

relating to the Applicant's discharge of non-domestic waste, the general manager of the District will establish a deposit amount equivalent to the estimated consultant and City fees that are expected to be incurred, and the Applicant must deposit this amount with the District prior to any review or processing work being initiated. All fees associated with the Applicant's service or proposed service incurred by the District will be charged against the deposit. Upon completion of the work, the Applicant must pay any fees incurred by the District in excess of the deposit. Any excess deposit remaining after payment of all fees will be returned to the Applicant. No approval will be issued or service initiated by the District until all fees are paid.

Section 5. The President and Secretary of the Board, and the District's consultants, are hereby authorized to do all acts and things necessary pursuant to this Order, including publishing notice hereof pursuant to Section 54.207 of the Texas Water Code.

Section 6. If, for any reason, any provision of this Order or the Regulations or their application to any person or set of circumstances is held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Order or the Regulations or their application to other persons or sets of circumstances will not be affected thereby, it being the intent of the Board that no provision in this Order or the Regulations will become inoperative or fail by reason of the unconstitutionality, unenforceability, or invalidity of any other provision or regulation.

ADOPTED this ____ day of _____, 2007.

**NORTHTOWN MUNICIPAL UTILITY
DISTRICT**

By: _____
Texana Kowis, President
Board of Directors

ATTEST:

Brenda Richter, Secretary
Board of Directors

EXHIBIT "A"

NORTHTOWN MUNICIPAL UTILITY DISTRICT

INDUSTRIAL WASTE REGULATIONS.

ARTICLE 1. GENERAL PROVISIONS.

1.1 POLICY AND PURPOSE.

The District shall comply with applicable state and federal regulation relating to the disposal of wastewater containing industrial waste or other prohibited waste within the planning jurisdiction.

1.2 RULEMAKING.

(A) The Board may promulgate regulations and procedures to implement and interpret these Regulations in accordance with applicable state and federal law, including 40 CFR Part 403.

(B) The Board shall adopt the rules according to the procedures set forth in the Texas Water Code.

(C) Rules and procedures adopted under these Regulations may regulate:

(1) the quantity, quality, and means of disposal of wastewater containing industrial waste or other prohibited waste;

(2) geographic, topographic, and construction factors;

(3) available treatment methods;

(4) beneficial uses of water; and

(5) other factors the Board believes are necessary to protect the POTW and sanitary sewer.

1.3 AUTHORITY.

The General Manager shall administer, implement, and enforce the provisions of these Regulations.

1.4 INTERLOCAL AGREEMENT.

The General Manager may negotiate agreements for interlocal or multi-jurisdictional implementation and enforcement of these Regulations. The Board must approve an interlocal agreement entered into on behalf of the District.

ARTICLE 2. DEFINITIONS.

2.1 DEFINITIONS.

(A) Except as provided in Subsection (B), words and phrases in these Regulations have the same meaning they have in Title 40 CFR.

(B) In these Regulations:

(1) ACT means the Federal Water Pollution Control Act, also known as the Clean Water Act, Title 33 of the United States Code, Section 1251 et seq. and these Regulations promulgated thereunder.

(2) APPROVAL AUTHORITY means the Regional Administrator of the EPA or the director in a national pollutant discharge elimination system delegated state with an approved state pretreatment program.

(3) APPROVED METHODS means the methods for pollutant sampling and analysis set by Part 136 of Title 40 CFR or procedures approved by the EPA.

(4) AUTHORIZED REPRESENTATIVE means the person who may act on behalf of a person discharging wastewater to the POTW. If the user is a corporation, the authorized representative must be:

(a) the officer of the corporation in charge of a principal business function, or another person who performs similar policy or decision-making functions; or

(b) the properly authorized manager of one or more manufacturing, production, or operation facilities with more than 250 employees or gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars).

(5) BEST MANAGEMENT PRACTICE means a schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the amount of pollution discharged to the POTW, including:

(a) a treatment requirement;

(b) an operating procedure; and

(c) a practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(6) BIOCHEMICAL OXYGEN DEMAND means the quantity of oxygen consumed in the biochemical oxidation of organic matter as determined by standard laboratory procedures for five days at 20 degrees Centigrade and expressed as a concentration in milligrams per liter.

(7) BOARD means the Board of Directors of the District.

(8) BYPASS means the intentional diversion of a waste stream that contains prohibited waste from a wastewater treatment system to the POTW.

(9) CATEGORICAL PRETREATMENT STANDARD means a regulation containing pollutant discharge limits adopted by EPA under Act Sections 1317(b) and (c) in Title 40 CFR, Parts 405-471.

(10) CFR means the Code of Federal Regulations.

(11) CHEMICAL OXYGEN DEMAND means the oxygen equivalent of the organic matter content of a sample susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures and expressed as a concentration in milligrams per liter.

(12) CITY means the City of Austin, Texas.

(13) COLOR means the optical density at the visual wavelength of maximum absorption, relative to distilled water in which 100 percent transmittance is equivalent to 0.0 optical density.

(14) COMMINUTED GARBAGE means garbage that has been shredded into particles less than one-half inch in diameter that are carried freely under normal flow conditions in a sanitary sewer.

(15) COMPOSITE SAMPLE means a sample that results from a combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

(16) COOLING WATER means the water discharged from a system of condensation, including air conditioning, cooling, and refrigeration systems.

(17) DAILY AVERAGE LIMIT means a discharge limit based on the average of sample analysis results taken from an industrial waste source during an operating day.

(18) DAILY MAXIMUM LIMIT means the maximum discharge limit for any sample obtained during a day using approved methods for both sampling and analysis.

(19) DISCHARGE or INDIRECT DISCHARGE means the introduction of a pollutant to the POTW from a non-domestic source regulated under Act Sections 1317(b), (c), or (d).

(20) DISTRICT shall mean the Northtown Municipal Utility District.

(21) DRAINAGE WATER means storm water; surface water; ground water; roof run-off water; drainage from downspouts; water from yard drains; water from fountains and ponds; water from lawn sprays, rainwater leaders, and areaways; overflows from cisterns and water tanks; swimming pool water; and swimming pool filter backwash water.

(22) EPA means the United States Environmental Protection Agency.

(23) EXISTING SOURCE means a source of discharge constructed or in operation prior to EPA publication of a proposed categorical pretreatment standard applicable to the source if the standard is later promulgated under Act Section 1317.

(24) EXTRA STRENGTH WASTEWATER means wastewater having a suspended solids, chemical oxygen demand, or biochemical oxygen demand more than that found in normal waste but otherwise acceptable for discharge to the POTW in accordance with the requirements of these Regulations.

(25) GARBAGE means solid waste from domestic or commercial preparation, cooking, dispensing, or manufacturing of food or from the handling, storage and sale of produce.

(26) GENERAL MANAGER shall mean the individual or entity appointed by the Board to manage the District or its designee.

(27) GENERATOR means a person who causes, creates, generates, stores, or otherwise produces liquid waste, excluding a person storing liquid waste in a mobile tank or fixed storage tank for temporary storage.

(28) GRAB SAMPLE means a single sample taken from a waste stream without regard to the flow in the waste stream over a period not to exceed 15 minutes.

(29) GREASE TRAP means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of fat, oil, grease, organic, inorganic, liquid, semi-liquid, semisolid, or solid waste from wastewater prior to discharge to the POTW.

(30) GREASE TRAP WASTE means fat, oil, grease organic, inorganic, liquid, semi-liquid, semi-solid, or solid waste collected by and removed from a grease trap.

(31) GRIT TRAP means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of petroleum-based oil and grease waste, and inorganic or other solids or semi-solids from wastewater prior to discharge to the POTW.

(32) GRIT TRAP WASTE means petroleum-based oil and grease waste, and inorganic or other solids and semi-solids collected by and removed from a grit trap.

(33) GROUND WATER means subsurface and subsoil water; artesian well water; water from groundwater remediation sites; and subsurface leachates captured from municipal landfills.

(34) HOLD-HAUL TANK means a storage tank installed to hold industrial waste that must be hauled to a disposal site and not discharged to the POTW.

(35) INDUSTRIAL WASTE means liquid waste and a waterborne liquid, gaseous, or solid substance, excluding sewage discharged from sanitary conveniences that is not commingled with wastewater containing industrial waste, discharged or disposed of from an industrial, manufacturing, trade or commercial establishment, including a nonprofit organization, governmental agency or business activity.

(36) INSTANTANEOUS MAXIMUM ALLOWABLE LIMIT means the maximum concentration or loading of an allowable pollutant, determined from the analysis of a discrete or composite sample collected independent of the industrial flow rate and the duration of a sampling event.

(37) INTERFERENCE means a discharge that, alone or in conjunction with a discharge from another source, both:

(a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

(b) causes a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation, or prevents sewage sludge use or disposal in compliance with the most stringent applicable federal, state, or local regulation.

(38) **LIQUID WASTE** means water-borne solids, semi-solids, semi-liquids, and liquids that contain dissolved or suspended waste materials including:

- (a) septic tank waste;
- (b) activated sludge;
- (c) chemical toilet waste;
- (d) grease trap waste;
- (e) grit trap waste;
- (f) wastewater that is collected on a vehicle or transported on a vehicle; and
- (g) other liquid waste collected on a vehicle or transported on a vehicle.

(39) **MEDICAL WASTE** means isolation waste, an infectious agent, human blood and blood by-products, pathological waste, sharps, a body part, contaminated bedding, surgical waste, potentially contaminated laboratory waste or dialysis waste.

(40) **MONTHLY AVERAGE LIMIT** means a discharge limit based on the average of sample analysis results taken during a calendar month using approved methods for both sampling and analysis.

(41) **MUNICIPAL USER** means a political subdivision or municipal corporation that discharges wastewater to the POTW.

(42) **MULTIPLE USER FACILITY** means a building or group of buildings occupied by more than one person who discharges into the POTW.

(43) **NPDES** means the National Pollutant Discharge Elimination System for issuing, modifying, revoking, reissuing, terminating, monitoring, enforcing permits, imposing and enforcing pretreatment requirements under Act Sections 1317, 1342, and 1345 including an approved program under 40 CFR 122.

(44) **NEW SOURCE** means a building, structure, facility or installation that is or may be discharging pollutants, constructed after the publication of a proposed pretreatment standard under Act Section 1317(c) applicable to the source if the standard is later promulgated, provided that:

- (a) the building, structure, facility, or installation is constructed at a site at which no other source is located;
- (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, based on the extent the new facility is integrated with the existing plant, and is engaged in the same general type of activity as the existing source.

(45) **NON-CONTACT COOLING WATER** means water used for cooling that does not come into contact with a raw material, intermediate product, waste product, or finished product.

(46) **NORMAL WASTEWATER** means wastewater that, after analysis, contains:

(a) a concentration of biochemical oxygen demand in the waste not exceeding 200 milligrams per liter average over a 24 hour period or not contributing biochemical oxygen demand at a rate exceeding 1,668 pounds of biochemical oxygen demand per million gallons of wastewater daily;

(b) a concentration of suspended solids in the waste not exceeding 200 milligrams per liter average over a 24 hour period or not contributing suspended solids at a rate exceeding 1,668 pounds of suspended solids per million gallons of wastewater daily; or

(c) a concentration of chemical oxygen demand in the waste not exceeding 450 milligrams per liter average over a 24 hour period or not contributing chemical oxygen demand at a rate exceeding 3,735 pounds of chemical oxygen demand per million gallons of wastewater daily.

