding the date of sale, on the DATES OF PUBLICATION referenced above, in the NEWSPAPER listed above, which newspaper is published in said COUNTY, stating in said advertisement a description of the PROPERTY, the number and style of the TAX FORECLOSURE LAWSUIT under which the PROPERTY was sold at the tax foreclosure sale, and the date of the tax foreclosure resale.

AND THEREAFTER, on the DATE OF SALE, within the hours prescribed by law, I, Sheriff, sold said PROPERTY at public venue at the courthouse door of COUNTY, at which sale the PROPERTY was struck off to the GRANTEE for the amount of CONSIDERATION listed above, the GRANTEE being the highest bidder therefore, and that being the highest bid for the same.

NOW, THEREFORE, in consideration of the premises aforesaid and the payment of said CONSIDERATION, the receipt of which is hereby acknowledged, I, Sheriff, have granted, sold and conveyed, and by these presents do grant, sell and convey to the GRANTEE all of the estate, right, title and interest of the TAXING UNIT(S) in and to the PROPERTY.

Attachment: 2021-023 ORD rezoning NE corner of Gazola and Hatton - signed (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast

TO HAVE AND TO HOLD the PROPERTY unto the said GRANTEE, the GRANTEE'S successors and assigns, forever, as fully and as absolute as I, as Sheriff aforesaid, can convey by virtue of said Judgment and Order of Sale, subject, however, to the DEFENDANT(S) in the TAX FORECLOSURE LAWSUIT rights to redeem the same in the manner prescribed by law, and to such and further conditions and stipulations as may be applicable under the provisions of TEXAS TAX CODE Chapter 34.

I, and all the TAXING UNITS, exclude and except any warranties, express or implied, regarding the PROPERTY, including, without limitation, any warranties arising by common law or Section 5.023 of the TEXAS PROPERTY CODE, or its successor. I, and all the TAXING UNITS, have not made, and do not make any representations, warranties or covenants of any kind or character whatsoever, whether express or implied, with respect to the quality or condition of the PROPERTY, the suitability of the property for any and all activities and uses which grantees may conduct thereon, compliance by the PROPERTY with any laws, rules, ordinances or regulations of any applicable governmental authority or habitability, merchantability or fitness for a particular purpose, and specifically, I, and all the TAXING UNITS, have not made, and do NOT make any representations regarding hazardous waste, as defined by the Texas Solid Waste Disposal Act and the regulations adopted thereunder, or the U.S. Environmental Protection Agency regulations, or the disposal of any hazardous or toxic substances in or on the PROPERTY. In addition, I and all of the TAXING UNITS, have not made, and do NOT make any representation regarding any aboveground storage tank or belowground storage tank which may exist or may have existed, or the release of any petroleum product, in or on the PROPERTY. The PROPERTY is sold "AS IS" with all faults.

This deed is made expressly subject to the property taxes for the tax year 2013 and subsequent years. This deed is made expressly subject to all easements, restrictions and reservations of record. When the context requires, singular nouns and pronouns include the plural.

IN TESTIMONY WHEREOF, pursuant to the provisions of Section 34.05(c) and (e) of the TEXAS TAX CODE, I have hereunto set my hand this 15th day of November, 2016.

JAMES PRINCE
Sheriff, Bowie County, Texas

By: David Childers

DAVID CHILDERS, Deputy Sheriff

STATE OF TEXAS §
§
COUNTY OF BOWIE §

Before me, the undersigned authority, on this day personally appeared DAVID CHILDERS, Deputy Sheriff, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated, and in the capacity therein set forth.

Given under my hand and seal of office, this 15th day of November, 2016.

TINA J LEE
Notary Public
STATE OF TEXAS
ID#554872-3
My Comm. Exp. April 18, 2020

Tina J Lee

Notary Public, State of Texas

After Recording, Return to:
MT Sinai House of Prayer
c/o Barbara Stoker
100 Gazola St
Texarkana, Texas 75501-6791

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Nov 16,2016 at 04:32P

Attachment: 2021-023 ORD rezoning NE corner of Gazola and Hatton - signed (2457 : 2021-023 ORD rezoning from SF-2 to MF-2 northeast

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 4/20/2021 11:45 AM

Lead Department:	Planning and Community Development	**Action Officer:**	Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2021-024 rezoning a 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434, located west of 100 Gazola Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

Briefing: 5/10/2021 **Public Hearing:** 5/10/2021 **Council Vote:** 5/10/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Barbara Stoker, representing Mt. Sinai House of Prayer Church, to rezone a 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434, located in the 100 block of Gazola Street from Single Family-2 to Multiple Family-2. The proposed use is multiple family housing for the elderly. The property is currently vacant land.

The adjacent zoning is Single Family-2 to the west, east, south, and north. The adjacent land use is vacant land to the north, and west, a residence to the south, and a church to the east.

The proposed plan is to build duplexes for the elderly. Most of the property in this immediate area is vacant land. Construction of new housing for the elderly could be a revitalization housing alternative and improvement for this area. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or Deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval.

Advisory Board/Committee Meeting Date and Minutes:

April 5, 2021

Attachments

a. 2021-024 ORD rezoning 100 block of Gazola (DOCX)
b. 2021-024 ORD EXH 'A' (Legal Description)(PDF)
c. 2021-024 ORD ATTH 01 (Maps) (PDF)
d. 2021-024 ORD ATTH 02 (conceptual Site plan) (PDF)
e. 2021-024 ORD ATTH 03 (Proposed Exteriors) (PDF)
f. 2021-024 Goals Perspectives(PDF)
g. 2021-024 ORD rezoning 100 block of Gazola- signed (PDF)

Staff Coordination

City Manager	David Orr 04/15/2021 2:35 PM	Department Head Review	Completed	
Building Code Administration		Laura Puckett 04/15/2021 2:05 PM	Reviewer	Skipped
City Council 6:00 PM	Vicky Coopwood	Meeting	Completed	04/26/2021

Meeting History

Z-21-07

ORDINANCE NO. 2021-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 1.38-ACRE TRACT OF LAND BEING TRACT 69, IN THE M. E. P. & P. RWY CO. HRS, A-434, LOCATED IN THE 100 BLOCK OF GAZOLA STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located in the 100 block of Gazola Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Multiple Family-2, on an approximate 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located in the 100 block of Gazola Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Multiple Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located in the 100 block of Gazola Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2.**

Attachment: 2021-024 ORD rezoning 100 block of Gazola (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2021-024 ORD rezoning 100 block of Gazola (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

DEED WITHOUT WARRANTY

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Apr 25,2017 at 01:28P

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF BOWIE §

That Bowie Central Appraisal District, Trustee, in trust for the use and benefit of The City of Texarkana, Liberty-Eylau Independent School District and The County of Bowie, Texas, acting by and through the Chairman of the Board of Directors of the Bowie Central Appraisal District, Grantor, for and in consideration of the sum of SEVEN HUNDRED SEVENTY-SEVEN AND 24/100S ($777.24), and other good and valuable consideration paid by the Grantee named below, the receipt and sufficiency of which are acknowledged by Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL, AND CONVEY to **Mt. Sinai House of Prayer,** 100 Gazola St., Texarkana, Texas 75501-6791, the following described Property, to wit:

1.38 Acres, more or less, out of Abstract 434 of the M.E.P. & P Railway Company Survey, City of Texarkana, Bowie County, Texas being that property more particularly described in Volume 243, Page 180 and Volume 5976, Page 85, Deed Records, Bowie County, Texas (Tax Account No. 15640006900)

The Grantor and all the taxing units for which the Grantor hold this Property in trust do hereby exclude and except any warranties, express or implied, regarding the Property, including, without limitation, any warranties arising by common law or Section 5.023 of the Texas Property Code or its successor. This conveyance is expressly made subject to any right of redemption of the Property which may exist under Section 34.21 of the Texas Tax Code.

Grantor has not made and does not make any representations, warranties or covenants of any kind or character whatsoever, whether express or implied, with respect to the quality or condition of the Property, the suitability of the Property for any and all activities and uses which grantees may conduct thereon, compliance by the property with any laws, rules, ordinances or regulations or any applicable governmental authority or habitability, merchantability or fitness for a particular purpose, and specifically, grantors do not make any representations regarding hazardous waste, as defined by the Texas Solid Waste Disposal Act and the regulations adopted thereunder, or the U. S. Environmental Protection Agency regulations, or the disposal of any hazardous or toxic substances in or on the Property. This Property is sold "as is" with all faults.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances belonging in any way to the Property, subject to the provisions, stated above, to Grantee(s), **Mt. Sinai House of Prayer,** its successors and assigns forever, without warranty of any kind.

Attachment: 2021-024 ORD EXH 'A' (Legal Description) (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

IN TESTIMONY WHEREOF THE Bowie Central Appraisal District, Trustee, has caused these presents to be executed this the 19 day of April, 2017.

Bowie Central Appraisal District, Trustee

By: _____

Josh Davis, Chairman
Board of Directors, Bowie Central Appraisal District

THE STATE OF TEXAS §
§
COUNTY OF BOWIE §

Before me, the undersigned authority, on this day personally appeared Josh Davis, Chairman of the Board of Directors of Bowie Central Appraisal District, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the official capacity indicated and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19 day of April, 2017.

_____
Notary Public, State of Texas
My commission expires
November 4 2018

SHA SPEAR
Notary Public
STATE OF TEXAS
My Comm. Exp. November 4, 2018

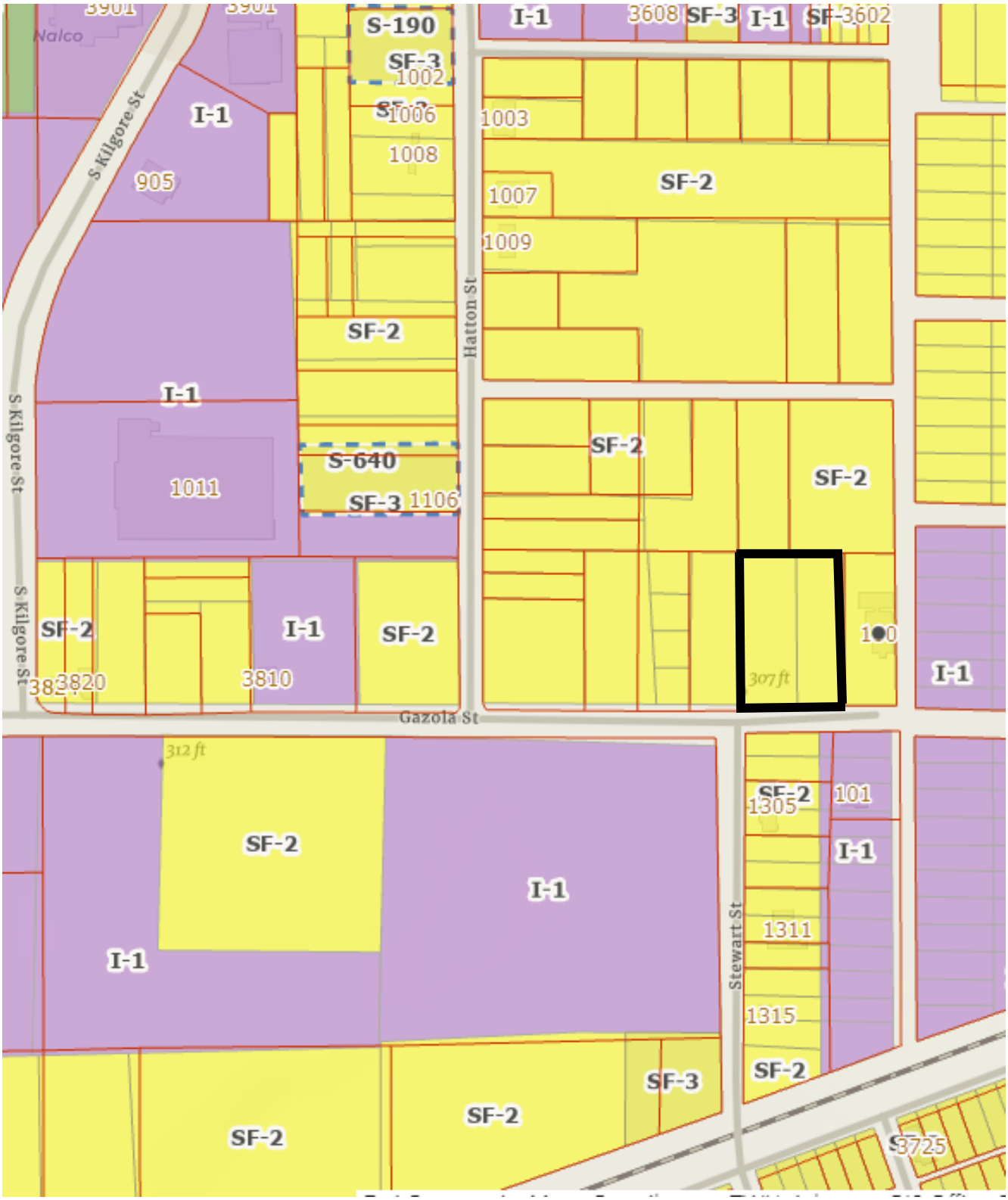
After recording, return to:

Mt. Sinai House of Prayer
c/o Barbara Stoker
100 Gazola St.
Texarkana, Texas 75501-6791

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Apr 25,2017 at 01:28P

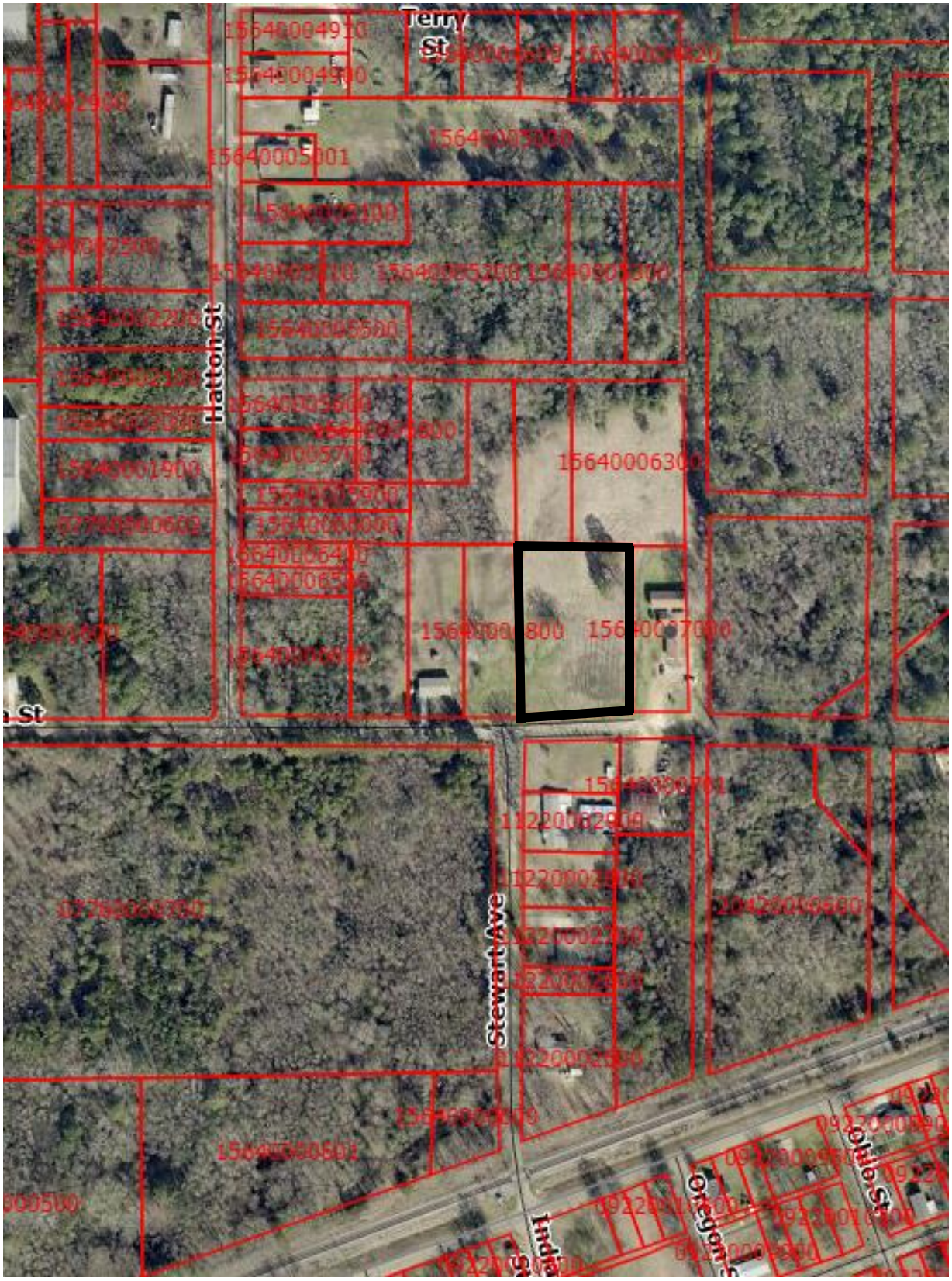
Attachment: 2021-024 ORD EXH 'A' (Legal Description) (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

In the 100 block of Gazola



Attachment: 2021-024 ORD ATTH 01 (Maps) (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

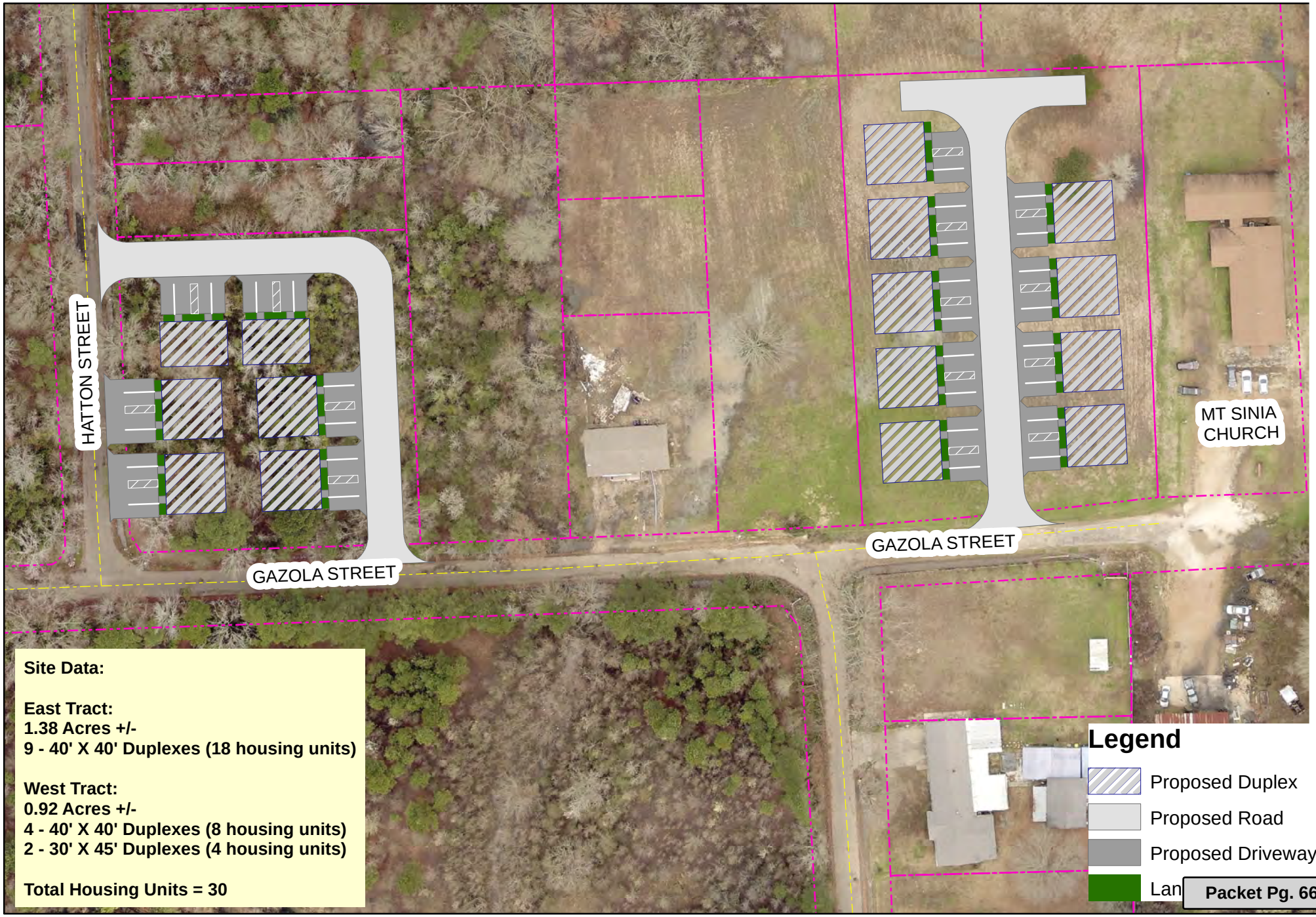
In the 100 block of Gazola



Attachment: 2021-024 ORD ATTH 01 (Maps) (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

Mountain View Duplexes
Conceptual Site Layout

60 30 0 60 Feet



Site Data:

East Tract:
1.38 Acres +/-
9 - 40' X 40' Duplexes (18 housing units)

West Tract:
0.92 Acres +/-
4 - 40' X 40' Duplexes (8 housing units)
2 - 30' X 45' Duplexes (4 housing units)

Total Housing Units = 30

Legend

- Proposed Duplex
- Proposed Road
- Proposed Driveways
- Lan

Attachment: 2021-024 ORD ATTH 02 (conceptual Site plan) (2458 : 2021-024 ORD Rezoning from SF-2 to

2021-024 ATTH 03



Attachment: 2021-024 ORD ATTH 03 (Proposed Exteriors) (2458 : 2021-024 ORD Rezoning from SF-2 to



Attachment: 2021-024 ORD ATTH 03 (Proposed Exteriors) (2458 : 2021-024 ORD Rezoning from SF-2 to

2021-024 ATTH 03



Attachment: 2021-024 ORD ATTH 03 (Proposed Exteriors) (2458 : 2021-024 ORD Rezoning from SF-2 to

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☑ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☑	None Required	☐	

Other:

Attachment: 2021-024 Goals Perspectives (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

Z-21-07

ORDINANCE NO. 2021-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 1.38-ACRE TRACT OF LAND BEING TRACT 69, IN THE M. E. P. & P. RWY CO. HRS, A-434, LOCATED IN THE 100 BLOCK OF GAZOLA STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located in the 100 block of Gazola Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Multiple Family-2, on an approximate 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located in the 100 block of Gazola Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Multiple Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located in the 100 block of Gazola Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2.**

Attachment: 2021-024 ORD rezoning 100 block of Gazola- signed (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:31 p.m.

Attachment: 2021-024 ORD rezoning 100 block of Gazola- signed (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

2021-024 EXH 'A'

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Apr 25,2017 at 01:28P

DEED WITHOUT WARRANTY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF BOWIE §

That Bowie Central Appraisal District, Trustee, in trust for the use and benefit of The City of Texarkana, Liberty-Eylau Independent School District and The County of Bowie, Texas, acting by and through the Chairman of the Board of Directors of the Bowie Central Appraisal District, Grantor, for and in consideration of the sum of SEVEN HUNDRED SEVENTY-SEVEN AND 24/100S ($777.24), and other good and valuable consideration paid by the Grantee named below, the receipt and sufficiency of which are acknowledged by Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL, AND CONVEY to **Mt. Sinai House of Prayer,** 100 Gazola St., Texarkana, Texas 75501-6791, the following described Property, to wit:

1.38 Acres, more or less, out of Abstract 434 of the M.E.P. & P Railway Company Survey, City of Texarkana, Bowie County, Texas being that property more particularly described in Volume 243, Page 180 and Volume 5976, Page 85, Deed Records, Bowie County, Texas (Tax Account No. 15640006900)

The Grantor and all the taxing units for which the Grantor hold this Property in trust do hereby exclude and except any warranties, express or implied, regarding the Property, including, without limitation, any warranties arising by common law or Section 5.023 of the Texas Property Code or its successor. This conveyance is expressly made subject to any right of redemption of the Property which may exist under Section 34.21 of the Texas Tax Code.

Grantor has not made and does not make any representations, warranties or covenants of any kind or character whatsoever, whether express or implied, with respect to the quality or condition of the Property, the suitability of the Property for any and all activities and uses which grantees may conduct thereon, compliance by the property with any laws, rules, ordinances or regulations or any applicable governmental authority or habitability, merchantability or fitness for a particular purpose, and specifically, grantors do not make any representations regarding hazardous waste, as defined by the Texas Solid Waste Disposal Act and the regulations adopted thereunder, or the U. S. Environmental Protection Agency regulations, or the disposal of any hazardous or toxic substances in or on the Property. This Property is sold "as is" with all faults.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances belonging in any way to the Property, subject to the provisions, stated above, to Grantee(s), **Mt. Sinai House of Prayer,** its successors and assigns forever, without warranty of any kind.

Attachment: 2021-024 ORD rezoning 100 block of Gazola- signed (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

IN TESTIMONY WHEREOF THE Bowie Central Appraisal District, Trustee, has caused these presents to be executed this the 19 day of April, 2017.

Bowie Central Appraisal District, Trustee

By: _____

Josh Davis, Chairman
Board of Directors, Bowie Central Appraisal District

THE STATE OF TEXAS §
§
COUNTY OF BOWIE §

Before me, the undersigned authority, on this day personally appeared Josh Davis, Chairman of the Board of Directors of Bowie Central Appraisal District, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the official capacity indicated and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19 day of April, 2017.

_____
Notary Public, State of Texas
My commission expires
November 4 2018

SHA SPEAR
Notary Public
STATE OF TEXAS
My Comm. Exp. November 4, 2018

After recording, return to:

Mt. Sinai House of Prayer
c/o Barbara Stoker
100 Gazola St.
Texarkana, Texas 75501-6791

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Apr 25,2017 at 01:28P

Attachment: 2021-024 ORD rezoning 100 block of Gazola- signed (2458 : 2021-024 ORD Rezoning from SF-2 to MF-2 100 block Gazola)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/20/2021 11:45 AM

Lead Department: Planning & Zoning Commission
Action Officer: Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2021-025 rezoning Lots 3-10, Block 9, Greater Texarkana Addition, located in the 2700 block of Austin Street. Industrial-1 to Single Family-2. James Cannon, owner.

Briefing: 5/10/2021 **Public Hearing:** 5/10/2021 **Council Vote:** 5/10/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by James Cannon, owner, to rezone Lots 3-10, Block 9, Greater Texarkana Addition, located in the 2700 block of Austin Street from Industrial-1 to Single Family-2 to build a single-family home. The property is currently undeveloped vacant land. Applicant's property would have access to Austin Street.

The adjacent zoning is Single Family-2 to the north, south, and west, and Industrial-1 to the east. The adjacent land use is a vacant land to the north, south, east, and west.

There are several single-family homes located in this immediate area. Most of the Industrial zoned area is vacant and located in a flood plain. There is Single Family-2 zoning in this Block 9 being considered for rezoning (Lots 1, 2, 11 and 12). Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or Deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval.

Advisory Board/Committee Meeting Date and Minutes:

April 5, 2021

Attachments

a. 2021-025 ORD rezoning the 2700 block of Austin (DOCX)
b. 2021-025 ORD ATTH 01 (Maps) (PDF)
c. 2021-025 Goals Perspectives(PDF)
d. 2021-025 ORD rezoning 2700 block Austin St - signed (PDF)

Staff Coordination

City Manager	David Orr 04/15/2021 2:36 PM	Department Head Review	Completed	
Building Code Administration		Laura Puckett 04/15/2021 2:04 PM	Reviewer	Skipped
City Council 6:00 PM	Vicky Coopwood	Meeting	Completed	04/26/2021

Meeting History

Z-21-06

ORDINANCE NO. 2021-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 3-10, BLOCK 9, IN THE GREATER TEXARKANA ADDITION, LOCATED IN THE 2700 BLOCK OF AUSTIN STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM INDUSTRIAL-1 TO SINGLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 3-10, Block 9, in the Greater Texarkana Addition, located in the 2700 block of Austin Street,** in the City of Texarkana, Bowie County, Texas, from **Industrial-1 to Single Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Industrial-1 to Single Family-2 on Lots 3-10, Block 9, in the Greater Texarkana Addition, located in the 2700 block of Austin Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Industrial-1 to Single Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 3-10, Block 9, in the Greater Texarkana Addition, located in the 2700 block of Austin Street** in the City of Texarkana, Bowie County, Texas, from **Industrial-1 to Single Family-2.**

Attachment: 2021-025 ORD rezoning the 2700 block of Austin (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

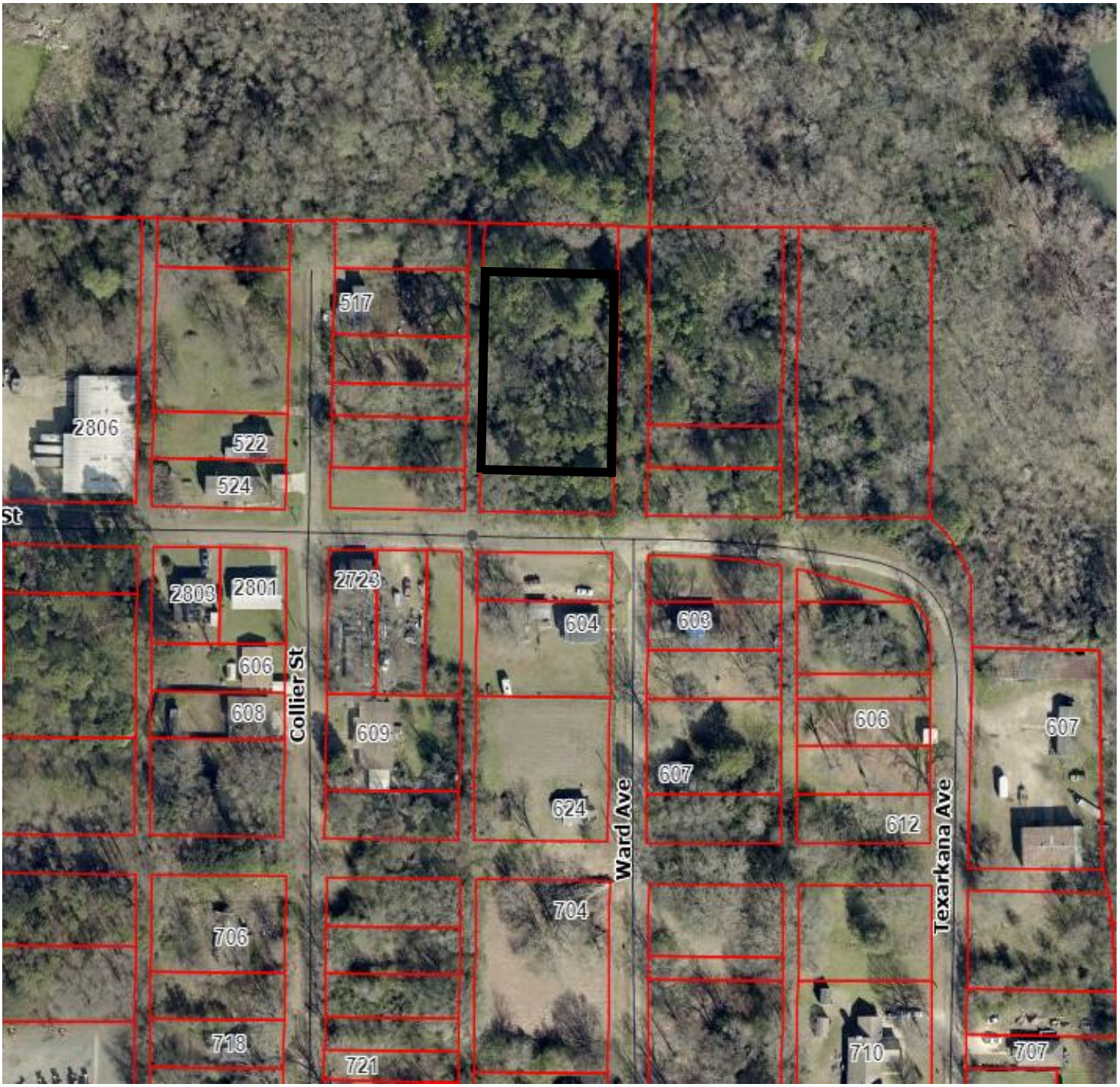
Attachment: 2021-025 ORD rezoning the 2700 block of Austin (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

2700 block of Austin Street



Attachment: 2021-025 ORD ATTH 01 (Maps) (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

2700 Block of Austin Street



Attachment: 2021-025 ORD ATTH 01 (Maps) (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☑ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☑	None Required	☐	

Other:

Attachment: 2021-025 Goals Perspectives (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

Z-21-06

ORDINANCE NO. 2021-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 3-10, BLOCK 9, IN THE GREATER TEXARKANA ADDITION, LOCATED IN THE 2700 BLOCK OF AUSTIN STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM INDUSTRIAL-1 TO SINGLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 3-10, Block 9, in the Greater Texarkana Addition, located in the 2700 block of Austin Street,** in the City of Texarkana, Bowie County, Texas, from **Industrial-1 to Single Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Industrial-1 to Single Family-2 on Lots 3-10, Block 9, in the Greater Texarkana Addition, located in the 2700 block of Austin Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Industrial-1 to Single Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 3-10, Block 9, in the Greater Texarkana Addition, located in the 2700 block of Austin Street** in the City of Texarkana, Bowie County, Texas, from **Industrial-1 to Single Family-2.**

Attachment: 2021-025 ORD rezoning 2700 block Austin St - signed (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:33 p.m.

