

ORDINANCE NO. 17-06-01-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ARTICLE 13.500, GRINDER PUMPS AND ADOPTING ARTICLE 13.600, SEWER USE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY PROVISION AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City ("City"); and

WHEREAS, the City Council of the City of Lago Vista finds that the City's grinder pumps and sewers have been under stress and caused to have malfunctions due to improper and/or illegal disposals into the sewer system; and

WHEREAS, the City Council further finds that some of the past provisions related to both articles have been updated and modified by past legislatures and/or the agencies that have been assigned them for regulatory control; and

WHEREAS, the City Council, after recommendation by staff, believes it is time to undertake steps to bring both grinder pumps and sewer use and disposal into compliance with all current regulations and statutory provisions, as well as any updated building codes; and

WHEREAS, the City Council desires to adopt the following updates and provisions related thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS. All the above premises are hereby found to be true and correct legislative findings of the City and are hereby approved and incorporated herein into the body of this Ordinance as if copied in their entirety.

SECTION 2. GRINDER PUMPS. The City Council of the City of Lago Vista, Texas, does hereby amend Article 13.500, Grinder Pumps as are set forth below:

ARTICLE 13.500 HOUSEHOLD GRINDER PUMPS

a) The City Council of the City of Lago Vista Texas hereby authorizes individual household grinder pump units to be part of the sewage collection system and hereby provides for control of the operation and maintenance of the grinder pump units by the city, all in accordance with Chapter 30 subchapter D TAC 217.95. City of Lago Vista Service Agreement for Grinder Pump Sewer System shall be executed for all new grinder pump sewer connections beginning September 1, 2017.

(b) The specifications and materials allowed for use in the city shall be developed by the utility department and approved by the city council. The grinder pumps are installed on private property and therefore are the responsibility of the property owner. City of Lago Vista Service Agreement for Grinder Pump Sewer System shall be executed for all new grinder pump wastewater accounts beginning September 1, 2017.

SECTION 3. SEWER USE. The City Council of the City of Lago Vista, Texas, does hereby adopt Article 13.600, Sewer Use as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

SECTION 4. SERVICE AGREEMENT. The City Council of the City of Lago Vista, hereby approves the use of a City of Lago Vista Service Agreement for Grinder Pump Sewer System, as set forth in Exhibit B, attached hereto and incorporated herein for all purposes.

SECTION 5. RATE, SURCHARGES AND FEES CALCULATIONS. The City Council of the City of Lago Vista, hereby approves that sewer rates, surcharges and pretreatment fees shall be established using the attached method of calculations.

SECTION 6. SAVINGS CLAUSE. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 7. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8. PENALTY. An offense under this Ordinance is a Class C misdemeanor, punishable by a fine of not more than \$2,000.00 as is consistent with the portion of this Code governing penalties for health and safety violations. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THIS THE 1st DAY OF JUNE, 2017.



CITY OF LAGO VISTA

Dale Mitchell, Mayor

ATTEST:

Sandra Barton, City Secretary

EXHIBIT A

Section 13.600, Sewer Use

ARTICLE 13.600 - SEWER USE

Sec 13.601 - GENERAL

Sec. 13.602 - Privies, cesspools, septic tanks.

It shall be unlawful for any person to build, construct, dig, maintain or use any dry toilet, surface privy, cesspool or septic tank within the city; provided, however, when connection to the city's sanitary sewer system is impossible or impractical at any time, the construction, maintenance and use of a septic tank constructed in conformity to state law and approved by LCRA and the building inspector may be permitted until such time as connection to the sewer system may be made.

Sec. 13.603 - Sewer Connections-Required.

All owners or occupants of buildings, or agents for the owners, situated within three hundred (300) feet of a sanitary sewer are hereby required to construct or cause to be constructed suitable water closets on their property, and connect the same with the city sanitary sewer system under the direction and supervision of the city.

Sec. 13.604 - Same-Maintenance.

It shall be the duty of any owner or occupant of any building connected with the city sanitary sewer system to keep and maintain the connection to the sewer system in perfect condition and free from any obstruction.