(47) **OTHER WASTE** means a solid or viscous substance including ash, cinder, sand, concrete, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastic, rubber, rubber products, wood, whole non-human blood, paunch manure, hair and flesh, entrails, lime slurry, lime residue, carbide waste, slops, chemical residue, paint residue, asbestos, bulk solids, grass clippings, or tree trimmings.

(48) **OWNER OR OCCUPANT** means a person who owns real property or pays or is legally responsible for payment of water or wastewater charges made against real property connected to the District's water distribution system or the wastewater collection system.

(49) **PASS THROUGH** means a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation.

(50) **PERMIT** means a wastewater discharge permit issued by the General Manager authorizing the discharge of wastewater to the POTW under these Regulations.

(51) **pH** means a measure of the acidity or alkalinity of a solution expressed in standard units.

(52) **POLLUTANT** means a substance that alters the physical, thermal, chemical, radiological or biological quality or properties of water or that contaminates water to the extent that the water is rendered harmful to public health, safety or welfare, including: dredged soil; 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 waste; and

certain characteristics of wastewater (including pH, temperature, suspended solids, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity or odor).

(53) POLLUTION PREVENTION means the reduction of waste generation at a source including a practice that:

(a) reduces the amount of a hazardous substance, pollutant, or contaminant entering a wastestream or released into the environment before recycling, treatment, or disposal; or

(b) reduces a hazard to public health and the environment associated with the release of a hazardous substance, pollutant, or contaminant.

(54) POTW means a publicly owned treatment works owned by the District or the City, including:

(a) a device or system used in the storage, treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes; and

(b) equipment, sewer lines or pipes conveying wastewater to a POTW treatment plant; and

(c) real property.

(55) PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge or introduction of a pollutant into the POTW, by physical, chemical, or biological process, process change, or permitted method, excluding dilution unless a pretreatment standard specifically allows dilution.

(56) PRETREATMENT REQUIREMENT means a substantive or procedural requirement related to pretreatment of wastewater discharged to the POTW other than a pretreatment standard.

(57) PRETREATMENT STANDARD means a prohibited discharge standard, categorical pretreatment standard, or local limit.

(58) PROHIBITED WASTE means a waste prohibited from discharge to the POTW except in accordance with these Regulations.

(59) RCRA means the federal Resource Conservation and Recovery Act, Title 42 of the United States Code, Section 6922, et seq., and its implementing regulations.

(60) RECEIVING WATERS means the waterway into which a wastewater treatment plant operated by the City discharges the treated effluent.

(61) RECEIVING STATION means a public or private location where liquid waste may be discharged from a vehicle.

(62) REGULATIONS means these Northtown Municipal Utility District Industrial Waste Regulations, as amended from time to time.

(63) SANITARY SEWER means a pipe or conduit owned, controlled, or subject to the jurisdiction of the District or the City, designed to collect and transport wastewater.

(64) SEPTIC TANK WASTE means sewage from holding tanks including vessels, chemical toilets, campers, trailers, and septic tanks.

(65) SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to a treatment facility that renders the facility inoperable or substantial and permanent loss of natural resources not reasonably expected to occur in the absence of bypass, but not economic loss caused by delays in production.

(66) SEWAGE means human excreta and gray water.

(67) SEWER SYSTEM means the property necessary to operate the sanitary sewer utility, including land, wastewater lines and appurtenances, pumping stations, treatment works, wastewater treatment plants, and general property.

(68) SIGNIFICANT INDUSTRIAL USER means a person subject to a categorical pretreatment standard, or a person that:

(a) discharges an average of 25,000 gallons or more daily of process wastewater to the POTW, excluding sanitary wastewater, noncontact cooling and boiler blow down wastewater;

(b) contributes a process waste stream that makes up five per cent or more of the average dry weather hydraulic or organic capacity of a POTW treatment plant; or

(c) is designated a significant industrial user by the District based on the user's potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

(69) SLUG DISCHARGE means a discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

(70) STANDARD INDUSTRIAL CLASSIFICATION means a standard industrial classification under the Standard Industrial Classification Manual issued by the Office of Management and Budget.

(71) STORM SEWER means a sewer owned, controlled, or subject to the jurisdiction of the District designed to carry storm and surface water, street wash and drainage water.

(72) STORM WATER means a flow occurring during or following a form of natural precipitation and resulting from the precipitation, including snowmelt.

(73) SUSPENDED SOLIDS means the total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid that is removable by laboratory filtering and expressed in milligrams per liter.

(74) TCEQ means the Texas Commission on Environmental Quality.

(75) TOTAL TOXIC ORGANICS means the limit applied to the sum of the concentration of toxic organics listed in 40 CFR Part 122, Appendix D, Table II.

(76) TPDES means the Texas Pollutant Discharge Elimination System program with authority to issue, modify, revoke, terminate, reissue, and enforce permits and pretreatment standards.

(77) TREATMENT PLANT UPSET means an inhibition, impairment, or disruption of a wastewater treatment plant, its treatment processes or operations, or its sludge processing, use or disposal that causes or significantly contributes to:

(a) a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation;

(b) a disruption of sewage sludge use or disposal by the treatment plant;

(c) a decrease in the quality of the effluent being discharged from the treatment plant; or

(d) a decrease in the performance of the treatment plant processes or operations.

(78) USER or INDUSTRIAL USER means a person who contributes, causes, or allows an indirect discharge of a pollutant.

(79) WASTE means one or more pollutants.

(80) WASTEWATER means treated or untreated liquids and waterborne waste, drainage water and sewage from a residential dwelling, commercial building, industrial and manufacturing facility, or institution that is discharged to the POTW.

(81) WASTEWATER TREATMENT PLANT means that portion of the POTW designed to provide treatment of wastewater.

ARTICLE 3. PROHIBITED DISCHARGES.

3.1 GENERAL PROHIBITION AGAINST DISCHARGE.

A person may not discharge pollutants to the POTW that cause:

(1) a treatment plant upset;

(2) pass through or contribute to pollution of the POTW's receiving waters;

(3) interference with the operation of the POTW;

(4) the POTW to be in violation of the NPDES permit or TPDES permit;

(5) damage to the POTW;

(6) a hazard to property, public health, or safety;

(7) the ambient air quality of the POTW to exceed standards established by federal, state or local law;

- (8) a violation of a permit issued under these Regulations;
- (9) the concentration of pollutants in the POTW or in the POTW's sludge to exceed allowable limits; or
- (10) a flow rate or quantity that exceeds the carrying capacity of the collection system.

3.2 SPECIFICALLY PROHIBITED POLLUTANTS.

Except as authorized by these Regulations, a person may not discharge to the POTW the following:

- (1) other waste, as defined in these Regulations;
- (2) a flammable or explosive liquid, solid, or gas, and similar substance that could create a fire or explosive hazard in the collection system or the POTW, including a waste stream with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), tested in accordance with 40 CFR 261.21;
- (3) a pollutant regulated under a categorical pretreatment standard promulgated by EPA in a concentration or amount exceeding allowable limits;
- (4) a substance causing heat in the POTW at a temperature of 120 degrees Fahrenheit (48.9 degrees Centigrade) or higher, or at a temperature that inhibits biological activity in the POTW if the discharge causes interference, or an increase in the temperature of the influent to a treatment plant to 104 degrees Fahrenheit (40 degrees Centigrade) or higher;
- (5) garbage other than comminuted garbage;
- (6) wastewater containing a noxious or malodorous liquid, gas, solid, or substance that, independently or interactively creates a public nuisance, or hazard to public health and safety, or prevents entry into the sanitary sewer for maintenance or repair;
- (7) a pollutant that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity or concentration that creates a danger to public health or safety;
- (8) an acid, alkali, or substance with a pH value lower than 6.0 or higher than 11.5 standard units, or that corrodes or damages the POTW;
- (9) petroleum oil, non-biodegradable cutting oil, or a product of mineral oil origin in an amount that causes interference or pass through;
- (10) waste containing a prohibited pollutant trucked or hauled from its point of origin, except as approved by the General Manager;
- (11) waste removed from a pretreatment facility or private sewage facility, except at discharge points designated by the General Manager;
- (12) phenol or a similar substance in concentrations that produce odor or taste in the POTW's receiving waters, if the receiving waters are used as drinking water;

(13) wastewater containing radioactive materials in concentrations greater than allowed by current regulations of the Texas Department of Health or other agency of competent jurisdiction;

(14) a solid or viscous pollutant in a quantity or concentration that could obstruct the flow in the POTW or result in a sanitary sewer overflow or interference;

(15) a pollutant or oxygen demanding pollutant discharged at a flow rate or concentration that could interfere with the POTW, or is not treatable;

(16) a pollutant, dye water, vegetable tanning solution, whole blood, or a substance that causes untreatable color in the POTW effluent;

(17) medical wastes, except as authorized by permit;

(18) sludge, screenings or other residues from the pretreatment of industrial waste or other prohibited waste, except as authorized by the General Manager;

(19) wastewater containing pollutants that cause the POTW effluent to fail a toxicity test;

(20) waste containing detergent, a surface active agent, or a substance that could cause excessive foaming in the POTW or its effluent;

(21) wastewater causing a single meter reading of more than ten percent of the lower explosive limit on an explosion hazard meter;

(22) antifreeze or a coolant solution used in a vehicle or motorized equipment;

(23) an enzyme, chemical, or other agent that allows fat, oil, grease or a solid to pass through a pretreatment facility;

(24) drainage water;

(25) ground water; and

(26) drainage water or ground water contaminated by a prohibited pollutant, except as specifically authorized in these Regulations.

3.3 LIMIT ON DISCHARGE OF FAT, OIL OR GREASE.

(A) Except as authorized by these Regulations, a person may not discharge fat, oil, grease, or similar material to the POTW in excess of an instantaneous maximum allowable limit of 200 milligrams per liter.

(B) If necessary to protect the POTW or sanitary sewer, the General Manager may issue a permit, order, or rule that assigns the limits on discharge of fat, oil, grease, or a similar substance as:

(1) instantaneous maximum allowable limits;

(2) daily average limits;

- (3) daily maximum limits;
- (4) monthly average limits; or
- (5) limits of other sampling duration or averaging period.

3.4 DISCHARGE OF CONTAMINATED DRAINAGE OR GROUND WATER.

A person shall not discharge drainage or ground water contaminated by a prohibited pollutant unless:

- (1) the person discharging the contaminated drainage or ground water:
 - (a) applies for and receives a discharge permit; and
 - (b) pretreats the drainage or ground water in compliance with these Regulations; and
- (2) the General Manager:
 - (a) assesses the characteristics, volume and concentrations of pollutant;
 - (b) determines that discharge to the POTW is an appropriate disposal method;
 - (c) determines that the discharge will not harm the POTW, or public health or property; and
 - (d) issues a discharge permit under these Regulations.

3.5 DILUTION PROHIBITED.

Except as otherwise provided in these Regulations, a person shall not increase the use of process water or otherwise dilute a discharge to achieve compliance with a discharge limitation or pretreatment standard.

3.6 IMPROPER PROCESSING OR STORAGE OF PROHIBITED WASTE.

(A) A person may not process or store prohibited waste in a manner that causes a discharge to the POTW of wastewater containing prohibited waste that has not been pretreated.