Attachment: 2021-025 ORD rezoning 2700 block Austin St - signed (2459 : 2021-025 ORD rezoning from I-1 to SF-2 2700 block Austin St)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/20/2021 4:04 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2021-026 granting a Specific Use Permit to allow a tattoo studio in a tenant space on part of a 1.338-acre tract of land (being Tracts 1 and 1A) located at 3201 Kennedy Lane. Brad Carlow, owner. Caleb McCombs, agent.		

Briefing: 5/10/2021 **Public Hearing:** 5/10/2021 **Council Vote:** 5/10/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

The attached letter of opposition was received by the City after the Planning and Zoning Commission meeting. Please see attached letter.

Executive Summary and Background Information:

This is a request by Brad Carlow, owner, and Caleb McCombs, agent, for a Specific Use Permit, SUP, to allow a tattoo studio on part of a 1.338-acre tract of land (being Tracts 1 and 1A) in the Mary E. Wills Subdivision, located at 3201 Kennedy Lane. This is a vacant tenant space in a strip center. This request is to add the one additional use of a tattoo studio.

The adjacent zoning is General Retail to the north, east, and west, and Planned Development-General Retail to the south. The adjacent land usage is tenant spaces in a strip center to the east and west, mall parking lot to the north, and residential to the south.

This property is zoned General Retail. A Specific Use Permit is required to allow the one additional use of a tattoo studio in this zoning district. The application of permanent cosmetics is also considered a tattoo as well as any inked body art. The State of Texas will regulate this business as to licensing and other health related issues. This request meets all city requirements to allow the one additional use of a tattoo studio on this property. It appears that there is adequate parking for this business.

Staff recommends for approval of this request with the following stipulations:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the

business).

2. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. Hours of operation will be by appointment only between the hours of 12:00 p.m. to 8:00 p.m.
6. That any remodeling of the current building must meet all city codes and requires licensed contractors.
7. That no painting of the windows or the building with advertisement or graphic art.

All notifications and application requirements have been met to consider this request.

Potential Options:

Approve or Deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

April 5, 2021

Attachments

a. 2021-026 ORD granting SUP for 3201 Kennedy Ln (DOCX)
b. 2021-026 ORD ATTH 01 (Maps) (PDF)
c. 2021-026 ORD ATTH 02 (Opposition letter) (PDF)
d. 2021-026 (Goals Perspectives) (PDF)
e. 2021-026 ORD granting SUP 3201 Kennedy Lane - signed (PDF)

Staff Coordination

City of Texarkana, Texas

City Manager	David Orr 04/15/2021 2:37 PM	Department Head Review	Completed	
Building Code Administration		Laura Puckett	Reviewer	Skipped
	04/15/2021 2:01 PM			
City Council 6:00 PM	Vicky Coopwood	Meeting	Completed	04/26/2021

Meeting History

ORDINANCE NO. 2021-026 S-737

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-737 TO ALLOW THE LOCATION OF A TATTOO STUDIO IN A TENANT SPACE ON PART OF A 1.338-ACRE TRACT OF LAND BEING TRACTS 1 AND 1A IN THE MARY E. WILLS SUBDIVISION, LOCATED AT 3201 KENNEDY LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a **tattoo studio in a tenant space on part of a 1.338-acre tract of land being Tracts 1 and 1A in the Mary E. Wills Subdivision, located at 3201 Kennedy Lane**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a tattoo studio** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-737** for the location of a **tattoo studio in a tenant space on part of a 1.338-acre tract of land being Tracts 1 and 1A in the Mary E. Wills Subdivision, located at 3201 Kennedy Lane**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2021-026 ORD granting SUP for 3201 Kennedy Ln (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That the hours of operation are by appointment only between the hours of 12:00 p.m. and 8:00 p.m.
6. That any remodeling of the current building must meet all city codes and requires licensed contractors.
7. That no painting of the windows or the building with advertisement or graphic art is allowed.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

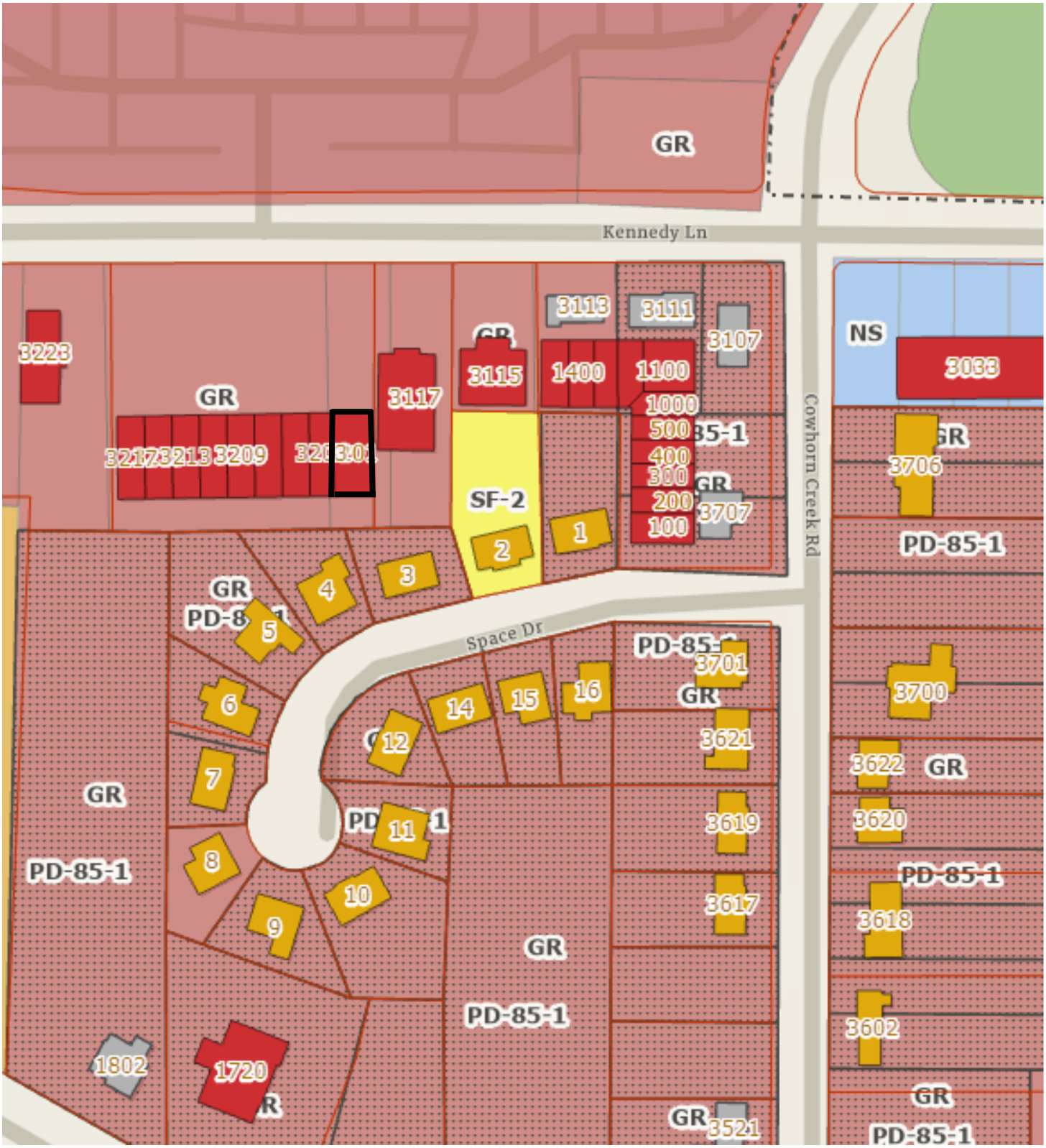
ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

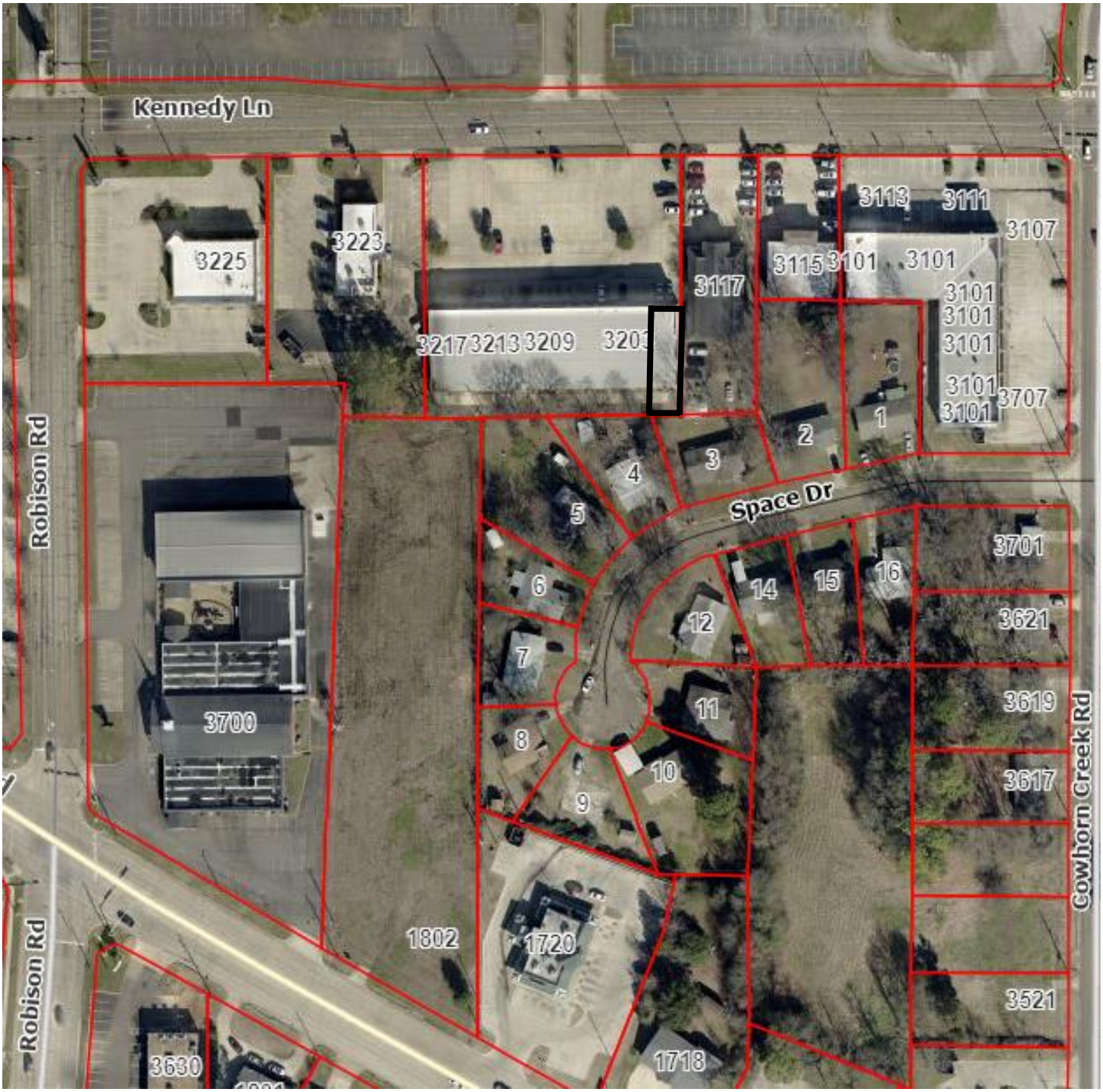
Attachment: 2021-026 ORD granting SUP for 3201 Kennedy Ln (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

3201 Kennedy Lane



Attachment: 2021-026 ORD ATTH 01 (Maps) (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

3201 Kennedy Lane



Attachment: 2021-026 ORD ATTH 01 (Maps) (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

3-29-2021

City of Texarkana, Texas
220 Texas Blvd, Rm. 301
Texarkana, TX 75504

We oppose the allowance of a tatoo studio being this close to our property.

Mr. N. L. Wright,
Nathan Wright

Attachment: 2021-026 ORD ATTH 02 (Opposition letter) (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☑ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☑ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☑	None Required	☐	

Other:

Attachment: 2021-026 (Goals Perspectives) (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

ORDINANCE NO. 2021-026 S-737

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-737 TO ALLOW THE LOCATION OF A TATTOO STUDIO IN A TENANT SPACE ON PART OF A 1.338-ACRE TRACT OF LAND BEING TRACTS 1 AND 1A IN THE MARY E. WILLS SUBDIVISION, LOCATED AT 3201 KENNEDY LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a **tattoo studio in a tenant space on part of a 1.338-acre tract of land being Tracts 1 and 1A in the Mary E. Wills Subdivision, located at 3201 Kennedy Lane**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a tattoo studio** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-737** for the location of a **tattoo studio in a tenant space on part of a 1.338-acre tract of land being Tracts 1 and 1A in the Mary E. Wills Subdivision, located at 3201 Kennedy Lane**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2021-026 ORD granting SUP 3201 Kennedy Lane - signed (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That the hours of operation are by appointment only between the hours of 12:00 p.m. and 8:00 p.m.
6. That any remodeling of the current building must meet all city codes and requires licensed contractors.
7. That no painting of the windows or the building with advertisement or graphic art is allowed.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:34 p.m.

Attachment: 2021-026 ORD granting SUP 3201 Kennedy Lane - signed (2460 : 2021-026 SUP allowing tattoo studio at 3201 Kennedy Ln)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/20/2021 8:40 AM

Lead Department: Water Utilities **Action Officer:** Pam White,

Subject: Ordinance No. 2021-028 amending Chapter 42, "Water and Sewers" Article III, "Nondomestic Waste", Division 1, "Publicly-owned Treatment Works" of the Code of Ordinances of the City of Texarkana, Texas.

Briefing: 5/10/2021 **Public Hearing:** 5/10/2021 **Council Vote:** 5/10/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Amending Chapter 42, “Water and Sewers”, Article III, “Nondomestic Waste”, Division 1, “Publicly-owned Treatment Works” (ATTH 01) as required by changes in Federal regulations and required by the City’s Wastewater Discharge Permits. Amendments summarized in ATTH 02.

Potential Options:

- None
-

Fiscal Implications:

NONE

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2021-028 ORD Amend to Chap 42 Water and SewersREV (DOCX)
b. 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (PDF)
c. 2021-028 ATTH 02 Summary of Amendments (DOCX)
d. 2021-028 Goals and Perspectives (DOCX)

e. 2021-028 ORD amend to Chap 42 Water and sewers - signed (PDF)

Staff Coordination

Water Utilities	JD Phillips	Department Head Review	Completed	04/14/2021 4:19 PM
Water Utilities	Gary Smith	Review	Completed	04/15/2021 7:36 AM
Municipal Prosecutor	Vicky Coopwood	Asst. City Attorney Review	Skipped	04/20/2021 10:57 AM
City Attorney	Jennifer Evans	City Attorney Review	Skipped	04/22/2021 1:28 PM
City Manager	Shirley Jaster	City Manager Review	Completed	04/23/2021 2:50 PM
City Council	Vicky Coopwood	Meeting	Completed	04/26/2021 6:00 PM

Meeting History

PUBLISH

ORDINANCE NO. 2021-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 42, "WATER AND SEWERS" ARTICLE III, "NONDOMESTIC WASTE", DIVISION 2, "PUBLICLY-OWNED TREATMENT WORKS", OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 42, "Water and Sewers", Article III, "Nondomestic Waste", Division 2, "Publicly-owned Treatment Works" of the Code of Ordinances of the City of Texarkana, Texas, be amended as required by changes in federal regulations and as required by the City's Wastewater Discharge Permits policy, said amendment set forth in **ATTH 01** hereto and incorporated herein by reference for all purposes, and summarized in **ATTH 02**.

SECTION 2: That in case a section, clause or sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3: That all ordinances, or parts of ordinances, in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: The City Secretary shall give notice of the passage of this ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 5: That this ordinance shall be in full force and effect upon the later of either ten (10) days after its passage and approval or upon modification of the Approved Pretreatment Program by the Texas Commission on Environmental Quality (Approval Authority) in accordance with Federal and State laws and regulations as outlined in the Code of Federal Regulations, Chapter 1, Subchapter N, Title 40, Part 403, Section 403.18.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2021-028 ORD Amend to Chap 42 Water and SewersREV (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

TABLE OF CONTENTS

Section 42-110: General Provisions 1
(a) *Purpose & Policy* 1
(b) *Applicability* 1
(c) *Administration* 1
(d) *Definition of Terms* 1

Section 42-111: General Sewer Use Requirements 11
(a) *Applicability* 11
(b) *Prohibited Discharges* 11
(c) *Specific Pollutant Limitations.* 14
Maximum Allowable Discharge Limits 15
(d) *Prohibition of Dilution as Substitute for Treatment.* 16
(e) *Right of Revision.* 17
(f) *National (Categorical) Pretreatment Standards* 17
(g) *Alternate Mass or Concentration Limitations* 18
(h) ~~*Prevention*~~ *Protection From Accidental/slug Discharge.* 18
(i) *Procedures in Case of Accidental Discharge.* 19
(j) *Storage of Hazardous/dangerous Materials.* 19
(k) *Pretreatment of Wastes Discharged to The Sanitary Sewer* 20
(l) *Control Equipment* 21
(m) *Monitoring Requirements* 22

Section 42-112: Direct Discharges Prohibited 23
(a) *Discharge Into Waters of The United States* 23
(b) *Discharges Onto Public or Private Property.* 23

Section 42-113: Wastewater Discharge Permits 24
(a) *Applicability* 24
(b) *Approval Requirements.* 24
(c) *Classifications of Wastewater Discharge Permits* 24
(d) *Application For Wastewater Discharge Permit* 25
(e) *Issuance of a Wastewater Discharge Permit* 26
(f) *Contents of The Wastewater Discharge Permit* 27
(g) *Wastewater Discharge Permit Appeals* 29
(h) *Modification of The Wastewater Discharge Permit* 29
(i) *Renewal of The Wastewater Discharge Permit* 31
(j) *Transfer of a Wastewater Discharge Permit* 31
(k) *Revocation of The Wastewater Discharge Permit* 31
(l) *Regulation of Wastes Received From Other Jurisdictions* 32

Section 42-114: Pretreatment Charges And Fees 33
(a) *Charges For Wastewater Discharge Permit* 33
(b) *Charges For Delivery of Waste to The POTW* 34
(c) *Surcharge For Excessive Strength Wastes* 34

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Section 42-115: Reporting Requirements 35
(a) *Categorical Users* 35
(1) Baseline Monitoring Report 35
(2) *90-Day Compliance Report* 38
(3) *Periodic Compliance Reports* 38
(b) *Noncategorical Users* 39
(1) *Self-monitoring Reports* 39
(c) *Reporting Requirements Applicable to All Nondomestic Users* 39
(1) Report of Changed Conditions 39
(2) *Reports of Potential Problems* 40
(3) *Notification of Violation and Repeat Sampling* 40
(d) *Reports From Unpermitted Nondomestic Users* 41
(e) *Signatory Requirements for User Reports and Applications* 41
(f) *Record Keeping Requirements* 42

Section 42-116: Powers and Authorities of Control Authority 42
(a) *Access to Properties and Records* 42

Section 42-117: Confidential Information 43
(a) *Disclosure of User Information and Data* 43
(b) *Information Which May Be Claimed as Confidential* 43

Section 42-118: Protection of The POTW Collection System 44
(a) *Protection From Damage And Tampering* 44
(b) *Discharge into the Collection System.* 44
(c) *Sewer Taps into the POTW Collection System* 44
(d) *Disconnecting Sewers* 45

Section 42-119: Enforcement Provisions 45
(a) *Applicability* 45
(b) *Publication of Users in Significant Noncompliance* 45
(c) *Administrative Enforcement Remedies* 45
(I) *Notice of Violation* 45
(2) *Consent Order* 46
(3) *Show Cause Hearing* 46
(4) *Compliance Order* 46
(5) *Cease and Desist Orders* 46
(6) *Emergency Suspension* 46
(7) *Termination of Sewer Service* 47
(d) *Judicial Enforcement Remedies* 47
(1) *Injunctive Relief* 47
(2) *Civil Penalties* 48
(3) *Criminal Prosecution* 48
(e) *Supplemental Enforcement Remedies.* 49
(1) *Performance Bonds* 49
(2) *Liability Insurance* 49

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(3) *Water Supply Severance* 49
(4) *Public Nuisances* 49
(f) *Affirmative Defenses to Discharge Violations* 49
(I) *Treatment Upsets* 49
(2) *Prohibited Discharge Standards* 50
(3) *Treatment Bypasses* 50

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Article III. Nondomestic Waste Section

42-110: General Provisions

(a) *Purpose & Policy*

(1) This Article sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW), enables the City of Texarkana, Texas to comply with all applicable State and Federal laws including the Clean Water Act (33 United States Code, 1251 *et seq.),* and the General Pretreatment Regulations (Code of Federal Regulations, Title 40, Part 403) and allows the City to control miscellaneous unsewered discharges.

(2) The objectives of this Article are:

a. To prevent the introduction of pollutants into the POTW that may interfere with the operation of the POTW;

b. To prevent the introduction of pollutants into the POTW which may pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

c. To protect both POTW personnel and the general public who may be affected by the wastewater and sludge from the POTW;

d. To promote reuse and recycling of wastewater and sludge from the POTW;

e. To enable the City of Texarkana, Texas to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge disposal conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and

f. To protect the Waters of the State within the jurisdiction of the City from the introduction of pollutants.

(b) *Applicability*

(1) This Article shall apply to all Users of the POTW and authorizes the issuance of wastewater discharge permits to Nondomestic Users; provides for monitoring, compliance and enforcement; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) On and after the adoption of this Article any person discharging or seeking approval to discharge nondomestic wastewater into the public sewers, including storm sewers, within the City of Texarkana, Texas, or within its jurisdiction or wishing to discharge transported wastes into the wastewater treatment system shall be required to comply with the requirements herein before such approval may be granted.

(c) *Administration.* Except as otherwise provided herein, the Control Authority shall administer, implement, and enforce the provisions of this Article.

(d) *Definition of Terms.* Unless a provision explicitly states otherwise, the following terms and phrases shall be defined as follows:

(1) *Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code 1251, *et seq.,* 86 Stat. 816, Pub. L. 92-500.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) *Approval Authority* shall mean the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

(3) *Approved Analytical Procedures* shall mean analytical procedures approved for the testing of wastewater samples in accordance with Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136) and amendments thereto or any method that has been approved for analyses in accordance with the approval procedure outlined in 40 CFR 136 or those analytical procedures approved by the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality (TCEQ) as appropriate.

(4) *Authorized Representative* shall mean:

a. The responsible corporate officer if the User submitting the report is a corporation. Responsible corporate officer shall be a president, secretary, treasurer or vice president of the corporation in charge of the principal business function or any other person who performs similar policy or decision-making function for the corporation; or by the manager of one or more manufacturing, production or operation facilities ~~employing more than two hundred and fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if~~ 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 compliance with environmental laws and regulations; can ensure the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. A general partner or proprietor if the User submitting the reports is a partnership or sole proprietorship, respectively;

c. A duly authorized representative of the individual designated in subsections (a) or (b) above if:

(i) The authorization is submitted in writing to the Control Authority by the individual described in subsection (a) or (b) above;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as a 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.

d. If authorization under subsection (c) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or the overall responsibility for environmental matters for the company, a new authorization satisfying the requirements in subsection (c) above shall be submitted to the Control Authority prior

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

to or together with the next report to be signed by an Authorized Representative.

(5) *Biochemical Oxygen Demand (BOD)* shall mean the relative quantity of oxygen required for the biochemical degradation of organic matter and the oxygen used to oxidize inorganic material such as sulfides and ferrous iron under standardized laboratory procedures (Approved Analytical Procedures), where a diluted sample is incubated for five (5) days at twenty (20) degrees Celsius and the results are expressed in milligrams per liter (mg/L).

a. *Carbonaceous Biochemical Oxygen Demand (CBOD)* shall mean a BOD_5 where a nitrification inhibitor is added to the sample prior to incubation in accordance with Approved Analytical Procedures.

(6) *Boiler Blowdown Water* shall mean the discharge of boiler recirculation water for the purpose of discharging materials contained in the water, the buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

(7) *Building Drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage pipes inside the walls of a building and conveys it to a building sewer.

(8) *Building Sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

(9) *Bypass* shall mean the intentional diversion of wastestreams from any portion of the User's treatment facility.

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

(11) *Categorical User* shall mean a Nondomestic User of the Texarkana POTW that is subject to Categorical Pretreatment Standards as defined above.

(12) *City* shall mean the City of Texarkana, Texas, together with all its governing and operating bodies.

(13) *Composite Sample* shall mean a sample made up of a mixture of discrete samples collected at the same sampling point at equal intervals over a twenty- four-hour period, with each interval not to exceed two hours. In a flow- proportional composite sample, the discrete portions are varied according to flow. Where flow is not continuous over a twenty-four-hour period, portions shall be collected at equal intervals over the period of discharge in a twenty-four- hour period, with each interval not to exceed two hours.

(14) *Control Authority* shall mean the Executive Director of the Texarkana Water Utilities or his duly authorized representative.

(15) *Control Mechanism* shall mean a Wastewater Discharge Permit, a No-Discharge Permit, a Consent Order, an Administrative Order, a certified letter, or other written or verbal instrument whose purpose is to limit, control or stop wastewater discharges from nondomestic sources.

(16) *Direct Discharge* or *Discharge of Pollutants* shall mean a discharge into the waterways of the State of Texas, including storm drains, natural and man-made ditches, and other outlets.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(17) *Discharge Limitations* shall mean any restriction(s) established by this Article on the quantities, rates and/or concentrations of chemical, physical, biological, and other constituents which are discharged into the sanitary sewer system.

(18) *Domestic Wastewater* shall mean wastewater normally derived from the sanitary conveniences of single or multi-family dwellings, from office buildings or from commercial establishments, factories, and institutions which originates from toilet facilities, baths, or kitchens (provided there is no commercial preparation of foods), free from storm water, surface water, and industrial or other process wastes.

a. *Normal Domestic Wastewater* shall mean Domestic Wastewater in which the concentration of total suspended solids does not exceed 200 mg/1, the concentration of five-day carbonaceous biochemical oxygen demand does not exceed 200 mg/1 and the concentration of ammonia as nitrogen does not exceed 20 mg/L, measured by Approved Analytical Procedures.

(19) *Environmental Protection Agency* or *EPA* shall mean the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(20) *Existing Source* shall mean any building, structure, facility, or installation from which there is a discharge of pollutants, the construction of which commenced prior to the publication of proposed Pretreatment Standards under Section 307(c) of the Act. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria for a new source but otherwise alters, replaces or adds to the existing process or production equipment.

(21) *Garbage* shall mean animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of foods and from the handling, storage, or sale of produce; composed largely of putrescible organic matter and its natural moisture.

(22) *Grab Sample* shall mean an individual sample collected in a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes. Grab samples shall be used for pH, cyanide, total phenols, oil and grease, total petroleum hydrocarbons, sulfide, and volatile organics analyses.

(23) *Incompatible waste* shall mean wastes which cannot or should not be commingled for disposal due to differing processing, storage, and disposal requirements.

(24) *Indirect Discharge* shall mean the discharge or the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act or this Article, including holding tank and equalization basin waste and any other nondomestic wastewater discharged into the sanitary sewer system.

(25) *Interference* shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. Is a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal, in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations):
   (i) Section 405 of the Act;
   (ii) Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
   (iii) Clean Air Act;
   (iv) Toxic Substances Control Act; and
   (v) Marine Protection, Research and Sanctuaries Act.

(26) *Maximum Allowable Headworks Loading* shall mean the maximum pounds of pollutant per day, established under EPA guidelines, designed to protect the POTW, to prevent pass through and interference, and to protect the POTW worker and the environment.

(27) *Medical Waste* shall mean 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.

(28) *May* is permissive.

(29) *National Pollutant Discharge Elimination System Permit* or *NPDES Permit* shall mean an authorization, license or equivalent control document issued by the EPA or an approved state, issued pursuant to Section 402 of the Act.

(30) *New Source* shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction from which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if Pretreatment Standards are thereafter promulgated in accordance with that Section, provided that:
   a. The building, structure, facility, or installation is constructed at a site on which no other source is located; or
   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the site. Factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered in determining whether the source is substantially independent.
   d. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria in Subsections (30)b. or c. but otherwise alters, replaces or adds to existing process or production equipment.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

e. Construction of a new source has commenced if the owner or operator has:

(i) Begun or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or
2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are necessary for the placement, assembly, or installation or new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

(31) *Noncontact Cooling Water* shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Noncontact cooling water shall be considered a dilution wastestream for use in the Combined Wastestream Formula.

(32) *Nondomestic User* or *Industrial User* shall mean a source of Indirect Discharge which does not constitute a Discharge of Pollutants (Direct Discharge) under regulations issued pursuant to Section 402 of the Act; any person who discharges or causes a discharge of nondomestic wastewater into the sanitary sewer system.

(33) *Nondomestic Wastewater* shall mean all wastewater resulting from any industrial, commercial, manufacturing, food preparation or food processing operation or from development of any natural resource, or any mixture of these with water or domestic wastewater, as distinct from domestic wastewater.

(34) *Outlet* shall mean any point of discharge into a watercourse or channel, natural or manmade, in which a flow of water occurs continuously or intermittently, and any pond, ditch, lake, or other body of surface or ground water.

(35) *Owner* or *Operator* shall mean the owner or operator of any facility or activity subject to regulation under this Article and any person or persons who possess any interest in the structure or property to which such ownership relates.

(36) *Pass Through* shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation.

(37) *Person* shall mean any and all persons, natural or artificial, including any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or its legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(38) *pH* shall mean a measurement of the hydrogen-ion concentration in solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter of solution, measured in accordance with approved analytical procedures; a measure of the acidity or alkalinity of a solution, expressed in Standard Units (S.U.).

(39) *Plumbing Inspector* shall mean any individual official, board, department, or agency established and authorized by the state, county, city, or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended.

(40) *Pollutant* shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(41) *Pollution Control Inspector* shall mean ~~the Technical Supervisor, Chief Pollution Control Technician, Pollution Control Technician, or other~~ any employee of the Texarkana Water Utilities designated by the Control Authority to administer and enforce this Article.

(42) *Pretreatment* shall mean the treatment of a waste before discharge into a POTW or outlet, to remove or to neutralize substances injurious to the sewers and subsequent treatment processes or to affect a partial reduction in load on the treatment process. Pretreatment may be by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d) and by the terms of this Article.

(43) *Pretreatment Requirements* shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on any Nondomestic User and any substantive or procedural requirement imposed on any Nondomestic User by the Control Authority in order to regulate the User's wastewater under the provisions of this Article.