Sec. 13.605 - Discharge prohibited; notice; penalty.

- (a) *Prohibited discharges.* No person shall discharge or cause to be discharged any storm water, groundwater, surface water, roof runoff, foundation drainage, subsurface drainage, or any unpolluted industrial process water into the sanitary sewer system.
- (b) *Notice.* The city shall serve persons in violation of this section with a written notice stating the nature of the violation and providing for satisfactory compliance within a period of sixty (60) days from the service of said notice.
- (c) *Continuing prohibited discharges.* No person may continue to be in violation of this section beyond the time limit provided in the notice.
- (d) *Penalty.*
 - (1) A person who continues prohibited violations is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2,000.00) for each act of violation and for each day of violation.
 - (2) In addition to preceding under authority of subsection (d)(1) above, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited violations.
 - (3) Consistent violations may result in termination of service.

Sec. 13.606 - Penalty for criminal mischief.

The city may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully, or maliciously causing loss by tampering with or destroying public wastewater facilities.

Sec. 13.607. Reserved.

DIVISION 2. - DISCHARGE OF INDUSTRIAL WASTE

Sec. 13.608 - Definitions.

As used in this Division:

Average quality means the arithmetic average (weighted by flow value) of all the daily determinations of concentrations made during a calendar month. Daily determinations of concentrations made using a composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted flow value) of all the samples collected during the calendar day.

B.O.D. (Biochemical oxygen demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

Daily composite quality means the concentration of a sample consisting of a minimum of three (3) grab samples of effluent collected at regular intervals over a normal operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

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

C.O.D. (Chemical oxygen demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

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

Grab sample quality means the concentration of an individual sample of effluent collected in less than fifteen (15) minutes.

Hazardous metal includes each of the following metals in its elemental state and any of its compounds expressed as that metal: arsenic, barium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver, and zinc.

Heavy Food Preparation: shall mean any area in which foods are prepared utilizing a grill, griddle, deep fat fryer, commercial type ovens, and/or any similar food preparation equipment; or any area subject to flooding type of wet cleaning procedures due to the cutting or processing of meat, poultry, fish or pork. Heavy food preparation includes but is not limited to: cafeterias, fast food restaurant, full service restaurants, pizza preparation, donut preparation, and meat and fish markets, etc.

/CR - Industrial Cost Recovery - requirements established to render industrial wastes acceptable, by pre-treatment, for collection, treatment, and disposal including recovery of reasonable costs of

collection system maintenance, costs of treatment, and disposal including administrative and enforcement costs of the ICR program.

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

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewer system.

Inland waters shall include all surface waters in the state other than "tidal waters" defined below.

Light food preparation - Any area in which foods are prepared exclusive of/without the use of fryers, grills or other similar equipment. This is usually limited to the preparation of hot dogs, sandwiches, salads, coffee, or other similar foods and fountain-type cold drinks. Light food preparation includes, but is not limited to, sandwich shops, limited menu concession stands, ice cream parlors, coffee shops, etc.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor eight and thirty-four one hundredths (8.34) shall be equivalent to pounds per million gallons of water.

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

No food preparation - Any area in which foods are provided pre-wrapped and from an approved source. Limited to pre-packaged sandwiches or similar foods, candies and containerized beverages.

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than three hundred forty (340) mg/l and BOD is not more than three hundred forty (340) mg/l.

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

Person includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity.

pH means the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the City of Lago Vista, and Travis County, and LCRA.

Publicly Owned Treatment Works (POTW) means a treatment works as defined by section 212 of the Clean Water Act, which is owned by the City. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a Treatment Plant. The term also means the City, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

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

Storm sewer means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Storm water means rainfall or any other forms of precipitation.

Superintendent means the water and/or wastewater superintendent of the City of Lago Vista, or his duly authorized deputy, agent, or representative.