(B) A person may not connect a hold-haul tank to the sanitary sewer without the written approval of the General Manager.

3.7 BYPASS.

(A) Except as otherwise provided in these Regulations, a person discharging wastewater containing prohibited waste to the POTW may not allow a bypass to occur.

(B) A person discharging wastewater containing prohibited waste to the POTW may allow a bypass that:

- (1) complies with pretreatment standards; and
- (2) is for essential maintenance to assure efficient operation of the person's facility.

(C) If a person knows in advance that a bypass is to occur, the person must submit written notice of the anticipated bypass to the General Manager on the earlier of:

- (1) ten days before the date of the anticipated bypass; or
- (2) if less than ten days before the date of the anticipated bypass, upon obtaining knowledge that the bypass is to occur.

(D) A person who knows in advance that a bypass will occur must obtain authorization from the General Manager before release of the discharge.

(E) A person who is aware that an unanticipated bypass exceeding pretreatment standards or requirements occurred shall notify the General Manager:

- (1) by telephone or in person no later than 24 hours after the person becomes aware of an unanticipated bypass; and
- (2) in writing no later than the fifth day after the person becomes aware of an unanticipated bypass.

(F) A written report of an anticipated or unanticipated bypass must include:

- (1) a description of the bypass;
- (2) the cause of the bypass;
- (3) the duration of the bypass, including exact dates and times; and
- (4) if the bypass has not been corrected:
 - (a) the anticipated duration of the bypass; and
 - (b) actions taken or planned to:
 - (i) reduce or eliminate the ongoing bypass; and
 - (ii) prevent reoccurrence of the bypass.

(G) The General Manager may waive the requirement of a written report for an unanticipated bypass if the person has made a verbal report in compliance with this section.

ARTICLE 4. PRETREATMENT STANDARDS.

4.1 NATIONAL PRETREATMENT STANDARDS.

Except as otherwise provided in these Regulations, a person must comply with the categorical pretreatment standards established by 40 CFR Chapter I, Subchapter N, Parts 405-471.

4.2 EXCEPTIONS TO CATEGORICAL PRETREATMENT STANDARDS.

(A) The General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) if a pretreatment standard is expressed only in terms of either pollutant mass or concentration in wastewater.

(B) The General Manager shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.

(C) The General Manager may grant a variance to a person subject to a categorical pretreatment standard if the person proves under 40 CFR 403.13 that factors relating to the person's discharge are fundamentally different from the factors considered by EPA in developing the categorical pretreatment standard.

(D) The General Manager may grant an adjustment to a person subject to a categorical pretreatment standard under 40 CFR 403.15.

4.3 STATE PRETREATMENT STANDARDS.

Except as otherwise provided in these Regulations, a person must comply with the pretreatment standards established by the State of Texas.

4.4 LOCAL LIMITS.

A person shall not discharge or allow the discharge to the POTW of wastewater containing the following individually identified specific pollutants in concentrations, solution, or suspension that exceed the following limits:

	Pollutant	Milligrams per Liter
(1)	Arsenic, Total (T)	0.2
(2)	Cadmium (T)	0.4
(3)	Chromium (T)	2.4
(4)	Copper (T)	1.1
(5)	Cyanide (T)	1.0
(6)	Fluoride (T)	65.0
(7)	Lead (T)	0.4

(8)	Manganese (T)	6.1
(9)	Mercury (T)	0.002
(10)	Molybdenum (T)	1.1
(11)	Nickel (T)	1.6
(12)	Selenium (T)	1.8
(13)	Silver (T)	1.0
(14)	Zinc (T)	2.3

4.5 TOTAL TOXIC ORGANICS.

A person may not discharge or allow the discharge of wastewater containing total toxic organics to the POTW in excess of an instantaneous maximum allowable limit of 2.0 milligrams per liter.

4.6 COMPLIANCE DETERMINATION; ASSIGNMENT OF LIMITS.

(A) The General Manager may determine compliance with the local limits or the total toxic organics limit based on the analysis of:

- (1) A grab sample; or
- (2) A combination of grab samples, time composite samples, or flow composite samples.

(B) If necessary to protect the POTW or sanitary sewer, the General Manager may issue a permit, order, or rule that assigns the local limits or the total toxic organics limit as:

- (1) instantaneous maximum allowable limits;
- (2) daily average limits;
- (3) daily maximum limits;
- (4) monthly average limits; or
- (5) limits of other sampling duration or averaging period.

ARTICLE 5. PRETREATMENT REQUIREMENTS.

Division 1. General Pretreatment Requirements.

5.1 PRETREATMENT REQUIRED.

A person generating wastewater containing prohibited waste discharged to the POTW must pretreat the prohibited waste in compliance with the discharge standards, local limits, and requirements established in these Regulations, or otherwise lawfully dispose of the prohibited waste.

5.2 PRETREATMENT FACILITIES REQUIRED.

A person discharging prohibited waste to the POTW shall install, operate, and maintain wastewater pretreatment facilities approved by the General Manager.

5.3 PERMIT REQUIRED.

(A) A person must obtain a permit from the General Manager before discharging wastewater containing prohibited waste to the POTW.

(B) A person shall not discharge wastewater from a pretreatment facility except as allowed by a permit issued by the General Manager.

(C) The General Manager may set permit pretreatment standards more stringent than those contained in these Regulations, local, state, or federal regulation, if the General Manager determines that the standards are necessary to protect the POTW.

5.4 PRETREATMENT PLANS.

(A) A person required to pretreat waste or wastewater before discharge to the POTW, must submit complete plans and specifications for the pretreatment system to the General Manager.

(B) A plan developed under this section shall describe the proposed pretreatment method, process, or technology, including products, chemicals, agents or devices used for pretreatment.

(C) A person must obtain the General Manager's approval prior to:

- (1) discharging wastewater; or
- (2) constructing, using or modifying a pretreatment facility, method, process or technology.

5.5 INSPECTION AND APPROVAL.

(A) A person may not discharge wastewater to the POTW from or through a pretreatment facility until the facility's design, size, construction plan, installation, and connection to the POTW has been inspected and approved by the General Manager.

(B) The General Manager may require a pretreatment facility, process, device, agent or product to be tested prior to use or commencement of a discharge to the POTW.

5.6 WASTEWATER FLOW CONTROL.

The General Manager may require a person discharging to the POTW to:

- (1) restrict or equalize the flow rate of discharge;
- (2) designate specific sewers for discharge of particular wastewater;
- (3) relocate or consolidate points of discharge;
- (4) separate a domestic sewage wastewater flow from an industrial wastewater flow;
and
- (5) implement wastewater flow control or limitations on wastewater discharge as necessary to protect the POTW, or determine compliance with these Regulations.

5.7 FLAMMABLE SUBSTANCES.

(A) The General Manager may require a person discharging wastewater containing potentially flammable substances to install and maintain an approved combustible gas detection meter.

(B) A person discharging wastewater containing potentially flammable substances shall install and maintain an approved combustible gas meter at the request of the General Manager.

5.8 SLUG CONTROL PLAN.

(A) A person discharging wastewater containing industrial waste or other prohibited waste to the POTW shall implement a system and procedures to prevent slug discharges.

(B) The General Manager may require a person to develop and implement a slug control plan before authorizing the person to connect water or wastewater service to discharge wastewater to the POTW.

(C) At least every two years, the General Manager shall determine if a significant industrial user has sufficient systems and procedures to prevent slug discharges. The General Manager shall require a significant industrial user to develop and implement a slug control plan under this article if the General Manager finds a risk to the POTW exists.

(D) A plan developed under this article must include the following:

- (1) description of discharge practices including a non-routine batch discharge;
- (2) description of stored chemicals;
- (3) procedures for immediate notification of the POTW in the event of an accident or slug discharge in violation of these Regulations; and
- (4) procedures to prevent property damage or danger to public health and safety from an accident or slug discharge including:
 - (a) storage area inspection and maintenance;

- (b) material handling and transfer;
- (c) loading and unloading operations;
- (d) plant site runoff control;
- (e) worker training;
- (f) containment structures or equipment construction;
- (g) toxic organic pollutants containment;
- (h) emergency response equipment and plan; and
- (i) spill detection.

5.9 TOXIC ORGANIC MANAGEMENT PLAN.

(A) The General Manager may require submission of a toxic organic management plan as an alternative to or in addition to routine total toxic organics monitoring for a user regulated under the CFR categories of:

- (1) electroplating;
- (2) metal finishing;
- (3) electrical and electronic components; or
- (4) other categories authorized by the CFR.

(B) A toxic organic management plan submitted under this section must include:

- (1) a complete inventory of all toxic organic chemicals:
 - (a) used in regulated process operations, including organic constituents of a trade-name product; or
 - (b) identified through wastewater sampling and analysis;
- (2) a description of disposal methods, excluding dumping, used for inventoried compounds;
- (3) spill prevention, control, and countermeasures plan to prevent spillage or leakage of a regulated toxic organic chemical into process wastewater, floor drains, non-contact cooling water, groundwater, surface water or general discharge of a toxic organic chemical;
- (4) determination of identity and approximate quantity of toxic organic chemical used and discharged from a regulated manufacturing process; and
- (5) identity of toxic organic chemicals that may be present in wastewater discharged to the sanitary sewer as a result of a regulated process or disposal, spill, leak, rinse water carryover, air pollution control, and other source.

5.10 BEST MANAGEMENT PRACTICES.

The General Manager may require a person discharging to the POTW to adopt and implement best management, source reduction and pollution prevention practices necessary to protect the POTW.

5.11 MASS LIMITATIONS ON POLLUTANTS.

The General Manager may impose limits on the mass of pollutant discharges if necessary to:

- (1) protect the POTW; or
- (2) prevent prohibited dilution of pollutants.

5.12 OFF-SITE WASTE DISPOSAL.

A person shall comply with applicable local, state, and federal regulations on storage, handling, transportation and disposition of wastes and residues removed for offsite disposal from pretreatment facilities, or prohibited from discharge to the POTW.

5.13 NEW SOURCE.

(A) The General Manager may make a determination that construction at an existing source of discharge results in a new source.

(B) The General Manager may not find that an existing source becomes a new source if construction on a site where an existing source is located does not create a new building, structure, facility or installation meeting the definition of new source under these Regulations but otherwise alters, replaces, or adds to existing process or production equipment.

(C) The General Manager may determine that a source becomes a new source if the owner or operator has:

- (1) begun placement, assembly or installation of facilities or equipment, or significant site preparation work including clearing, excavation, or removal of an existing building, structure, or facility as part of a continuous onsite construction program; or
- (2) entered a contract to purchase facilities or equipment intended for operational use within a reasonable time, excluding options to purchase or contracts subject to termination or modification without substantial loss, or feasibility, engineering, and design study contracts.

Division 2. Industry Specific Pretreatment Requirements.

5.14 COMMERCIAL OR INSTITUTIONAL FOOD PREPARATION.

A person operating a commercial or institutional food preparation business, including a food processor, bakery, restaurant, school, hospital, retirement home, assisted living center, grocery store or other commercial or institutional food preparation operation must construct, operate, and maintain a pretreatment facility approved by the General Manager.

5.15 VEHICLE OR EQUIPMENT WASH FACILITY.

A person operating a commercial vehicle or equipment wash facility with manual or automated equipment shall discharge drainage or wastewater through a pretreatment facility approved by the General Manager. A person operating a vehicle or equipment wash facility shall prevent drainage water from entering the sanitary sewer.