(44) *Pretreatment Standard* shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by the EPA or the State or the City which applies to Nondomestic Users, including prohibitive discharges outlined in Section 42-111 of this Article. Pretreatment Standards shall include Best Management Practices (BMP) defined as schedules of activities, prohibitions of practices and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(l) and (b), including, but not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leakage, sludge and waste disposal or drainage from raw materials storage.

(45) *Process Wastewater* shall mean 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. Process wastewater excludes domestic, noncontact cooling, and boiler blowdown wastewaters.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(46) *Prohibited Discharge Standards* or *Prohibited Discharges* shall mean absolute prohibitions against the discharge of certain substances as outlined in this Article.

(47) *Properly Shredded Garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in diameter.

(48) *Public Sewer* shall mean a sewer in which all owners of abutting property have substantially equal right, and which is controlled by the City.

(49) *Publicly Owned Treatment Works* or *POTW* shall mean a treatment works as defined by Section 212 of the Act which is owned by the City. This definition shall include:

a. Any devices and systems used in storage, treatment, recycling, and reclamation of municipal wastewater or liquid industrial wastes;

b. Sewers, pipes, and other appurtenances used in the transportation of wastewater to the treatment plant portion of the POTW;

c. The municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works; and

d. Any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement, users of the POTW.

(50) *POTW Treatment Plant* shall mean the portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal wastewater and industrial wastes.

(51) *Sanitary Sewer* shall mean a sewer in which liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions are carried and to which storm, surface, and ground waters are not intentionally admitted.

(52) *Septic Tank Waste* shall mean any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(53) *Severe Property Damage* shall mean substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage shall not include economic loss caused by delays in production.

(54) *Sewer* shall mean a pipe or conduit and appurtenances for the collection, transport, or pumping of wastewater.

(55) *Shall* is mandatory.

(56) *Significant Industrial User* shall mean any Nondomestic User of the City's wastewater disposal system who:

a. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N;

b. Discharges an average of 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewaters) per workday;

c. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD_5, TSS, etc.) design capacity of the POTW treatment plant;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

d. Has a reasonable potential, in the opinion of the Control Authority, to adversely affect the POTW treatment plant's operation (inhibition, pass through of pollutants , sludge contamination, or endangerment of POTW workers, etc.) or for violating any Pretreatment Standard or Requirement; or

e. Is found by the Control Authority to have a significant impact, either singly or in combination with other contributing industries, on the POTW, the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system, or may pose a health/welfare hazard to the POTW workers or the public or may injure the environment.

(57) *Significant Noncompliance* shall mean any violation or violations which meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average~~ any numeric limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of ~~the daily maximum or the average~~ any numeric limit multiplied by the applicable TRC (TRC = 1.4 for BOD_5, 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)~~ Pretreatment Standard or Requirement as defined by Section 42-110(d)(43) and (44) the Control Authority determines has caused, alone or in combination with other discharges, interference, pass-through or has endangered the health of the POTW personnel or the general public;

d. Any discharge of a pollutant or pollutants that has caused an imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority 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 30 days after the due date, required reports including, but not limited to, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation or group of violations the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program; or

i. the current definition accepted by Region VI of the EPA.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(58) *Sludge* shall mean the accumulated solids separated from liquids, such as water and wastewater, during processing and any solid material containing large amounts of entrained water collected during water or wastewater treatment. This definition shall include settled solids resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of water and wastewater and materials removed from septic tanks.

(59) *Slug Load* shall mean any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge or any discharge which could cause a violation of the prohibited standards in Section 42-111 of this Article.

(60) *Storm Sewer* shall mean a pipe or other conveyance which carries storm and surface water, street wash, and other wash waters or drainage, but excludes domestic and nondomestic wastewater.

(61) *Storm Water* shall mean any flow occurring during or following any form of precipitation and resulting from such precipitation, including snowmelt.

(62) *Stormwater Runoff* shall mean that portion of the rainfall which is normally drained into the storm sewers or finds its way to natural or manmade drainage channels.

(63) *Surcharge* shall mean the charge in addition to the published sewer use rate designed to recover costs, incurred during the treatment of Nondomestic Wastewater, above the standard rate. The basis for surcharge on industrial wastes is a capital and operating cost for suspended solids, oxygen demand, and ammonia exceeding the concentration and loads established by this Article or upon which the published water and sewer rates are based.

(64) *Texarkana Water Utilities* or *TWU* shall mean the bi-city water and wastewater utility department of the Cities of Texarkana, Arkansas and Texarkana, Texas that functions operationally for both cities while maintaining financial functions, including revenues and expenditures, separate and apart. The Utilities is managed by an Executive Director who answers directly to the city managers of both the Texarkana.

(65) *Total Suspended Solids* or *TSS* shall mean the solid materials which will be retained on a glass fiber filter (Whatman grade 934AH or equivalent) when filtered under vacuum and dried in a laboratory oven at 103° - 105° Celsius according to Approved Analytical Procedures.

(66) *Toxic Pollutants* shall mean any pollutant or combination of pollutants listed in regulations promulgated by the EPA under the provisions of the Act, Section 307(a), or other Acts.

(67) *Unpolluted water* or *Unpolluted drainage* shall mean any water or waste containing none of the following:

a. free or emulsified grease or oil;
b. acid or alkali;
c. phenols or other substances imparting taste or odor in receiving waters;
d. toxic or poisonous substances in suspension, colloidal state or solution;
e. noxious or odorous gases;
f. total suspended solids and/or five-day biochemical oxygen demand in concentrations greater than ten (10) mg/L; or
g. color in excess of 150 Jackson Turbidity Units.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(68) *Upset* shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(69) *User* shall mean any person who contributes or causes or permits the contribution of wastewater into the City's POTW.

(70) *Waste Disposer* or *Disposer* shall mean the POTW which accepts liquid transported waste for treatment and disposal through the POTW treatment plant.

(71) *Waste Generator* or *Generator* shall mean any person, by site, whose act or process produces waste regulated under this Article or whose first act causes a waste to become subject to regulation.

(72) *Waste Transporter* or *Transporter* shall mean the owner or operator of a truck or other vehicle used for delivery of wastes to the POTW other than via the sanitary sewer collection system.

(73) *Wastewater* shall mean liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Section 42-111: General Sewer Use Requirements

(a) *Applicability.* Unless otherwise stated herein, this Section shall apply to all Users of the City's POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State or Local Pretreatment Standards or Requirements or whether such User has been issued a Wastewater Discharge Permit.

(b) *Prohibited Discharges*

(1) In cases where the character or volume of the wastewater from a manufacturing, commercial or industrial facility or other premises is such that it will damage the system or cannot be treated satisfactorily in the system or violates this Article in any manner, the Control Authority shall have the right to require disposal of such waste otherwise and prevent it from entering the sanitary sewer system.

(2) A User shall not discharge or cause to be discharged into the sanitary sewer any storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, yard drainage, yard fountain drainage, lawn spray waters or pond water, and unpolluted wastewater unless specifically authorized by the Control Authority.

a. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, yard drainage, lawn spray waters, and pond water shall be discharged to such sewers as are specifically designed as storm sewers or into a natural outlet;

b. Unpolluted process water, swimming pool drainage, condensate, deionized water, noncontact cooling water, yard fountain drainage, and other unpolluted wastewater may be discharged into the sanitary sewer system upon prior written consent of the Control Authority. The specific maximum flow rate of such waters shall be determined by the Control Authority on a

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

case-by-case basis. The Control Authority may specify at what times such wastewater may be discharged. These types of wastewaters may be discharged to storm sewers or natural outlets provided such discharges have been permitted by the appropriate State and/or Federal agency and the Control Authority have been made aware of such discharges as provided by this Article

c. When unpolluted wastewater is mixed with a regulated wastestream, the User shall meet an adjusted limit calculated according to the Combined Wastestream Formula.

(3) A User shall not discharge or cause to be discharged any pollutant which will cause interference or pass through.

(4) User shall not discharge pollutants which, by reason of their nature or quantity, either alone or by interaction with other substances, are, or may be, sufficient to create fire or explosion hazard or injure, in any way, the POTW and its operation.

a. Prohibited wastestreams shall include, but are not limited to, any wastestream with a closed-cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.

b. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and other substances which are or may be a fire hazard or other hazard to the sanitary sewer system.

(5) A User shall not discharge pollutants having corrosive properties capable of damaging the collection or treatment structures, equipment, POTW personnel, or the environment.

(6) A User shall not discharge any solid or viscous substances which may cause an obstruction to the flow in the sewers or in any way interfere with the collection and treatment processes. In no case shall solids greater than one-half inch (½") be discharge to the POTW.

a. Prohibited materials include, but are not limited to ashes, wax, paraffin, cinders, sand, mud, straw, wood shavings, sawdust, bone, paunch manure, hair, hides, fleshings, entrails, whole blood, feathers, lime slurries, beer or distillery slops, grain processing wastes, grinding compounds and residues from grinding operations, acetylene generation sludge, chemical residues, acid residues, plastics, rubber, tar, asphalt residues, and food processing bulk solids.

(7) A User shall not discharge any pollutant, including oxygen-demanding pollutants released at a flow rate or pollutant concentration which, alone or by interaction with other pollutants, may cause interference with the POTW.

(8) A User shall not discharge any wastestream at temperatures which may inhibit biological activity in the POTW resulting in interference of the normal processes.

a. A wastestream at the discharge point shall not have a temperature greater than 65 degrees Celsius (149 degrees Fahrenheit).

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. In no case shall a discharge raise the temperature at the POTW Treatment Plant above 40 degrees Celsius (104 degrees Fahrenheit) measured at the influent of the POTW Treatment Plant.

(9) A User shall not discharge petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts which may cause Interference or Pass Through or may otherwise violate the provisions of this Article.

(10) A User shall not discharge any pollutants which may result in toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety risks, any noxious or malodorous liquids, or any solids or gases which, alone or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repairs.

(11) No person shall discharge any substance into any manhole, sewer cleanout, or other opening in the POTW collection system.

(12) A User shall not discharge any wastewater containing toxic pollutants which may, either singly or by interaction with other wastes, injure or interfere with any wastewater treatment process, constitute a hazard to human, animal or aquatic life, create a toxic effect in the receiving waters of the POTW, or exceed the limitations set forth in a Categorical Pretreatment Standard or this Article.

(13) A User shall not discharge any garbage which has not been properly shredded to a degree that all particles are freely carried under normal flow conditions in the POTW collection system, with no particle having a dimension greater than one-half (½) inch.

(14) A User shall not discharge any substance which may, alone or by interaction with other wastes, cause the POTW to violate its NPDES Permit or worsen or prolong any occurring violation.

(15) A User shall not discharge any substance which may cause the POTW's effluent or any other products of the POTW such as residuals, sludges, or scums to be unsuitable for reclamation and reuse or which may interfere with the reclamation process. In no case shall a substance be discharged to the POTW which may cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Texas State criteria applicable to the sludge management method being used.

(16) A User shall not discharge any wastewater which imparts color not removed by the treatment process, such as, but not limited to, dye wastes, and vegetable canning solutions, which consequently imparts color in the treatment plant's effluent.

(17) A User shall not discharge any wastewater containing materials which exert or cause unusual concentrations of solids or composition; as, for example, unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or unusual concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(18) A User shall not discharge any sludges, screenings, or other residues from the pretreatment of domestic or nondomestic wastes.

(19) A User shall not discharge any septic tank sludge, except such sludge may be discharged by Permitted transporters into selected treatment facilities only at locations designated for this purpose and under the direction of an on-duty POTW Treatment Plant operator.

(20) A User shall not discharge any wastewater which causes or may cause a hazard to human or aquatic life or the environment or creates or may create a public nuisance.

(21) A User shall not discharge any radioactivity as radium 226 greater than 3 ppc/L or strontium 90 greater than 10 ppc/L or other radioactive wastes except in compliance with applicable State and Federal regulations. In the known absence of strontium 90 and alpha emitters, the concentration shall not be greater than 1000 ppc/L.

(22) A User shall not discharge any wastewater containing excessive amounts of fats, oils, and grease which may, alone or in combination with other wastes, cause obstruction of the flow in the POTW collection system.

(23) A User shall not discharge any detergents, surface-active agents, or any other substances which may cause excessive foaming in the POTW.

(24) A User shall not discharge any wastewater which causes two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5%, or any single reading over 10% of the Lower Explosion Limit of the meter.

(25) A User shall not discharge any medical wastes except as specifically authorized by the Control Authority in a Wastewater Discharge Permit.

(26) No person shall discharge or cause to be discharged any pesticide, herbicide, or fungicide, such as, but not limited to, chlordane, heptachlor, aldrin, dieldrin, DDT, DDD, or DDE, or any other toxic, poisonous, or other substance that may injure or interfere with the normal treatment processes or may constitute a hazard to human, animal, or plant life, including aquatic organisms or create any toxicity or other hazards in the POTW's receiving stream.

(27) A User shall not discharge any trucked or hauled pollutants, except on a case by case basis at approved discharge locations as authorized by the Control Authority.

(c) *Specific Pollutant Limitations*

(1) No person shall discharge or cause to be discharged to the POTW any wastewater containing pollutant concentrations in excess of the specific limitations set forth in this Section.

(2) The following pollutant limits are established to protect against Pass Through and Interference and to allow appropriate recycling and reuse. No person shall discharge or cause to be discharged to the POTW any wastewater containing pollutants in excess of the following Maximum Allowable Discharge Limits except as provided herein:

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Pollutant	Daily Maximum Concentration (mg/L)	
	South Regional WWTP	Waggoner Creek WWTP
Ammonia as Nitrogen	250	250
Arsenic (T)	0.248	0.201
Biochemical Oxygen Demand (Carbonaceous)	1500	1500
Cadmium (T)	0.069	0.105
Chemical Oxygen Demand	3750	3750
Chromium (T)	7.820	3.417
Copper (T)	1.158	1.547
Cyanide (T)	0.172	1.252
Lead (T)	0.718	0.842
Mercury (T)	0.0008	0.0678
Molybdenum (T)	0.821	0.821
Oil & Grease (T)	100	100
Nickel (T)	0.920	2.057
Phenol	50	50
Total Petroleum Hydrocarbons	20	20
Total Suspended Solids	1500	1500
Selenium (T)	0.143	0.143
Silver (T)	0.111	0.315
Zinc (T)	3.605	3.121

(3) A User may petition the Control Authority for a variance from a specific discharge limitation listed in Subsection (c)(2) above.

a. The Control Authority may grant a variance to a User discharging into the sanitary sewer system when there is sufficient evidence that allowing such a variance will not result in an unpermitted discharge from the POTW Treatment Plant, will not adversely affect the treatment of wastewater or the operation of the sanitary sewer system, and will not be in violation of any applicable law or regulation.

(i) The Control Authority shall not grant a variance which exceeds a Federal Categorical Standard.

(ii) The Control Authority shall not grant a variance to any User which would cause the POTW's influent to equal or exceed 80% of the technically based maximum allowable headworks loading.

(iii) A variance may be revoked at any time at the discretion of the Control Authority.

b. The Control Authority may grant a variance to any permitted User not to exceed the following limits. This variance may be revoked by the Control Authority without notice when it has reason to believe the maximum allowable headworks loading has been or may be exceeded for that pollutant or when additional industrial users are added to the POTW:

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Pollutant	Daily Maximum Concentration (mg/L)	
	South Regional WWTP	Waggoner Creek WWTP
Arsenic (T)	4.219	*N/A*
Cadmium (T)	1.630	0.217
Chromium (T)	15.641	3.514
Copper (T)	2.317	3.182
Cyanide (T)	4.021	1.287
Lead (T)	2.646	1.731
Mercury (T)	0.0029	*N/A*
Molybdenum (T)	1.661	1.661
Nickel (T)	1.840	4.231
Silver	0.154	0.648
Zinc (T)	7.210	3.209

b. The maximum allowable headworks loading established for the purpose of this Subsection are:

Pollutant	Pounds Per Day	
	South Regional WWTP	Waggoner Creek WWTP
Arsenic (T)	1.3606	*N/A*
Cadmium (T)	0.3825	0.0627
Chromium (T)	48.8521	2.0234
Copper (T)	6.3496	0.9165
Cyanide (T)	0.9434	0.7414
Lead (T)	3.9353	0.4986
Mercury (T)	0.0046	*N/A*
Molybdenum (T)	4.4987	4.4987 [(1)]
Nickel (T)	5.0437	1.2185
Silver	0.6099	0.1866
Zinc (T)	19.7542	1.8481

[(1)] at the South Regional Wastewater Treatment Plant

(4) No person shall discharge or cause to be discharged any wastewater having a pH less than 5.5 S.U. nor greater than 10.5 S.U.

(d) *Prohibition of Dilution as Substitute for Treatment*

(1) No User shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with any Pretreatment Standard or Requirement or any other requirement developed by the EPA, the State, or the City unless expressly authorized by an applicable Categorical Pretreatment Standard. The Control Authority may impose mass limits on any User where it is known or suspected that the User may use dilution to meet applicable Pretreatment Standards or Requirements or where diluting the discharge is unavoidable.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(e) *Right of Revision*

(1) The Control Authority shall reserve the right to establish, by Article or in Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

a. In cases where the Control Authority deems it necessary to impose more stringent limitations than the National and/or Local Standard or the Control Authority deems it necessary to impose limitations on the flow amount or rate or on the nature of the waste for reasons of protection of the POTW sewer system or treatment plant, a reasonable limitation may be imposed.

(f) *National (Categorical) Pretreatment Standards*

(1) The Categorical Pretreatment Standards found in the Code of Federal Regulations, Title 40, Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated.

(2) Any User for which National Pretreatment Standards specifying quantities or concentrations of pollutants which may be discharged to a POTW by existing and new Users in specific industrial subcategories are established shall be deemed a Significant Industrial User and the appropriate limitations applied. A User subject to such limitations shall be required to obtain a Wastewater Discharge Permit.

(3) When a wastestream subject to a Categorical Pretreatment Standard is mixed with wastestreams not regulated by the same Standard (is a mixture of more than one regulated wastestream, of regulated and unregulated wastestreams, or of regulated and dilution wastestreams, or where no discrete sampling point is available), the Control Authority shall impose an alternate limit using the Combined Wastestream Formula in 40 CFR403.6(e).

(4) The Wastewater Discharge Permit for a Categorical User shall minimally include applicable National Categorical Pretreatment Standards for new or existing sources, whichever is applicable, set forth in 40 CFR, Subchapter N, Parts 401 through 471. The National Standards shall be in addition to the general prohibitions established in this Article and in 40 CFR 403.

(5) In cases where a National Categorical Standard for a particular subcategory is established under the National Pretreatment Program and under this Article, the allowable discharge limitation shall be the concentration or mass which is more stringent.

(6) In cases where pollutants are or may be contained in the wastewater from a Categorical User and the pollutants are not regulated under the Categorical Standard, the Control Authority may regulate those pollutants in addition to the pollutants regulated by the Categorical Standard.

(7) A User may obtain a variance from the Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the Categorical Standard. A

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

User requesting a fundamentally different factor variance shall comply with the procedural and substantive provisions in 40 CFR 403.13.

~~(8) A User may obtain a net/gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.~~

(g) *Alternate Mass or Concentration Limitations*

(1) The Control Authority may impose mass limitations, in addition to or in place of the concentration limits in Subsection (C)(2) of this Section, on any User, especially to prevent the employment of dilution in order to comply with the provisions of this Article.

(2) Where the limitations in a Categorical Standard are expressed only in terms of mass of pollutants per unit of production, the Control Authority may convert the limits to equivalent limits expressed either as mass of pollutant per day or per specific discharge amount (i.e. per gallon or batch) or as effluent concentration.

a. Equivalent mass shall be calculated by multiplying the limitation by average rate of production;

b. Equivalent concentration shall be calculated by multiplying the limitation by the average rate of production, then dividing by the average daily flow rate from the regulated process.

(h) ~~*Prevention*~~ *Protection from Accidental/Slug Discharge*

(1) Pollutants, substances, or wastewater prohibited by this Article shall not be processed or stored in a manner which could result in a discharge of such pollutants, substances, or wastewater to the POTW.

(2) The Control Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or needs to take other specific preventative actions to control slug discharge potential within one year of being designated as a Significant User and at least once every two years thereafter.

(3) The Control Authority may require any User to develop a detailed written accidental discharge/slug control plan outlining facilities and operating procedures to provide spill and accidental discharge protection. This plan shall be submitted to the Control Authority for approval and shall be implemented by the User upon acceptance by the Control Authority. The plan shall contain, at a minimum, the following:

a. A description of discharge practices including nonroutine batch discharges;

b. A description of stored chemicals;

c. 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 measures and equipment for emergency response; and

d. Procedures for immediate notification of the facility's Authorized Representative and the Control Authority in the event of an accidental or slug discharge.

(i) These procedures shall be posted in a conspicuous place in the workplace.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) Employers shall ensure all employees who may cause such a discharge to occur are advised of the emergency notification procedures.

(4) If, in the opinion of the Control Authority, the facilities or procedures are not adequate to prevent accidental discharge or if an accidental discharge occurs while a plan is in effect, the Control Authority shall require additional facilities or procedures to prevent occurrence or recurrence. Alternately, the Control Authority may develop such a plan for the User.

(i) *Procedures in Case of Accidental Discharge*

(1) In case an accidental or slug discharge to the POTW occurs, the User shall immediately telephone and notify the Control Authority of the incident.

a. Notification to the Control Authority of an accidental discharge shall include:

(i) Name and address of the facility;

(ii) Name of person responsible for operation of the facility (a contact person for the Control Authority);

(iii) Location of the discharge;

(iv) Time the discharge began and duration of the discharge;

(v) Type of wastes being discharged;

(vi) Cause of the discharge;

(vii) Concentration and volume of the waste;

(viii) Corrective action taken; and

(ix) Whether or not the discharge has been discontinued.

(2) Within five (5) days following an accidental or slug discharge, the User shall submit a detailed written report describing the cause(s) of the discharge, all information required in Subsection (i)(l) above, and the measures to be taken by the User to prevent similar future occurrences.

(3) Such notification shall not relieve the User of responsibility for expense, loss, damage, or other liability which may be incurred by the POTW as a result of the discharge, including, but not limited to costs of response personnel and equipment and supplies, injury to person, and damage to property.

(4) Such notification shall not relieve the User of any fines, civil penalties, or other liabilities which may be imposed by this Article.

(j) *Storage of Hazardous/dangerous Materials*

(1) The storage of any material in areas served by public sewers or in areas draining into the City's sewer which, because of discharge or leakage from such storage, may create an explosion hazard in POTW or in any other way have a deleterious effect upon the POTW or the treatment processes or constitute a hazard to human, animal, or plant life or the receiving stream shall be subject to review by the Control Authority, who may, at his discretion, require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

(2) No hazardous or dangerous materials, including, but not limited to, paints, solvents, boiler treatment chemicals, sludges, and hazardous wastes, shall be stored in proximity to a floor drain or other sewer access. Containers of such materials shall be clearly labeled and stored in a place where the materials, in case of leakage or rupture of the container, cannot enter the sanitary sewer system.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(3) Where containers of treatment chemicals which are manually or automatically pumped into a system must be maintained in proximity of a floor drain, a physical containment shall be installed that is adequate to contain at least 120% of the maximum volume of the container.

(4) Any facility, including manufacturing, warehousing, distribution, commercial, private, and retail facilities having underground storage of materials shall, upon request by the Control Authority, provide documentation the underground storage meets all applicable Federal, State, and Local regulations.

(k) *Pretreatment of Wastes Discharged to The Sanitary Sewer*

(1) In cases where waters or wastes are discharged or are proposed to be discharged into the sanitary sewer system which contain the substances or possess the characteristics enumerated in this Article or which may have a deleterious effect upon the POTW, its processes, equipment, or receiving waters or the environment, or which otherwise create or may create a hazard to life or constitutes a public nuisance, the Control Authority may reject the wastes or require pretreatment as necessary to comply with this Article. The User shall achieve compliance with all Categorical Pretreatment Standards, local limits, and prohibitions set forth in the Article within the time limits specified by the EPA, the State, or the Control Authority, whichever is more stringent.

(2) Where pretreatment or flow equalization facilities are provided for any waters or wastes, these facilities shall be maintained in satisfactory and effective operation by the owner at his expense.

(3) Whenever deemed necessary, the Control Authority may require any User to restrict its discharge during peak flow periods, may designate certain wastewater be discharged only into specific sewers, may require relocation or consolidation of points of discharge, may require separation of domestic wastestreams from nondomestic wastestreams, or may impose other conditions necessary to protect the POTW or to determine the User's compliance with the requirements of this Article.

a. Appropriate pretreatment technology shall include control equipment such as equalization tanks or facilities for the protection against surges or slug loads that might interfere with or otherwise be incompatible with the POTW.

b. The Control Authority may require any person discharging into the POTW to install and maintain, on his property and at his expense, a suitable storage and flow-control facility to ensure equalization of flow. The design and installation of the facility and equipment shall be reviewed and approved by the Control Authority before such facilities are constructed. A wastewater discharge permit may be issued solely for flow equalization.

(4) Where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility shall meet an adjusted pretreatment limit calculated in accordance with the Combined Wastestream Formula found in 40 CFR 403.6(e).

(5) In no case shall a discharge be allowed with characteristics that exceed a Categorical Pretreatment Standard nor shall dilution or other methods for circumventing pretreatment be allowed.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(6) The installation and operation of a garbage grinder equipped with a three-quarter (3/4) horse-power or greater motor shall be subject to review and approval by the Control Authority.

(7) Grease, oil, and sand traps, catch basins, interceptors, or hold-haul tanks shall be provided for the proper handling of wastes containing grease, sand, and other harmful ingredients. Interceptors are not required for private living quarters or dwellings.

a. Any establishment not specifically exempted by this or other Article which prepares food for on- or off-site consumption shall be equipped with an adequately sized grease trap.

b. Vehicle wash facilities, wash bays in service stations, and similar installations shall be equipped with grease, oil, and sand traps and shall discharge to the sanitary sewer. These facilities shall be protected from rainwater runoff. Drainage from areas exposed to rainwater runoff shall not be discharged to the sanitary sewer.

c. Work areas of machine shops or of any facility or part of a facility which manufactures, rebuilds, repairs, overhauls, or maintains motors, transmissions, hydraulic systems, or similar machinery and areas where fluids are changed shall not have any floor drains or other devices where wastewater or other wastes may be discharged into the sanitary sewer.

(i) Areas such as described above shall be physically separated from any area that drains to the sanitary sewer.

(ii) Drainage from areas such as described above shall go to a hold- haul tank. Hold-haul tanks shall be equipped to prevent leakage, spills, and splashing during operation and cleaning.

(iii) Floor cleaning wash water from areas such as described above shall be excluded from the sanitary sewer except where pretreated to within the specifications of this Article.

(iv) Disposal records shall be maintained for materials removed from hold-haul tanks. Such records shall be made available to the Control Authority for inspection and copying upon request.

d. Grease, oil, and sand traps, catch basins, interceptors, and hold-haul tanks shall be constructed and maintained in accordance with the provisions outlined in the Texarkana, Texas Code of Articles.

(8) Steam cleaning and chemical cleaning facilities shall not discharge to the sanitary sewer unless a facility or process is provided that will consistently produce an effluent that is in compliance with this Article, particularly in regard to grease, oils, organics, and other chemicals.

(9) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter at their expense.

(l) *Control Equipment*

(1) The Control Authority may require a Nondomestic User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by User at its own expense. All devices used to measure wastewater flow shall be periodically calibrated to assure accuracy of measurement, but not less than once per year. Other monitoring equipment shall be calibrated in accordance with the manufacturer's schedule to assure accuracy of measurements.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) The Control Authority may require any Nondomestic User to install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes and flows. Such manholes shall be readily accessible to the Control Authority at any time.

a. Control manholes shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. Such manholes shall be inspected by the Control Authority prior to use.

b. Control manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

c. Control manholes shall be constructed to exclude entry and exit of waters not discharged through the building sewer, i.e. to prevent infiltration/inflow and exfiltration/exflow.

(m) *Monitoring Requirements*

(1) Where required by any Permit or Order or otherwise ordered by the Control Authority, the Nondomestic User shall obtain representative samples of the facility's wastewater discharge or proposed discharge for analysis. Specified analyses shall be conducted no less frequently than as outlined in the Permit or Order or other document issued by the Control Authority.

a. For the purpose of this subsection, "representative sample" shall mean a twenty-four-hour composite sample consisting of at least twelve (12) parts where the discharge is continuous. Where the discharge is not continuous, the sample shall be representative of all discharges occurring in a twenty-four-hour period.

(i) Facilities allowed to composite for less than 24 hours, i.e., discharge does not occur 24 hours per day, shall composite a minimum of four (4) parts collected at equal intervals over the discharge time of a twenty-four-hour period, with the intervals not to exceed two hours.

(ii) Portions shall be composited according to flow where feasible. The Control Authority may waive flow-proportional composite sampling for any User that demonstrates flow-proportional compositing is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates this will provide a representative sample of the effluent being discharged.

(iii) Grab samples shall be collected for pH, cyanide, total phenols, oil and grease, total petroleum hydrocarbons, sulfide and volatile organics analyses.

b. Specific pollutants for which to analyze shall be determined by the Control Authority. The basis for the determination of pollutants of concern shall include the type of wastes being discharged or proposed for discharge, the nature of the process generating the wastes, materials and chemicals used in the process, the type of facility from which the discharge originates, and other methods normally used in the determination of pollutants expected present in wastewater.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

c. A qualified testing laboratory who adequately demonstrates acceptable quality control/quality assurance shall be employed to conduct analyses. This may be demonstrated through a state, professional or federal program or association.

d. Analyses may be conducted by qualified persons on-site with prior written approval of the Control Authority. On-site laboratories conducting monitoring for compliance with this Article shall be subject to the same requirements as commercial or contract laboratories.

e. All costs of the self-monitoring program shall be borne by the User.

(2) The Control Authority shall conduct monitoring necessary to determine, independent of information supplied by the Nondomestic User, compliance or noncompliance with the provisions of this Article.

a. The Control Authority may randomly sample and analyze the discharge from any Nondomestic User and conduct surveillance activities in order to identify, independent of information supplied by the User, occasional and continuing compliance or noncompliance with the Provisions of this Article.

(i) The Control Authority shall inspect and analyze, or have analyzed, samples of the discharge of each Significant User at least once per year.

(ii) The Control Authority may conduct sampling and analyses of the discharge of any Nondomestic User where deemed necessary to assure compliance with this Article.

b. All costs of analyses, including shipping charges, if any, of samples collected by the Control Authority shall be billed to the User.

(3) All sampling and analyses shall be conducted according to procedures outlined in 40 CFR 136 and amendments thereto, except where a particular method for analysis is prescribed in 40 CFR for a Federal Category or Subcategory or where specified in a Permit or other document issued by the Control Authority. For analysis of pollutants not listed in the above references, methods shall be determined by the Control Authority.

Section 42-112: Direct Discharges Prohibited

(a) *Discharge Into Waters of The United States*

(1) No person shall discharge or cause to be discharged any prohibited or specifically limited pollutant into any storm sewer, drain, gutter, stream, or natural or manmade outlet or otherwise cause a discharge of pollutants into the waters of the United States unless such discharge has been specifically reviewed and approved by the appropriate state and/or federal agency.

(2) Documentation of approval for direct discharges shall be filed with the Control Authority.

(b) *Discharges Onto Public or Private Property*

(1) No person shall deposit or discharge any wastewater, industrial waste, or polluted liquid onto public or private property or street or adjacent to any natural outlet, natural watercourse, storm sewer, gutter, drainage ditch, or other area within the jurisdiction of the City of Texarkana, Texas.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) Pollution of waters of the United States caused by runoff or washing, whether accidental or intentional, is strictly prohibited.

Section 42-113: Wastewater Discharge Permits

(a) *Applicability.* Any Nondomestic User of the POTW may be required to obtain a Wastewater Discharge Permit from the Control Authority. Categorical and Significant Users and all Users who deliver transported waste to the POTW shall be required to obtain a Permit prior to any discharge.