Suspended solids mean solids measured in mg/l that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

Tidal waters shall mean those waters of the Gulf of Mexico within the jurisdiction of the State of Texas, bays, estuaries thereto, and those portions of the river systems which are subject to the ebb and flow of the tides, and to the intrusion of marine waters.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

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

Unpolluted wastewater means water containing:

- (a) No free or emulsified grease or oil;
- (b) No acids or alkalis;
- (c) No phenols or other substances producing taste or odor in receiving water;
- (d) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (e) No noxious or otherwise obnoxious or odorous gases;
- (f) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Department of Water Resources; and
- (g) Color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.

Waste means rejected, utilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.

Wastewater facilities includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater treatment plant means any city-owned facilities, devices, and structures used for receiving, processing, and treating wastewater, industrial waste, and sludges from the sanitary sewers.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

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

Sec. 13.609 - Prohibited discharges.

- (a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:
 - (1) Injure or interfere with wastewater treatment processes or facilities;

- (2) Constitute a hazard to humans or animals; or
 - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.
- (b) All discharges shall conform to requirements of this

Division. Sec. 13.610 - Chemical discharges.

- (a) No discharge to public sewers may contain:
 - (1) Cyanide greater than 1.0mg/l;
 - (2) Fluoride other than that contained in the public water supply;
 - (3) Chlorides in concentrations greater than 250 mg/l;
 - (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
 - (5) Substances causing an excessive chemical oxygen demand (C.O.D.)
- (b) No waste or wastewater discharged to public waters may contain;
 - (1) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 - (2) Fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65' Centigrade).
 - (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the City for such materials; or
 - (4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of Section 13.609 (a).
- (c) No waste, wastewater, or other substance may be discharged into public sewers which have a pH lower than five and five tenths (5.5) or higher than nine and five tenths (9.5), or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.
- (d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the City. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

Sec. 13.611 - Heavy metals and toxic materials.

- (a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.
- (b) The allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods" are:

| | <i>Average</i> | <i>Not to Exceed Daily Composite</i> | <i>Grab Sample</i> |
|----------|----------------|--------------------------------------|--------------------|
| Arsenic | .01 | 0.2 mg/l | 0.3 |
| Barium | 1.0 | 2.0 mg/l | 4.0 |
| Boron | 1.0 | 2.0 mg/l | 4.0 |
| Cadmium | 0.05 | 0.1 mg/l | 0.2 |
| Chromium | 0.5 | 1.0 mg/l | 5.0 |
| Copper | 0.5 | 1.0 mg/l | 2.0 |

| | | | |
|-----------|-------|------------|------|
| Lead | 0.5 | 1.0 mg/l | 1.5 |
| Manganese | 1.0 | 2.0 mg/l | 3.0 |
| Mercury | 0.005 | 0.005 mg/l | 0.01 |
| Nickel | 1.0 | 2.0 mg/l | 3.0 |
| Selenium | 0.05 | 0.1 mg/l | 0.2 |
| Silver | 0.05 | 0.1 mg/l | 0.2 |
| Zinc | 1.0 | 2.0 mg/l | 6.0 |

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the City specifying conditions of pretreatment, concentrations, volumes and other applicable provisions.

(d) Prohibited heavy metals and toxic materials include but are not limited to:

- (1) Antimony,
- (2) Beryllium,
- (3) Bismuth,
- (4) Cobalt,
- (5) Molybdenum,
- (6) Uranyl ion,
- (7) Rhenium,
- (8) Strontium,
- (9) Tellurium,
- (10) Herbicides,
- (11) Fungicides, and
- (12) Pesticides.

Sec. 13.612 - Garbage.

- (a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally in public sewers. Particles greater than one-half (X) inch in any dimension are prohibited.
- (b) The City is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (¾) horsepower (0.76 hp metric) or greater.

Sec. 13.613 - Stormwater and other unpolluted drainage.

- (a) No person may discharge to public sanitary sewers:
 - (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
 - (2) Unpolluted cooling water;
 - (3) Unpolluted industrial processwaters; or
 - (4) Other unpolluted drainage.
- (b) In compliance with the Texas Water Quality Act and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

Sec. 13.614 - Temperature.