5.16 VEHICLE OR EQUIPMENT MINOR MAINTENANCE FACILITY.

A person operating a vehicle or equipment minor repair business that performs engine tune-up, air conditioning repair, electrical repair, front end alignments, exhaust system repair, suspension system repair, or brake system repair, shall obtain the General Manager's approval of the building design, size, and construction before discharging floor wash water to the POTW through a pretreatment facility.

5.17 VEHICLE OR EQUIPMENT MAJOR MAINTENANCE OR FLUID CHANGE FACILITY.

(A) A person operating a vehicle or equipment major repair business that performs engine dismantling, transmission repair, hydraulic system repair, differential repair, engine part rebuilding, or fluid changing, shall construct, operate, and maintain a pretreatment system approved by the General Manager.

(B) A person operating a vehicle or equipment major repair business may not discharge wastewater to the POTW through a floor drain or other device unless the effluent produced consistently complies with the standards established in these Regulations.

(C) A person operating a vehicle or equipment major repair business that does not maintain a pretreatment system or process shall:

(1) discharge into a hold-haul tank of a design, size, and construction approved by the General Manager; or

(2) physically separate the major vehicle or equipment maintenance and fluid change facility from building areas that drain to the POTW.

5.18 STEAM CLEANING OR CHEMICAL CLEANING FACILITY.

A person operating a steam cleaning or chemical cleaning facility shall construct, install, or maintain a pretreatment facility or process approved by the General Manager prior to discharging wastewater to the sanitary sewer.

ARTICLE 6. PERMIT PROCESS.

Division 1. General Permit Requirements.

6.1 DISCHARGE PERMIT REQUIRED.

A person may not deposit or discharge prohibited waste to the POTW without a permit.

6.2 APPLICATION REQUIREMENTS.

(A) A person seeking a permit must complete and file an application for a permit with the General Manager on the form provided by the General Manager and pay the application and permit fees established by Board. Additional rates and charges to be assessed to each permit holder shall be established on the basis of costs to the District and shall become effective at the time of adoption. The fees and other rates and charges shall be paid to the District and delivered to the General Manager with a copy of the application at the time of filing of the application with the General Manager.

(B) An application for a permit under these Regulations must include:

- (1) name, title, address, and telephone number of the authorized representative for the applicant;
- (2) description or address of the location;
- (3) description of the activity and process conducted at the location;
- (4) description of the facility at the location;
- (5) nature and characteristics of the proposed discharge;
- (6) a list of raw materials and chemicals used or stored at the location that may be discharged to the POTW, intentionally or accidentally;
- (7) type, amount, process, and rate of product produced;
- (8) type and amount of raw materials processed, including the daily average and daily maximum;
- (9) a copy of the site, floor, mechanical, and plumbing plans that show sewers, floor drains, and pretreatment facilities by size, location, elevation and points of origin; and
- (10) time and duration of discharge.

(C) The General Manager may require additional application information as necessary to determine compliance by the premises and proposed discharge.

(D) The authorized representative of the applicant must sign the application and make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

6.3 TRANSFER OF EXISTING PERMIT.

(A) A person assuming ownership, occupancy, or management of a premises covered by an existing permit shall apply for a transfer of the existing permit no later than the 30th day before the proposed transfer.

(B) The General Manager may transfer an existing permit if:

(1) the new owner, occupant or manager:

(a) complies with the application requirements of this section; and

(b) pays the permit transfer fee; and

(2) the discharge from the permitted premises complies with the requirements of these Regulations at the time of the transfer.

(C) A person assuming ownership, occupancy, or management of a currently permitted premises shall file an application for a transfer of the permit with the General Manager on the form provided by the General Manager and pay a permit transfer fee.

(D) An application for transfer of an existing permit must include:

(1) name, title, address, and telephone number of the authorized representative for the applicant;

(2) description or address of the location;

(3) description of the activity and the process conducted at the location;

(4) description of the facility at the location;

(5) nature and characteristics of the proposed discharge;

(6) a list of raw materials and chemicals used or stored at the location that may be discharged to the POTW, intentionally or accidentally;

(7) type, amount, process, and rate of product produced;

(8) type and amount of raw materials processed, including the daily average and daily maximum;

(9) a copy of the site, floor, mechanical, and plumbing plans that show sewers, floor drains, and pretreatment facilities by size, location, elevation, and points of origin; and

(10) time and duration of discharge.

(E) A person assuming ownership, occupancy or management of a premises covered by an existing permit shall certify that there has been no material change in:

(1) the equipment, facility or process used on the permitted premises; or

(2) the character, quantity, rate of flow, or other characteristics of the discharge.

(F) The General Manager may waive the permit application requirement for the transfer of a permit issued to a user that is not a significant industrial user.

6.4 DESIGNATION OF AUTHORIZED REPRESENTATIVE.

(A) A person holding a permit shall send written notification to the General Manager identifying the authorized representative:

- (1) annually;
- (2) upon appointment of a different authorized representative; or
- (3) as otherwise required by the General Manager.

(B) A person shall designate in writing an authorized representative and submit the name to the General Manager.

(C) An authorized representative under this section must be either:

- (1) an individual; or
- (2) for a significant industrial user, a position having responsibility for the overall operation of the facility from which a discharge originates, or environmental matters.

(D) If a change in personnel or policy requires a change to the authorized representative designation, a new designation under this section must be submitted to the General Manager before or with a report required to be signed by an authorized representative.

6.5 PERMIT RENEWAL.

(A) A person holding a permit shall apply for a renewal no later than the 60th day before the expiration of an existing permit.

(B) The General Manager may renew an existing permit if the person holding the permit complies with the application requirements of this section and timely pays the invoice for the permit renewal fee.

(C) A significant industrial user shall apply for renewal of a permit renewal by filing a complete permit application form.

(D) The General Manager may waive the permit renewal application requirement for a user that is not a significant industrial user.

(E) The General Manager may issue a permit renewal notice to a user that is not a significant industrial user with an attached invoice for payment of the permit renewal fee.

6.6 PERMIT RENEWAL FEE.

A person who receives a permit renewal notice shall pay the invoiced permit renewal fee on or before its due date.

6.7 PERMIT FOR MULTIPLE USER FACILITY.

(A) The General Manager may issue a permit for a multiple user facility that discharges prohibited waste to the POTW.

(B) The owner, occupant, or manager of, or person who has contracted for water and wastewater service for a multiple user facility shall file an application for a permit with the General Manager on the form provided by the General Manager and pay a permit application fee.

6.8 EXCEPTIONS TO PERMIT REQUIREMENT.

A person is not required to obtain a permit for the following premises:

- (1) a single family residence;
- (2) a residential duplex; or
- (3) a location that only discharges sewage.

6.9 LIMITATIONS ON ISSUANCE OF WASTEWATER DISCHARGE PERMIT.

(A) The General Manager may not approve an application for issuance, transfer or renewal of a permit unless the General Manager:

- (1) determines the application is complete, accurate, and meets the requirements of these Regulations, or federal, state, and local regulation;
- (2) completes an inspection of the premises;
- (3) approves the installation of required facilities or equipment; and
- (4) determines the proposed discharge complies with the requirements of these Regulations.

(B) The General Manager may not issue a permit for a period of more than five years from the date of issuance.

6.10 PERMIT DENIAL.

The General Manager may deny an application for issuance, transfer or renewal of a permit if:

- (1) the application contains false, incomplete, or inaccurate information;
- (2) an unauthorized person files the application; or
- (3) the applicant fails to comply with the requirements of these Regulations, or federal, state, or local requirements.

6.11 ADDITIONAL CONDITIONS.

The General Manager may impose additional or more stringent conditions in a permit as necessary to:

- (1) prevent pass through or interference;
- (2) protect the water quality of the POTW's receiving waters;
- (3) protect public health and safety;
- (4) facilitate proper sludge management and disposal;
- (5) protect the POTW against damage;
- (6) require self-monitoring, reporting, and record keeping by a person discharging wastewater to the POTW;
- (7) provide access to a permitted facility to allow inspection, sampling, or enforcement activities under these Regulations;
- (8) minimize wastewater treatment process expense;
- (9) ensure POTW compliance with the NPDES or TPDES permits;
- (10) protect ambient air quality; and
- (11) implement federal, state, and local pretreatment regulations.

6.12 PERMIT MODIFICATION.

The General Manager may modify a permit to:

- (1) incorporate a new or revised federal, state, or local pretreatment standard or requirement;
- (2) regulate an alteration or addition to a person's operation, process or wastewater volume or character of discharge;
- (3) temporarily or permanently reduce or eliminate a previously authorized discharge to implement a change in the POTW or sanitary sewer system;
- (4) respond to a threat to the POTW, sanitary sewer, receiving waters, treatment plant, or public health and safety caused by a discharge;
- (5) correct, abate, or prevent a recurrence of a violation of a term or condition of a permit;
- (6) respond to a misrepresentation or failure to fully disclose relevant facts in a permit application or a required report;

- (7) revise or grant a variance from categorical pretreatment standards;
- (8) correct a typographical, clerical, or other ministerial error in the permit; or
- (9) reflect a transfer of a permitted facility to a new owner, occupant, or manager.

Division 2. User Specific Permit Requirements.

6.13 SIGNIFICANT INDUSTRIAL USERS.

(A) In addition to the other requirements in these Regulations, a permit issued to a significant industrial user must include:

- (1) a statement identifying:
 - (a) the person holding the permit;
 - (b) the premises from which the permitted discharge will be emitted; and
 - (c) the nature, characteristics, conditions, and limitations to the permitted discharge;
- (2) the period during which the permit is effective;
- (3) a statement that the permit is non-transferable without the General Manager's approval;
- (4) a requirement that the person holding the permit must provide a new owner, operator, or manager of a permitted premises with a copy of the permit;
- (5) effluent limits based on federal, state, and local regulation;
- (6) requirements for:
 - (a) pretreatment;
 - (b) self-monitoring;
 - (c) sampling;
 - (d) reporting;
 - (e) notification;
 - (f) record keeping requirements, including identification of:
 - (i) pollutants to be monitored;
 - (ii) sampling locations;
 - (iii) sampling frequency; and
 - (iv) sample type;

(g) a statement of the civil, criminal, and administrative penalties for a violation of pretreatment standards, or other requirements of these Regulations; and

(h) an applicable compliance schedule consistent with federal, state, and local regulation.

(B) To protect the POTW, the General Manager may require that a permit issued to a significant industrial user include:

(1) limit on:

(a) the average or maximum rate of discharge; or

(b) time of discharge;

(2) flow regulation and equalization requirements;

(3) limit on the instantaneous daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

(4) requirements for:

(a) the installation of pretreatment and monitoring technology;

(b) the installation of pollution controls; or

(c) construction of an appropriate containment device designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(5) development and implementation requirements for a slug control plan, including management practices necessary to adequately prevent accidental or unanticipated discharges;

(6) development and implementation requirements for a waste minimization plan to reduce the amount of pollutants discharged to the POTW;

(7) a statement of the management and treatment unit charge or schedule of charges and fees for wastewater discharged to the POTW;

(8) installation and maintenance requirements for inspection and sampling facilities and equipment; or

(9) a statement that the permit is subject to modification by the General Manager in accordance with these Regulations.