(b) *Approval Requirements*

(1) Review and acceptance by the Control Authority shall be obtained prior to the connection to or the discharge into the public sewers of any wastewater other than Normal Domestic Wastewater.

a. Anyone wishing to discharge waters or wastes other than Normal Domestic Wastewater into the POTW shall apply to and receive permission from the Control Authority prior to discharge to the sanitary sewer system.

b. When required by the Control Authority, any Nondomestic User shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Control Authority may prepare a form for this purpose and may periodically require Users to update the information.

(2) Any Nondomestic User shall acquire approval prior to changes in the quantity or quality of the Discharge. The Control Authority shall deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by Users where such contributions do not meet applicable Pretreatment Standards or conditions of this Article or where the contributions may cause the POTW to violate its NPDES Permit.

(c) *Classifications of Wastewater Discharge Permits*

(1) The Control Authority shall be authorized to issue two specific classifications of Wastewater Discharge Permits, classified according to the disposal method or type, quality, or quantity of wastewater to be discharged to the sanitary sewer:

a. Class S (Significant Wastewater Discharge Permit) shall be issued all Users who meet the criteria for Significant User as outlined in 40 CFR 403.3(t)(l) and as defined in Section 42-110 of this Article. All Categorical Users shall be issued a Class S Permit.

b. Class NS (Nonsignificant Wastewater Discharge Permit) may be issued to any Nondomestic User of the POTW who does not meet the criteria for Significant User, but the Control Authority has reason to believe should have a control document. The Control Authority shall be authorized to issue five (5) types of the Class NS Permits:

(i) Type M (Minor Wastewater Discharge Permit) may be issued to Nondomestic Users of the POTW who contribute less than 25,000 gallons of process wastewater per day and who do not otherwise meet the criteria of the Class S Permit but, in the opinion of the Control Authority, should be regulated for quality, quantity, or type of wastewater discharge.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) Type C (Commercial Wastewater Discharge Permit) may be issued primarily to establishments engaged in the retail sale of prepared food and drinks for on-premises or immediate consumption including, but not limited to, carry-out, delivery, catering, and institutional food services as well as any firm, hospital, nursing home, or other person or entity whose wastewater discharges require pretreatment in the form of a grease or sand trap.

(iii) Type I (Intermittent Wastewater Discharge Permit) may be issued to Users who normally do not contribute wastewater to the sanitary sewer system because of closed-loop treatment systems, but may occasionally wish to discharge wastewater to the POTW when the treated water cannot be recycled. Requirements for at least 24-hour advance notice of discharge shall be included in all Type I permits.

(iv) Type T (Transported Wastewater Discharge Permit) shall be issued to all Users who deliver wastes to the POTW by truck.

(v) Type N (No Discharge Permit) may be issued to facilities who do not discharge process wastewater to the POTW but would be Categorical Users if process wastewater was discharged.

(d) *Application For Wastewater Discharge Permit*

(1) A Nondomestic User shall not connect to the sanitary sewer without prior written permission of the Control Authority. Written permission shall not be given without proof the User has obtained all necessary City permits.

a. A Significant Industrial User shall not discharge wastewater to the POTW without first obtaining a Class S Wastewater Discharge Permit from the Control Authority.

b. The Control Authority may require other nondomestic Users to obtain a Permit as necessary to carry out the purposes of this Article.

(2) Any Nondomestic User required by this Article to obtain a Permit who was discharging wastewater into the POTW prior to the effective date of this Article and who wishes to continue such discharges in the future shall, within thirty (30) days after the effective date of this Article, apply to the Control Authority for a Permit and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this Article except in accordance with a Permit issued by the Control Authority.

(3) Any Nondomestic User required to obtain a Permit who proposes to begin discharging or recommence discharging into the POTW shall obtain such Permit prior to beginning or recommencing such discharge. An application for the Permit shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(4) Nondomestic Users required to obtain a Permit shall file an Application for Wastewater Discharge Permit and shall submit to an inspection of the facility for which the Permit is requested.

a. Prior to filing an Application for Wastewater Discharge Permit, the Nondomestic User shall consult with the Control Authority or his duly authorized representative concerning the types, concentrations, and quantities of industrial wastes proposed for discharge.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. Proposed new Nondomestic Users shall apply for a Permit prior to construction of such facilities. The Control Authority shall approve or disapprove such application in a timely manner.

c. The Nondomestic User (or proposed Nondomestic User) shall submit to the Control Authority for review and acceptance, all design calculations, plans, specifications, and other pertinent information relating to proposed wastewater pretreatment and process facilities if the effluent from such facilities may be discharged to the POTW.

d. All Nondomestic Users required to file an Application for Wastewater Discharge Permit shall submit said application on the form, provided by the Control Authority, for the type of permit requested. Incomplete or inaccurate applications shall not be processed and shall be returned to the User for revision. The following info1mation shall be included in all Class S Permit applications and may be included in Class NS applications:

(i) All information required by Section 42-115(A)(l) of this Article;

(ii) Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemical used and stored at the facility which are or could accidentally or intentionally be discharged to the POTW;

(iii) Number of employees, hours of operation, and proposed or actual hours of operation;

(iv) Each product produced by type, amount, process or processes, and rate of production;

(v) Type and amount of raw materials processes (average and maximum per day);

(vi) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(vii) Time and duration of discharges; and

(viii) Any other information as may be deemed necessary by the Control Authority to evaluate the Application.

(5) The Application shall be signed by an Authorized Representative of the User and shall contain the certification statement outlined in Section 42-115(E)(l) of this Article.

(e) *Issuance of a Wastewater Discharge Permit*

(1) Within thirty (30) days of receipt of a completed Application for Wastewater Discharge Permit, the Control Authority shall determine whether or not to issue a Permit.

(2) The Control Authority may deny any application for Permit. The Control Authority shall notify, in writing, any applicant whose application is denied within ten days after the decision to deny the Permit.

(3) The Control Authority shall evaluate data furnished by the User and data from other sources as available to determine whether a Permit should be issued and the specific contents to be placed in the Permit. The Control Authority may require additional information, including additional analyses, from the User where deemed necessary.

(4) The Control Authority shall document each step in the permitting process in such a manner to facilitate defending any challenges that the permit terms and

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

conditions were developed in an arbitrary manner and to make reissuance easier. Proper documentation shall satisfy the EPA's requirements for documentation of permitting rationale.

(5) A Wastewater Discharge Permit shall be issued for a specified time period not to exceed five (5) years from the effective date of the Permit. A Permit may be issued for a period less than five (5) years at the discretion of the Control Authority.

(6) The Permit, with original signature, shall be displayed by the User in a conspicuous location in the workplace. A Type T Permit shall be maintained in the permitted vehicle at all times.

(f) *Contents of The Wastewater Discharge Permit*

(1) The Wastewater Discharge Permit shall contain standard conditions and general regulations applicable to the User.

a. The Class S Permit shall minimally contain, where applicable, National Categorical Pretreatment Standards and Requirements for new or existing sources as set forth in the 40 CFR 401-471 and amendments thereto.

b. All Permits shall contain the following except as outlined in subsection (2) below:

(i) A statement of Permit ownership;

(ii) A statement of duration of the Permit including specific dates of validity;

(iii) A statement that the Permit is nontransferable without prior notification to the Control Authority in accordance with Section 42-115(j) of this Article;

(iv) Effluent limits based on applicable pretreatment standards;

(v) Self-monitoring, sampling, and reporting requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, specific analytical methods and method detection limits, and sample type(s). Where grab sampling is specified as the required method of collection, the Permit shall specify the number of grab samples required during a twenty-four-hour sampling period. Where multiple grab samples are required, the Control Authority may specify minimum time intervals between each grab sample collection;

(vi) Notification and record-keeping requirements;

(vii) A statement of applicable administrative, civil, and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule shall not extend any compliance date beyond that required by the applicable Federal, State or Local law; ~~and~~

(viii) A statement that compliance with the Permit does not relieve the Permittee of responsibility for compliance with all applicable Federal and State pretreatment requirements, including those which become effective during the term of the Permit; and

(ix) Requirements to control Slug Discharges, either through a Slug Discharge Control Plan or other specific preventative action, if the Control Authority determines such controls are necessary.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

c. At the discretion of the Control Authority, a Permit may contain, but need not be limited to, the following conditions:

(i) Limits on the average or maximum rate, amount and time of discharge, including requirements for advance notice or approval of such discharge;

(ii) Requirements for flow regulation and equalization;

(iii) Requirements for installation and maintenance of pretreatment technology or pollution control (or construction of appropriate containment devices) designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(iv) Requirements for the installation and maintenance of metering devices for the wastestream;

(v) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(vi) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(vii) Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(viii) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(ix) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Article and State and Federal laws, rules, and regulations.

(2) The Type T Permit shall contain conditions and regulations applicable to the operation of the liquid transported waste vehicle.

a. The Type T Permit shall contain the following:

(i) Name, address and telephone number of the business;

(ii) Name and address of the Permittee;

(iii) Name and location of the disposal site;

(iv) Name(s) of driver(s) registered to operate the transport vehicle;

(v) Description (make, model, color) and capacity of the transport vehicle;

(vi) Registration and/or Establishment number(s) issued by the State(s) in which the vehicle will be operated;

(vii) Type of wastes to be transported to the POTW;

(viii) Effective and expiration dates of the Permit;

(ix) Requirement to comply with the applicable provisions contained in this Article; and

(x) Record-keeping requirements.

b. A Type T Permit may contain the following:

(i) Specific limitations for the type, nature, and amount of wastes to be delivered to the POTW; and

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) Requirement for analyses of wastes prior to delivery to the POTW.

(3) Any violation of the terms and conditions of a Permit shall be deemed a violation of this Article and shall subject the Permittee to the enforcement provisions set forth in Section 42-119 of this Article.

(4) Obtaining a Wastewater Discharge Permit does not relieve a Permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, or Local law.

(5) It is the Permittee's responsibility to be familiar with the contents and requirements of the Permit and with all Federal, State, and Local regulations and requirements applicable to the disposal of nondomestic wastewater into the sanitary sewer system and to comply with those requirements and regulations, whether or not the requirements are contained in the permit issued to the User.

(g) Wastewater Discharge Permit Appeals

(1) Any person, including the Permittee, may petition the Control Authority to reconsider the terms of the Permit within 30 days notice of issuance.

a. Any petition to reconsider a Permit shall be in writing.

b. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

c. In its petition, the appealing party shall indicate the Permit provisions to which it objects and the alternative condition, if any, it seeks to place in the Permit.

(2) The effectiveness of the Permit shall not be stayed pending the appeal; however, provisions being reconsidered may be stayed.

(3) If the Control Authority fails to act within 30 days, the request for reconsideration shall be deemed denied. Decisions not to reconsider or modify a Permit or to deny issuance of a Permit shall be considered final administrative actions for the purpose of judicial review.

(4) Aggrieved parties seeking judicial review of the final administrative decision shall do so by filing a complaint with the appropriate court of competent jurisdiction within the applicable statute of limitations.

(h) *Modification of The Wastewater Discharge Permit*

(1) A Wastewater Discharge Permit may be modified for good cause at any time during the life of the Permit by the Control Authority.

a. Modification of the Permit may be made for reasons such as, but not limited to, the following:

(i) To incorporate any new or revised Federal, State, or Local Pretreatment Standards or Requirements;

(ii) To address significant alterations or additions to the Permittee's operation, processes, or wastewater volume or character since the time the Permit was issued;

(iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(iv) Violation of any terms or conditions of the Permit;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(v) Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required report;
(vi) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
(vii) To correct typographical or other errors in the Permit; or
(viii) To reflect a transfer of the facility ownership or operation to a new owner or operator.

b. In addition to the above reasons, a Type T Permit may be modified for any of the following reasons:
(i) To reflect changes in limitations or requirements;
(ii) To reflect changes or alterations in operations;
(iii) When a vehicle is modified or replaced; and
(iv) When the volume of waste handled, equipment, or total operation is expanded by 50%.

(2) Except as provided by Federal or State laws, the Permittee shall be informed of any proposed changes in the Permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance except where the changes were a result of the Combined Wastestream Formula or the issuance of alternate limits for production-based standards.

(3) The permittee shall file for modification of the Permit at least thirty (30) days prior to all changes or alterations of the pretreatment facilities or processes or any changes which may affect the character of the wastewater discharge.

(4) Within one hundred and eighty (180) days after the promulgation of a National Categorical Pretreatment Standard, the Permit of Users who are subject to that Standard shall be revised to require compliance with such Standard within the time frame prescribed in the Standard.

a. Any User who is subject to a newly promulgated National Pretreatment Standard and who does not have a Permit shall submit an Application for Wastewater Discharge Permit within one hundred and eighty (180) days after the promulgation of the applicable Pretreatment Standard or as prescribed in the Standard.

b. Any Permittee or other User who is required to have a Permit due to the promulgation of a new Standard shall submit, in a format specified by the Control Authority and within one hundred and eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard, a report containing the following information;
(i) The nature and concentration of any pollutants in the discharge which are limited by the Standard;
(ii) A statement regarding whether such Standard is being met on a consistent basis and, if not, whether additional operations and maintenance or pretreatment will be required to meet such Standard; and

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(iii) The shortest possible time by which the User will provide such additional operations and maintenance or pretreatment. The completion and compliance date shall not be later than the compliance date established for the Standard.

(iv) Such report shall contain the signatory statement outlined in Section 42-115(e) of this Article.

(5) The Permit shall be maintained as an accurate representation of the User's wastewater discharge to the POTW. Failure to maintain the Permit as an accurate representation of the wastewater discharge to the POTW shall be cause for enforcement action.

(i) *Renewal of The Wastewater Discharge Permit*

(1) A Permittee shall file an application for Permit renewal by submitting a complete application in accordance with Section 42-113(d) of this Article a minimum of ninety (90) days prior to the expiration date of the existing permit. A new application for Permit shall be completed and submitted to the Control Authority before renewal will be considered.

(2) Where a completed and timely renewal application has been filed with the Control Authority, any Permittee shall continue to perform under the existing permit until such time as a new permit is issued or the renewal has been denied.

(j) *Transfer of a Wastewater Discharge Permit*

(1) A Wastewater Discharge Permit may be transferred to a new owner or operator *only* if the Permittee gives at least ninety (90) days advance notice to the Control Authority and the Control Authority approves the transfer.

(2) The notice shall include a written certification by the new owner or operator which;

a. States the new owner/operator has no immediate intent to change the facility's operations or processes;

b. Identifies the specific date on which the transfer is to occur; and

c. Acknowledges full responsibility for complying with the existing Permit.

(3) Failure to provide advance notice of a transfer shall render the Permit void as of the date of the facility transfer.

(k) *Revocation of The Wastewater Discharge Permit*

(1) The Control Authority may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

a. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior written notification to the Control Authority of changed conditions pursuant to Section 42-115(c)(1) of this Article;

c. Misrepresentation or failure to fully disclose all relevant facts in the Application for Wastewater Discharge Permit;

d. Falsifying self-monitoring reports;

e. Tampering with monitoring equipment;

f. Refusing to allow timely access to the facility premises and records;

g. Failure to meet effluent limits;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

h. Failure to pay fines when assessed;
i Failure to pay sewer charges;
J. Failure to meet compliance schedules;
k. Failure to complete a wastewater survey or permit application;
l. Failure to provide advance notice of transfer of business ownership of a permitted facility; or
m. Violation of any pretreatment standard or requirement or any terms of the Permit or this Article.

(2) In addition to the above reasons, a Type T Permit may be suspended or revoked for any of the following reasons:
a. Use of nonregistered, unlicensed, or unsafe vehicles or nonregistered or unlicensed vehicle operators;
b. Mixing of septic tank waste with incompatible waste for the purpose of deception;
c. Dilution of waste for the purpose of deception;
d. Discharge of a waste load without a POTW operator present;
e. Discharge of a waste load within the Texarkana POTW except at the designated discharge point;
f. Rejection of more than three (3) loads during the life of a Permit;
g. Failure to document final disposal of a rejected load;
h. Providing false or inaccurate information on the source or composition of the waste;
1. Failure to maintain proper records as outlined in this Article;
J. Failure to remain current on charges for transported waste delivery; or
k. Loss or failure to renew State certifications or permits.

(3) A Permit shall be voided upon cessation of operations or transfer of business ownership, except as provided in Subsection G) above.
a. The Permit issued to a particular User shall become void upon the issuance of a new Permit to that User.
b. Amendments to a Permit shall supersede and invalidate pages contained in the Permit which they are intended to replace.

(1) *Regulation of Wastes Received From Other Jurisdictions*

(1) If another municipality or other jurisdiction (e.g., county), or User located within another municipality or other jurisdiction contributes wastewater to the POTW, the Control Authority shall enter into an agreement with the contributing municipality or other jurisdiction for the purpose of control of the wastewater discharges.

(2) Prior to enter into an agreement required by Subsection (1)(1) preceding, the Control Authority shall request the following information from the contributing jurisdiction:
a. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
b. An inventory of all Nondomestic Users located within the contributing jurisdiction;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

c. Such other information as the Control Authority may deem necessary.

(3) Such agreement shall contain the following conditions:

a. A requirement for the contributing jurisdiction to adopt a sewer use Article which is at least as stringent as this Article and local limits which are at least as stringent as those specified in this Article. The requirement shall specify that such Article and limits shall be revised as necessary to reflect changes made to this Article or limits contained herein;

b. A requirement for the contributing jurisdiction to submit a revised Nondomestic User inventory at least on an annual basis;

c. A provision specifying which pretreatment activities, including Permit issuance, inspection, sampling, and enforcement will be conducted by the contributing jurisdiction; which of these activities will be conducted by the Control Authority, and which of these activities will be conducted jointly by the Control Authority and the contributing jurisdiction;

d. A requirement for the contributing jurisdiction to provide the Control Authority with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

e. A provision ensuring the Control Authority access to facilities of Users located within the jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and other duties deemed necessary by the Control Authority; and

f. A provision specifying remedies for breach of the ·terms of the agreement.

(4) The contributing jurisdiction may adopt this Article, by reference or other means, and specify the Control Authority as the primary or sole administrator of the pretreatment program within its jurisdiction with all powers of permitting, inspection, sampling, and enforcement of this A1iicle within its jurisdiction.

(5) Where the contributing jurisdiction retains primary responsibility for permitting, compliance monitoring, or enforcement, the agreement shall specify the Control Authority has the right to take legal action to enforce the terms of the contributing jurisdiction's Article or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

Section 42-114: Pretreatment Charges And Fees

(a) *Charges For Wastewater Discharge Permit*

(1) The City may adopt reasonable fees for reimbursement of the costs for setting up and operating the City's Industrial Pretreatment Program. The Control Authority shall periodically review the costs for the Pretreatment Program and recommend appropriate fees to the City Manager for presentation to the elected body. Such fees may include:

a. Fees for permit applications including the cost of processing such applications;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a User's discharge and reviewing monitoring reports submitted by Permittees;

c. Fees for reviewing and responding to accidental discharge procedures and construction;

d. Fees for filing appeals; and

e. Other fees as the Control Authority deems necessary to carry out the requirements contained herein.

(2) An annual fee shall be assessed for issuance of a Permit as established by the City Council from time to time and on file at the city secretary's office or city website. This fee schedule may be revised as deemed necessary by the Control Authority.

(3) Any User who applies for a Permit shall reimburse the Control Authority for costs incurred during and directly related to the permitting process including, but not limited to, analytical services necessary to establish the nature of the wastewater proposed to be discharged, whether or not the User is issued a Permit.

(b) *Charges For Delivery of Waste to The POTW*

(1) An appropriate charge shall be made for each load of transported waste delivered to the POTW Treatment Plant. This charge shall be based on a per-gallon cost of treatment for such waste and may be adjusted on an as-needed basis to reflect changes in the cost to treat such waste.

(2) Prompt payment of delivery charges shall be made by the Permittee. No Permittee shall be allowed to discharge wastes to the POTW Treatment Plant while delinquent in payment of charges.

(c) *Surcharge For Excessive Strength Wastes*

(1) Any Nondomestic User who discharges into the sanitary sewer system may be charged a surcharge for excessive-strength wastes. For the purpose of this Subsection, excessive-strength waste shall mean waste having a strength greater than that established for "Normal Domestic Wastewater".

(2) A surcharge may be levied to compensate for the added expense, per pound of pollutant, in the operation and maintenance of the City's POTW for treatment of nondomestic wastes with excessive ammonia as nitrogen, oxygen demand, and suspended solids.

a. Excessive ammonia as nitrogen shall be concentrations greater than 20 mg/L; excessive total suspended solids shall be concentrations greater than 200 mg/L; and excessive oxygen demand shall be concentrations of $CBOD_5$ greater than 200 mg/L or (or COD greater than 450 mg/L in accordance with Subsection 2(c) below).

b. Surcharge shall be calculated according to the following formula:

$$S = (8.345)(V)[\{C1(CBOD_5-200)\}+\{C2(TSS-200)\}+\{C3(NH_3-20)\}]$$

Where: S = Surcharge in dollars

V = Volume in million gallons, based on water consumption (or discharge, if water source other than TWU employed and discharge is metered)

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Cl = Cost, in dollars, to treat one pound $CBOD_5$
C2 = Cost, in dollars, to treat one pound TSS
C3 = 2.33 times the cost, in dollars, to treat one pound
$CBOD_5$ = Carbonaceous Biochemical Oxygen Demand (mg/L)
TSS = Total Suspended Solids (mg/L)
NH_3 = Ammonia (as Nitrogen)
8.345 = Weight, in pounds, per gallon of water

c. Where the Chemical Oxygen Demand (COD) of the wastewater is greater than or equal to 2.25 times the $CBOD_5$ or where the $CBOD_5$ may be negligible due to the type of wastewater or where historical data indicates the $CBOD_5$ of the discharge is less than 200 mg/L, COD may be substituted for $CBOD_5$ and the following formula shall be used:

S = (8.345)(V)[{C4(COD-450)}+{C2(TSS-200)}]

Where: C4 = Cost, in dollars, to treat one pound
COD = Chemical Oxygen Demand (mg/L)

d. Surcharge rates shall be reviewed and revised annually by the Control Authority to reflect approximate actual cost to the POTW.

(3) Private residences shall be excluded from surcharge.

(4) Initiation or continuation of surcharge testing on any Nondomestic User shall be at the discretion of the Control Authority with consideration to the nature or history of the discharge, the impact or potential impact on the POTW, and resources available to the Control Authority. Where a surcharge is levied, testing shall be conducted not less than once per quarter. Where the monthly surcharge amount is greater than $250, testing shall be conducted not less than monthly. Surcharge shall be based on all laboratory values obtained during the most recent twelve months.

(5) Surcharge billing shall be included as a separate item on the regular bill for water and sewer service and shall be paid monthly in accordance with the existing practices. Surcharge shall be due at the same time as the water and sewer and refuse charges become due. Payment for water and sewer and refuse services shall not be accepted without payment of the surcharge.

(6) Failure to pay sewer surcharges when due shall be sufficient cause to disconnect any and all services to the water or sewer mains of the City of Texarkana, Texas. In addition, the same charges and penalties provided by the Articles of the City of Texarkana, Texas, for failure to pay for water and sewer service when due shall apply.

Section 42-115: Reporting Requirements

(a) *Categorical Users*

(1) Baseline Monitoring Report. Within 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Users currently discharging or scheduled to discharge to the POTW who have not previously submitted such information shall submit to the Control Authority a report which contains the information required in this Subsection.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

At least 90 days prior to commencement of discharge, new sources and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard shall submit to the Control Authority a report which contains the information required in this Subsection. A new source shall report the method of pretreatment it intends to employ to meet the applicable Categorical Pretreatment Standards. A new source shall give reasonable estimates of its anticipated flow and quantity of pollutants to be discharged.

a. Identifying Information. The name and address of the facility, including the name of the operator(s) and owner(s).

b. Environmental Permits. A copy of all environmental control permits held by or for the facility.

c. Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classification Code(s) of the operation(s) carried out at the facility. This description shall include a schematic process diagram and a plumbing diagram which indicates the point(s) of discharge to the POTW from the regulated process(es).

d. Flow Measurement. Information showing the measured average and maximum daily flow, in gallons per day, to the POTW from each of the following:
   (i) Each regulated process wastestream;
   (ii) Other wastestreams as necessary to allow use of the Combined Wastestream Formula as outlined in 40 CFR 403.6.
   (iii) A verifiable estimate of these flows may be provided where justified by cost or feasibility considerations.

e. Measurement of Pollutants. Identify the Pretreatment Standards applicable to each Regulated Process and the results of sampling and analysis identifying the nature and concentration of pollutants (or mass of pollutants where required by the Standard or the Control Authority) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of the daily operation and shall be analyzed according to Approved Analytical Procedures.
   (i) Twenty-four (24)-hour composite samples shall be obtained through flow-proportional composite sampling techniques where feasible except cyanide, pH, total phenols, oil and grease, sulfide, and volatile organics, where required, shall be collected as four (4) grab samples during a 24-hour period. In cases where the Control Authority determines that flow-proportional sampling is infeasible, samples may be obtained through time-proportional composite or through a minimum of four grab samples where it can be demonstrated this will provide a representative sample of the Discharge.
   (ii) A minimum of one representative composite sample shall be collected and analyzed to compile the data necessary to comply with the requirements of this Subsection.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(iii) Samples shall be taken immediately downstream from the pretreatment facilities if such exists or immediately downstream of the regulated process if no pretreatment exists. If other wastestreams are mixed with the regulated wastestream prior to pretreatment, flows and concentrations necessary to allow use of the Combined Wastestream Formula, as outlined in 40 CFR 403.6, shall be measured in order to evaluate compliance with the Pretreatment Standards. Where alternate concentration or mass limitations have been calculated in accordance with 40 CFR 403.6, this adjusted limit along with supporting data shall be submitted to the Control Authority.

(iv) The baseline monitoring report shall indicate the date, place, and time of sampling and method of analysis and shall contain certification the sampling is representative of normal work cycles and expected pollutant discharge to the POTW.

(v) Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

f. Certification. The report shall include a statement reviewed by an Authorized Representative (as defined in 40 CFR 403.12(1)) and certified to by a qualified professional indicating whether the Pretreatment Standards are being met on a consistent basis and, if not, whether additional operations and maintenance (O & M) or additional pretreatment is required to meet the applicable Standards.

g. Compliance Schedule. If additional pretreatment or O & M is required to meet the applicable Pretreatment Standard, a plan outlining the shortest schedule by which such additional pretreatment or O & M will be provided shall be included. The completion date of this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events (including, but not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation) leading to the construction and operation of the additional pretreatment facilities required to meet the applicable Pretreatment Standard. No increment shall exceed nine (9) months.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) No later than 14 days following each date in the schedule and the final compliance date, a progress report shall be submitted to the Control Authority including , at a minimum, whether or not it complied with the increment in the schedule and, if not, the reason for the delay , the date compliance with the increment is expected, and the steps being taken to return the construction to the schedule established . In no instance shall more than nine (9) months elapse between progress reports to the Control Authority.

(iii) The compliance schedule shall be signed and certified by the Authorized Representative in accordance with Subsection (e) of this Section.

(2) *90-Day Compliance Report.* Within ninety (90) days of the date for final compliance with the applicable Pretreatment Standard , or in the case of a New Source , ninety (90) days following the commencement of the introduction of wastewater into the POTW, any Nondomestic User subject to Categorical Pretreatment Standards and Requirements shall submit a report to the Control Authority containing the information required in subsection (a)(l)d. through f. above.

a. For Nondomestic Users subject to equivalent mass or concentration limits calculated in accordance with 40 CFR 403.6, this report shall contain a reasonable estimate of the Nondomestic User's long-term production rate.

b. For all other Nondomestic Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measurement of operation), the report shall include the actual production during the appropriate sampling period.

(3) *Periodic Compliance Reports.* Any Nondomestic User subject to a Categorical Pretreatment Standard, after the compliance date of such Standard, or in the case of a New Source, after commencement of discharge into the POTW, shall submit periodic reports indicating the nature and concentration of pollutants in the discharge which are limited by the Pretreatment Standard.

a. Periodic compliance reports shall be submitted to the Control Authority on or before the due date as specified by the Control Authority. Minimum sampling and reporting frequencies shall be specified by the Control Authority and in no case shall be less than twice per year.

b. Periodic compliance reports shall contain, at a minimum, the following information:

(i) The analytical results for all representative samples collected over the applicable reporting period, expressed in mg/L or mass as may be required, of analyses for regulated pollutants;

(ii) The date and time of sampling, sampling method used, and who collected the sample;

(iii) The date and time of analyses and who performed the analyses;

(iv) The analytical techniques/methods used;

(v) The average and maximum daily flow from the regulated process for the calendar month;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(vi) The minimum and maximum pH recorded during the reporting period (not subject to averaging);

(vii) Analytical quality control data; and

(viii) The information required in Subsection 2a. and b. above, where applicable.

c. All wastewater samples shall be representative of the discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times and records of such shall be maintained. Failure to keep the monitoring facility in good working order shall not be grounds for claiming analytical results are not representative of the discharge.

d. If the Nondomestic User subject to reporting requirements in this Subsection monitors any pollutant at the designated sampling point more frequently than required, using Approved Analytical Procedures, the results of this monitoring shall be included in the report.

e. Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

(b) *Noncategorical Users*

(1) *Self-monitoring Reports.* Any Nondomestic User who is required by the Control Authority to analyze for pollutants in the wastewater discharge and submit self-monitoring reports shall submit those reports to the Control Authority on or before the due date as specified by the Control Authority. Minimum sampling and reporting frequencies shall be specified by the Control Authority but shall not be less than twice per year.

a. Self-monitoring reports shall contain the information specified for periodic compliance reports outlined in Subsection (a)(3)b. above.

b. Self-monitoring reports shall be submitted to the Control Authority on or before the due date as specified by the Control Authority.

c. Subsections (a)(3)c. and d. shall apply to all self-monitoring reports.

(2) Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

(c) *Reporting Requirements Applicable to All Nondomestic Users*

(1) Report of Changed Conditions. Each Nondomestic User shall notify the Control Authority of any planned significant changes to the operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days prior to the change.

a. For the purpose of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, additional wastestreams, and the discharge of any previously unreported pollutants.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(i) This includes any changes in hazardous pollutants for which initial notification is required in accordance with 40 CFR 403.12(p).

b. The Control Authority may require the Nondomestic User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Application for Wastewater Discharge Permit.

c. The Control Authority may issue a Permit or modify an existing Permit in response to changed conditions or anticipated changed conditions.

(2) *Reports of Potential Problems.* In a case of any discharge , including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and the corrective actions taken by the User.

a. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken 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 POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Article.

b. A notice shall be permanently posted on the Nondomestic User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in this subsection. Employers shall ensure all employees who may cause such a discharge to occur are advised of the emergency notification and containment procedures.

(3) *Notification of Violation and Repeat Sampling.* The Nondomestic User shall notify the Control Authority, by telephone, within 24 hours of becoming aware of a violation of the Permit or of this Article.

a. The notification shall be followed by a written statement within five working days providing a description of the violation, a description of the suspected cause of the violation , and the action the Nondomestic User has or intends to take to prevent recurrence of the violation . The statement shall be signed by the facility's Authorized Representative.

b. Such notification shall not relieve the User from liability or prevent the Control Authority from taking appropriate enforcement actions.

c. If an analysis required by the Control Authority indicates a violation, the User shall repeat the sampling and analysis and shall submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the User is not required to resample if:

(i) The Control Authority performs sampling at the facility at least once a month; or

(ii) The Control Authority performed sampling at the facility between the time the User performed its initial sampling and the time the User receives the results of the sampling.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(4) *Notification of New or Increased Potential for Slug Discharges.* The Nondomestic User shall immediately notify the Control Authority of any changes to the physical facility or any industrial process and other changes which may cause or increase the potential for Slug Discharge. This notification requirement includes notification by Users who have an existing Slug Discharge Control Plan or has conducted preventative actions previously and the existing plan or previous action does not adequately protect from accidental or slug discharges and by User who have not previously been required to develop a Slug Discharge Control Plan.

(d) *Reports From Unpermitted Nondomestic Users*

(1) All Nondomestic Users not required to obtain a Permit shall provide appropriate reports to the Control Authority as the Control Authority may require in order to protect the POTW, to protect property and person of the residential User, and to meet regulatory requirements.

(2) All reports shall be submitted to the Control Authority on or before the date specified by the Control Authority.