No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred ten (110) degrees Fahrenheit.

Sec. 13.615 - Radioactive wastes.

- (a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the City.
- (b) The City may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

Sec. 13.616 - Impairment of facilities.

- (a) No person may discharge into public sewers any substance capable of causing:
 - (1) Obstruction to the flow in sewers;
 - (2) Interference with the operation of treatment processes of facilities; or
 - (3) Excessive loading of treatment facilities.
- (b) Discharges prohibited by subsection (a) include, but are not limited to materials which exert or cause concentration of:
 - (1) Inert suspended solids greater than two hundred fifty (250) mg/l including but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues;
 - (2) Dissolved solids greater than five hundred (500) mg/l including but not limited to:
 - a. Sodium chloride; and

- b. Sodium sulfate;
- (3) Excessive discoloration including but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions; or
- (4) BOD, COD or chlorine demand in excess of normal plant capacity, 300 mg/l.
- (c) No person may discharge into public sewers any substances that may:
 - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the non-amenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
 - (1) Is not amenable to treatment or reduction by the process and facilities employed; or
 - (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The City shall regulate the flow and concentration of slugs when they may:
 - (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including but not limited to:
 - (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;
 - (13) Wood;
 - (14) Unground garbage;
 - (15) Whole blood;
 - (16) Paunch manure;

- (17) Hair and fleshings;
- (18) Entrails;
- (19) Paper products, either whole or ground by garbage grinders;
- (20) Slops;
- (21) Chemical residues;
- (22) Paint residues; or
- (23) Bulk solids.

Sec. 13.617 - Compliance with existing authority.

- (a) Unless exception is granted by the City, the public sanitary sewer system shall be used by all persons discharging:
 - (1) Wastewater;
 - (2) Industrial waste;
 - (3) Polluted liquids; or
 - (4) Unpolluted waters or liquids.
- (b) Unless authorized by the Texas Department of Health or Texas Commission on Environmental Quality, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property into or adjacent to any:
 - (1) Natural outlet;
 - (2) Watercourse;
 - (3) Storm sewer;
 - (4) Other area within the jurisdiction of the City.
- (c) The City shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

Sec. 13.618 - City requirements.

- (a) If discharges or proposed discharges to public sewers may:
 - (1) Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
 - (2) Create a hazard to life or health; or
 - (3) Create a public nuisance; the City shall require:
 - a. Pretreatment to an acceptable condition for discharge to the public sewers;
 - b. Control over the quantities and rates of discharge; and
 - c. Payment to cover the cost of handling and treating the wastes.
- (b) The City is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.
- (c) The City shall reject wastes when:
 - (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and
 - (2) The discharger does not meet the requirements of subsection (a) of this section.

Sec. 13.619 - City review and approval.

- (a) If pretreatment or control is required, the City shall review and approve design and installation of equipment and processes.
- (b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (c) Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

Sec. 13.620 - Requirements for Traps - Food Facilities

(a) Installations

- 1) **New Facilities.** Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- 2) **Existing Facilities.** Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW.
- 3) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(b) Sizing Requirements

Sizing methods described herein are intended as guidance in determining grease trap/interceptor sizes that will provide a minimum degree of protection against grease and other materials that cause blockages in the City's sanitary sewer system. Sizing determinations are based on operational data provided by business owners or their contractors. In approving a customer's plumbing or grease interceptor design, the City does not accept liability for the failure of a system to adequately treat wastewater to achieve effluent quality requirements.

Minimum acceptable grease trap/interceptor sizing shall be accomplished based on the type of food service or level of food preparation.

- 1) No food preparation: No grease trap/interceptor requirement.
- 2) Light food preparation: A minimum of a 500-gal. grease interceptor with at least two baffles. There is no current requirement for a sampling well.
- 3) Heavy food preparation: A minimum of a 1000-gal. grease interceptor with at least two baffles.

(c) Cleaning and Maintenance

- 1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
- 2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.