(C) The General Manager may make a determination under 40 CFR 403.8(f)(6) that a person is not a significant industrial user if a person otherwise classified as a significant industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

6.14 OTHER USERS.

(A) In addition to the other requirements in these Regulations, a permit issued to a user not classified as a significant industrial user must include:

- (1) a statement identifying:
 - (a) the person holding the permit;
 - (b) the premises from which the permitted discharge will be emitted; and
 - (c) the nature, characteristics, conditions, and limitations to the permitted discharge;
- (2) the dates during which the permit will be effective;
- (3) a statement that the permit is non-transferable without notification to and approval by the General Manager;
- (4) a requirement that the person holding the permit must provide a new owner, operator, or manager of a permitted premises with a copy of the permit;
- (5) a statement of the civil, criminal, and administrative penalty for a violation of pretreatment standards, or other requirements of these Regulations; and
- (6) an applicable compliance schedule consistent with federal, state, and local regulation.

(B) To protect the POTW, the General Manager may require that a permit issued to a user not classified as a significant industrial user include additional terms contained in Section 6.13 (*Significant Industrial Users*).

Division 3. Fees and Charges.

6.15 SURCHARGE FOR EXTRA STRENGTH WASTEWATER.

(A) A person discharging extra strength wastewater to the POTW shall pay a monthly surcharge in addition to a usual monthly sewer service charge.

(B) The General Manager shall calculate the surcharge under this section using cost factors based on the capital and operating cost of wastewater facilities necessary to treat extra strength wastewater to reduce excessive biochemical oxygen demand, chemical oxygen demand, and suspended solids.

(C) The General Manager shall compute the surcharge based on either the chemical oxygen demand or the biochemical oxygen demand category formulas set out in this section.

(D) Abbreviations and numeric values in this section mean:

- (1) S: surcharge in dollars that will appear on the customer's monthly bills;
- (2) V: wastewater billed in millions of gallons during the billing period;

- (3) 8.34: pounds per gallon of water;
- (4) A: unit charge in dollars per pound of biochemical oxygen demand;
- (5) BOD: biochemical oxygen demand strength in milligrams per liter by weight;
- (6) 200 in the biochemical oxygen demand calculation in the biochemical oxygen demand formula means normal biochemical oxygen demand strength in milligrams per liter by weight;
- (7) B: unit charge in dollars per pound for suspended solids;
- (8) SS: suspended solids concentration in milligrams per liter by weight;
- (9) 200 in the suspended solids calculation in the biochemical oxygen demand and chemical oxygen demand formulas means normal suspended solids concentration in milligrams per liter by weight;
- (10) C: unit charge in dollars per pound for chemical oxygen demand;
- (11) COD: chemical oxygen demand strength in milligrams per liter by weight; and
- (12) 450: Normal chemical oxygen demand strength in milligrams per liter by weight.

(E) The General Manager shall use the following biochemical oxygen demand category formula to derive a surcharge for extra strength wastewater having a chemical oxygen demand concentration of less than 2.25 times that of the biochemical oxygen demand concentration: $S = V \times 8.34 (A [BOD - 200] + B [SS - 200])$.

(F) The General Manager shall use the following chemical oxygen demand category formula to derive a surcharge for extra strength wastewater having a chemical oxygen demand concentration of 2.25 or more times that of the biochemical oxygen demand concentration: $S = V \times 8.34 (C [COD - 450] + B [SS - 200])$.

(G) The General Manager may not assess a surcharge for one or more categories if the strength or concentration for biochemical oxygen demand, suspended solids or chemical oxygen demand is lower than or equal to the normal strength wastewater for that category.

(H) The General Manager may periodically reevaluate a unit charge based on flow rate, biochemical oxygen demand, chemical oxygen demand, and suspended solids and adjust a surcharge to reflect an increase or decrease in wastewater treatment and other applicable costs.

(I) The General Manager may assess a surcharge against a person who discharges extra strength wastewater to the POTW based on the person's site-specific wastewater discharge quality and quantity data, or a surcharge classification system.

(J) A person discharging wastewater to the POTW must notify the General Manager of major changes in operation that may affect the quantity or quality of wastewater discharged. If the person does not notify the General Manager of a change that results in a lower surcharge, the General Manager shall base the surcharge on the data available to the General Manager at the time the surcharge is billed.

(K) A person who discharges waste with a concentration of one or more categories of biochemical oxygen demand, chemical oxygen demand or suspended solids lower than or equal to normal strength wastewater is not entitled to credit for the total surcharge assessed by the General Manager.

(L) The General Manager may periodically reevaluate flow rate, biochemical oxygen demand, chemical oxygen demand or suspended solids data based on site specific discharge data or a classification system and adjust a specific user's surcharge to reflect any change in the discharge.

6.16 REMOVAL CREDIT.

(A) A person who applies for a removal credit must pay all costs connected with the removal credit study and the application, including costs incurred by the District. A person must notify the General Manager in writing of the person's assumption of responsibility for costs incurred by the City.

(B) The General Manager and the District's attorney shall review and approve an application for removal credit.

(C) The General Manager may grant a removal credit in compliance with state and federal regulation.

6.17 MULTIPLE USER FACILITY.

The General Manager shall bill the owner, occupant, or manager of a multiple user facility for disposal of the waste discharged.

ARTICLE 7. REQUIRED EQUIPMENT AND STRUCTURES.

7.1 AUTHORITY TO REQUIRE SPECIFIC EQUIPMENT.

The General Manager may require a person discharging wastewater containing prohibited waste to the POTW to install, operate and maintain equipment for:

- (1) pretreatment;
- (2) sampling;
- (3) monitoring;
- (4) flow equalization;
- (5) flow metering; or
- (6) protection of the POTW.

7.2 FLOW EQUALIZATION TANKS.

(A) The General Manager may require a person to install a flow equalization tank to prevent:

- (1) pass through;
- (2) interference;

- (3) collection system overload;
- (4) treatment plant upset;
- (5) inadequate treatment; or
- (6) damage to the POTW.

(B) A person shall submit plans for construction of a flow equalization tank to the General Manager for review and approval before construction.

(C) A person required to install a flow equalization tank shall operate and maintain the equipment in compliance with manufacturer's specifications.

ARTICLE 8. MONITORING AND REPORTING.

Division 1. Monitoring.

8.1 GENERAL MONITORING AUTHORITY.

(A) The General Manager or a state or federal regulatory agency may install and maintain equipment and personnel necessary to conduct surveillance, survey, sample, meter, or monitor a premises or facility discharging wastewater containing industrial waste or other prohibited waste.

(B) The General Manager may require a person to install monitoring and recording equipment the General Manager determines is necessary to monitor wastewater parameters and characteristics including:

- (1) pH;
- (2) dissolved oxygen;
- (3) total carbon;
- (4) oxidation reduction potential;
- (5) temperature;
- (6) conductivity;
- (7) specific ions;
- (8) flow;
- (9) total organic carbon;
- (10) lower explosive limit; and
- (11) sulfides.

(C) The General Manager shall monitor the quality and volume of discharge from a multiple user facility.

8.2 FLOW MEASUREMENT.

(A) The General Manager may require a person discharging industrial waste or prohibited waste into the POTW to install equipment necessary to measure the flow at a designated point.

(B) The General Manager may determine the volume of wastewater to be discharged by a person to the POTW based on:

- (1) actual metered flow of water measured through the District's water meter;
- (2) the average of the actual metered flow of water through the District's water meter for the winter wastewater averaging months; or
- (3) actual metered flow of water measured through a water meter or wastewater flow meter of a design, size, construction, and installation approved by the General Manager.

8.3 SAMPLING GUIDELINES.

(A) The General Manager may sample and inspect wastewater discharged or deposited to the POTW by significant industrial users:

- (1) annually; or
- (2) more frequently as necessary to protect the POTW.

(B) The General Manager may periodically sample and inspect wastewater discharged or deposited to the POTW by a person not classified as a significant industrial user.

(C) The General Manager shall collect samples representative of the character and concentration of the wastewater under operational conditions. The General Manager may determine the schedule or program for sampling wastewater.

(D) A person may request that the General Manager sample wastewater discharged at any time, provided the person pays the full cost of sampling and analysis. The General Manager is not required to perform additional requested sampling.

(E) In the event that the General Manager determines that a sample contains a prohibited pollutant in a different amount or concentration than a wastewater sample taken by a person subject to self-sampling or self-monitoring, the measurement taken by the General Manager shall be determinative.

Division 2. Reporting.

8.4 SELF-MONITORING AND REPORTING REQUIREMENTS.

(A) A person engaged in an industry subject to national pretreatment requirements promulgated by EPA shall follow the self-monitoring and reporting requirements published in the Federal Register.

(B) The General Manager may authorize a person who discharges waste to the sanitary sewer to:

- (1) take periodic samples;
- (2) analyze the samples for the presence or quantity of prohibited pollutants; and
- (3) report the results to the General Manager.

8.5 AUTHORIZED SIGNATURE REQUIRED.

An authorized representative shall sign the following reports and the reports must contain the certification set out in Section 6.2 (*Application Requirements*):

- (1) baseline monitoring reports from existing categorical user;
- (2) baseline monitoring report from new source categorical user;
- (3) categorical pretreatment standard compliance deadline report; and
- (4) periodic reports required from a significant industrial user or other user.

8.6 BASELINE MONITORING REPORT FROM EXISTING CATEGORICAL USER.

No later than the 180th day after the effective date of a categorical pretreatment standard or the date of the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), existing categorical users currently discharging or scheduled to discharge to the POTW, shall submit a report to the General Manager in compliance with the requirements of Section 8.8 (*Information Required From a Person Subject to Categorical Pretreatment Standards*).

8.7 BASELINE MONITORING REPORT FROM NEW SOURCE CATEGORICAL USER.

(A) No later than the 90th day before beginning discharge, a new source user or a source that becomes a significant industrial user after the promulgation of a categorical pretreatment standard must submit a report to the General Manager in compliance with the requirements of Section 8.8 (*Information Required From a Person Subject to Categorical Pretreatment Standards*), together with a report describing the pretreatment method the user intends to use to meet applicable pretreatment standards.

(B) New source users shall give estimates of information showing:

- (1) the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and other wastewater sufficient to allow calculation of the combined waste stream formula set out in 40 CFR Section 403.6(e);
- (2) measurement of pollutants;
- (3) identification of the categorical pretreatment standards applicable to the regulated process; and
- (4) the results of a sampling and analysis representative of daily operations:
 - (a) performed in accordance with approved techniques set out in 40 CFR Part 136; and

(b) if required by an applicable pretreatment standard or the General Manager, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:

- (i) instantaneous;
- (ii) daily maximum; and
- (iii) average concentration or mass.