(e) *Signatory Requirements for User Reports and Applications*

(1) All reports and applications submitted to the Control Authority under this Article shall include a certification statement signed by the facility's Authorized Representative. The certification statement shall read as follows:

> "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 persom1el 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 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 or imprisonment for knowing violations."

(2) Where the User has an approved Toxic Organic Management Plan (TOMP), a TOMP signatory statement shall be submitted with each periodic compliance report. The statement shall be signed by the facility's Authorized Representative. The statement shall read as follows:

> "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 wastewaters has occurred since the filing of the last discharge monitoring report. I further certify that this facility is implementing the Toxic Organic Management Plant (TOMP) submitted to the Control Authority."

(3) Reports required by this Article are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Section 309(c)(2) of the Act governing false statements, representations, or certifications in reports required under the Act.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(f) *Record Keeping Requirements*

(1) Written reports submitted to the Control Authority shall be deemed submitted on the date postmarked. For reports which are not mailed, postage paid, into a mailing facility serviced by the United States Postal Service, the date of receipt shall govern.

(2) Any User subject to the reporting requirements established in this Article shall maintain records of all information resulting from all activities required by this Article.

(3) Any User subject to the reporting requirements in this Article shall be required to retain, and make available upon request for inspection and copying by the Control Authority, the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality, the Arkansas Department of Environmental Quality or the EPA, all records of information obtained pursuant to any monitoring activities required by this Article, ~~and~~ any records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with enforceable Best Management Practices contained in a Pretreatment Standard for a minimum of three (3) years. Records of information pertaining to the generation, transport and disposal of liquid transported waste shall be retained for a minimum of five (5) years. This period of retention shall be automatically 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 Control Authority, the ~~TNRCC~~ T CEQ, or the EPA.

Section 42-116: Powers and Authorities of Control Authority

(a) *Access to Properties and Records*

(1) The Control Authority shall be allowed ready access, without delay, to all parts of the premises of a Nondomestic User during any reasonable time for the purpose of inspection, sampling, records examination and copying, surveillance, and monitoring necessary to determine compliance or noncompliance with the provisions of this Article and for the performance of any additional duties.

a. The Control Authority and his representatives shall be permitted to enter any premises of any Nondomestic User during any hour when an abnormal discharge is known or suspected to originate from the premises.

b. Where a Nondomestic User has security measures in force which require proper identification and clearance before entry into its premises, the Nondomestic User shall make necessary arrangements so that, upon presentation of suitable identification, the Control Authority will be permitted to enter without delay for the purpose of performing specific responsibilities.

c. The Control Authority shall have the right to set on the Nondomestic User's property such devises as are necessary to conduct sampling, inspection, compliance monitoring, or metering.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the User, at his expense, upon the written or verbal request of the Control Authority or his representative and shall not be replaced.

e. If the Control Authority or his representative has been refused access to a building, structure, or property or any part thereof, and is able to demonstrate probable cause to believe there may be a violation of this Article or that there is a need to inspect or sample as a part of routine inspection and sampling program of the Control Authority designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Control Authority may seek issuance of a search warrant from a court of competent jurisdiction.

(2) Representatives of the United States Environmental Protection Agency (EPA) and the Texas ~~Natural Resource Conservation Commission (TNRCC)~~ Commission on Environmental Quality (TCEQ) and the Arkansas Department of ~~Pollution Control and Ecology (ADPC&E)~~ Environmental Quality (ADEQ) shall have the same rights of entry as described for the Control Authority in Subsection A(l) above.

Section 42-117: Confidential Information

(a) *Disclosure of User Information and Data*

(1) Information and data provided to the Control Authority which is effluent data as defined by 40 CFR 2.302 shall not be recognized as confidential and shall be available to the public without restriction.

(2) Information and data on a Nondomestic User obtained from reports, surveys, Applications for Wastewater Discharge Permit, Permits, and monitoring programs and from the Control Authority's inspection and sampling activities shall be made available to the public except as provided by Subsection (b) of this Section.

(3) Any information provided to or obtained by the Control Authority shall be made available to the Regional Administrator or the Director of the EPA or his representative upon request.

(b) *Information Which May Be Claimed as Confidential*

(1) Information which constitutes a trade secret or is commercial or financial information privileged or confidential by statute or judicial decision, or if it is information which, if released, would give advantage to a competitor, shall be kept in confidence and not disclosed to the public.

(2) Any claim of confidentiality shall be made at the time of submission to the Control Authority. The Nondomestic User shall demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any request shall be asserted by stamping "confidential business information" on each page containing such information.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(3) When requested and demonstrated by the Nondomestic User furnishing a report such information should be held confidential, 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 immediately to governmental agencies for uses related to the NPDES program, the Pretreatment Program, and in enforcement proceedings involving the person furnishing the report.

(4) If no claim is made at the time of submission, the Control Authority may make the information available to the public without further notice.

Section 42-118: Protection of The POTW Collection System

(a) *Protection From Damage And Tampering*

(1) No person shall maliciously, willfully, or negligently break, damage, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW.

(2) No person shall cover any manhole on a public sewer with earth, paving, or any structure or otherwise render it inaccessible.

(3) No building shall be located on top of a public sewer.

(4) No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth remains over the pipe bells.

(5) No person shall remove the cover (lid) from a manhole or cleanout for any purpose except as authorized by the Control Authority.

(b) *Discharge into the Collection System*

(1) Discharge of waste shall be made into the POTW collection only at places designated for discharge.

(2) No person shall discharge or cause to be discharged any material into a manhole or cleanout which is part of the POTW.

(3) No person shall discharge or cause to be discharged any wastes from nondomestic sources into the sanitary sewer facilities at a residential or other domestic wastewater source.

a. No person shall discharge or cause to be discharged any waste into the sanitary sewer which has been transported from another site onto a residential, commercial, or industrial site.

b. Contractors, painters, pest control operators, and other such persons shall not discharge any process waste into the sanitary sewer at a residential site. Such wastes shall be disposed in accordance with all Local, State, and Federal regulations. Prohibited materials shall include, but are not limited to paint, washings from paint brushes, solvents, and pesticides and herbicides, including washings from pesticide and herbicide containers and applicators.

(c) *Sewer Taps into the POTW Collection System*

(1) Sewer taps shall be made only by a certified plumber and shall be made only after all required permits have been obtained.

a. Persons proposing to tap into the POTW collection system shall first complete a usage questionnaire at the TWU Engineering Department.

b. Taps shall be subject to inspection by the Plumbing Inspector prior to covering with earth.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

c. Taps shall be sealed so as to not allow leaking into or out of the collection system.

(2) Building sewers shall be maintained to prevent leaks or open cleanouts in the sewer where leakage or infiltration or inflow may occur.

(d) *Disconnecting Sewers*

(1) Before any dwelling or other building being served by the public sewer is moved or demolished, the building sewer serving the building shall be disconnected at the property line or main and permanently sealed to prevent entrance of stormwater or debris into the public sewer. The Plumbing Inspector shall be notified at least three (3) days prior to the proposed disconnection. The disconnection and sealing of such line shall by inspected by the Plumbing Inspector prior to earth covering replacement. Any line found not sealed shall be sealed by the Control Authority or the Plumbing Inspector and a fee, as determined by the Control Authority, shall be assessed against the owner.

Section 42-119: Enforcement Provisions

(a) *Applicability.* The remedies provided for in this Article are not exclusive. The Control Authority may take, at any time, any, all, or any combination of these actions against a noncompliant User or any other remedy allowed by City Article or State Statute. Enforcement of pretreatment violations shall generally be in accordance with the Control Authority's Enforcement Response Plan.

(1) The Control Authority may take any action against any User as the circumstances warrant.

(2) The Control Authority shall be empowered to take more than one enforcement action against a noncompliant User.

(3) Exercise of any action by the Control Authority shall not be a bar to, or a prerequisite for, taking other action against a noncompliant User.

(b) *Publication of Users in Significant Noncompliance*

(1) The Control Authority shall publish, at least annually, in the largest daily newspaper published in the municipality in which the POTW is located, a list of Users which, during the previous twelve (12) months, were in significant noncompliance with any applicable Pretreatment Standards and Requirements, any provisions of this Article or the Permit, or any Order issued hereunder. Significant noncompliance shall be determined by the method currently accepted by Region VI of the EPA and in accordance with current Federal regulations.

(c) *Administrative Enforcement Remedies*

(1) *Notice of Violation.* Whenever the Control Authority finds that any User has violated or continues to violate any provision of this Article, a Permit, or any Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority or his representative may serve upon the User a written Notice of Violation. Within ten (10) days of the receipt of the Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Control Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) *Consent Order.* The Control Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a specific time period, also specified in the Order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to Subsections (c)(3) and (c)(4) of this Section and shall be judicially enforceable.

(3) *Show Cause Hearing.* The Control Authority may order any User which has violated, or continues to violate, any provision of this Article or a Permit or Order issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why the proposed enforcement shall not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the User show cause why this proposed action should not be taken. This notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the hearing. Such notice may be served on any Authorized Representative of the User.

(4) *Compliance Order.* Whenever the Control Authority finds that any User has violated or continues to violate any provision of this Article, a Permit or an Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority or his agent may issue an Order to the User responsible for the discharge directing that the User achieve compliance within a specified time period. If the User does not achieve compliance within the time provided, sewer services may be discontinued unless adequate treatment facilities, devices, or other appurtenances are installed and properly operated.

a. Compliance Orders may also contain such other requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and additional management practices designed to minimize the amount of pollutants discharged to the sewer.

b. A Compliance Order may not extend the deadline for compliance established for a Categorical Pretreatment Standard or Requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation.

(5) *Cease and Desist Orders.* Whenever the Control Authority finds that any User has violated or continues to violate any the provisions of this Article, a Permit or an Order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Control Authority or his representative may issue an order to the User directing the User to cease and desist all such violations and direct the User to immediately comply with all requirements and to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and terminating discharge. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking other action against the User.

(6) *Emergency Suspension.* The Control Authority may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Control Authority may also suspend a User's discharge, after notice

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection or termination of water service, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the User to recommence its discharge when the User has demonstrated, to the satisfaction of the Control Authority, the period of endangerment has passed unless the ~~revocation~~ termination proceedings set forth in paragraph (c)(~~8~~ 7) of this Section are initiated against the User.

b. A User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement, describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrences, to the Control Authority prior to the date of any Show Cause or Termination hearing.

c. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(7) *Termination of Sewer Service.* In addition to the provisions in this Section, any User who violates any of the following conditions shall be subject to termination of sewer service:

a. Violation of conditions of a Permit;

b. Failure to accurately report the wastewater constituents and characteristics of the discharge;

c. Failure to report significant changes in operation or wastewater volume, constituents, or characteristics prior to discharge;

d. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the Pretreatment Standards in Section 42-111 of this Article.

Users shall be notified of proposed termination of its discharge and shall be offered an opportunity to show cause under Subsection (c)(3) of this Section why the proposed action shall not be taken.

(d) *Judicial Enforcement Remedies*

(1) *Injunctive Relief* When a User has violated or continues to violate any provision of this Article, a Permit or Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Permit, Order, or other requirement imposed by this Article on the activities of the User. The Control Authority may also seek such other action as is appropriate for legal or equitable relief, including a requirement to conduct environmental remediation. The Control Authority shall have such remedies to collect fees as it has to collect other sewer service charges. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking other action against the User.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) *Civil Penalties.* Any User who has violated or continues to violate any provision of this Article, the Permit or any Order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Control Authority for a civil penalty of not more than the maximum allowed under State law, but no less than $1000.^{00}$, per violation, per day, for as long as the violation continues. In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

a. The Control Authority may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority. The Control Authority shall petition the Court to impose, assess, and recover such sums.

b. In determining amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, compliance history of the User, and other factors as justice requires.

c. Filing a suit for civil penalties shall not be a bar against, or aprerequisite for, taking any other action against the User.

(3) *Criminal Prosecution.* Any User who willfully or negligently violates any provision of this Article, the Permit or any Order issued hereunder, or any other pretreatment standard or requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine in the amount up to and including the maximum allowed by State law, but no less than $1000.^{00}$ per violation. Each day on which a violation occurred or continues to occur shall be deemed a separate and distinct violation. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

a. 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 penalty up to and including the maximum allowed by State law, but no less than $1000.^{00}$ per violation. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Each day on which a violation occurred or continues to occur shall be deemed a separate and distinct violation. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Any User who knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained, pursuant to this Article or the Permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine up to and including the maximum allowed by State law, but no less than $1000.^{00}$, per violation, per day.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(e) *Supplemental Enforcement Remedies*

(1) *Performance Bonds.* The Control Authority may decline to reissue a Permit to any User which has failed to comply with the provisions of this Article, any previous Permit, or any Order issued hereunder unless such a User first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Control Authority to be necessary to achieve consistent compliance.

(2) *Liability Insurance.* The Control Authority may decline to reissue a Permit to any User which has failed to comply with the provisions of this Article, any previous Permit or any Order issued hereunder, or any other pretreatment standard or requirement unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) *Water Supply Severance.* Whenever a User has violated or continues to violate any provision of this Article, a Permit or any Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may sever water service to the User. Service will only recommence, at the User's expense, after the User has satisfactorily demonstrated ability to comply with the provisions of this Article, the Permit, or any Orderissued hereunder.

(4) *Public Nuisances.* Any violation of any provision of this Article, the Permit or any Order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority or his authorized representative. Any person or persons creating a public nuisance shall be subject to the provisions of the City Article governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying saidnuisance.

(f) *Affirmative Defenses to Discharge Violations*

(1) *Treatment Upsets.* An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of this Subsection aremet.

a. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(i) An Upset occurred and the user can identify the cause or causes of the upset;

(ii) The facility was, at the time, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The User has submitted the information in Subsection (f)(l)b. below within twenty-four (24) hours of becoming aware of the upset. If the information is provided orally, a written submission shall be provided within five (5) days.

b. The following information shall be provided to the Control Authority in the event of an upset:

(i) A description of the indirect discharge and cause or causes of noncompliance;

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) The period of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the anticipated time by which compliance is expected to be restored;

(iii) All steps being taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

c. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

d. Users shall have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

e. Users shall control production of discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement shall apply in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

f. Subsection (f)(1)a. through (f)(1)e. shall not apply to actions brought by the State of Texas in state court.

(2) *Prohibited Discharge Standards.* A User shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established in Section 42-111(b)(3) and (6) through (10) where it can prove:

a. The User did not know or have reason to know its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause interference or pass through; and

(i) A local limit designed to prevent interference or pass through was developed for each pollutant in the User's discharge that caused the interference or pass through and the User was in compliance with such local limit directly prior to and during the interference and/or pass through ; or

(ii) A local limit designed to prevent interference or pass through has not been developed for the pollutant(s) which caused the interference or pass through and the User's discharge directly prior to and during the interference or pass through did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of interference, was in compliance with applicable requirements for sewage sludge use or disposal.

(3) *Treatment Bypasses.* A User may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of Subsections (f)(3)a. through d. of this Section.

a. Users who know in advance of the need for a bypass shall submit prior notice to the Control Authority at least ten (10) days in advance.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. A User shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty (24) hours of becoming aware of the bypass. A written submission shall be provided within five (5) days. The written submission shall contain:

(i) A description of the bypass and its cause;

(ii) The duration of the bypass, including exact dates and times and, if it has not been corrected, the anticipated time the bypass is expected to continue; and

(iii) Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

c. Bypass of the treatment system is prohibited, and the Control Authority may take enforcement action against a User for a bypass unless all the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, including the use of auxiliary treatment or retention of the untreated or partially treated wastes, maintenance during periods of normal equipment downtime, or temporarily discontinuing the wastewater-generating process. 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 User submitted notices as required by subsections (f)(3)a. and b. of this Section.

d. The Control Authority may approve the anticipated bypass after considering its potential adverse effects and if the Control Authority determines the circumstances satisfy those set forth in Subsection (f)(3)c.(i) through (iii) of this Section.

Attachment: 2021-028 ATTH 01 Chap 42 Water and Sewers (v2) (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Summary of amendments to Chapter 42, "Water and Sewers" Article III, Nondomestic Waste", Division 1, "Publicly-owned Treatment Works", of the Code of Ordinances of the City of Texarkana, Texas

Section 42-110(d) is amended as follows:

by replacing the numbering for each defined term in sections 42-110(d) 1-73

by changing the reference to Texas Natural Resource Conservation Commission to Texas Commission on Environmental Quality

(3) *Approved Analytical Procedures* shall mean analytical procedures approved for the testing of wastewater samples in accordance with Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136) and amendments thereto or any method that has been approved for analyses in accordance with the approval procedure outlined in 40 CFR 136 or those analytical procedures approved by the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality (TCEQ) as appropriate.

by revising the definition of "Authorized Representative"

(4)a. The responsible corporate officer if the User submitting the report is a corporation. Responsible corporate officer shall be a president, secretary, treasurer, or vice president of the corporation in charge of the principal business function or any other person who performs similar policy or decision-making function for the corporation; or by the manager of one or more manufacturing, production or operation facilities ~~employing more than two hundred and fifty (25) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if~~ 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 compliance with environmental laws and regulations; can ensure the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

40 CFR 403.12(l)

by revising the definition of "Pollution Control Inspector"

(41) *Pollution Control Inspector* shall mean ~~the Technical Supervisor, Chief Pollution Control Technician, Pollution Control Technician, or other~~ any employee of the Texarkana Water Utilities designated by the Control Authority to administer and enforce this Article.

by amending the definition of "Pretreatment Standard" by adding "Best Management Practices" to the definition

(44) *Pretreatment Standard* shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by the EPA or the State or the City which applies to Nondomestic Users, including prohibitive discharges outlined in Section 42-111 of this Article. Pretreatment Standards shall include Best Management Practices (BMP) defined as schedules of activities, prohibitions of practices and other management practices to implement the prohibitions listed in 40 CFR403.5(a)(1) and (b), including, but not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leakage, sludge and waste disposal or drainage from raw materials storage.

40 CFR 403.3(e)

Attachment: 2021-028 ATTH 02 Summary of Amendments (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

by amending the definition of "Significant Noncompliance" where Chronic (subpart a) and Technical Review Criteria (subpart b) violations refer only to numeric limits

(57) *Significant Noncompliance* shall mean any violation or violations which meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average~~ any numeric limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of ~~the daily maximum or the average~~ any numeric limit multiplied by the applicable TRC (TRC = 1.4 for BOD5, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

40CFR403.8(f)(2)(viii)(A) & (B)

by amending subpart c to include numeric and narrative Pretreatment Standards or Requirements

c. Any other violation of a ~~pretreatment effluent limit (daily maximum or long term average)~~ Pretreatment Standard or Requirement as defined by Section 42-110(d)(43) and (44) the Control Authority determines has caused, alone or in combination with other discharges, interference, pass-through or has endangered the health of the POTW personnel or the general public;

40CFR403.8(f)(2)(viii)(C)

Section 42-111(b) is amended as follows:

by adding, to Prohibited Discharges, a new paragraph (27)

(27) A User shall not discharge trucked or hauled pollutants, except on a case by case basis at approved discharge locations as authorized by the Control Authority.

40CFR403.5(b)(8)

Section 42-111(f) is amended as follows:

by removing the reference to net/gross adjustments in subsection (f)(8)

~~(f)(8) A User may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.~~

Section 42-111(h) is amended as follows:

by correcting a typographic error in the title

(h) ~~*Prevention*~~ *Protection from Accidental/Slug Discharge*

by adding a requirement to conduct an evaluation within a specific time period

(h)(2) The Control Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or needs to take other specific preventative actions to control slug discharge potential within one year of being designated as a Significant User and at least once every two years thereafter.

40 CFR 403.8(f)(2)(vi)

Attachment: 2021-028 ATTH 02 Summary of Amendments (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Section 42-113(f)(1)b. is amended as follows:

by adding specific language to subsection (v) referencing grab sampling is required, where applicable, to be in a permit

(v) Self-monitoring, sampling, and reporting requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, specific analytical methods and method detection limits, and sample type(s). Where grab sampling is specified as the required method of collection, the Permit shall specify the number of grab samples required during a twenty-four-hour sampling period. Where multiple grab samples are required the Control Authority may specify minimum time interval between each grab sample collection;

40 CFR 403.12(g)(4)

by adding a new paragraph (ix)

(ix) Requirements to control Slug Discharges, either through a Slug Discharge Control Plan or other specific preventative action, if the Control Authority determines such controls are necessary.

40 CFR 403.8(f)(1)(iii)(B)(6)

Section 42-115(a)(1)e.(v).; (a)(3)e.; (b)(2) are amended as follows:

by adding the following sentence to each cited subsection

. . . . Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

40 CFR 403.12(o)

Section 42-115(a)(3)(b)(i) is amended as follows:

by revising the sentence to read

(i) The analytical results for all representative samples collected over the applicable reporting period, expressed in mg/L or mass as may be required, of analyses for regulated pollutants;

Section 42-115(c)(1)(a) is amended as follows:

by adding new paragraph (i)

(i) This includes any changes in hazardous pollutants for which initial notification is required in accordance with 40CFR403.12(p)

40 CFR 403.12(j)

Section 42-115(c) is amended as follows:

by adding, to reporting requirements, a new paragraph (4) addressing slug discharges

(4) *Notification of New or Increased Potential for Slug Discharges.* The Nondomestic User shall immediately notify the Control Authority of any changes to the physical facility or any industrial process and other changes which may cause or increase the potential for Slug Discharge. This notification requirement includes notification by Users who have an existing Slug Discharge Control

Attachment: 2021-028 ATTH 02 Summary of Amendments (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Plan or have conducted preventative actions previously and the existing plan or previous action does not adequately protect from accidental or slug discharges and by Users who have not previously been required to develop a Slug Discharge Control Plan.

40 CFR 403.8(f)(2)(vi)

Section 42-115(f) is amended as follows:

by updating the reference to the state regulatory authority and including additional records retention requirements

(3) Any User subject to the reporting requirements in this Article shall be required to retain, and make available upon request for inspection and copying by the Control Authority, the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality, the Arkansas Department of Environmental Quality or the EPA, all records of information obtained pursuant to any monitoring activities required by this Article, any records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with enforceable Best Management Practices contained in a Pretreatment Standard for a minimum of three (3) years. This period of retention shall be automatically 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 Control Authority, the ~~TNRCC~~ TCEQ, or the EPA.

40 CFR 403.12(o)

Section 42-119(c) is amended as follows:

to correct a typographic error and an incorrect citation

(6)a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection or termination of water service, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the User to recommence its discharge when the user has demonstrated, to the satisfaction of the Control Authority, the period of endangerment has passed unless the ~~revocation~~ termination proceedings set forth in paragraph (c)(~~8~~ 7) of this Section are initiated against the User.

Section 42-119(d) is amended as follows:

by amending subpart (2) to specify required minimum dollar amount for civil penalties

(2) *Civil Penalties*. Any User who has violated, or continues to violate, any provision of this division, the permit or any order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the Control Authority for a civil penalty of not more than the maximum allowed under state law, but no less than $1000.^{00}$, per violation, per day, for as long as the violation continues. In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

Attachment: 2021-028 ATTH 02 Summary of Amendments (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

by amending subpart (3); (3)(a); (3)(b); (3)(c) to specify the required minimum amount for criminal penalties

(3) *Criminal prosecution.* Any User who willfully or negligently violates any provision of this division, the permit or any order issued hereunder, or any other pretreatment standard or requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine in the amount up to and including the maximum allowed by state law, but no less than $1000.^{00}$ per violation. Each day on which a violation occurred, or continues to occur, shall be deemed a separate and distinct violation. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

a. 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 penalty up to and including, the maximum allowed by state law, but no less than $1000.^{00}$ per violation.

b. Any User who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained, pursuant to this division or the permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine up to and including the maximum allowed by state law, but no less than $1000.^{00}$, per violation, per day.

40 CFR 403.8(f)(1)(vi)(A)

Section 42-119(f) is amended as follows:

by adding a paragraph to clarify affirmative defense for upsets does not apply to enforcement actions brought by the state in state court

(1)f. Subsection (f)(1)a. through (f)(1)e. shall not apply to actions brought by the State of Texas in state court.

Attachment: 2021-028 ATTH 02 Summary of Amendments (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☑ Promote an Environmentally Sensitive & Livable Community
	☑ Provide a Safe Community
	☑ Deliver Quality Services
	☑ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness
	☐ Maximize Partnership Opportunities
	☐ Provide Courteous & Responsive Customer Service
	☑ Model a Positive City Image
	☑ Deliver Efficient Services
	☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength
	☐ Maximize Utilization & Resources
	☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce
	☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☑	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

Attachment: 2021-028 Goals and Perspectives (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

PUBLISH

ORDINANCE NO. 2021-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 42, "WATER AND SEWERS" ARTICLE III, "NONDOMESTIC WASTE", DIVISION 2, "PUBLICLY-OWNED TREATMENT WORKS", OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 42, "Water and Sewers", Article III, "Nondomestic Waste", Division 2, "Publicly-owned Treatment Works" of the Code of Ordinances of the City of Texarkana, Texas, be amended as required by changes in federal regulations and as required by the City's Wastewater Discharge Permits policy, said amendment set forth in **ATTH 01** hereto and incorporated herein by reference for all purposes, and summarized in **ATTH 02**.

SECTION 2: That in case a section, clause or sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3: That all ordinances, or parts of ordinances, in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: The City Secretary shall give notice of the passage of this ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 5: That this ordinance shall be in full force and effect upon the later of either ten (10) days after its passage and approval or upon modification of the Approved Pretreatment Program by the Texas Commission on Environmental Quality (Approval Authority) in accordance with Federal and State laws and regulations as outlined in the Code of Federal Regulations, Chapter 1, Subchapter N, Title 40, Part 403, Section 403.18.

PASSED AND APPROVED in Regular Council Session on this the **10th day of May, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:35p.m.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

TABLE OF CONTENTS

Section 42-110: General Provisions 1
(a) *Purpose & Policy* 1
(b) *Applicability* 1
(c) *Administration* 1
(d) *Definition of Terms* 1

Section 42-111: General Sewer Use Requirements 11
(a) *Applicability* 11
(b) *Prohibited Discharges* 11
(c) *Specific Pollutant Limitations.* 14
Maximum Allowable Discharge Limits 15
(d) *Prohibition of Dilution as Substitute for Treatment.* 16
(e) *Right of Revision.* 17
(f) *National (Categorical) Pretreatment Standards* 17
(g) *Alternate Mass or Concentration Limitations* 18
(h) ~~*Prevention*~~ *Protection From Accidental/slug Discharge.* 18
(i) *Procedures in Case of Accidental Discharge.* 19
(j) *Storage of Hazardous/dangerous Materials.* 19
(k) *Pretreatment of Wastes Discharged to The Sanitary Sewer* 20
(l) *Control Equipment* 21
(m) *Monitoring Requirements* 22

Section 42-112: Direct Discharges Prohibited 23
(a) *Discharge Into Waters of The United States* 23
(b) *Discharges Onto Public or Private Property.* 23

Section 42-113: Wastewater Discharge Permits 24
(a) *Applicability* 24
(b) *Approval Requirements.* 24
(c) *Classifications of Wastewater Discharge Permits* 24
(d) *Application For Wastewater Discharge Permit* 25
(e) *Issuance of a Wastewater Discharge Permit* 26
(f) *Contents of The Wastewater Discharge Permit* 27
(g) *Wastewater Discharge Permit Appeals* 29
(h) *Modification of The Wastewater Discharge Permit* 29
(i) *Renewal of The Wastewater Discharge Permit* 31
(j) *Transfer of a Wastewater Discharge Permit* 31
(k) *Revocation of The Wastewater Discharge Permit* 31
(l) *Regulation of Wastes Received From Other Jurisdictions* 32

Section 42-114: Pretreatment Charges And Fees 33
(a) *Charges For Wastewater Discharge Permit* 33
(b) *Charges For Delivery of Waste to The POTW* 34
(c) *Surcharge For Excessive Strength Wastes* 34

Section 42-115: Reporting Requirements 35
(a) *Categorical Users* 35
(1) Baseline Monitoring Report 35
(2) *90-Day Compliance Report* 38
(3) *Periodic Compliance Reports* 38
(b) *Noncategorical Users* 39
(1) *Self-monitoring Reports* 39
(c) *Reporting Requirements Applicable to All Nondomestic Users* 39
(1) Report of Changed Conditions 39
(2) *Reports of Potential Problems* 40
(3) *Notification of Violation and Repeat Sampling* 40
(d) *Reports From Unpermitted Nondomestic Users* 41
(e) *Signatory Requirements for User Reports and Applications* 41
(f) *Record Keeping Requirements* 42

Section 42-116: Powers and Authorities of Control Authority 42
(a) *Access to Properties and Records* 42

Section 42-117: Confidential Information 43
(a) *Disclosure of User Information and Data* 43
(b) *Information Which May Be Claimed as Confidential* 43

Section 42-118: Protection of The POTW Collection System 44
(a) *Protection From Damage And Tampering* 44
(b) *Discharge into the Collection System.* 44
(c) *Sewer Taps into the POTW Collection System* 44
(d) *Disconnecting Sewers* 45

Section 42-119: Enforcement Provisions 45
(a) *Applicability* 45
(b) *Publication of Users in Significant Noncompliance* 45
(c) *Administrative Enforcement Remedies* 45
(I) *Notice of Violation* 45
(2) *Consent Order* 46
(3) *Show Cause Hearing* 46
(4) *Compliance Order* 46
(5) *Cease and Desist Orders* 46
(6) *Emergency Suspension* 46
(7) *Termination of Sewer Service* 47
(d) *Judicial Enforcement Remedies* 47
(1) *Injunctive Relief* 47
(2) *Civil Penalties* 48
(3) *Criminal Prosecution* 48
(e) *Supplemental Enforcement Remedies.* 49
(1) *Performance Bonds* 49
(2) *Liability Insurance* 49

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(3) *Water Supply Severance* 49
(4) *Public Nuisances* 49
(f) *Affirmative Defenses to Discharge Violations* 49
(I) *Treatment Upsets* 49
(2) *Prohibited Discharge Standards* 50
(3) *Treatment Bypasses* 50

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Article III. Nondomestic Waste Section

42-110: General Provisions

(a) *Purpose & Policy*

(1) This Article sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW), enables the City of Texarkana, Texas to comply with all applicable State and Federal laws including the Clean Water Act (33 United States Code, 1251 *et seq.),* and the General Pretreatment Regulations (Code of Federal Regulations, Title 40, Part 403) and allows the City to control miscellaneous unsewered discharges.

(2) The objectives of this Article are:

a. To prevent the introduction of pollutants into the POTW that may interfere with the operation of the POTW;

b. To prevent the introduction of pollutants into the POTW which may pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

c. To protect both POTW personnel and the general public who may be affected by the wastewater and sludge from the POTW;

d. To promote reuse and recycling of wastewater and sludge from the POTW;

e. To enable the City of Texarkana, Texas to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge disposal conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and

f. To protect the Waters of the State within the jurisdiction of the City from the introduction of pollutants.

(b) *Applicability*

(1) This Article shall apply to all Users of the POTW and authorizes the issuance of wastewater discharge permits to Nondomestic Users; provides for monitoring, compliance and enforcement; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) On and after the adoption of this Article any person discharging or seeking approval to discharge nondomestic wastewater into the public sewers, including storm sewers, within the City of Texarkana, Texas, or within its jurisdiction or wishing to discharge transported wastes into the wastewater treatment system shall be required to comply with the requirements herein before such approval may be granted.

(c) *Administration.* Except as otherwise provided herein, the Control Authority shall administer, implement, and enforce the provisions of this Article.

(d) *Definition of Terms.* Unless a provision explicitly states otherwise, the following terms and phrases shall be defined as follows:

(1) *Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code 1251, *et seq.,* 86 Stat. 816, Pub. L. 92-500.

(2) *Approval Authority* shall mean the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

(3) *Approved Analytical Procedures* shall mean analytical procedures approved for the testing of wastewater samples in accordance with Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136) and amendments thereto or any method that has been approved for analyses in accordance with the approval procedure outlined in 40 CFR 136 or those analytical procedures approved by the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality (TCEQ) as appropriate.