(d) Cleaning Schedules

- 1) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.
- 2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
 - (A) twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
 - (B) the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
 - (C) if there is a history of non-compliance.
- 3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
 - (A) the grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, or
 - (B) less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases
- 4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(e) Manifest Requirements

- 1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.
- 2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - (A) name, address, telephone, and commission registration number of transporter;
 - (B) name, signature, address, and phone number of the person who generated the waste and the date collected;
 - (C) type and amount(s) of waste collected or transported;
 - (D) name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - (E) date and place where the waste was deposited;
 - (F) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - (G) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 - (H) the volume of the grease waste received; and
 - (I) a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

3) Manifests shall be divided into five parts and records shall be maintained as follows.

(A) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(B) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.

(C) One part of the manifest shall go to the receiving facility.

(D) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

(E) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(F) One part of the manifest shall go to the local authority.

4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

Sec. 13.621- Other Types of Interceptors and Sizing Requirements

Interceptors are required for oil, grease, sand and other substances harmful or hazardous to the building drainage system, the public sewer or sewage treatment plant. A licensed plumbing contractor or professional engineer must submit the design, size and location of pretreatment devices to the City for review and approval.

(a) Laundries

Typical applications include commercial/institutional Laundromats and dry-cleaners. The waste discharge from these facilities usually contains high quantities of lint, silt, dissolved and suspended solids, as well as detergents.

A lint interceptor is commonly referred to as a "lint trap", typically located outside of the building and buried below grade. The principal advantage is the cooling effect obtained by the earth. The buried interceptor is typically constructed of precast concrete, providing years of continuous service. The interceptor contains several compartments where the lint will coagulate and float to the surface and heavier solids will sink to the bottom. The discharging effluent comprises of the clearer water between these layers. Inlet and outlet piping shall be a minimum of four (4") inches or the size of the building sewer whichever is greater. In traffic areas, the trap shall be designed to have adequate reinforcement and cover (including piping), meeting HS-20 traffic loading specifications. Lint traps in traffic areas require a concrete driving surface over piping with structural backfill around piping.

Maintenance. The lint interceptor should be cleaned (or pumped out) routinely to prevent the escape of appreciable quantities of grease. Cleaning should be performed when the interceptor is at 75% of lint/silt retention. The frequency of cleaning at any given installation will vary depending on use. Pumping frequencies for Laundromats usually range from once a month, to once every six months.

Sizing criteria. The different variables include: number of washing machines, wastewater flow rate, wastewater detention time, and storage factor and detention time.

Commercial laundries, laundromats, and dry-cleaners shall be equipped with an interceptor in order to reduce the quantity of lint and silt that enters the collection system. The system must be of adequate size and design to allow for cool-down of wastewater so that separation can be more readily achieved. In addition, the interceptor must be "equipped with a wire basket or similar device, removable for

cleaning, that prevents passage into the drainage system of solids 0.5 inch (12.7 mm) or larger in size, string, rags, buttons or other materials detrimental to the public sewerage system".

Sizing must be in accordance with any provisions located in the ICC Plumbing Code, 2012 version, as may be amended, or other applicable codes.

Currently, no effluent sample well is required for small commercial laundries. However, large and/or industrial laundries may be subject to Federal Pretreatment regulations.

(b) Car Washes

For commercial car washes, separators shall have a minimum capacity of 1000 gallons for the first bay, with an additional 500 gallons of capacity for each additional bay.

Wash racks must be constructed to eliminate or minimize the impact of run-off from rain/storm events. Minimum requirements are roofed structures with at least two walls and appropriate grading to prevent stormwater infiltration into the sanitary sewer.

An effluent sampling well shall be required.

(c) Automotive Repair Facilities (Garages and Service Stations)

Automotive repair shops which include a floor drain in its areas of operation shall be required to design, install and maintain a grit trap/oil separator, with a minimum capacity of 50 gallons for the first 100 square feet of area to be drained, plus 1 cu. ft (7.5 gals) for each additional 100 sq. foot of area to be drained into the separator.

An effluent sampling well shall be required.