8.8 INFORMATION REQUIRED FROM A PERSON SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS.

Existing or new source categorical users shall submit the following information to the General Manager in reports under this article:

- (1) the name and address of the facility;
- (2) the name of the owner, operator, or manager of the facility;
- (3) a list of environmental control permits held by or for the facility;
- (4) a brief description of the nature, average rate of production, and standard industrial classification or North American Industry Classification System classification of the operation conducted by the user including a schematic process diagram that indicates points of discharge to the POTW from the regulated process;
- (5) information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and other wastewater sufficient to allow calculation of the combined waste stream formula set out in 40 CFR Section 403.6(e);
- (6) measurement of pollutants;
- (7) identification of the categorical pretreatment standards applicable to the regulated process;
- (8) the results of a sampling and analysis representative of daily operations:
 - (a) performed in accordance with approved techniques set out in 40 CFR Part 136; and
 - (b) if required by an applicable pretreatment standard or the General Manager, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:
 - (i) instantaneous;
 - (ii) daily maximum; and
 - (iii) average concentration or mass;

(9) a statement reviewed by its authorized representative and certified to by a qualified technician indicating:

(a) that the user meets pretreatment standards on a consistent basis; or

(b) if the user does not meet pretreatment standards, additional operation and maintenance or additional pretreatment necessary to meet the pretreatment standards and requirements; and

(10) a compliance schedule, if applicable.

8.9 COMPLIANCE SCHEDULE REQUIREMENTS.

(A) If additional pretreatment or operation and maintenance are required to meet a pretreatment standard, a user shall immediately perform the additional pretreatment or operations and maintenance.

(B) A compliance schedule under this article shall:

(1) include a completion date not later than the compliance date in the pretreatment standard;

(2) achieve the compliance requirements set by the General Manager;

(3) include progress increments, not to exceed nine months, or benchmarks showing the dates for commencement and completion of major events necessary to meet pretreatment standards, including:

(a) employment of an engineer;

(b) completion of preliminary and final plans;

(c) execution of contracts;

(d) commencement and completion of major component construction; and

(e) pre-operation testing.

(C) A person required to submit a compliance schedule under this section shall also file a progress report, no later than the 14th day after the date of a major event in a compliance schedule or the date of final compliance.

(D) progress report filed under this section shall include a statement that:

(1) the person is in compliance with the progress increment; or

(2) explains the reason for delay, and the action taken to achieve the established schedule.

8.10 CATEGORICAL PRETREATMENT STANDARD COMPLIANCE.

- (A) A person shall file a report with the General Manager no later than the 90th day after:
 - (1) the date of final compliance with a categorical pretreatment standard; or
 - (2) in the case of a new source, the date wastewater is first introduced into the POTW.

- (B) A report filed under this section must contain:
 - (1) information showing the measured average daily and maximum daily flow in gallons per day to the POTW from a regulated process and other wastewater sufficient to allow calculation of alternate limits using the combined waste stream formula set out in 40 CFR Section 403.6(e);
 - (2) measurement of pollutants;
 - (3) identification of the categorical pretreatment standards applicable to the regulated process;
 - (4) the results of a sampling and analysis representative of daily operations:
 - (a) performed in accordance with approved techniques set out in 40 CFR Part 136; and
 - (b) if required by an applicable pretreatment standard or the General Manager, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:
 - (i) instantaneous;
 - (ii) daily maximum; and
 - (iii) average concentration or mass; and
 - (5) a statement reviewed by its authorized representative and certified to by a qualified technician indicating:
 - (a) that the user meets pretreatment standards on a consistent basis; or
 - (b) if the user does not meet pretreatment standards, additional operation and maintenance or pretreatment necessary to meet the pretreatment standards and requirements.

- (C) A significant industrial user subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c) shall report a reasonable estimate of the significant industrial user's long term production rate.

- (D) Other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall report the user's actual production or other measure of operation.

8.11 PERIODIC REPORTS.

(A) A significant industrial user subject to a pretreatment standard shall submit to the General Manager a written, signed and certified report at least twice each calendar year on the dates specified by the General Manager.

(B) A report under this section shall include the information required in Section 8.8 (*Information Required From a Person Subject to Categorical Pretreatment Standards*).

(C) The General Manager may require a person who generates waste discharged, deposited or otherwise received for treatment at the POTW to report:

(1) the nature and concentration of pollutants in the discharge;

(2) the origin of the waste; and

(3) other information as the General Manager considers necessary to identify and process the waste or to protect the POTW.

(D) If the General Manager imposes mass limitations on an user under 40 CFR Section 403.6 (d), the user shall include the mass of pollutants in the user's discharge regulated by the pretreatment standards in the periodic report required under this section.

(E) If the General Manager has imposed equivalent mass or concentration limits on an user under 40 CFR Section 403.6(c), the user shall include a reasonable estimate of the user's long-term production rate in the periodic report required under this section.

(F) Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall include the user's actual average production rate for the reporting period in the periodic report required in this section.

8.12 CHANGED CONDITION.

(A) For the purpose of this section a significant change is a flow increase of ten percent or more, or the discharge of a previously unreported pollutant.

(B) A person discharging wastewater with the potential to alter the nature, quality, or volume of the wastewater in the POTW or a portion of the sanitary sewer shall notify the General Manager of planned significant changes to the person's operations or wastewater treatment system, not later than the earliest of:

(1) the 30th day before the person implements the change;

(2) the date required by the person's permit; or

(3) the date prescribed by the standards and procedures contained in this section.

(C) The General Manager may require a person who discharges wastewater to the POTW to submit information necessary to evaluate a changed condition in the person's operations or wastewater treatment system, including an application for a permit.

(D) The General Manager may issue a permit or modify an existing permit based on a report of changed conditions.

(E) A person may not implement a planned significant change until the General Manager has acted on the person's notice under this section.

8.13 ACCIDENTAL OR UNAUTHORIZED DISCHARGE.

(A) A person shall immediately notify the General Manager by telephone if a discharge occurs which may cause a potential problem for the POTW or a violation of the prohibited discharge standards established under these Regulations, including:

- (1) an accidental discharge;
- (2) a non-routine, episodic discharge;
- (3) a non-customary batch discharge; or
- (4) a slug discharge.

(B) Notice under this section must include:

- (1) the location of the discharge;
- (2) the type of waste or pollutant discharged;
- (3) the concentration and volume of waste or pollutant discharged;
- (4) treatability of the waste or pollutant;
- (5) toxic effects to humans; and
- (6) corrective actions taken.

(C) No later than the fifth day after the discharge, the person responsible for the discharge must submit a written report to the General Manager describing:

- (1) the nature and cause of the discharge; and
- (2) preventative measures that will be taken to prevent similar future occurrences.

(D) The General Manager may, in writing, waive the requirement of a report under this section.

(E) A person providing notification under this section is not relieved of liability for loss, expense, damage, or other injury that may occur as a result of the discharge.

8.14 EMPLOYEE NOTIFICATION.

A person discharging wastewater containing prohibited waste shall permanently post notice of procedures for reporting problem discharges in a prominent place. A person shall inform an employee

who causes a problem discharge or is responsible for reporting a problem discharge of the notification requirements and procedures under this section.

8.15 REQUIRED REPORT.

A person who discharges wastewater containing prohibited waste to the POTW shall provide the General Manager with reports and information that the General Manager considers necessary to monitor and evaluate a particular discharge.

8.16 SELF-REPORT OF VIOLATION.

A person who discharges wastewater containing prohibited waste to the POTW and who performs sampling that indicates a violation of these Regulations shall notify the General Manager no later than 24 hours after becoming aware of the violation.

8.17 HAZARDOUS WASTE DISCHARGE NOTIFICATION.

(A) A person who discharges waste to the POTW that, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261, shall notify the General Manager, the EPA, and the TCEQ of the discharge.

(B) Notification under this section must include:

- (1) the name of the hazardous waste as described in 40 CFR Part 261;
- (2) the EPA hazardous waste identification number; and
- (3) the type of discharge.

(C) A person shall provide the notification required under this section no later than the 180th day after the discharge of the hazardous waste begins. Except as provided in Subsection (D), a person must submit notification only once under this section for each hazardous waste discharged.

(D) If a person discharges more than 100 kilograms of waste subject to this section to the POTW in a calendar month, written notification under this section must include:

- (1) identification of the hazardous constituents contained in the waste;
- (2) an estimate of the mass and concentration of the hazardous constituents in the waste stream discharge during the current calendar month; and
- (3) an estimate of the mass of hazardous constituents that will be discharged in the waste stream during the following 12 month period.

(E) Except as provided in Subsection (F), a person discharging less than 15 kilograms of hazardous waste not classified as acute hazardous waste under 40 CFR Sections 261.30(d) and 261.33(e) during a calendar month is exempt from the notification requirements of this section.

(F) A pollutant previously reported under the self-monitoring requirements in these Regulations does not need to be identified in the notification required under this section.

(G) A person must provide written notification to the General Manager, the EPA and the TCEQ upon the first discharge of:

- (1) more than 15 kilograms of non-acute hazardous waste in a calendar month; or
- (2) a quantity of acute hazardous wastes under 40 CFR Sections 261.30(d) and 261.33(e).

(H) A person shall notify the General Manager, the EPA, and the TCEQ of the discharge of a substance newly identified as hazardous under Section 3001 of the Resource Conservation and Recovery Act no later than the 90th day after the effective date of the regulation identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste.

(I) A person required to provide notification made under this section shall certify that a program to reduce the volume and toxicity of hazardous waste is installed and functional.

8.18 RECORDS RETENTION.

(A) A person discharging wastewater containing prohibited waste to the POTW or disposing of waste off-site shall retain and make available for inspection and copying by the General Manager all records and information required under these Regulations.

(B) Unless federal or state law requires information to be retained for a longer period, a person shall retain records under these Regulations for at least three years from the date the record is created.

(C) The records retention period is automatically extended for:

- (1) the duration of compliance litigation under these Regulations; or
- (2) a longer period set by an enforcement order issued under these Regulations.

8.19 CONFIDENTIALITY.

A person who may assert the trade secret exception to disclosure under Chapter 552 (*Public Information Act*) of the Texas Government Code must clearly mark “confidential business information” on each page that contains proprietary information.

Division 3. Sampling.

8.20 SAMPLING AND ANALYSIS REQUIREMENTS.

(A) Except as otherwise provided by a categorical pretreatment standard, a person who samples or analyzes wastewater under these Regulations must perform the sampling or analysis in accordance with the techniques prescribed in 40 CFR Part 136.

(B) If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant found in wastewater released to the POTW, a person must perform sampling and analysis in accordance with procedures approved by EPA.

8.21 REQUIRED SAMPLE COLLECTION TECHNIQUES.

(A) Except as otherwise provided in this section or by applicable federal, state, or local law, a person that discharges wastewater containing industrial waste or other prohibited waste must collect a wastewater sample using flow proportional composite collection techniques.

(B) If the General Manager determines that flow proportional sampling is not feasible, the General Manager may authorize the use of:

- (1) time proportional sampling;
- (2) sampling of a minimum of four grab samples; or
- (3) other applicable approved sampling procedure provided that the procedure collects a representative sample of the discharged effluent.

(C) A person shall use grab collection techniques to obtain samples of fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals.

8.22 REPEAT SAMPLING REQUIRED.

(A) In addition to the self-reporting requirements in these Regulations, a person discharging wastewater containing prohibited waste who conducts a sample and analysis that indicates a violation of these Regulations must:

- (1) repeat the sampling and analysis; and
- (2) submit the results of the repeat analysis to the General Manager not later than the 30th day after becoming aware of the violation.

(B) A person is not required to conduct repeat sampling and analysis under this section if the POTW:

- (1) monitors the person's premises at least once each month; or
- (2) conducts a sampling between the initial self-sampling and receipt by the person of the results of the sample analysis.

8.23 SAMPLING REQUIREMENTS.

(A) A person shall use wastewater samples representative of actual discharge as the basis of a periodic report filed with the General Manager.