(4) *Authorized Representative* shall mean:

a. The responsible corporate officer if the User submitting the report is a corporation. Responsible corporate officer shall be a president, secretary, treasurer or vice president of the corporation in charge of the principal business function or any other person who performs similar policy or decision-making function for the corporation; or by the manager of one or more manufacturing, production or operation facilities ~~employing more than two hundred and fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if~~ 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 compliance with environmental laws and regulations; can ensure the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. A general partner or proprietor if the User submitting the reports is a partnership or sole proprietorship, respectively;

c. A duly authorized representative of the individual designated in subsections (a) or (b) above if:

(i) The authorization is submitted in writing to the Control Authority by the individual described in subsection (a) or (b) above;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as a 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.

d. If authorization under subsection (c) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or the overall responsibility for environmental matters for the company, a new authorization satisfying the requirements in subsection (c) above shall be submitted to the Control Authority prior

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

to or together with the next report to be signed by an Authorized Representative.

(5) *Biochemical Oxygen Demand (BOD)* shall mean the relative quantity of oxygen required for the biochemical degradation of organic matter and the oxygen used to oxidize inorganic material such as sulfides and ferrous iron under standardized laboratory procedures (Approved Analytical Procedures), where a diluted sample is incubated for five (5) days at twenty (20) degrees Celsius and the results are expressed in milligrams per liter (mg/L).

a. *Carbonaceous Biochemical Oxygen Demand (CBOD)* shall mean a BOD_5 where a nitrification inhibitor is added to the sample prior to incubation in accordance with Approved Analytical Procedures.

(6) *Boiler Blowdown Water* shall mean the discharge of boiler recirculation water for the purpose of discharging materials contained in the water, the buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

(7) *Building Drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage pipes inside the walls of a building and conveys it to a building sewer.

(8) *Building Sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

(9) *Bypass* shall mean the intentional diversion of wastestreams from any portion of the User's treatment facility.

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

(11) *Categorical User* shall mean a Nondomestic User of the Texarkana POTW that is subject to Categorical Pretreatment Standards as defined above.

(12) *City* shall mean the City of Texarkana, Texas, together with all its governing and operating bodies.

(13) *Composite Sample* shall mean a sample made up of a mixture of discrete samples collected at the same sampling point at equal intervals over a twenty- four-hour period, with each interval not to exceed two hours. In a flow- proportional composite sample, the discrete portions are varied according to flow. Where flow is not continuous over a twenty-four-hour period, portions shall be collected at equal intervals over the period of discharge in a twenty-four- hour period, with each interval not to exceed two hours.

(14) *Control Authority* shall mean the Executive Director of the Texarkana Water Utilities or his duly authorized representative.

(15) *Control Mechanism* shall mean a Wastewater Discharge Permit, a No-Discharge Permit, a Consent Order, an Administrative Order, a certified letter, or other written or verbal instrument whose purpose is to limit, control or stop wastewater discharges from nondomestic sources.

(16) *Direct Discharge* or *Discharge of Pollutants* shall mean a discharge into the waterways of the State of Texas, including storm drains, natural and man-made ditches, and other outlets.

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(17) *Discharge Limitations* shall mean any restriction(s) established by this Article on the quantities, rates and/or concentrations of chemical, physical, biological, and other constituents which are discharged into the sanitary sewer system.

(18) *Domestic Wastewater* shall mean wastewater normally derived from the sanitary conveniences of single or multi-family dwellings, from office buildings or from commercial establishments, factories, and institutions which originates from toilet facilities, baths, or kitchens (provided there is no commercial preparation of foods), free from storm water, surface water, and industrial or other process wastes.

a. *Normal Domestic Wastewater* shall mean Domestic Wastewater in which the concentration of total suspended solids does not exceed 200 mg/1, the concentration of five-day carbonaceous biochemical oxygen demand does not exceed 200 mg/1 and the concentration of ammonia as nitrogen does not exceed 20 mg/L, measured by Approved Analytical Procedures.

(19) *Environmental Protection Agency* or *EPA* shall mean the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(20) *Existing Source* shall mean any building, structure, facility, or installation from which there is a discharge of pollutants, the construction of which commenced prior to the publication of proposed Pretreatment Standards under Section 307(c) of the Act. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria for a new source but otherwise alters, replaces or adds to the existing process or production equipment.

(21) *Garbage* shall mean animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of foods and from the handling, storage, or sale of produce; composed largely of putrescible organic matter and its natural moisture.

(22) *Grab Sample* shall mean an individual sample collected in a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes. Grab samples shall be used for pH, cyanide, total phenols, oil and grease, total petroleum hydrocarbons, sulfide, and volatile organics analyses.

(23) *Incompatible waste* shall mean wastes which cannot or should not be commingled for disposal due to differing processing, storage, and disposal requirements.

(24) *Indirect Discharge* shall mean the discharge or the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act or this Article, including holding tank and equalization basin waste and any other nondomestic wastewater discharged into the sanitary sewer system.

(25) *Interference* shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

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b. Is a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal, in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations):
   (i) Section 405 of the Act;
   (ii) Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
   (iii) Clean Air Act;
   (iv) Toxic Substances Control Act; and
   (v) Marine Protection, Research and Sanctuaries Act.

(26) *Maximum Allowable Headworks Loading* shall mean the maximum pounds of pollutant per day, established under EPA guidelines, designed to protect the POTW, to prevent pass through and interference, and to protect the POTW worker and the environment.

(27) *Medical Waste* shall mean 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.

(28) *May* is permissive.

(29) *National Pollutant Discharge Elimination System Permit* or *NPDES Permit* shall mean an authorization, license or equivalent control document issued by the EPA or an approved state, issued pursuant to Section 402 of the Act.

(30) *New Source* shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction from which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if Pretreatment Standards are thereafter promulgated in accordance with that Section, provided that:
   a. The building, structure, facility, or installation is constructed at a site on which no other source is located; or
   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the site. Factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered in determining whether the source is substantially independent.
   d. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria in Subsections (30)b. or c. but otherwise alters, replaces or adds to existing process or production equipment.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

e. Construction of a new source has commenced if the owner or operator has:

(i) Begun or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are necessary for the placement, assembly, or installation or new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

(31) *Noncontact Cooling Water* shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Noncontact cooling water shall be considered a dilution wastestream for use in the Combined Wastestream Formula.

(32) *Nondomestic User* or *Industrial User* shall mean a source of Indirect Discharge which does not constitute a Discharge of Pollutants (Direct Discharge) under regulations issued pursuant to Section 402 of the Act; any person who discharges or causes a discharge of nondomestic wastewater into the sanitary sewer system.

(33) *Nondomestic Wastewater* shall mean all wastewater resulting from any industrial, commercial, manufacturing, food preparation or food processing operation or from development of any natural resource, or any mixture of these with water or domestic wastewater, as distinct from domestic wastewater.

(34) *Outlet* shall mean any point of discharge into a watercourse or channel, natural or manmade, in which a flow of water occurs continuously or intermittently, and any pond, ditch, lake, or other body of surface or ground water.

(35) *Owner* or *Operator* shall mean the owner or operator of any facility or activity subject to regulation under this Article and any person or persons who possess any interest in the structure or property to which such ownership relates.

(36) *Pass Through* shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation.

(37) *Person* shall mean any and all persons, natural or artificial, including any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or its legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(38) *pH* shall mean a measurement of the hydrogen-ion concentration in solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter of solution, measured in accordance with approved analytical procedures; a measure of the acidity or alkalinity of a solution, expressed in Standard Units (S.U.).

(39) *Plumbing Inspector* shall mean any individual official, board, department, or agency established and authorized by the state, county, city, or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended.

(40) *Pollutant* shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(41) *Pollution Control Inspector* shall mean ~~the Technical Supervisor, Chief Pollution Control Technician, Pollution Control Technician, or other~~ any employee of the Texarkana Water Utilities designated by the Control Authority to administer and enforce this Article.

(42) *Pretreatment* shall mean the treatment of a waste before discharge into a POTW or outlet, to remove or to neutralize substances injurious to the sewers and subsequent treatment processes or to affect a partial reduction in load on the treatment process. Pretreatment may be by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d) and by the terms of this Article.

(43) *Pretreatment Requirements* shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on any Nondomestic User and any substantive or procedural requirement imposed on any Nondomestic User by the Control Authority in order to regulate the User's wastewater under the provisions of this Article.

(44) *Pretreatment Standard* shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by the EPA or the State or the City which applies to Nondomestic Users, including prohibitive discharges outlined in Section 42-111 of this Article. Pretreatment Standards shall include Best Management Practices (BMP) defined as schedules of activities, prohibitions of practices and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(l) and (b), including, but not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leakage, sludge and waste disposal or drainage from raw materials storage.

(45) *Process Wastewater* shall mean 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. Process wastewater excludes domestic, noncontact cooling, and boiler blowdown wastewaters.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(46) *Prohibited Discharge Standards* or *Prohibited Discharges* shall mean absolute prohibitions against the discharge of certain substances as outlined in this Article.

(47) *Properly Shredded Garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in diameter.

(48) *Public Sewer* shall mean a sewer in which all owners of abutting property have substantially equal right, and which is controlled by the City.

(49) *Publicly Owned Treatment Works* or *POTW* shall mean a treatment works as defined by Section 212 of the Act which is owned by the City. This definition shall include:

a. Any devices and systems used in storage, treatment, recycling, and reclamation of municipal wastewater or liquid industrial wastes;

b. Sewers, pipes, and other appurtenances used in the transportation of wastewater to the treatment plant portion of the POTW;

c. The municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works; and

d. Any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement, users of the POTW.

(50) *POTW Treatment Plant* shall mean the portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal wastewater and industrial wastes.

(51) *Sanitary Sewer* shall mean a sewer in which liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions are carried and to which storm, surface, and ground waters are not intentionally admitted.

(52) *Septic Tank Waste* shall mean any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(53) *Severe Property Damage* shall mean substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage shall not include economic loss caused by delays in production.

(54) *Sewer* shall mean a pipe or conduit and appurtenances for the collection, transport, or pumping of wastewater.

(55) *Shall* is mandatory.

(56) *Significant Industrial User* shall mean any Nondomestic User of the City's wastewater disposal system who:

a. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N;

b. Discharges an average of 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewaters) per workday;

c. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD_5, TSS, etc.) design capacity of the POTW treatment plant;

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

d. Has a reasonable potential, in the opinion of the Control Authority, to adversely affect the POTW treatment plant's operation (inhibition, pass through of pollutants , sludge contamination, or endangerment of POTW workers, etc.) or for violating any Pretreatment Standard or Requirement; or

e. Is found by the Control Authority to have a significant impact, either singly or in combination with other contributing industries, on the POTW, the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system, or may pose a health/welfare hazard to the POTW workers or the public or may injure the environment.

(57) *Significant Noncompliance* shall mean any violation or violations which meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average~~ any numeric limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of ~~the daily maximum or the average~~ any numeric limit multiplied by the applicable TRC (TRC = 1.4 for BOD_5, 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)~~ Pretreatment Standard or Requirement as defined by Section 42-110(d)(43) and (44) the Control Authority determines has caused, alone or in combination with other discharges, interference, pass-through or has endangered the health of the POTW personnel or the general public;

d. Any discharge of a pollutant or pollutants that has caused an imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority 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 30 days after the due date, required reports including, but not limited to, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation or group of violations the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program; or

i. the current definition accepted by Region VI of the EPA.

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(58) *Sludge* shall mean the accumulated solids separated from liquids, such as water and wastewater, during processing and any solid material containing large amounts of entrained water collected during water or wastewater treatment. This definition shall include settled solids resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of water and wastewater and materials removed from septic tanks.

(59) *Slug Load* shall mean any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge or any discharge which could cause a violation of the prohibited standards in Section 42-111 of this Article.

(60) *Storm Sewer* shall mean a pipe or other conveyance which carries storm and surface water, street wash, and other wash waters or drainage, but excludes domestic and nondomestic wastewater.

(61) *Storm Water* shall mean any flow occurring during or following any form of precipitation and resulting from such precipitation, including snowmelt.

(62) *Stormwater Runoff* shall mean that portion of the rainfall which is normally drained into the storm sewers or finds its way to natural or manmade drainage channels.

(63) *Surcharge* shall mean the charge in addition to the published sewer use rate designed to recover costs, incurred during the treatment of Nondomestic Wastewater, above the standard rate. The basis for surcharge on industrial wastes is a capital and operating cost for suspended solids, oxygen demand, and ammonia exceeding the concentration and loads established by this Article or upon which the published water and sewer rates are based.

(64) *Texarkana Water Utilities* or *TWU* shall mean the bi-city water and wastewater utility department of the Cities of Texarkana, Arkansas and Texarkana, Texas that functions operationally for both cities while maintaining financial functions, including revenues and expenditures, separate and apart. The Utilities is managed by an Executive Director who answers directly to the city managers of both the Texarkana.

(65) *Total Suspended Solids* or *TSS* shall mean the solid materials which will be retained on a glass fiber filter (Whatman grade 934AH or equivalent) when filtered under vacuum and dried in a laboratory oven at 103° - 105° Celsius according to Approved Analytical Procedures.

(66) *Toxic Pollutants* shall mean any pollutant or combination of pollutants listed in regulations promulgated by the EPA under the provisions of the Act, Section 307(a), or other Acts.

(67) *Unpolluted water* or *Unpolluted drainage* shall mean any water or waste containing none of the following:

a. free or emulsified grease or oil;
b. acid or alkali;
c. phenols or other substances imparting taste or odor in receiving waters;
d. toxic or poisonous substances in suspension, colloidal state or solution;
e. noxious or odorous gases;
f. total suspended solids and/or five-day biochemical oxygen demandin concentrations greater than ten (10) mg/L; or
g. color in excess of 150 Jackson Turbidity Units.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(68) *Upset* shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(69) *User* shall mean any person who contributes or causes or permits the contribution of wastewater into the City's POTW.

(70) *Waste Disposer* or *Disposer* shall mean the POTW which accepts liquid transported waste for treatment and disposal through the POTW treatment plant.

(71) *Waste Generator* or *Generator* shall mean any person, by site, whose act or process produces waste regulated under this Article or whose first act causes a waste to become subject to regulation.

(72) *Waste Transporter* or *Transporter* shall mean the owner or operator of a truck or other vehicle used for delivery of wastes to the POTW other than via the sanitary sewer collection system.

(73) *Wastewater* shall mean liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Section 42-111: General Sewer Use Requirements

(a) *Applicability.* Unless otherwise stated herein, this Section shall apply to all Users of the City's POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State or Local Pretreatment Standards or Requirements or whether such User has been issued a Wastewater Discharge Permit.

(b) *Prohibited Discharges*

(1) In cases where the character or volume of the wastewater from a manufacturing, commercial or industrial facility or other premises is such that it will damage the system or cannot be treated satisfactorily in the system or violates this Article in any manner, the Control Authority shall have the right to require disposal of such waste otherwise and prevent it from entering the sanitary sewer system.

(2) A User shall not discharge or cause to be discharged into the sanitary sewer any storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, yard drainage, yard fountain drainage, lawn spray waters or pond water, and unpolluted wastewater unless specifically authorized by the Control Authority.

a. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, yard drainage, lawn spray waters, and pond water shall be discharged to such sewers as are specifically designed as storm sewers or into a natural outlet;

b. Unpolluted process water, swimming pool drainage, condensate, deionized water, noncontact cooling water, yard fountain drainage, and other unpolluted wastewater may be discharged into the sanitary sewer system upon prior written consent of the Control Authority. The specific maximum flow rate of such waters shall be determined by the Control Authority on a

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case-by-case basis. The Control Authority may specify at what times such wastewater may be discharged. These types of wastewaters may be discharged to storm sewers or natural outlets provided such discharges have been permitted by the appropriate State and/or Federal agency and the Control Authority have been made aware of such discharges as provided by this Article

c. When unpolluted wastewater is mixed with a regulated wastestream, the User shall meet an adjusted limit calculated according to the Combined Wastestream Formula.

(3) A User shall not discharge or cause to be discharged any pollutant which will cause interference or pass through.

(4) User shall not discharge pollutants which, by reason of their nature or quantity, either alone or by interaction with other substances, are, or may be, sufficient to create fire or explosion hazard or injure, in any way, the POTW and its operation.

a. Prohibited wastestreams shall include, but are not limited to, any wastestream with a closed-cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.

b. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and other substances which are or may be a fire hazard or other hazard to the sanitary sewer system.

(5) A User shall not discharge pollutants having corrosive properties capable of damaging the collection or treatment structures, equipment, POTW personnel, or the environment.

(6) A User shall not discharge any solid or viscous substances which may cause an obstruction to the flow in the sewers or in any way interfere with the collection and treatment processes. In no case shall solids greater than one-half inch (½") be discharge to the POTW.

a. Prohibited materials include, but are not limited to ashes, wax, paraffin, cinders, sand, mud, straw, wood shavings, sawdust, bone, paunch manure, hair, hides, fleshings, entrails, whole blood, feathers, lime slurries, beer or distillery slops, grain processing wastes, grinding compounds and residues from grinding operations, acetylene generation sludge, chemical residues, acid residues, plastics, rubber, tar, asphalt residues, and food processing bulk solids.

(7) A User shall not discharge any pollutant, including oxygen-demanding pollutants released at a flow rate or pollutant concentration which, alone or by interaction with other pollutants, may cause interference with the POTW.

(8) A User shall not discharge any wastestream at temperatures which may inhibit biological activity in the POTW resulting in interference of the normal processes.

a. A wastestream at the discharge point shall not have a temperature greater than 65 degrees Celsius (149 degrees Fahrenheit).

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b. In no case shall a discharge raise the temperature at the POTW Treatment Plant above 40 degrees Celsius (104 degrees Fahrenheit) measured at the influent of the POTW Treatment Plant.

(9) A User shall not discharge petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts which may cause Interference or Pass Through or may otherwise violate the provisions of this Article.

(10) A User shall not discharge any pollutants which may result in toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety risks, any noxious or malodorous liquids, or any solids or gases which, alone or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repairs.

(11) No person shall discharge any substance into any manhole, sewer cleanout, or other opening in the POTW collection system.

(12) A User shall not discharge any wastewater containing toxic pollutants which may, either singly or by interaction with other wastes, injure or interfere with any wastewater treatment process, constitute a hazard to human, animal or aquatic life, create a toxic effect in the receiving waters of the POTW, or exceed the limitations set forth in a Categorical Pretreatment Standard or this Article.

(13) A User shall not discharge any garbage which has not been properly shredded to a degree that all particles are freely carried under normal flow conditions in the POTW collection system, with no particle having a dimension greater than one-half (½) inch.

(14) A User shall not discharge any substance which may, alone or by interaction with other wastes, cause the POTW to violate its NPDES Permit or worsen or prolong any occurring violation.

(15) A User shall not discharge any substance which may cause the POTW's effluent or any other products of the POTW such as residuals, sludges, or scums to be unsuitable for reclamation and reuse or which may interfere with the reclamation process. In no case shall a substance be discharged to the POTW which may cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Texas State criteria applicable to the sludge management method being used.

(16) A User shall not discharge any wastewater which imparts color not removed by the treatment process, such as, but not limited to, dye wastes, and vegetable canning solutions, which consequently imparts color in the treatment plant's effluent.

(17) A User shall not discharge any wastewater containing materials which exert or cause unusual concentrations of solids or composition; as, for example, unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or unusual concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(18) A User shall not discharge any sludges, screenings, or other residues from the pretreatment of domestic or nondomestic wastes.

(19) A User shall not discharge any septic tank sludge, except such sludge may be discharged by Permitted transporters into selected treatment facilities only at locations designated for this purpose and under the direction of an on-duty POTW Treatment Plant operator.

(20) A User shall not discharge any wastewater which causes or may cause a hazard to human or aquatic life or the environment or creates or may create a public nuisance.

(21) A User shall not discharge any radioactivity as radium 226 greater than 3 ppc/L or strontium 90 greater than 10 ppc/L or other radioactive wastes except in compliance with applicable State and Federal regulations. In the known absence of strontium 90 and alpha emitters, the concentration shall not be greater than 1000 ppc/L.

(22) A User shall not discharge any wastewater containing excessive amounts of fats, oils, and grease which may, alone or in combination with other wastes, cause obstruction of the flow in the POTW collection system.

(23) A User shall not discharge any detergents, surface-active agents, or any other substances which may cause excessive foaming in the POTW.

(24) A User shall not discharge any wastewater which causes two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5%, or any single reading over 10% of the Lower Explosion Limit of the meter.

(25) A User shall not discharge any medical wastes except as specifically authorized by the Control Authority in a Wastewater Discharge Permit.

(26) No person shall discharge or cause to be discharged any pesticide, herbicide, or fungicide, such as, but not limited to, chlordane, heptachlor, aldrin, dieldrin, DDT, DDD, or DDE, or any other toxic, poisonous, or other substance that may injure or interfere with the normal treatment processes or may constitute a hazard to human, animal, or plant life, including aquatic organisms or create any toxicity or other hazards in the POTW's receiving stream.

(27) A User shall not discharge any trucked or hauled pollutants, except on a case by case basis at approved discharge locations as authorized by the Control Authority.

(c) *Specific Pollutant Limitations*

(1) No person shall discharge or cause to be discharged to the POTW any wastewater containing pollutant concentrations in excess of the specific limitations set forth in this Section.

(2) The following pollutant limits are established to protect against Pass Through and Interference and to allow appropriate recycling and reuse. No person shall discharge or cause to be discharged to the POTW any wastewater containing pollutants in excess of the following Maximum Allowable Discharge Limits except as provided herein:

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Pollutant	Daily Maximum Concentration (mg/L)	
	South Regional WWTP	Waggoner Creek WWTP
Ammonia as Nitrogen	250	250
Arsenic (T)	0.248	0.201
Biochemical Oxygen Demand (Carbonaceous)	1500	1500
Cadmium (T)	0.069	0.105
Chemical Oxygen Demand	3750	3750
Chromium (T)	7.820	3.417
Copper (T)	1.158	1.547
Cyanide (T)	0.172	1.252
Lead (T)	0.718	0.842
Mercury (T)	0.0008	0.0678
Molybdenum (T)	0.821	0.821
Oil & Grease (T)	100	100
Nickel (T)	0.920	2.057
Phenol	50	50
Total Petroleum Hydrocarbons	20	20
Total Suspended Solids	1500	1500
Selenium (T)	0.143	0.143
Silver (T)	0.111	0.315
Zinc (T)	3.605	3.121

(3) A User may petition the Control Authority for a variance from a specific discharge limitation listed in Subsection (c)(2) above.

a. The Control Authority may grant a variance to a User discharging into the sanitary sewer system when there is sufficient evidence that allowing such a variance will not result in an unpermitted discharge from the POTW Treatment Plant, will not adversely affect the treatment of wastewater or the operation of the sanitary sewer system, and will not be in violation of any applicable law or regulation.

(i) The Control Authority shall not grant a variance which exceeds a Federal Categorical Standard.

(ii) The Control Authority shall not grant a variance to any User which would cause the POTW's influent to equal or exceed 80% of the technically based maximum allowable headworks loading.

(iii) A variance may be revoked at any time at the discretion of the Control Authority.

b. The Control Authority may grant a variance to any permitted User not to exceed the following limits. This variance may be revoked by the Control Authority without notice when it has reason to believe the maximum allowable headworks loading has been or may be exceeded for that pollutant or when additional industrial users are added to the POTW:

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Pollutant	Daily Maximum Concentration (mg/L)	
	South Regional WWTP	Waggoner Creek WWTP
Arsenic (T)	4.219	*N/A*
Cadmium (T)	1.630	0.217
Chromium (T)	15.641	3.514
Copper (T)	2.317	3.182
Cyanide (T)	4.021	1.287
Lead (T)	2.646	1.731
Mercury (T)	0.0029	*N/A*
Molybdenum (T)	1.661	1.661
Nickel (T)	1.840	4.231
Silver	0.154	0.648
Zinc (T)	7.210	3.209

b. The maximum allowable headworks loading established for the purpose of this Subsection are:

Pollutant	Pounds Per Day	
	South Regional WWTP	Waggoner Creek WWTP
Arsenic (T)	1.3606	*N/A*
Cadmium (T)	0.3825	0.0627
Chromium (T)	48.8521	2.0234
Copper (T)	6.3496	0.9165
Cyanide (T)	0.9434	0.7414
Lead (T)	3.9353	0.4986
Mercury (T)	0.0046	*N/A*
Molybdenum (T)	4.4987	4.4987 [(1)]
Nickel (T)	5.0437	1.2185
Silver	0.6099	0.1866
Zinc (T)	19.7542	1.8481

[(1)] at the South Regional Wastewater Treatment Plant

(4) No person shall discharge or cause to be discharged any wastewater having a pH less than 5.5 S.U. nor greater than 10.5 S.U.

(d) *Prohibition of Dilution as Substitute for Treatment*

(1) No User shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with any Pretreatment Standard or Requirement or any other requirement developed by the EPA, the State, or the City unless expressly authorized by an applicable Categorical Pretreatment Standard. The Control Authority may impose mass limits on any User where it is known or suspected that the User may use dilution to meet applicable Pretreatment Standards or Requirements or where diluting the discharge is unavoidable.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(e) *Right of Revision*

(1) The Control Authority shall reserve the right to establish, by Article or in Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

a. In cases where the Control Authority deems it necessary to impose more stringent limitations than the National and/or Local Standard or the Control Authority deems it necessary to impose limitations on the flow amount or rate or on the nature of the waste for reasons of protection of the POTW sewer system or treatment plant, a reasonable limitation may be imposed.

(f) *National (Categorical) Pretreatment Standards*

(1) The Categorical Pretreatment Standards found in the Code of Federal Regulations, Title 40, Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated.

(2) Any User for which National Pretreatment Standards specifying quantities or concentrations of pollutants which may be discharged to a POTW by existing and new Users in specific industrial subcategories are established shall be deemed a Significant Industrial User and the appropriate limitations applied. A User subject to such limitations shall be required to obtain a Wastewater Discharge Permit.

(3) When a wastestream subject to a Categorical Pretreatment Standard is mixed with wastestreams not regulated by the same Standard (is a mixture of more than one regulated wastestream, of regulated and unregulated wastestreams, or of regulated and dilution wastestreams, or where no discrete sampling point is available), the Control Authority shall impose an alternate limit using the Combined Wastestream Formula in 40 CFR403.6(e).

(4) The Wastewater Discharge Permit for a Categorical User shall minimally include applicable National Categorical Pretreatment Standards for new or existing sources, whichever is applicable, set forth in 40 CFR, Subchapter N, Parts 401 through 471. The National Standards shall be in addition to the general prohibitions established in this Article and in 40 CFR 403.

(5) In cases where a National Categorical Standard for a particular subcategory is established under the National Pretreatment Program and under this Article, the allowable discharge limitation shall be the concentration or mass which is more stringent.

(6) In cases where pollutants are or may be contained in the wastewater from a Categorical User and the pollutants are not regulated under the Categorical Standard, the Control Authority may regulate those pollutants in addition to the pollutants regulated by the Categorical Standard.

(7) A User may obtain a variance from the Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the Categorical Standard. A

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User requesting a fundamentally different factor variance shall comply with the procedural and substantive provisions in 40 CFR 403.13.

~~(8) A User may obtain a net/gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.~~

(g) *Alternate Mass or Concentration Limitations*

(1) The Control Authority may impose mass limitations, in addition to or in place of the concentration limits in Subsection (C)(2) of this Section, on any User, especially to prevent the employment of dilution in order to comply with the provisions of this Article.

(2) Where the limitations in a Categorical Standard are expressed only in terms of mass of pollutants per unit of production, the Control Authority may convert the limits to equivalent limits expressed either as mass of pollutant per day or per specific discharge amount (i.e. per gallon or batch) or as effluent concentration.

a. Equivalent mass shall be calculated by multiplying the limitation by average rate of production;

b. Equivalent concentration shall be calculated by multiplying the limitation by the average rate of production, then dividing by the average daily flow rate from the regulated process.

(h) ~~*Prevention*~~ *Protection from Accidental/Slug Discharge*

(1) Pollutants, substances, or wastewater prohibited by this Article shall not be processed or stored in a manner which could result in a discharge of such pollutants, substances, or wastewater to the POTW.

(2) The Control Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or needs to take other specific preventative actions to control slug discharge potential within one year of being designated as a Significant User and at least once every two years thereafter.

(3) The Control Authority may require any User to develop a detailed written accidental discharge/slug control plan outlining facilities and operating procedures to provide spill and accidental discharge protection. This plan shall be submitted to the Control Authority for approval and shall be implemented by the User upon acceptance by the Control Authority. The plan shall contain, at a minimum, the following:

a. A description of discharge practices including nonroutine batch discharges;

b. A description of stored chemicals;

c. 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 measures and equipment for emergency response; and

d. Procedures for immediate notification of the facility's Authorized Representative and the Control Authority in the event of an accidental or slug discharge.

(i) These procedures shall be posted in a conspicuous place in the workplace.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) Employers shall ensure all employees who may cause such a discharge to occur are advised of the emergency notification procedures.

(4) If, in the opinion of the Control Authority, the facilities or procedures are not adequate to prevent accidental discharge or if an accidental discharge occurs while a plan is in effect, the Control Authority shall require additional facilities or procedures to prevent occurrence or recurrence. Alternately, the Control Authority may develop such a plan for the User.

(i) *Procedures in Case of Accidental Discharge*

(1) In case an accidental or slug discharge to the POTW occurs, the User shall immediately telephone and notify the Control Authority of the incident.

a. Notification to the Control Authority of an accidental discharge shall include:

(i) Name and address of the facility;
(ii) Name of person responsible for operation of the facility (a contact person for the Control Authority);
(iii) Location of the discharge;
(iv) Time the discharge began and duration of the discharge;
(v) Type of wastes being discharged;
(vi) Cause of the discharge;
(vii) Concentration and volume of the waste;
(viii) Corrective action taken; and
(ix) Whether or not the discharge has been discontinued.

(2) Within five (5) days following an accidental or slug discharge, the User shall submit a detailed written report describing the cause(s) of the discharge, all information required in Subsection (i)(l) above, and the measures to be taken by the User to prevent similar future occurrences.

(3) Such notification shall not relieve the User of responsibility for expense, loss, damage, or other liability which may be incurred by the POTW as a result of the discharge, including, but not limited to costs of response personnel and equipment and supplies, injury to person, and damage to property.

(4) Such notification shall not relieve the User of any fines, civil penalties, or other liabilities which may be imposed by this Article.

(j) *Storage of Hazardous/dangerous Materials*

(1) The storage of any material in areas served by public sewers or in areas draining into the City's sewer which, because of discharge or leakage from such storage, may create an explosion hazard in POTW or in any other way have a deleterious effect upon the POTW or the treatment processes or constitute a hazard to human, animal, or plant life or the receiving stream shall be subject to review by the Control Authority, who may, at his discretion, require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

(2) No hazardous or dangerous materials, including, but not limited to, paints, solvents, boiler treatment chemicals, sludges, and hazardous wastes, shall be stored in proximity to a floor drain or other sewer access. Containers of such materials shall be clearly labeled and stored in a place where the materials, in case of leakage or rupture of the container, cannot enter the sanitary sewer system.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(3) Where containers of treatment chemicals which are manually or automatically pumped into a system must be maintained in proximity of a floor drain, a physical containment shall be installed that is adequate to contain at least 120% of the maximum volume of the container.

(4) Any facility, including manufacturing, warehousing, distribution, commercial, private, and retail facilities having underground storage of materials shall, upon request by the Control Authority, provide documentation the underground storage meets all applicable Federal, State, and Local regulations.

(k) *Pretreatment of Wastes Discharged to The SanitarySewer*

(1) In cases where waters or wastes are discharged or are proposed to be discharged into the sanitary sewer system which contain the substances or possess the characteristics enumerated in this Article or which may have a deleterious effect upon the POTW, its processes, equipment, or receiving waters or the environment, or which otherwise create or may create a hazard to life or constitutes a public nuisance, the Control Authority may reject the wastes or require pretreatment as necessary to comply with this Article. The User shall achieve compliance with all Categorical Pretreatment Standards, local limits, and prohibitions set forth in the Article within the time limits specified by the EPA, the State, or the Control Authority, whichever is more stringent.