Sec. 13.622 - Requirements for industrial waste sewers

(a) Any person responsible for industrial discharges whether or not through a building, shall at his own expense and as required by the City:

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
- (3) Maintain the equipment and facilities.

(b) Sampling and testing.

- (1) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. (Note: The particular analyses involved will determine whether a twenty-four-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls. Where applicable, sixteen-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH.)
- (2) Examination and analyses of the characteristics of waters and wastes required by this Division shall be:
- (3) Conducted in accordance with the latest edition of "Standard Methods;" and
- (4) Determined from suitable samples taken at the control manhole provided or other control point authorized by the City.

- (5) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.
- (6) The City may select an independent firm or laboratory to determine flow, B.O.D., and suspended solids.
- (7) The City is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

(c) Payment and agreement required.

- (1) When discharges of industrial waste are approved; the City or its authorized representative shall enter into an agreement or arrangement providing:
 - (A) Terms of acceptance by the City, and
 - (B) Payment by the person making the discharge.
- (2) Persons making discharges of industrial waste shall pay a sewer use charge to cover the cost of operation and maintenance of the City's waste water treatment and collection facilities. Such sewer use charge and any surcharge for waste water over prescribed limitations shall be as described in the City of Lago Vista Rate Ordinance and Amendments thereto.

Sec. 13.623 - 13.624 - Reserved.

Sec. 13.625 - Savings clause.

A person discharging industrial wastes into public sewers prior to the effective date of this Ordinance may continue without penalty so long as he:

- (a) Does not increase the quantity or quality of discharge without permission of the City;
- (b) Has discharged the industrial waste at least twelve (12) months prior to the effective date of this Ordinance; and
- (c) Applies for and is granted a permit no later than one hundred fifty (150) days after the effective date of this Ordinance.

Sec. 13.626 - Conditions for permits.

- (a) The City may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:
 - (1) Submit an application within one hundred twenty (120) days after the effective date of this Ordinance on forms supplied by the City;
 - (2) Secure approval by the City of plans and specifications for pretreatment facilities when required; and
 - (3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - a. payment of charges;
 - b. installation and operation of pretreatment facilities; and
 - c. sampling and analysis to determine quantity and strength; and
 - (4) Provide a sampling point subject to the provisions of this Division and approval of the City.
- (b) A person applying for a new discharge shall:
 - (1) Meet all conditions of subsection (a) of this section; and

- (2) Secure a permit prior to discharging any waste.

Sec. 13.627 - Classification of industrial users.

- (a) All industrial uses shall be classified in accordance with the 2017, or latest edition, of the North American Industrial Classification Standard (NAICS), completed by the United States Census Bureau.
- (b) Major and minor industrial classifications for local industries shall be made based upon the NAICS and characteristics of its wastewater.
- (c) Industrial users will be monitored over the course of the ICR period. Reclassification will be made if necessary.

Sec. 13.628 - Exclusion of industrial users.

- (a) Certain industrial users shall be excluded from the application of the ICR system if they fall within the following categories:
 - (1) Industrial users which discharge only non- process segregated domestic wastes, or wastes from sanitary conveniences (for example, the so called "dry" industries) which have not significant industrial uses as described under the EPA regulations.

Sec. 13.629 - Power to enter property.

- (a) The City Manager, building official or other personnel designated by the City Manager are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this Ordinance.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- (c) The City Manager, building official or other personnel designated by the City Manager are entitled to enter all private properties through which the City holds a negotiated easement for the purposes of:
 - (1) Inspection, observation, measurement, sampling or repair;
 - (2) Maintenance of any portion of the sewerage system lying within the easements; and
 - (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- (d) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

Sec. 13.630 - Authority to disconnect service.

- (a) The City Manager may terminate water service and wastewater disposal service and disconnect an industrial customer from the system when:
 - (1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
 - (2) A governmental agency informs the City that the effluent from the wastewater treatment plant is no longer of a quality permitted for use as reclaimed water or for disposal by land application, and it is found that the customer is delivering wastewater to the City system that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment; or

- a. Discharges industrial waste or wastewater that is in violation of the permit issued by the City;
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - c. Fails to pay bills for water and sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers.
- (b) If service is discontinued pursuant to subsection (a)(2) of this section, the City shall:
- (1) Disconnect the customer;
 - (2) Supply the customer with governmental agency's report and provide the customer with all pertinent information; and
 - (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

Sec. 13.631- Notice.