(B) A person shall maintain and operate wastewater monitoring and flow measurement facilities in good working order. A user may not submit a sample result that is not representative of an operation's discharge based on the user's failure to keep its monitoring facility in good working order.

(C) A person subject to categorical reporting requirements shall include the results from all approved methods used to monitor a pollutant in the periodic report to the General Manager, including results obtained by monitoring conducted more frequently than required by the General Manager.

8.24 SAMPLE TO DETERMINE NON-COMPLIANCE.

The General Manager may use a grab sample to determine non-compliance with pretreatment standards.

ARTICLE 9. REGULATION OF LIQUID WASTE, GREASE TRAPS AND GRIT TRAPS.

9.1 RESTRICTIONS ON DISCHARGE OF LIQUID WASTE.

(A) A person shall dispose of liquid waste only by discharge or deposit at an approved receiving station.

(B) A person shall only discharge approved liquid waste to an approved receiving station owned or operated by the City.

(C) This section does not prohibit the disposal of liquid waste at a permitted landfill in compliance with local, state, and federal regulations governing disposal of liquid waste.

9.2 REQUIREMENTS FOR CLEANING GREASE TRAPS.

(A) A person who discharges wastewater from a grease trap to the POTW shall:

(1) completely remove all fat, oil, or grease waste, other liquid waste, semisolid or solid and residue from the grease trap when the grease trap is cleaned; and

(2) clean the grease trap the earlier of:

(a) at least every three months; or

(b) when 50 percent or more of the wetted height of the grease trap, as measured from the bottom of the grease trap to the invert of the outlet pipe, contains grease and solids.

(B) The General Manager may reduce the cleaning frequency requirement in writing if the General Manager determines, based on written documentation submitted by the generator, that the reduced cleaning frequency does not contribute to or cause a violation of these Regulations.

(C) A person cleaning a grease trap shall dispose of the waste removed from a grease trap in accordance with federal, state, and local regulations.

(D) The General Manager may establish other cleaning requirements for grease traps as necessary to protect the POTW or a portion of the sanitary sewer.

9.3 REQUIREMENTS FOR CLEANING GRIT TRAPS.

(A) A person who discharges wastewater from a grit trap to the POTW shall completely remove all oil and grease waste, other liquid waste, semi-solid, or solid and residue from the grit trap when the grit trap is cleaned.

(B) A person cleaning a grit trap shall dispose of the waste removed from a grit trap in accordance with federal, state, and local regulations.

(C) The General Manager may establish other cleaning requirements for grit traps as necessary to protect the POTW or a portion of the sanitary sewer system.

ARTICLE 10. MANHOLE REQUIREMENTS.

10.1 DEFINITIONS.

In this article:

(1) **BUILDING TAP** means the point of connection between a building sewer main and a wastewater service connection.

(2) **CONTROL MANHOLE** means an access into a building sewer located on private property at or near a building tap.

(3) **CUSTOMER** means:

(a) a person provided with utility service by the District at a specified service address;

(b) an owner of property connected to the District's utility service at a specified service address; or

(c) a person who receives the benefit of the District's utility service.

(4) **MINI-MANHOLE** means an access into the District sewer system located on a wastewater service connection.

(5) **WASTEWATER MANHOLE** means an access into the District sewer system located on a public sewer main.

(6) **WASTEWATER SERVICE CONNECTION** means that part of the District sewer system extending from the building tap to the public sewer main.

10.2 MANHOLE REQUIRED.

(A) A customer shall construct a wastewater manhole on the sewer system of a building, structure, facility, or installation, built or modified to:

(1) discharge a pollutant required to be permitted under these Regulations;

(2) contain more than 15 dwelling units or guest units;

(3) be served by a water meter greater than two inches in diameter; or

(4) be served by a building sewer main greater than four inches in diameter.

(B) A customer shall construct a wastewater manhole or mini-manhole at the customer's expense.

(C) A customer required by Subsection (a) to install a control manhole shall install the manhole at the customer's expense as part of the customer's plumbing system. A control manhole must be accessible to the utility at all times to allow maintenance of the wastewater service connection, discharge sampling, flow monitoring, and inspection.

(D) A wastewater manhole, mini-manhole, or control manhole constructed under this section must conform to standards and specifications approved by the General Manager.

10.3 ALTERNATE CONSTRUCTION.

The General Manager may approve the construction of a control manhole or mini-manhole instead of a wastewater manhole if the General Manager determines that the installation of a control manhole or mini-manhole provides the utility with sufficient access to maintain the wastewater service connection, monitor flow, sample building discharge, and conduct an inspection.

10.4 OWNERSHIP AND MAINTENANCE.

(A) A customer shall own and maintain a control manhole.

(B) The District shall own and maintain a wastewater manhole or mini-manhole when:

- (1) construction is completed;
- (2) the District accepts the wastewater manhole or mini-manhole; and
- (3) the customer pays all inspection fees.

(C) A customer may access a mini-manhole to maintain or inspect a building sewer.

10.5 DEDICATION OF WASTEWATER MANHOLE.

A customer shall:

- (1) deliver to the utility a bill of sale, assignment, or other instrument of transfer for the dedication of a wastewater manhole or mini-manhole; and
- (2) assign to the District any warranties, guarantees, maintenance bonds, or assurances of performance related to a wastewater manhole or mini-manhole.

10.6 SAMPLING PORT OR CONTROL MANHOLE.

(A) A person discharging wastewater containing prohibited waste to the POTW shall install, operate, and maintain a sampling port or control manhole.

(B) A person shall locate a sampling port or control manhole at or near the property line as approved by the General Manager.

(C) A person shall locate a sampling port or control manhole on:

- (1) a common building drain line connected to the sanitary sewer;

(2) each drain line connected to the sanitary sewer, if the property has more than one drain line; or

(3) a drain line installed for collection of representative samples.

(D) A person shall submit plans for construction of a sampling port or control manhole to the General Manager for review and approval before construction.

(E) A person shall operate and maintain a sampling port or control manhole in compliance with the manufacturer's specifications.

(F) A person shall allow the General Manager access to a sampling port or control manhole for inspection, sampling, flow monitoring, and enforcement of these Regulations.

10.7 SAMPLE PORT REQUIRED FOR WASTEWATER MANHOLE.

The General Manager may require a customer to install a sample port constructed in compliance with the requirements of these Regulations if the customer discharges pollutants required to be permitted under these Regulations.

ARTICLE 11. ENFORCEMENT, PENALTIES, AND APPEAL.

Division 1. Enforcement Procedures.

11.1 RIGHT OF ENTRY.

(A) The General Manager or an approval authority representative may enter the premises of a person to determine if the person is in compliance with the requirements of these Regulations or a permit or order issued under these Regulations. The General Manager may enter a public easement or private property where a portion of the sewer system is located.

(B) The General Manager or an approval authority representative may:

(1) enter, inspect, sample, monitor or conduct surveillance or enforcement activities relating to the sewer system servicing a premises;

(2) enter a premises to gain access to a source of industrial waste or other prohibited waste or discharge; and

(3) inspect pretreatment, sampling, or monitoring equipment, method of pretreatment, monitoring, or record required under these Regulations.

(C) A person discharging or proposing to discharge wastewater to the POTW or sanitary sewer shall, at the person's sole expense, promptly remove security barriers or other obstacles to access by the General Manager or an approval authority representative.

(D) A person who fails to remove an obstruction or unreasonably delays access by the General Manager or an approval authority representative to premises discharging to the POTW commits an offense.

11.2 SEARCH WARRANT.

The General Manager may seek issuance of a search warrant from a municipal court or other court of competent jurisdiction if the General Manager has been refused access to a building, structure, property, or premises and can demonstrate that the General Manager has probable cause to believe that:

- (1) a violation of these Regulations, a permit, or other enforcement order exists;
- (2) there is a need to conduct a routine compliance inspection or to protect public health or safety; or
- (3) there is an emergency affecting public health or safety.

Division 2. Penalties.

11.3 CRIMINAL PENALTY.

(A) The provisions of these Regulations constitute rules adopted under the authority set forth in Section 54.205 of the *Texas Water Code*. As provided in Section 54.206 of the *Texas Water Code*, the provisions of these Regulations will be recognized by the courts as if they were penal ordinances of a city. Any person or entity that violates any of the provisions of these Regulations may be fined for each offense up to the maximum amount allowed for a Class C misdemeanor under the *Texas Penal Code*, and will be assessed all costs of the District and the City related to such violations, including, but not limited to, costs of clean-up, administrative and professional fees and fines or penalties levied by other governmental entities with jurisdiction, plus 10%. Each day of violation constitutes a separate offense. Any violator will be assessed all costs incurred by the District in connection with the violation, including reasonable fees for attorneys, expert witnesses and other costs incurred by the District, as permitted by Section 49.004 of the *Texas Water Code*.

(B) Proof of a higher degree of culpability than criminal negligence constitutes proof of the culpability charged.

11.4 CIVIL PENALTY.

(A) If a person has received actual notice of the provisions of these Regulations and acts in violation of these Regulations or fails to take action to comply with these Regulations, or federal, state or local regulations, the District may initiate a suit:

- (1) to recover a civil penalty not to exceed \$5,000 a day for each violation;
- (2) to obtain injunctive relief;
- (3) to recover expenses, loss or damage to District property; or
- (4) for other available relief.

(B) Each day or part of a day during which non-compliance occurs constitutes a separate violation. Initiation of a civil suit does not prevent other action against a person for violations of these Regulations.

11.5 EMERGENCY SUSPENSION.

(A) Upon informal written or verbal notice, the General Manager may suspend water and wastewater service and disconnect a premises from the District's wastewater system if the General Manager determines that an actual or threatened discharge:

- (1) presents an imminent danger to public health or safety;
- (2) presents an imminent danger of pass through;
- (3) presents a threat to the environment; or
- (4) threatens to interfere with the operation of the POTW.

(B) A person notified of the suspension of the person's service shall immediately stop the discharge or eliminate its contribution to the waste stream.

(C) If a person fails to immediately comply with an emergency suspension order, the General Manager may take necessary measures to prevent or minimize damage to the POTW, the environment, the public, or property.

(D) The General Manager may not allow a discharge to continue if termination proceedings have been initiated. Evidence that the danger caused by a discharge has ceased does not affect the suspension authorized by this section. The General Manager is not required to provide a hearing before authorizing an emergency suspension.

11.6 PERMIT REVOCATION.

The General Manager may revoke a permit if a person violates these Regulations, or other federal, state, or local wastewater pretreatment regulation.

11.7 TERMINATION ORDER.

If the General Manager determines that a person has violated these Regulations, a permit, or enforcement order, the General Manager may:

- (1) order the person to terminate discharge to the POTW; and
- (2) enforce termination of the discharge by severing the person's sewer connection.

11.8 TERMINATION OF WATER OR WASTEWATER SERVICE.

If the General Manager determines that a person has violated these Regulations, a permit, or enforcement order, the General Manager may issue an order terminating water or wastewater service to the person's premises.