(2) Where pretreatment or flow equalization facilities are provided for any waters or wastes, these facilities shall be maintained in satisfactory and effective operation by the owner at his expense.

(3) Whenever deemed necessary, the Control Authority may require any User to restrict its discharge during peak flow periods, may designate certain wastewater be discharged only into specific sewers, may require relocation or consolidation of points of discharge, may require separation of domestic wastestreams from nondomestic wastestreams, or may impose other conditions necessary to protect the POTW or to determine the User's compliance with the requirements of this Article.

a. Appropriate pretreatment technology shall include control equipment such as equalization tanks or facilities for the protection against surges or slug loads that might interfere with or otherwise be incompatible with the POTW.

b. The Control Authority may require any person discharging into the POTW to install and maintain, on his property and at his expense, a suitable storage and flow-control facility to ensure equalization of flow. The design and installation of the facility and equipment shall be reviewed and approved by the Control Authority before such facilities are constructed. A wastewater discharge permit may be issued solely for flow equalization.

(4) Where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility shall meet an adjusted pretreatment limit calculated in accordance with the Combined Wastestream Formula found in 40 CFR 403.6(e).

(5) In no case shall a discharge be allowed with characteristics that exceed a Categorical Pretreatment Standard nor shall dilution or other methods for circumventing pretreatment be allowed.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(6) The installation and operation of a garbage grinder equipped with a three-quarter (3/4) horse-power or greater motor shall be subject to review and approval by the Control Authority.

(7) Grease, oil, and sand traps, catch basins, interceptors, or hold-haul tanks shall be provided for the proper handling of wastes containing grease, sand, and other harmful ingredients. Interceptors are not required for private living quarters or dwellings.

a. Any establishment not specifically exempted by this or other Article which prepares food for on- or off-site consumption shall be equipped with an adequately sized grease trap.

b. Vehicle wash facilities, wash bays in service stations, and similar installations shall be equipped with grease, oil, and sand traps and shall discharge to the sanitary sewer. These facilities shall be protected from rainwater runoff. Drainage from areas exposed to rainwater runoff shall not be discharged to the sanitary sewer.

c. Work areas of machine shops or of any facility or part of a facility which manufactures, rebuilds, repairs, overhauls, or maintains motors, transmissions, hydraulic systems, or similar machinery and areas where fluids are changed shall not have any floor drains or other devices where wastewater or other wastes may be discharged into the sanitary sewer.

(i) Areas such as described above shall be physically separated from any area that drains to the sanitary sewer.

(ii) Drainage from areas such as described above shall go to a hold- haul tank. Hold-haul tanks shall be equipped to prevent leakage, spills, and splashing during operation and cleaning.

(iii) Floor cleaning wash water from areas such as described above shall be excluded from the sanitary sewer except where pretreated to within the specifications of this Article.

(iv) Disposal records shall be maintained for materials removed from hold-haul tanks. Such records shall be made available to the Control Authority for inspection and copying upon request.

d. Grease, oil, and sand traps, catch basins, interceptors, and hold-haul tanks shall be constructed and maintained in accordance with the provisions outlined in the Texarkana, Texas Code of Articles.

(8) Steam cleaning and chemical cleaning facilities shall not discharge to the sanitary sewer unless a facility or process is provided that will consistently produce an effluent that is in compliance with this Article, particularly in regard to grease, oils, organics, and other chemicals.

(9) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter at their expense.

(l) *Control Equipment*

(1) The Control Authority may require a Nondomestic User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by User at its own expense. All devices used to measure wastewater flow shall be periodically calibrated to assure accuracy of measurement, but not less than once per year. Other monitoring equipment shall be calibrated in accordance with the manufacturer's schedule to assure accuracy of measurements.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) The Control Authority may require any Nondomestic User to install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes and flows. Such manholes shall be readily accessible to the Control Authority at any time.

a. Control manholes shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. Such manholes shall be inspected by the Control Authority prior to use.

b. Control manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

c. Control manholes shall be constructed to exclude entry and exit of waters not discharged through the building sewer, i.e. to prevent infiltration/inflow and exfiltration/exflow.

(m) *Monitoring Requirements*

(1) Where required by any Permit or Order or otherwise ordered by the Control Authority, the Nondomestic User shall obtain representative samples of the facility's wastewater discharge or proposed discharge for analysis. Specified analyses shall be conducted no less frequently than as outlined in the Permit or Order or other document issued by the Control Authority.

a. For the purpose of this subsection, "representative sample" shall mean a twenty-four-hour composite sample consisting of at least twelve (12) parts where the discharge is continuous. Where the discharge is not continuous, the sample shall be representative of all discharges occurring in a twenty-four-hour period.

(i) Facilities allowed to composite for less than 24 hours, i.e., discharge does not occur 24 hours per day, shall composite a minimum of four (4) parts collected at equal intervals over the discharge time of a twenty-four-hour period, with the intervals not to exceed two hours.

(ii) Portions shall be composited according to flow where feasible. The Control Authority may waive flow-proportional composite sampling for any User that demonstrates flow-proportional compositing is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates this will provide a representative sample of the effluent being discharged.

(iii) Grab samples shall be collected for pH, cyanide, total phenols, oil and grease, total petroleum hydrocarbons, sulfide and volatile organics analyses.

b. Specific pollutants for which to analyze shall be determined by the Control Authority. The basis for the determination of pollutants of concern shall include the type of wastes being discharged or proposed for discharge, the nature of the process generating the wastes, materials and chemicals used in the process, the type of facility from which the discharge originates, and other methods normally used in the determination of pollutants expected present in wastewater.

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c. A qualified testing laboratory who adequately demonstrates acceptable quality control/quality assurance shall be employed to conduct analyses. This may be demonstrated through a state, professional or federal program or association.

d. Analyses may be conducted by qualified persons on-site with prior written approval of the Control Authority. On-site laboratories conducting monitoring for compliance with this Article shall be subject to the same requirements as commercial or contract laboratories.

e. All costs of the self-monitoring program shall be borne by the User.

(2) The Control Authority shall conduct monitoring necessary to determine, independent of information supplied by the Nondomestic User, compliance or noncompliance with the provisions of this Article.

a. The Control Authority may randomly sample and analyze the discharge from any Nondomestic User and conduct surveillance activities in order to identify, independent of information supplied by the User, occasional and continuing compliance or noncompliance with the Provisions of this Article.

(i) The Control Authority shall inspect and analyze, or have analyzed, samples of the discharge of each Significant User at least once per year.

(ii) The Control Authority may conduct sampling and analyses of the discharge of any Nondomestic User where deemed necessary to assure compliance with this Article.

b. All costs of analyses, including shipping charges, if any, of samples collected by the Control Authority shall be billed to the User.

(3) All sampling and analyses shall be conducted according to procedures outlined in 40 CFR 136 and amendments thereto, except where a particular method for analysis is prescribed in 40 CFR for a Federal Category or Subcategory or where specified in a Permit or other document issued by the Control Authority. For analysis of pollutants not listed in the above references, methods shall be determined by the Control Authority.

Section 42-112: Direct Discharges Prohibited

(a) *Discharge Into Waters of The United States*

(1) No person shall discharge or cause to be discharged any prohibited or specifically limited pollutant into any storm sewer, drain, gutter, stream, or natural or manmade outlet or otherwise cause a discharge of pollutants into the waters of the United States unless such discharge has been specifically reviewed and approved by the appropriate state and/or federal agency.

(2) Documentation of approval for direct discharges shall be filed with the Control Authority.

(b) *Discharges Onto Public or Private Property*

(1) No person shall deposit or discharge any wastewater, industrial waste, or polluted liquid onto public or private property or street or adjacent to any natural outlet, natural watercourse, storm sewer, gutter, drainage ditch, or other area within the jurisdiction of the City of Texarkana, Texas.

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(2) Pollution of waters of the United States caused by runoff or washing, whether accidental or intentional, is strictly prohibited.

Section 42-113: Wastewater Discharge Permits

(a) *Applicability.* Any Nondomestic User of the POTW may be required to obtain a Wastewater Discharge Permit from the Control Authority. Categorical and Significant Users and all Users who deliver transported waste to the POTW shall be required to obtain a Permit prior to any discharge.

(b) *Approval Requirements*

(1) Review and acceptance by the Control Authority shall be obtained prior to the connection to or the discharge into the public sewers of any wastewater other than Normal Domestic Wastewater.

a. Anyone wishing to discharge waters or wastes other than Normal Domestic Wastewater into the POTW shall apply to and receive permission from the Control Authority prior to discharge to the sanitary sewer system.

b. When required by the Control Authority, any Nondomestic User shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Control Authority may prepare a form for this purpose and may periodically require Users to update the information.

(2) Any Nondomestic User shall acquire approval prior to changes in the quantity or quality of the Discharge. The Control Authority shall deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by Users where such contributions do not meet applicable Pretreatment Standards or conditions of this Article or where the contributions may cause the POTW to violate its NPDES Permit.

(c) *Classifications of Wastewater Discharge Permits*

(1) The Control Authority shall be authorized to issue two specific classifications of Wastewater Discharge Permits, classified according to the disposal method or type, quality, or quantity of wastewater to be discharged to the sanitary sewer:

a. Class S (Significant Wastewater Discharge Permit) shall be issued all Users who meet the criteria for Significant User as outlined in 40 CFR 403.3(t)(l) and as defined in Section 42-110 of this Article. All Categorical Users shall be issued a Class S Permit.

b. Class NS (Nonsignificant Wastewater Discharge Permit) may be issued to any Nondomestic User of the POTW who does not meet the criteria for Significant User, but the Control Authority has reason to believe should have a control document. The Control Authority shall be authorized to issue five (5) types of the Class NS Permits:

(i) Type M (Minor Wastewater Discharge Permit) may be issued to Nondomestic Users of the POTW who contribute less than 25,000 gallons of process wastewater per day and who do not otherwise meet the criteria of the Class S Permit but, in the opinion of the Control Authority, should be regulated for quality, quantity, or type of wastewater discharge.

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(ii) Type C (Commercial Wastewater Discharge Permit) may be issued primarily to establishments engaged in the retail sale of prepared food and drinks for on-premises or immediate consumption including, but not limited to, carry-out, delivery, catering, and institutional food services as well as any firm, hospital, nursing home, or other person or entity whose wastewater discharges require pretreatment in the form of a grease or sand trap.

(iii) Type I (Intermittent Wastewater Discharge Permit) may be issued to Users who normally do not contribute wastewater to the sanitary sewer system because of closed-loop treatment systems, but may occasionally wish to discharge wastewater to the POTW when the treated water cannot be recycled. Requirements for at least 24-hour advance notice of discharge shall be included in all Type I permits.

(iv) Type T (Transported Wastewater Discharge Permit) shall be issued to all Users who deliver wastes to the POTW by truck.

(v) Type N (No Discharge Permit) may be issued to facilities who do not discharge process wastewater to the POTW but would be Categorical Users if process wastewater was discharged.

(d) *Application For Wastewater Discharge Permit*

(1) A Nondomestic User shall not connect to the sanitary sewer without prior written permission of the Control Authority. Written permission shall not be given without proof the User has obtained all necessary City permits.

a. A Significant Industrial User shall not discharge wastewater to the POTW without first obtaining a Class S Wastewater Discharge Permit from the Control Authority.

b. The Control Authority may require other nondomestic Users to obtain a Permit as necessary to carry out the purposes of this Article.

(2) Any Nondomestic User required by this Article to obtain a Permit who was discharging wastewater into the POTW prior to the effective date of this Article and who wishes to continue such discharges in the future shall, within thirty (30) days after the effective date of this Article, apply to the Control Authority for a Permit and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this Article except in accordance with a Permit issued by the Control Authority.

(3) Any Nondomestic User required to obtain a Permit who proposes to begin discharging or recommence discharging into the POTW shall obtain such Permit prior to beginning or recommencing such discharge. An application for the Permit shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(4) Nondomestic Users required to obtain a Permit shall file an Application for Wastewater Discharge Permit and shall submit to an inspection of the facility for which the Permit is requested.

a. Prior to filing an Application for Wastewater Discharge Permit, the Nondomestic User shall consult with the Control Authority or his duly authorized representative concerning the types, concentrations, and quantities of industrial wastes proposed for discharge.

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b. Proposed new Nondomestic Users shall apply for a Permit prior to construction of such facilities. The Control Authority shall approve or disapprove such application in a timely manner.

c. The Nondomestic User (or proposed Nondomestic User) shall submit to the Control Authority for review and acceptance, all design calculations, plans, specifications, and other pertinent information relating to proposed wastewater pretreatment and process facilities if the effluent from such facilities may be discharged to the POTW.

d. All Nondomestic Users required to file an Application for Wastewater Discharge Permit shall submit said application on the form, provided by the Control Authority, for the type of permit requested. Incomplete or inaccurate applications shall not be processed and shall be returned to the User for revision. The following info1mation shall be included in all Class S Permit applications and may be included in Class NS applications:

(i) All information required by Section 42-115(A)(l) of this Article;

(ii) Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemical used and stored at the facility which are or could accidentally or intentionally be discharged to the POTW;

(iii) Number of employees, hours of operation, and proposed or actual hours of operation;

(iv) Each product produced by type, amount, process or processes, and rate of production;

(v) Type and amount of raw materials processes (average and maximum per day);

(vi) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(vii) Time and duration of discharges; and

(viii) Any other information as may be deemed necessary by the Control Authority to evaluate the Application.

(5) The Application shall be signed by an Authorized Representative of the User and shall contain the certification statement outlined in Section 42-115(E)(l) of this Article.

(e) *Issuance of a Wastewater Discharge Permit*

(1) Within thirty (30) days of receipt of a completed Application for Wastewater Discharge Permit, the Control Authority shall determine whether or not to issue a Permit.

(2) The Control Authority may deny any application for Permit. The Control Authority shall notify, in writing, any applicant whose application is denied within ten days after the decision to deny the Permit.

(3) The Control Authority shall evaluate data furnished by the User and data from other sources as available to determine whether a Permit should be issued and the specific contents to be placed in the Permit. The Control Authority may require additional information, including additional analyses, from the User where deemed necessary.

(4) The Control Authority shall document each step in the permitting process in such a manner to facilitate defending any challenges that the permit terms and

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conditions were developed in an arbitrary manner and to make reissuance easier. Proper documentation shall satisfy the EPA's requirements for documentation of permitting rationale.

(5) A Wastewater Discharge Permit shall be issued for a specified time period not to exceed five (5) years from the effective date of the Permit. A Permit may be issued for a period less than five (5) years at the discretion of the Control Authority.

(6) The Permit, with original signature, shall be displayed by the User in a conspicuous location in the workplace. A Type T Permit shall be maintained in the permitted vehicle at all times.

(f) *Contents of The Wastewater Discharge Permit*

(1) The Wastewater Discharge Permit shall contain standard conditions and general regulations applicable to the User.

a. The Class S Permit shall minimally contain, where applicable, National Categorical Pretreatment Standards and Requirements for new or existing sources as set forth in the 40 CFR 401-471 and amendments thereto.

b. All Permits shall contain the following except as outlined in subsection (2) below:

(i) A statement of Permit ownership;

(ii) A statement of duration of the Permit including specific dates of validity;

(iii) A statement that the Permit is nontransferable without prior notification to the Control Authority in accordance with Section 42-115(j) of this Article;

(iv) Effluent limits based on applicable pretreatment standards;

(v) Self-monitoring, sampling, and reporting requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, specific analytical methods and method detection limits, and sample type(s). Where grab sampling is specified as the required method of collection, the Permit shall specify the number of grab samples required during a twenty-four-hour sampling period. Where multiple grab samples are required, the Control Authority may specify minimum time intervals between each grab sample collection;

(vi) Notification and record-keeping requirements;

(vii) A statement of applicable administrative, civil, and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule shall not extend any compliance date beyond that required by the applicable Federal, State or Local law; ~~and~~

(viii) A statement that compliance with the Permit does not relieve the Permittee of responsibility for compliance with all applicable Federal and State pretreatment requirements, including those which become effective during the term of the Permit; and

(ix) Requirements to control Slug Discharges, either through a Slug Discharge Control Plan or other specific preventative action, if the Control Authority determines such controls are necessary.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

c. At the discretion of the Control Authority, a Permit may contain, but need not be limited to, the following conditions:

(i) Limits on the average or maximum rate, amount and time of discharge, including requirements for advance notice or approval of such discharge;

(ii) Requirements for flow regulation and equalization;

(iii) Requirements for installation and maintenance of pretreatment technology or pollution control (or construction of appropriate containment devices) designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(iv) Requirements for the installation and maintenance of metering devices for the wastestream;

(v) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(vi) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(vii) Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(viii) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(ix) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Article and State and Federal laws, rules, and regulations.

(2) The Type T Permit shall contain conditions and regulations applicable to the operation of the liquid transported waste vehicle.

a. The Type T Permit shall contain the following:

(i) Name, address and telephone number of the business;

(ii) Name and address of the Permittee;

(iii) Name and location of the disposal site;

(iv) Name(s) of driver(s) registered to operate the transport vehicle;

(v) Description (make, model, color) and capacity of the transport vehicle;

(vi) Registration and/or Establishment number(s) issued by the State(s) in which the vehicle will be operated;

(vii) Type of wastes to be transported to the POTW;

(viii) Effective and expiration dates of the Permit;

(ix) Requirement to comply with the applicable provisions contained in this Article; and

(x) Record-keeping requirements.

b. A Type T Permit may contain the following:

(i) Specific limitations for the type, nature, and amount of wastes to be delivered to the POTW; and

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) Requirement for analyses of wastes prior to delivery to the POTW.

(3) Any violation of the terms and conditions of a Permit shall be deemed a violation of this Article and shall subject the Permittee to the enforcement provisions set forth in Section 42-119 of this Article.

(4) Obtaining a Wastewater Discharge Permit does not relieve a Permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, or Local law.

(5) It is the Permittee's responsibility to be familiar with the contents and requirements of the Permit and with all Federal, State, and Local regulations and requirements applicable to the disposal of nondomestic wastewater into the sanitary sewer system and to comply with those requirements and regulations, whether or not the requirements are contained in the permit issued to the User.

(g) *Wastewater Discharge Permit Appeals*

(1) Any person, including the Permittee, may petition the Control Authority to reconsider the terms of the Permit within 30 days notice of issuance.

a. Any petition to reconsider a Permit shall be in writing.

b. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

c. In its petition, the appealing party shall indicate the Permit provisions to which it objects and the alternative condition, if any, it seeks to place in the Permit.

(2) The effectiveness of the Permit shall not be stayed pending the appeal; however, provisions being reconsidered may be stayed.

(3) If the Control Authority fails to act within 30 days, the request for reconsideration shall be deemed denied. Decisions not to reconsider or modify a Permit or to deny issuance of a Permit shall be considered final administrative actions for the purpose of judicial review.

(4) Aggrieved parties seeking judicial review of the final administrative decision shall do so by filing a complaint with the appropriate court of competent jurisdiction within the applicable statute of limitations.

(h) *Modification of The Wastewater Discharge Permit*

(1) A Wastewater Discharge Permit may be modified for good cause at any time during the life of the Permit by the Control Authority.

a. Modification of the Permit may be made for reasons such as, but not limited to, the following:

(i) To incorporate any new or revised Federal, State, or Local Pretreatment Standards or Requirements;

(ii) To address significant alterations or additions to the Permittee's operation, processes, or wastewater volume or character since the time the Permit was issued;

(iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(iv) Violation of any terms or conditions of the Permit;

(v) Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required report;

(vi) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(vii) To correct typographical or other errors in the Permit; or

(viii) To reflect a transfer of the facility ownership or operation to a new owner or operator.

b. In addition to the above reasons, a Type T Permit may be modified for any of the following reasons:

(i) To reflect changes in limitations or requirements;

(ii) To reflect changes or alterations in operations;

(iii) When a vehicle is modified or replaced; and

(iv) When the volume of waste handled, equipment, or total operation is expanded by 50%.

(2) Except as provided by Federal or State laws, the Permittee shall be informed of any proposed changes in the Permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance except where the changes were a result of the Combined Wastestream Formula or the issuance of alternate limits for production-based standards.

(3) The permittee shall file for modification of the Permit at least thirty (30) days prior to all changes or alterations of the pretreatment facilities or processes or any changes which may affect the character of the wastewater discharge.

(4) Within one hundred and eighty (180) days after the promulgation of a National Categorical Pretreatment Standard, the Permit of Users who are subject to that Standard shall be revised to require compliance with such Standard within the time frame prescribed in the Standard.

a. Any User who is subject to a newly promulgated National Pretreatment Standard and who does not have a Permit shall submit an Application for Wastewater Discharge Permit within one hundred and eighty (180) days after the promulgation of the applicable Pretreatment Standard or as prescribed in the Standard.

b. Any Permittee or other User who is required to have a Permit due to the promulgation of a new Standard shall submit, in a format specified by the Control Authority and within one hundred and eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard, a report containing the following information;

(i) The nature and concentration of any pollutants in the discharge which are limited by the Standard;

(ii) A statement regarding whether such Standard is being met on a consistent basis and, if not, whether additional operations and maintenance or pretreatment will be required to meet such Standard; and

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(iii) The shortest possible time by which the User will provide such additional operations and maintenance or pretreatment. The completion and compliance date shall not be later than the compliance date established for the Standard.

(iv) Such report shall contain the signatory statement outlined in Section 42-115(e) of this Article.

(5) The Permit shall be maintained as an accurate representation of the User's wastewater discharge to the POTW. Failure to maintain the Permit as an accurate representation of the wastewater discharge to the POTW shall be cause for enforcement action.

(i) *Renewal of The Wastewater Discharge Permit*

(1) A Permittee shall file an application for Permit renewal by submitting a complete application in accordance with Section 42-113(d) of this Article a minimum of ninety (90) days prior to the expiration date of the existing permit. A new application for Permit shall be completed and submitted to the Control Authority before renewal will be considered.

(2) Where a completed and timely renewal application has been filed with the Control Authority, any Permittee shall continue to perform under the existing permit until such time as a new permit is issued or the renewal has been denied.

(j) *Transfer of a Wastewater Discharge Permit*

(1) A Wastewater Discharge Permit may be transferred to a new owner or operator *only* if the Permittee gives at least ninety (90) days advance notice to the Control Authority and the Control Authority approves the transfer.

(2) The notice shall include a written certification by the new owner or operator which;

a. States the new owner/operator has no immediate intent to change the facility's operations or processes;

b. Identifies the specific date on which the transfer is to occur; and

c. Acknowledges full responsibility for complying with the existing Permit.

(3) Failure to provide advance notice of a transfer shall render the Permit void as of the date of the facility transfer.

(k) *Revocation of The Wastewater Discharge Permit*

(1) The Control Authority may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

a. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior written notification to the Control Authority of changed conditions pursuant to Section 42-115(c)(1) of this Article;

c. Misrepresentation or failure to fully disclose all relevant facts in the Application for Wastewater Discharge Permit;

d. Falsifying self-monitoring reports;

e. Tampering with monitoring equipment;

f. Refusing to allow timely access to the facility premises and records;

g. Failure to meet effluent limits;

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

h. Failure to pay fines when assessed;
i Failure to pay sewer charges;
J. Failure to meet compliance schedules;
k. Failure to complete a wastewater survey or permit application;
l. Failure to provide advance notice of transfer of business ownership of a permitted facility; or
m. Violation of any pretreatment standard or requirement or any terms of the Permit or this Article.

(2) In addition to the above reasons, a Type T Permit may be suspended or revoked for any of the following reasons:
a. Use of nonregistered, unlicensed, or unsafe vehicles or nonregistered or unlicensed vehicle operators;
b. Mixing of septic tank waste with incompatible waste for the purpose of deception;
c. Dilution of waste for the purpose of deception;
d. Discharge of a waste load without a POTW operator present;
e. Discharge of a waste load within the Texarkana POTW except at the designated discharge point;
f. Rejection of more than three (3) loads during the life of a Permit;
g. Failure to document final disposal of a rejected load;
h. Providing false or inaccurate information on the source or composition of the waste;
1. Failure to maintain proper records as outlined in this Article;
J. Failure to remain current on charges for transported waste delivery; or
k. Loss or failure to renew State certifications or permits.

(3) A Permit shall be voided upon cessation of operations or transfer of business ownership, except as provided in Subsection G) above.
a. The Permit issued to a particular User shall become void upon the issuance of a new Permit to that User.
b. Amendments to a Permit shall supersede and invalidate pages contained in the Permit which they are intended to replace.

(1) *Regulation of Wastes Received From Other Jurisdictions*

(1) If another municipality or other jurisdiction (e.g., county), or User located within another municipality or other jurisdiction contributes wastewater to the POTW, the Control Authority shall enter into an agreement with the contributing municipality or other jurisdiction for the purpose of control of the wastewater discharges.

(2) Prior to enter into an agreement required by Subsection (1)(1) preceding, the Control Authority shall request the following information from the contributing jurisdiction:
a. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
b. An inventory of all Nondomestic Users located within the contributing jurisdiction;

c. Such other information as the Control Authority may deem necessary.

(3) Such agreement shall contain the following conditions:

a. A requirement for the contributing jurisdiction to adopt a sewer use Article which is at least as stringent as this Article and local limits which are at least as stringent as those specified in this Article. The requirement shall specify that such Article and limits shall be revised as necessary to reflect changes made to this Article or limits contained herein;

b. A requirement for the contributing jurisdiction to submit a revised Nondomestic User inventory at least on an annual basis;

c. A provision specifying which pretreatment activities, including Permit issuance, inspection, sampling, and enforcement will be conducted by the contributing jurisdiction; which of these activities will be conducted by the Control Authority, and which of these activities will be conducted jointly by the Control Authority and the contributing jurisdiction;

d. A requirement for the contributing jurisdiction to provide the Control Authority with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

e. A provision ensuring the Control Authority access to facilities of Users located within the jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and other duties deemed necessary by the Control Authority; and

f. A provision specifying remedies for breach of the terms of the agreement.

(4) The contributing jurisdiction may adopt this Article, by reference or other means, and specify the Control Authority as the primary or sole administrator of the pretreatment program within its jurisdiction with all powers of permitting, inspection, sampling, and enforcement of this Article within its jurisdiction.

(5) Where the contributing jurisdiction retains primary responsibility for permitting, compliance monitoring, or enforcement, the agreement shall specify the Control Authority has the right to take legal action to enforce the terms of the contributing jurisdiction's Article or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

Section 42-114: Pretreatment Charges And Fees

(a) *Charges For Wastewater Discharge Permit*

(1) The City may adopt reasonable fees for reimbursement of the costs for setting up and operating the City's Industrial Pretreatment Program. The Control Authority shall periodically review the costs for the Pretreatment Program and recommend appropriate fees to the City Manager for presentation to the elected body. Such fees may include:

a. Fees for permit applications including the cost of processing such applications;

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a User's discharge and reviewing monitoring reports submitted by Permittees;

c. Fees for reviewing and responding to accidental discharge procedures and construction;

d. Fees for filing appeals; and

e. Other fees as the Control Authority deems necessary to carry out the requirements contained herein.

(2) An annual fee shall be assessed for issuance of a Permit as established by the City Council from time to time and on file at the city secretary's office or city website. This fee schedule may be revised as deemed necessary by the Control Authority.

(3) Any User who applies for a Permit shall reimburse the Control Authority for costs incurred during and directly related to the permitting process including, but not limited to, analytical services necessary to establish the nature of the wastewater proposed to be discharged, whether or not the User is issued a Permit.

(b) *Charges For Delivery of Waste to The POTW*

(1) An appropriate charge shall be made for each load of transported waste delivered to the POTW Treatment Plant. This charge shall be based on a per-gallon cost of treatment for such waste and may be adjusted on an as-needed basis to reflect changes in the cost to treat such waste.

(2) Prompt payment of delivery charges shall be made by the Permittee. No Permittee shall be allowed to discharge wastes to the POTW Treatment Plant while delinquent in payment of charges.

(c) *Surcharge For Excessive Strength Wastes*

(1) Any Nondomestic User who discharges into the sanitary sewer system may be charged a surcharge for excessive-strength wastes. For the purpose of this Subsection, excessive-strength waste shall mean waste having a strength greater than that established for "Normal Domestic Wastewater".

(2) A surcharge may be levied to compensate for the added expense, per pound of pollutant, in the operation and maintenance of the City's POTW for treatment of nondomestic wastes with excessive ammonia as nitrogen, oxygen demand, and suspended solids.

a. Excessive ammonia as nitrogen shall be concentrations greater than 20 mg/L; excessive total suspended solids shall be concentrations greater than 200 mg/L; and excessive oxygen demand shall be concentrations of $CBOD_5$ greater than 200 mg/L or (or COD greater than 450 mg/L in accordance with Subsection 2(c) below).

b. Surcharge shall be calculated according to the following formula:

$$S = (8.345)(V)[\{C1(CBOD_5-200)\}+\{C2(TSS-200)\}+\{C3(NH_3-20)\}]$$

Where: S = Surcharge in dollars

V = Volume in million gallons, based on water consumption (or discharge, if water source other than TWU employed and discharge is metered)

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

C1 = Cost, in dollars, to treat one pound $CBOD_5$
C2 = Cost, in dollars, to treat one pound TSS
C3 = 2.33 times the cost, in dollars, to treat one pound
$CBOD_5$ = Carbonaceous Biochemical Oxygen Demand (mg/L)
TSS = Total Suspended Solids (mg/L)
NH_3 = Ammonia (as Nitrogen)
8.345 = Weight, in pounds, per gallon of water

c. Where the Chemical Oxygen Demand (COD) of the wastewater is greater than or equal to 2.25 times the $CBOD_5$ or where the $CBOD_5$ may be negligible due to the type of wastewater or where historical data indicates the $CBOD_5$ of the discharge is less than 200 mg/L, COD may be substituted for $CBOD_5$ and the following formula shall beused:

$$S = (8.345)(V)[\{C4(COD-450)\}+\{C2(TSS-200)\}]$$

Where: C4 = Cost, in dollars, to treat one pound
COD = Chemical Oxygen Demand (mg/L)

d. Surcharge rates shall be reviewed and revised annually by the Control Authority to reflect approximate actual cost to the POTW.

(3) Private residences shall be excluded from surcharge.

(4) Initiation or continuation of surcharge testing on any Nondomestic User shall be at the discretion of the Control Authority with consideration to the nature or history of the discharge, the impact or potential impact on the POTW, and resources available to the Control Authority. Where a surcharge is levied, testing shall be conducted not less than once per quarter. Where the monthly surcharge amount is greater than $250, testing shall be conducted not less than monthly. Surcharge shall be based on all laboratory values obtained during the most recent twelve months.

(5) Surcharge billing shall be included as a separate item on the regular bill for water and sewer service and shall be paid monthly in accordance with the existing practices. Surcharge shall be due at the same time as the water and sewer and refuse charges become due. Payment for water and sewer and refuse services shall not be accepted without payment of the surcharge.

(6) Failure to pay sewer surcharges when due shall be sufficient cause to disconnect any and all services to the water or sewer mains of the City of Texarkana, Texas. In addition, the same charges and penalties provided by the Articles of the City of Texarkana, Texas, for failure to pay for water and sewer service when due shall apply.

Section 42-115: Reporting Requirements

(a) *Categorical Users*

(1) Baseline Monitoring Report. Within 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Users currently discharging or scheduled to discharge to the POTW who have not previously submitted such information shall submit to the Control Authority a report which contains the information required in this Subsection.

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At least 90 days prior to commencement of discharge, new sources and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard shall submit to the Control Authority a report which contains the information required in this Subsection. A new source shall report the method of pretreatment it intends to employ to meet the applicable Categorical Pretreatment Standards. A new source shall give reasonable estimates of its anticipated flow and quantity of pollutants to be discharged.

a. Identifying Information. The name and address of the facility, including the name of the operator(s) and owner(s).

b. Environmental Permits. A copy of all environmental control permits held by or for the facility.

c. Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classification Code(s) of the operation(s) carried out at the facility. This description shall include a schematic process diagram and a plumbing diagram which indicates the point(s) of discharge to the POTW from the regulated process(es).

d. Flow Measurement. Information showing the measured average and maximum daily flow, in gallons per day, to the POTW from each of the following:
   (i) Each regulated process wastestream;
   (ii) Other wastestreams as necessary to allow use of the Combined Wastestream Formula as outlined in 40 CFR 403.6.
   (iii) A verifiable estimate of these flows may be provided where justified by cost or feasibility considerations.

e. Measurement of Pollutants. Identify the Pretreatment Standards applicable to each Regulated Process and the results of sampling and analysis identifying the nature and concentration of pollutants (or mass of pollutants where required by the Standard or the Control Authority) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of the daily operation and shall be analyzed according to Approved Analytical Procedures.
   (i) Twenty-four (24)-hour composite samples shall be obtained through flow-proportional composite sampling techniques where feasible except cyanide, pH, total phenols, oil and grease, sulfide, and volatile organics, where required, shall be collected as four (4) grab samples during a 24-hour period. In cases where the Control Authority determines that flow-proportional sampling is infeasible, samples may be obtained through time-proportional composite or through a minimum of four grab samples where it can be demonstrated this will provide a representative sample of the Discharge.
   (ii) A minimum of one representative composite sample shall be collected and analyzed to compile the data necessary to comply with the requirements of this Subsection.

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(iii) Samples shall be taken immediately downstream from the pretreatment facilities if such exists or immediately downstream of the regulated process if no pretreatment exists. If other wastestreams are mixed with the regulated wastestream prior to pretreatment, flows and concentrations necessary to allow use of the Combined Wastestream Formula, as outlined in 40 CFR 403.6, shall be measured in order to evaluate compliance with the Pretreatment Standards. Where alternate concentration or mass limitations have been calculated in accordance with 40 CFR 403.6, this adjusted limit along with supporting data shall be submitted to the Control Authority.

(iv) The baseline monitoring report shall indicate the date, place, and time of sampling and method of analysis and shall contain certification the sampling is representative of normal work cycles and expected pollutant discharge to the POTW.

(v) Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

f. Certification. The report shall include a statement reviewed by an Authorized Representative (as defined in 40 CFR 403.12(1)) and certified to by a qualified professional indicating whether the Pretreatment Standards are being met on a consistent basis and, if not, whether additional operations and maintenance (O & M) or additional pretreatment is required to meet the applicable Standards.

g. Compliance Schedule. If additional pretreatment or O & M is required to meet the applicable Pretreatment Standard, a plan outlining the shortest schedule by which such additional pretreatment or O & M will be provided shall be included. The completion date of this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events (including, but not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation) leading to the construction and operation of the additional pretreatment facilities required to meet the applicable Pretreatment Standard. No increment shall exceed nine (9) months.

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(ii) No later than 14 days following each date in the schedule andthe final compliance date, a progress report shall be submitted to the Control Authority including , at a minimum, whether or not it complied with the increment in the schedule and, if not, the reason for the delay , the date compliance with the increment is expected, and the steps being taken to return the construction to the schedule established . In no instance shall more than nine (9) months elapse between progress reports to the Control Authority.

(iii) The compliance schedule shall be signed and certified by the Authorized Representative in accordance with Subsection (e) of this Section.

(2) *90-Day Compliance Report.* Within ninety (90) days of the date for final compliance with the applicable Pretreatment Standard , or in the case of a New Source , ninety (90) days following the commencement of the introduction of wastewater into the POTW, any Nondomestic User subject to Categorical Pretreatment Standards and Requirements shall submit a report to the Control Authority containing the information required in subsection (a)(l)d. through f. above.

a. For Nondomestic Users subject to equivalent mass or concentration limits calculated in accordance with 40 CFR 403.6, this report shall contain a reasonable estimate of the Nondomestic User's long-term production rate.

b. For all other Nondomestic Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measurement of operation), the report shall include the actual production during the appropriate sampling period.

(3) *Periodic Compliance Reports.* Any Nondomestic User subject to a Categorical Pretreatment Standard, after the compliance date of such Standard, or in the case of a New Source, after commencement of discharge into the POTW, shall submit periodic reports indicating the nature and concentration of pollutants in the discharge which are limited by the Pretreatment Standard.

a. Periodic compliance reports shall be submitted to the Control Authority on or before the due date as specified by the Control Authority. Minimum sampling and reporting frequencies shall be specified by the Control Authority and in no case shall be less than twice per year.

b. Periodic compliance reports shall contain, at a minimum, the following information:

(i) The analytical results for all representative samples collected over the applicable reporting period, expressed in mg/L or mass as may be required, of analyses for regulated pollutants;

(ii) The date and time of sampling, sampling method used, and who collected thesample;

(iii) The date and time of analyses and who performed the analyses;

(iv) The analytical techniques/methods used;

(v) The average and maximum daily flow from the regulated process for the calendar month;

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(vi) The minimum and maximum pH recorded during the reporting period (not subject to averaging);

(vii) Analytical quality control data; and

(viii) The information required in Subsection 2a. and b. above, where applicable.

c. All wastewater samples shall be representative of the discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times and records of such shall be maintained. Failure to keep the monitoring facility in good working order shall not be grounds for claiming analytical results are not representative of the discharge.

d. If the Nondomestic User subject to reporting requirements in this Subsection monitors any pollutant at the designated sampling point more frequently than required, using Approved Analytical Procedures, the results of this monitoring shall be included in the report.

e. Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

(b) *Noncategorical Users*

(1) *Self-monitoring Reports.* Any Nondomestic User who is required by the Control Authority to analyze for pollutants in the wastewater discharge and submit self-monitoring reports shall submit those reports to the Control Authority on or before the due date as specified by the Control Authority. Minimum sampling and reporting frequencies shall be specified by the Control Authority but shall not be less than twice per year.

a. Self-monitoring reports shall contain the information specified for periodic compliance reports outlined in Subsection (a)(3)b. above.

b. Self-monitoring reports shall be submitted to the Control Authority on or before the due date as specified by the Control Authority.

c. Subsections (a)(3)c. and d. shall apply to all self-monitoring reports.

(2) Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

(c) *Reporting Requirements Applicable to All Nondomestic Users*

(1) Report of Changed Conditions. Each Nondomestic User shall notify the Control Authority of any planned significant changes to the operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days prior to the change.

a. For the purpose of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, additional wastestreams, and the discharge of any previously unreported pollutants.

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(i) This includes any changes in hazardous pollutants for which initial notification is required in accordance with 40 CFR 403.12(p).

b. The Control Authority may require the Nondomestic User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Application for Wastewater Discharge Permit.

c. The Control Authority may issue a Permit or modify an existing Permit in response to changed conditions or anticipated changed conditions.

(2) *Reports of Potential Problems.* In a case of any discharge , including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and the corrective actions taken by the User.

a. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken 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 POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Article.

b. A notice shall be permanently posted on the Nondomestic User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in this subsection. Employers shall ensure all employees who may cause such a discharge to occur are advised of the emergency notification and containment procedures.

(3) *Notification of Violation and Repeat Sampling.* The Nondomestic User shall notify the Control Authority, by telephone, within 24 hours of becoming aware of a violation of the Permit or of this Article.

a. The notification shall be followed by a written statement within five working days providing a description of the violation, a description of the suspected cause of the violation , and the action the Nondomestic User has or intends to take to prevent recurrence of the violation . The statement shall be signed by the facility's Authorized Representative.

b. Such notification shall not relieve the User from liability or prevent the Control Authority from taking appropriate enforcement actions.

c. If an analysis required by the Control Authority indicates a violation, the User shall repeat the sampling and analysis and shall submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the User is not required to resample if:

(i) The Control Authority performs sampling at the facility at least once a month; or

(ii) The Control Authority performed sampling at the facility between the time the User performed its initial sampling and the time the User receives the results of the sampling.

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(4) *Notification of New or Increased Potential for Slug Discharges.* The Nondomestic User shall immediately notify the Control Authority of any changes to the physical facility or any industrial process and other changes which may cause or increase the potential for Slug Discharge. This notification requirement includes notification by Users who have an existing Slug Discharge Control Plan or has conducted preventative actions previously and the existing plan or previous action does not adequately protect from accidental or slug discharges and by User who have not previously been required to develop a Slug Discharge Control Plan.

(d) *Reports From Unpermitted Nondomestic Users*

(1) All Nondomestic Users not required to obtain a Permit shall provide appropriate reports to the Control Authority as the Control Authority may require in order to protect the POTW, to protect property and person of the residential User, and to meet regulatory requirements.

(2) All reports shall be submitted to the Control Authority on or before the date specified by the Control Authority.

(e) *Signatory Requirements for User Reports and Applications*

(1) All reports and applications submitted to the Control Authority under this Article shall include a certification statement signed by the facility's Authorized Representative. The certification statement shall read as follows:

> "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 persom1el 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 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 or imprisonment for knowing violations."

(2) Where the User has an approved Toxic Organic Management Plan (TOMP), a TOMP signatory statement shall be submitted with each periodic compliance report. The statement shall be signed by the facility's Authorized Representative. The statement shall read as follows:

> "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 wastewaters has occurred since the filing of the last discharge monitoring report. I further certify that this facility is implementing the Toxic Organic Management Plant (TOMP) submitted to the Control Authority."

(3) Reports required by this Article are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Section 309(c)(2) of the Act governing false statements, representations, or certifications in reports required under the Act.

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(f) *Record Keeping Requirements*

(1) Written reports submitted to the Control Authority shall be deemed submitted on the date postmarked. For reports which are not mailed, postage paid, into a mailing facility serviced by the United States Postal Service, the date of receipt shall govern.

(2) Any User subject to the reporting requirements established in this Article shall maintain records of all information resulting from all activities required by this Article.

(3) Any User subject to the reporting requirements in this Article shall be required to retain, and make available upon request for inspection and copying by the Control Authority, the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality, the Arkansas Department of Environmental Quality or the EPA, all records of information obtained pursuant to any monitoring activities required by this Article, ~~and~~ any records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with enforceable Best Management Practices contained in a Pretreatment Standard for a minimum of three (3) years. Records of information pertaining to the generation, transport and disposal of liquid transported waste shall be retained for a minimum of five (5) years. This period of retention shall be automatically 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 Control Authority, the ~~TNRCC~~ TCEQ, or the EPA.

Section 42-116: Powers and Authorities of Control Authority

(a) *Access to Properties and Records*

(1) The Control Authority shall be allowed ready access, without delay, to all parts of the premises of a Nondomestic User during any reasonable time for the purpose of inspection, sampling, records examination and copying, surveillance, and monitoring necessary to determine compliance or noncompliance with the provisions of this Article and for the performance of any additional duties.

a. The Control Authority and his representatives shall be permitted to enter any premises of any Nondomestic User during any hour when an abnormal discharge is known or suspected to originate from the premises.

b. Where a Nondomestic User has security measures in force which require proper identification and clearance before entry into its premises, the Nondomestic User shall make necessary arrangements so that, upon presentation of suitable identification, the Control Authority will be permitted to enter without delay for the purpose of performing specific responsibilities.

c. The Control Authority shall have the right to set on the Nondomestic User's property such devises as are necessary to conduct sampling, inspection, compliance monitoring, or metering.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the User, at his expense, upon the written or verbal request of the Control Authority or his representative and shall not be replaced.

e. If the Control Authority or his representative has been refused access to a building, structure, or property or any part thereof, and is able to demonstrate probable cause to believe there may be a violation of this Article or that there is a need to inspect or sample as a part of routine inspection and sampling program of the Control Authority designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Control Authority may seek issuance of a search warrant from a court of competent jurisdiction.

(2) Representatives of the United States Environmental Protection Agency (EPA) and the Texas ~~Natural Resource Conservation Commission (TNRCC)~~ Commission on Environmental Quality (TCEQ) and the Arkansas Department of ~~Pollution Control and Ecology (ADPC&E)~~ Environmental Quality (ADEQ) shall have the same rights of entry as described for the Control Authority in Subsection A(l) above.

Section 42-117: Confidential Information

(a) *Disclosure of User Information and Data*

(1) Information and data provided to the Control Authority which is effluent data as defined by 40 CFR 2.302 shall not be recognized as confidential and shall be available to the public without restriction.

(2) Information and data on a Nondomestic User obtained from reports, surveys, Applications for Wastewater Discharge Permit, Permits, and monitoring programs and from the Control Authority's inspection and sampling activities shall be made available to the public except as provided by Subsection (b) of this Section.

(3) Any information provided to or obtained by the Control Authority shall be made available to the Regional Administrator or the Director of the EPA or his representative upon request.

(b) *Information Which May Be Claimed as Confidential*

(1) Information which constitutes a trade secret or is commercial or financial information privileged or confidential by statute or judicial decision, or if it is information which, if released, would give advantage to a competitor, shall be kept in confidence and not disclosed to the public.

(2) Any claim of confidentiality shall be made at the time of submission to the Control Authority. The Nondomestic User shall demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any request shall be asserted by stamping "confidential business information" on each page containing such information.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(3) When requested and demonstrated by the Nondomestic User furnishing a report such information should be held confidential, 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 immediately to governmental agencies for uses related to the NPDES program, the Pretreatment Program, and in enforcement proceedings involving the person furnishing the report.

(4) If no claim is made at the time of submission, the Control Authority may make the information available to the public without further notice.

Section 42-118: Protection of The POTW Collection System

(a) *Protection From Damage And Tampering*

(1) No person shall maliciously, willfully, or negligently break, damage, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW.

(2) No person shall cover any manhole on a public sewer with earth, paving, or any structure or otherwise render it inaccessible.

(3) No building shall be located on top of a public sewer.

(4) No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth remains over the pipe bells.

(5) No person shall remove the cover (lid) from a manhole or cleanout for any purpose except as authorized by the Control Authority.

(b) *Discharge into the Collection System*

(1) Discharge of waste shall be made into the POTW collection only at places designated for discharge.

(2) No person shall discharge or cause to be discharged any material into a manhole or cleanout which is part of the POTW.

(3) No person shall discharge or cause to be discharged any wastes from nondomestic sources into the sanitary sewer facilities at a residential or other domestic wastewater source.

a. No person shall discharge or cause to be discharged any waste into the sanitary sewer which has been transported from another site onto a residential, commercial, or industrial site.

b. Contractors, painters, pest control operators, and other such persons shall not discharge any process waste into the sanitary sewer at a residential site. Such wastes shall be disposed in accordance with all Local, State, and Federal regulations. Prohibited materials shall include, but are not limited to paint, washings from paint brushes, solvents, and pesticides and herbicides, including washings from pesticide and herbicide containers and applicators.

(c) *Sewer Taps into the POTW Collection System*

(1) Sewer taps shall be made only by a certified plumber and shall be made only after all required permits have been obtained.

a. Persons proposing to tap into the POTW collection system shall first complete a usage questionnaire at the TWU Engineering Department.

b. Taps shall be subject to inspection by the Plumbing Inspector prior to covering with earth.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

c. Taps shall be sealed so as to not allow leaking into or out of the collection system.

(2) Building sewers shall be maintained to prevent leaks or open cleanouts in the sewer where leakage or infiltration or inflow may occur.

(d) *Disconnecting Sewers*

(1) Before any dwelling or other building being served by the public sewer is moved or demolished, the building sewer serving the building shall be disconnected at the property line or main and permanently sealed to prevent entrance of stormwater or debris into the public sewer. The Plumbing Inspector shall be notified at least three (3) days prior to the proposed disconnection. The disconnection and sealing of such line shall by inspected by the Plumbing Inspector prior to earth covering replacement. Any line found not sealed shall be sealed by the Control Authority or the Plumbing Inspector and a fee, as determined by the Control Authority, shall be assessed against the owner.

Section 42-119: Enforcement Provisions

(a) *Applicability.* The remedies provided for in this Article are not exclusive. The Control Authority may take, at any time, any, all, or any combination of these actions against a noncompliant User or any other remedy allowed by City Article or State Statute. Enforcement of pretreatment violations shall generally be in accordance with the Control Authority's Enforcement Response Plan.

(1) The Control Authority may take any action against any User as the circumstances warrant.

(2) The Control Authority shall be empowered to take more than one enforcement action against a noncompliant User.

(3) Exercise of any action by the Control Authority shall not be a bar to, or a prerequisite for, taking other action against a noncompliant User.

(b) *Publication of Users in Significant Noncompliance*

(1) The Control Authority shall publish, at least annually, in the largest daily newspaper published in the municipality in which the POTW is located, a list of Users which, during the previous twelve (12) months, were in significant noncompliance with any applicable Pretreatment Standards and Requirements, any provisions of this Article or the Permit, or any Order issued hereunder. Significant noncompliance shall be determined by the method currently accepted by Region VI of the EPA and in accordance with current Federal regulations.

(c) *Administrative Enforcement Remedies*

(1) *Notice of Violation.* Whenever the Control Authority finds that any User has violated or continues to violate any provision of this Article, a Permit, or any Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority or his representative may serve upon the User a written Notice of Violation. Within ten (10) days of the receipt of the Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Control Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) *Consent Order.* The Control Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a specific time period, also specified in the Order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to Subsections (c)(3) and (c)(4) of this Section and shall be judicially enforceable.

(3) *Show Cause Hearing.* The Control Authority may order any User which has violated, or continues to violate, any provision of this Article or a Permit or Order issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why the proposed enforcement shall not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the User show cause why this proposed action should not be taken. This notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the hearing. Such notice may be served on any Authorized Representative of the User.

(4) *Compliance Order.* Whenever the Control Authority finds that any User has violated or continues to violate any provision of this Article, a Permit or an Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority or his agent may issue an Order to the User responsible for the discharge directing that the User achieve compliance within a specified time period. If the User does not achieve compliance within the time provided, sewer services may be discontinued unless adequate treatment facilities, devices, or other appurtenances are installed and properly operated.

a. Compliance Orders may also contain such other requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and additional management practices designed to minimize the amount of pollutants discharged to the sewer.

b. A Compliance Order may not extend the deadline for compliance established for a Categorical Pretreatment Standard or Requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation.

(5) *Cease and Desist Orders.* Whenever the Control Authority finds that any User has violated or continues to violate any the provisions of this Article, a Permit or an Order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Control Authority or his representative may issue an order to the User directing the User to cease and desist all such violations and direct the User to immediately comply with all requirements and to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and terminating discharge. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking other action against the User.

(6) *Emergency Suspension.* The Control Authority may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Control Authority may also suspend a User's discharge, after notice

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection or termination of water service, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the User to recommence its discharge when the User has demonstrated, to the satisfaction of the Control Authority, the period of endangerment has passed unless the ~~revocation~~ termination proceedings set forth in paragraph (c)(~~8~~ 7) of this Section are initiated against the User.

b. A User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement, describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrences, to the Control Authority prior to the date of any Show Cause or Termination hearing.

c. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(7) *Termination of Sewer Service.* In addition to the provisions in this Section, any User who violates any of the following conditions shall be subject to termination of sewer service:

a. Violation of conditions of a Permit;

b. Failure to accurately report the wastewater constituents and characteristics of the discharge;

c. Failure to report significant changes in operation or wastewater volume, constituents, or characteristics prior to discharge;

d. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the Pretreatment Standards in Section 42-111 of this Article.

Users shall be notified of proposed termination of its discharge and shall be offered an opportunity to show cause under Subsection (c)(3) of this Section why the proposed action shall not be taken.

(d) *Judicial Enforcement Remedies*

(1) *Injunctive Relief* When a User has violated or continues to violate any provision of this Article, a Permit or Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Permit, Order, or other requirement imposed by this Article on the activities of the User. The Control Authority may also seek such other action as is appropriate for legal or equitable relief, including a requirement to conduct environmental remediation. The Control Authority shall have such remedies to collect fees as it has to collect other sewer service charges. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking other action against the User.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(2) *Civil Penalties.* Any User who has violated or continues to violate any provision of this Article, the Permit or any Order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Control Authority for a civil penalty of not more than the maximum allowed under State law, but no less than $1000.^{00}$, per violation, per day, for as long as the violation continues. In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

a. The Control Authority may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority. The Control Authority shall petition the Court to impose, assess, and recover such sums.

b. In determining amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, compliance history of the User, and other factors as justice requires.

c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the User.

(3) *Criminal Prosecution.* Any User who willfully or negligently violates any provision of this Article, the Permit or any Order issued hereunder, or any other pretreatment standard or requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine in the amount up to and including the maximum allowed by State law, but no less than $1000.^{00}$ per violation. Each day on which a violation occurred or continues to occur shall be deemed a separate and distinct violation. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

a. 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 penalty up to and including the maximum allowed by State law, but no less than $1000.^{00}$ per violation. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Each day on which a violation occurred or continues to occur shall be deemed a separate and distinct violation. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Any User who knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained, pursuant to this Article or the Permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine up to and including the maximum allowed by State law, but no less than $1000.^{00}$, per violation, per day.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(e) *Supplemental Enforcement Remedies*

(1) *Performance Bonds.* The Control Authority may decline to reissue a Permit to any User which has failed to comply with the provisions of this Article, any previous Permit, or any Order issued hereunder unless such a User first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Control Authority to be necessary to achieve consistent compliance.

(2) *Liability Insurance.* The Control Authority may decline to reissue a Permit to any User which has failed to comply with the provisions of this Article, any previous Permit or any Order issued hereunder, or any other pretreatment standard or requirement unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) *Water Supply Severance.* Whenever a User has violated or continues to violate any provision of this Article, a Permit or any Order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may sever water service to the User. Service will only recommence, at the User's expense, after the User has satisfactorily demonstrated ability to comply with the provisions of this Article, the Permit, or any Order issued hereunder.

(4) *Public Nuisances.* Any violation of any provision of this Article, the Permit or any Order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority or his authorized representative. Any person or persons creating a public nuisance shall be subject to the provisions of the City Article governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying said nuisance.

(f) *Affirmative Defenses to Discharge Violations*

(1) *Treatment Upsets.* An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of this Subsection are met.

a. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(i) An Upset occurred and the user can identify the cause or causes of the upset;

(ii) The facility was, at the time, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The User has submitted the information in Subsection (f)(l)b. below within twenty-four (24) hours of becoming aware of the upset. If the information is provided orally, a written submission shall be provided within five (5) days.

b. The following information shall be provided to the Control Authority in the event of an upset:

(i) A description of the indirect discharge and cause or causes of noncompliance;

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

(ii) The period of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the anticipated time by which compliance is expected to be restored;

(iii) All steps being taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

c. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

d. Users shall have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

e. Users shall control production of discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement shall apply in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

f. Subsection (f)(1)a. through (f)(1)e. shall not apply to actions brought by the State of Texas in state court.

(2) *Prohibited Discharge Standards.* A User shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established in Section 42-111(b)(3) and (6) through (10) where it can prove:

a. The User did not know or have reason to know its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause interference or pass through; and

(i) A local limit designed to prevent interference or pass through was developed for each pollutant in the User's discharge that caused the interference or pass through and the User was in compliance with such local limit directly prior to and during the interference and/or pass through ; or

(ii) A local limit designed to prevent interference or pass through has not been developed for the pollutant(s) which caused the interference or pass through and the User's discharge directly prior to and during the interference or pass through did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of interference, was in compliance with applicable requirements for sewage sludge use or disposal.

(3) *Treatment Bypasses.* A User may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of Subsections (f)(3)a. through d. of this Section.

a. Users who know in advance of the need for a bypass shall submit prior notice to the Control Authority at least ten (10) days in advance.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

b. A User shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty (24) hours of becoming aware of the bypass. A written submission shall be provided within five (5) days. The written submission shall contain:

(i) A description of the bypass and its cause;

(ii) The duration of the bypass, including exact dates and times and, if it has not been corrected, the anticipated time the bypass is expected to continue; and

(iii) Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

c. Bypass of the treatment system is prohibited, and the Control Authority may take enforcement action against a User for a bypass unless all the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, including the use of auxiliary treatment or retention of the untreated or partially treated wastes, maintenance during periods of normal equipment downtime, or temporarily discontinuing the wastewater-generating process. 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 User submitted notices as required by subsections (f)(3)a. and b. of this Section.

d. The Control Authority may approve the anticipated bypass after considering its potential adverse effects and if the Control Authority determines the circumstances satisfy those set forth in Subsection (f)(3)c.(i) through (iii) of this Section.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Summary of amendments to Chapter 42, "Water and Sewers" Article III, Nondomestic Waste", Division 1, "Publicly-owned Treatment Works", of the Code of Ordinances of the City of Texarkana, Texas

Section 42-110(d) is amended as follows:

by replacing the numbering for each defined term in sections 42-110(d) 1-73

by changing the reference to Texas Natural Resource Conservation Commission to Texas Commission on Environmental Quality

(3) *Approved Analytical Procedures* shall mean analytical procedures approved for the testing of wastewater samples in accordance with Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136) and amendments thereto or any method that has been approved for analyses in accordance with the approval procedure outlined in 40 CFR 136 or those analytical procedures approved by the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality (TCEQ) as appropriate.

by revising the definition of "Authorized Representative"

(4)a. The responsible corporate officer if the User submitting the report is a corporation. Responsible corporate officer shall be a president, secretary, treasurer, or vice president of the corporation in charge of the principal business function or any other person who performs similar policy or decision-making function for the corporation; or by the manager of one or more manufacturing, production or operation facilities ~~employing more than two hundred and fifty (25) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if~~ 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 compliance with environmental laws and regulations; can ensure the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

40 CFR 403.12(l)

by revising the definition of "Pollution Control Inspector"

(41) *Pollution Control Inspector* shall mean ~~the Technical Supervisor, Chief Pollution Control Technician, Pollution Control Technician, or other~~ any employee of the Texarkana Water Utilities designated by the Control Authority to administer and enforce this Article.

by amending the definition of "Pretreatment Standard" by adding "Best Management Practices" to the definition

(44) *Pretreatment Standard* shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by the EPA or the State or the City which applies to Nondomestic Users, including prohibitive discharges outlined in Section 42-111 of this Article. Pretreatment Standards shall include Best Management Practices (BMP) defined as schedules of activities, prohibitions of practices and other management practices to implement the prohibitions listed in 40 CFR403.5(a)(1) and (b), including, but not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leakage, sludge and waste disposal or drainage from raw materials storage.

40 CFR 403.3(e)

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

by amending the definition of "Significant Noncompliance" where Chronic (subpart a) and Technical Review Criteria (subpart b) violations refer only to numeric limits

(57) *Significant Noncompliance* shall mean any violation or violations which meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average~~ any numeric limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of ~~the daily maximum or the average~~ any numeric limit multiplied by the applicable TRC (TRC = 1.4 for BOD5, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

40CFR403.8(f)(2)(viii)(A) & (B)

by amending subpart c to include numeric and narrative Pretreatment Standards or Requirements

c. Any other violation of a ~~pretreatment effluent limit (daily maximum or long term average)~~ Pretreatment Standard or Requirement as defined by Section 42-110(d)(43) and (44) the Control Authority determines has caused, alone or in combination with other discharges, interference, pass-through or has endangered the health of the POTW personnel or the general public;

40CFR403.8(f)(2)(viii)(C)

Section 42-111(b) is amended as follows:

by adding, to Prohibited Discharges, a new paragraph (27)

(27) A User shall not discharge trucked or hauled pollutants, except on a case by case basis at approved discharge locations as authorized by the Control Authority.

40CFR403.5(b)(8)

Section 42-111(f) is amended as follows:

by removing the reference to net/gross adjustments in subsection (f)(8)

~~(f)(8) A User may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.~~

Section 42-111(h) is amended as follows:

by correcting a typographic error in the title

(h) ~~*Prevention*~~ *Protection from Accidental/Slug Discharge*

by adding a requirement to conduct an evaluation within a specific time period

(h)(2) The Control Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or needs to take other specific preventative actions to control slug discharge potential within one year of being designated as a Significant User and at least once every two years thereafter.

40 CFR 403.8(f)(2)(vi)

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Section 42-113(f)(1)b. is amended as follows:

by adding specific language to subsection (v) referencing grab sampling is required, where applicable, to be in a permit

(v) Self-monitoring, sampling, and reporting requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, specific analytical methods and method detection limits, and sample type(s). Where grab sampling is specified as the required method of collection, the Permit shall specify the number of grab samples required during a twenty-four-hour sampling period. Where multiple grab samples are required the Control Authority may specify minimum time interval between each grab sample collection;

40 CFR 403.12(g)(4)

by adding a new paragraph (ix)

(ix) Requirements to control Slug Discharges, either through a Slug Discharge Control Plan or other specific preventative action, if the Control Authority determines such controls are necessary.

40 CFR 403.8(f)(1)(iii)(B)(6)

Section 42-115(a)(1)e.(v).; (a)(3)e.; (b)(2) are amended as follows:

by adding the following sentence to each cited subsection

. . . . Where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or a pollution preventative alternative, the User shall submit documentation as required by the applicable Standards or by the Control Authority to determine compliance with the BMP or pollution prevention alternative.

40 CFR 403.12(o)

Section 42-115(a)(3)(b)(i) is amended as follows:

by revising the sentence to read

(i) The analytical results for all representative samples collected over the applicable reporting period, expressed in mg/L or mass as may be required, of analyses for regulated pollutants;

Section 42-115(c)(1)(a) is amended as follows:

by adding new paragraph (i)

(i) This includes any changes in hazardous pollutants for which initial notification is required in accordance with 40CFR403.12(p)

40 CFR 403.12(j)

Section 42-115(c) is amended as follows:

by adding, to reporting requirements, a new paragraph (4) addressing slug discharges

(4) *Notification of New or Increased Potential for Slug Discharges.* The Nondomestic User shall immediately notify the Control Authority of any changes to the physical facility or any industrial process and other changes which may cause or increase the potential for Slug Discharge. This notification requirement includes notification by Users who have an existing Slug Discharge Control

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

Plan or have conducted preventative actions previously and the existing plan or previous action does not adequately protect from accidental or slug discharges and by Users who have not previously been required to develop a Slug Discharge Control Plan.

40 CFR 403.8(f)(2)(vi)

Section 42-115(f) is amended as follows:

by updating the reference to the state regulatory authority and including additional records retention requirements

(3) Any User subject to the reporting requirements in this Article shall be required to retain, and make available upon request for inspection and copying by the Control Authority, the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality, the Arkansas Department of Environmental Quality or the EPA, all records of information obtained pursuant to any monitoring activities required by this Article, any records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with enforceable Best Management Practices contained in a Pretreatment Standard for a minimum of three (3) years. This period of retention shall be automatically 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 Control Authority, the ~~TNRCC~~ TCEQ, or the EPA.

40 CFR 403.12(o)

Section 42-119(c) is amended as follows:

to correct a typographic error and an incorrect citation

(6)a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection or termination of water service, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the User to recommence its discharge when the user has demonstrated, to the satisfaction of the Control Authority, the period of endangerment has passed unless the ~~revocation~~ termination proceedings set forth in paragraph (c)(~~8~~ 7) of this Section are initiated against the User.

Section 42-119(d) is amended as follows:

by amending subpart (2) to specify required minimum dollar amount for civil penalties

(2) *Civil Penalties*. Any User who has violated, or continues to violate, any provision of this division, the permit or any order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the Control Authority for a civil penalty of not more than the maximum allowed under state law, but no less than $1000.^{00}$, per violation, per day, for as long as the violation continues. In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")

by amending subpart (3); (3)(a); (3)(b); (3)(c) to specify the required minimum amount for criminal penalties

(3) *Criminal prosecution.* Any User who willfully or negligently violates any provision of this division, the permit or any order issued hereunder, or any other pretreatment standard or requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine in the amount up to and including the maximum allowed by state law, but no less than $1000.^{00}$ per violation. Each day on which a violation occurred, or continues to occur, shall be deemed a separate and distinct violation. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

a. 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 penalty up to and including, the maximum allowed by state law, but no less than $1000.^{00}$ per violation.

b. Any User who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained, pursuant to this division or the permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine up to and including the maximum allowed by state law, but no less than $1000.^{00}$, per violation, per day.

40 CFR 403.8(f)(1)(vi)(A)

Section 42-119(f) is amended as follows:

by adding a paragraph to clarify affirmative defense for upsets does not apply to enforcement actions brought by the state in state court

(1)f. Subsection (f)(1)a. through (f)(1)e. shall not apply to actions brought by the State of Texas in state court.

Attachment: 2021-028 ORD amend to Chap 42 Water and sewers - signed (2455 : 2021-028 ORD Amending Chapter 42, "Water and Sewers")