11.9 RECOVERY OF ECONOMIC BENEFIT.

If the General Manager determines that a person has violated these Regulations, a permit enforcement order, or agreement, the General Manager may recover the economic benefit accrued to the person due to the person's non-compliance, including:

- (A) the cost benefit resulting from the delay or avoidance of:
 - (1) capital costs that would have been incurred for compliance; and
 - (2) operation and maintenance costs that would have been incurred for compliance, including the cost of labor, utilities, chemicals, supplies, replacement parts, overhead, monitoring, permit fees, and other fixed or variable costs;
- (B) a reasonable investment rate of return on the cost benefit calculated under Subsection (A);
- (C) the value of a competitive advantage derived by the person attributable to the person's non-compliance, including increased profit or market share compared to competitors in compliance; and
- (D) other economic benefit the General Manager may determine.

11.10 CUMULATIVE REMEDIES.

The remedies authorized under these Regulations are cumulative unless specifically prohibited by state or federal regulation.

11.11 LIABILITY.

- (A) A person may be held liable for a violation of these Regulations if the person:
 - (1) commits or assists in the commission of a violation;
 - (2) is an authorized representative under these Regulations; or
 - (3) is the owner, occupant, tenant, or manager of premises, property or a facility that is the source of a discharge in violation of these Regulations.
- (B) A person who violates these Regulations is liable to the District for expenses, loss or damage incurred as a result of the violation.
- (C) The purpose of these Regulations is to promote the health, recreation, safety and welfare of the public. Therefore any discharge by a person in violation of these Regulations is declared to be a public nuisance and any other person may apply to any court of competent jurisdiction for and may obtain an injunction restraining a violation of these Regulations. Such proceedings will be guided by the rules of other injunction proceedings. The District's attorney may file suit for an injunction whenever the Board has reasonable cause to believe an ongoing violation of these Regulations exists.
- (D) Any person discharging effluent that presents an immediate threat to the public health or the collection system is subject to immediate water service termination, sewer service disconnection or both.

Division 3. Administrative Remedies.

11.12 NOTICE OF VIOLATION.

(A) The General Manager may serve a written or verbal notice of violation on a person the General Manager determines has violated or is violating:

- (1) these Regulations;
- (2) the conditions of a permit or order issued under these Regulations; or
- (3) other pretreatment standard or requirement.

(B) A notice of violation shall describe the violation and state that, no later than the 14th day after receipt of the notice, a person must provide to the General Manager with an explanation of the violation and a plan for the satisfactory correction and prevention, including specific actions for correction of the violation.

(C) A person who submits a proposed corrective plan under this section is not relieved of criminal or civil liability for a violation of these Regulations.

11.13 VOLUNTARY COMPLIANCE.

(A) The General Manager may accept from a person responsible for a violation under these Regulations a written assurance of voluntary compliance, or issue a consent order or similar document that establishes an agreement for voluntary compliance.

(B) An agreement under this section must:

- (1) describe the violation;
- (2) describe the specific action the person must take to correct the violation;
- (3) specify the time period for the person to complete the corrective action;
- (4) be signed and dated by the person responsible for compliance; and
- (5) be judicially enforceable.

(C) The General Manager may take action to enforce compliance with an agreement under this section.

11.14 SHOW CAUSE HEARING.

(A) The General Manager may order a person responsible for a violation of these Regulations, a permit, or a pretreatment standard or requirement to appear before the General Manager and show cause why a proposed enforcement action should not be taken.

(B) The General Manager shall serve notice to a person under this section including:

- (1) the time and place for a hearing;

- (2) the nature of the violation;
- (3) the proposed enforcement action;
- (4) the reasons for the enforcement action; and
- (5) a request that the person show cause why the proposed enforcement action should not be taken.

(C) The General Manager must serve notice under this section in person or by certified mail, return receipt requested, no later than the third day before the hearing. Notice may be served on an employee, agent or other authorized representative of a person responsible for a violation.

(D) The General Manager may take immediate enforcement action following the noticed hearing.

(E) The General Manager is not required to hold a show cause hearing prior to taking action against a person for a violation of these Regulations. Issuance of notice under this section does not prevent the General Manager from pursuing emergency action if the General Manager determines the action is required to prevent pass through, damage to the POTW or sanitary sewer, or interference with the POTW.

11.15 COMPLIANCE ORDER.

(A) If the General Manager determines that a person has violated or continues to violate these Regulations, a permit, enforcement order, or a pretreatment standard or requirement, the General Manager may issue an order to the person directing the person to correct the violation within a specified time period.

(B) If a person does not comply within the time period provided, the General Manager may discontinue and disconnect water or wastewater service to the non-compliant premises unless the person installs and operates a treatment facility, device, or equipment sufficient to ensure compliance.

(C) The General Manager may order other requirements necessary to protect the POTW or sanitary sewer including additional self-monitoring, reporting and waste management practices designed to minimize the amount of pollutants discharged to the POTW.

(D) The General Manager shall not issue a compliance order that extends a compliance deadline established for a pretreatment standard or requirement established by federal law or by EPA order or regulation.

11.16 CEASE AND DESIST ORDER.

If the General Manager determines that a person is violating these Regulations, a permit, or enforcement order, or that past violations committed by the person are likely to recur, the General Manager may issue an order directing the person to:

- (1) immediately cease and desist the violations;
- (2) immediately comply with requirements of these Regulations, a permit, or enforcement order; and

(3) take necessary remedial or preventive action to address a present, continuing or threatened violation, including halting operations or terminating the wastewater discharge to the POTW.

11.17 PERMIT CANCELLATION.

The General Manager may cancel a permit for the following reasons:

- (1) abandonment of the permitted facility;
- (2) vacancy or nonuse of the permitted facility for 90 days or more;
- (3) cessation of operations that required a permit;
- (4) transfer of the permitted facility to a new owner, occupant or manager; or
- (5) issuance of a new or modified permit.

Division 4. Appeals.

11.18 APPEAL PROCEDURE.

(A) A person aggrieved by an administrative decision, interpretation or ruling by the District under these Regulations may appeal by filing a written appeal with the General Manager no later than the 30th day after the issuance of the decision, interpretation, or ruling, and delivering a copy of the appeal to the District's attorney.

(B) An appeal under this section must include:

- (1) the name and address of the person making the appeal;
- (2) a statement of facts surrounding the particular ruling or refusal to make a ruling;
- (3) a copy of the disputed ruling or evidence of a refusal to make a ruling; and
- (4) the reason the ruling should be set aside or, if there was no ruling, the reason a ruling is required.

11.19 HEARING OF APPEALS.

(A) At the first regular Board meeting following the filing of the appeal with the Board, but in no event sooner than 15 days from the date of filing of the appeal, the appeal together with the testimony of all parties concerned, will be considered by the Board.

(B) At a Board meeting at which an appeal is considered, the Board may:

- (1) allow the person who filed the appeal to make a presentation of the person's position and statement of facts; and
- (2) consider the position and statement of facts presented by General Manager.

(C) The Board shall issue a written decision no later than the 30th after the date of a Board meeting at which an appeal is considered. The decision of the Board is final and is not subject to further appeal.

(D) An appeal filed under these Regulations does not stay an enforcement action pending the Board's decision.

(E) The Board may not grant a waiver or variance under these Regulations in a ruling on an appeal. The Board's decision is limited to affirming or overruling the decision, interpretation, or ruling under appeal, or the application of a rule to the person who filed the appeal.

Division 5. Defenses.

11.20 AFFIRMATIVE DEFENSE TO PROHIBITED DISCHARGE OF A POLLUTANT.

It is an affirmative defense to prosecution for a violation of the general prohibitions under Subsections 3.1(2) and (3) (*General Prohibitions Against Discharge*) and the specific prohibitions under Subsections 3.2(4), (7), (10), (14), (15), and (16) (*Specifically Prohibited Pollutants*) that the person did not know, or have reason to know, that the person's discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and:

(1) immediately before and during the pass through or interference, the person was in compliance with a local limit for the discharged pollutant causing the pass through or interference; or

(2) no local limit exists for the pollutant that caused the pass through or interference, and the discharge:

(a) did not change substantially in nature or constituents from an earlier discharge during which the POTW was in compliance with the NPDES or TPDES permits, and

(b) in the case of interference, the POTW was in compliance with applicable sludge use or disposal requirements.

11.21 AFFIRMATIVE DEFENSE FOR VIOLATION OF BYPASS PROHIBITION.

(A) It is an affirmative defense to prosecution for violation of the prohibitions against bypass under Section 3.7 (*Bypass*), that:

(1) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, and the person causing or allowing the bypass complied with the notice requirements in Section 3.7 (*Bypass*); or

(2) no feasible alternatives to the bypass existed, including the use of an auxiliary treatment facility, retention of untreated waste, or preventative maintenance during a normal period of equipment downtime.

(B) A person may not assert an affirmative defense to prosecution for a bypass occurring during a normal period of equipment downtime or preventative maintenance, if the person should have, in the exercise of reasonable engineering judgment, installed adequate backup equipment to prevent a bypass.

11.22 ACT OF GOD.

It is an affirmative defense to prosecution in an action brought in state or municipal court for a violation of these Regulations that the violation was caused solely by an act of God, war, strike, riot, or other catastrophe.

Division 6. Non-compliant Users List.

12.1 PUBLICATION OF NON-COMPLIANT USERS LIST.

(A) In this section, significant noncompliance means:

(1) chronic violations of wastewater discharge limits in which 66 percent or more of wastewater measurements taken for a pollutant parameter during a six month period exceed by any amount the daily maximum limit or average limit for the pollutant parameter;

(2) technical review criteria violations in which 33 percent or more of wastewater measurements taken for the pollutant parameter during a six month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the following criteria:

(a) 1.4 for biochemical oxygen demand, total suspended solids, fat, oil and grease; and

(b) 1.2 for other pollutants except pH;

(3) discharge violations that the General Manager believes have caused, alone or in combination with other discharges, interference or pass through;

(4) discharge of pollutants that has caused imminent endangerment to the public or to the environment, or that otherwise has resulted in the District's exercise of its emergency authority to halt or prevent the discharge;

(5) failure to meet, no later than the 90th day after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or otherwise attaining final compliance;

(6) failure to provide no later than the 30th day after the due date, a required report, including a baseline monitoring report, 90-day compliance report, periodic self-monitoring report, and a report on compliance with a compliance schedule;

(7) failure to accurately report noncompliance; or

(8) other violation that the General Manager determines has or may adversely affect the operation or implementation of the pretreatment program.

(B) The General Manager shall annually publish public notification in the largest daily newspaper with general distribution in the District a list of the users that the General Manager knows to be in significant noncompliance with applicable pretreatment requirements during the previous 12 months.

EXHIBIT "B"

[Interlocal Agreement for Pretreatment Program Services]

EXHIBIT "C"

FEES AND CHARGES

Application Fee	Cost assessed by City plus \$ 50.00
Annual Permit Fee	City Permit Fee plus \$ 50.00
Transfer Fee	Cost assessed by City plus \$ 25.00
Site Development Fee for Construction Plan Review and Inspection	Cost Assessed by City plus 10%
Building Plan Review Fee	Cost Assessed by City plus 10%
Sampling and Testing Charges	Cost Assessed by City plus 10%
Surcharge for Extra Strength Wastewater Discharge	Any permit holder found to be discharging extra strength wastewater as determined under Section 6.15 of the Regulations shall be assessed a pro rata portion of the surcharge assessed against the District by the City, plus 10% (payable in monthly installments)
Additional Rates and Charges	Additional rates and charges to be assessed to each permit holder shall be established on the basis of costs to the District and shall become effective at the time of adoption.