The City shall serve persons discharging in violation of this Division with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

Sec. 13.632 - Continuing prohibited discharges.

No person may continue discharging in violation of this Ordinance beyond the time limit provided in the notice.

Sec. 13.633 - Penalty for violation of Division 2.

- (a) The penalty for violation of provisions in Division 2 shall be the same as provided in Section 13.605 of this Article.
- (b) In addition to penalties under subsection (a) of this section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

Sec. 13.634 - Failure to pay.

In addition to sanctions, provided for by this Division, the City is entitled to exercise sanctions provided for by the other ordinances of the City for failure to pay the bill for water and sanitary sewer service when due.

Sec. 13.635 - Penalty for criminal mischief.

The City may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully, or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

Sec. 13.636 - Administrative appeal and local review procedures.

(a) Administrative appeal procedure.

- (1) Any industrial user may appeal the conditions of ICR system placed upon it in accordance with the following procedures;
 - a. The industrial user shall submit, in writing, its complaint against the ICR system.

- b. A public hearing on the complaint will be scheduled within fifteen (15) days after filing the complaint. The hearing will be conducted by the City Attorney. The industrial user and City will each be given an opportunity to present testimony for or against the complaint.
- c. A panel made up of the mayor, one city councilman, City Attorney, and the City Engineer shall review the testimony and report its findings and recommendation to the City Council within thirty (30) days after the hearing.
- d. The City Council shall act upon the recommendation and findings of the panel. Its decision will be final unless new evidence can be presented by the industrial user. If this is the case the matter will go back to the panel for reconsideration and recommendation.

(b) Local review procedures.

- (1) Any industrial user may request a review of the ICR procedures at any time. Such a review shall be allowed by the City Council only after written request presented at a regular meeting of the City Council.
- (2) The City Council shall appoint a review committee composed of one councilman, the City Manager, the City Engineer, and one member of the staff of the industrial user making request.
- (3) The review committee shall meet within the thirty (30) days following said City Council meeting and review the ICR system.
- (4) The Committee shall present its recommendations and findings to the City Council within thirty (30) days after the request is made at its next regular scheduled meeting and the council shall act upon the recommendations of the committee.

**EXHIBIT B
SERVICE AGREEMENT**

**City of Lago Vista Service Agreement
For Grinder Pump Sewer System**

This Agreement Concerning Grinder Pump Sewer System for Customer Service is entered into by and between the City of Lago Vista and _____ (Customer) for wastewater service to the property located at _____ (Property).

RECITALS

WHEREAS, THE CITY OF LAGO VISTA owns, operates and maintains a centralized wastewater system **from which Customer desires to obtain wastewater collection, treatment and disposal service; and**

WHEREAS, the elevation and/or slope of the Property in relation to the location of THE CITY OF LAGO VISTA's wastewater system **requires Customer's installation of a pressure sewer system commonly known** as a grinder pump system (Grinder Pump) in order to transport Customer's wastewater to THE CITY OF LAGO VISTA's wastewater system; and

WHEREAS, THE CITY OF LAGO VISTA's wastewater system is regulated by the RULES and regulations of the Texas Commission of Environmental Quality (TCEQ); and

WHEREAS, the rules and regulations of the TCEQ require that THE CITY OF LAGO VISTA only allow **use of a Grinder Pump by a Customer under terms and conditions set forth in a service agreement: and**

WHEREAS, Customer acknowledges that THE CITY OF LAGO VISTA also has terms and conditions that apply to use of a Grinder Pump set forth in THE CITY OF LAGO VISTA's schedule for rates, fees, charges and terms and conditions of retail treated water and wastewater service ("Rate Schedule")

WHEREAS, Customer desires to connect to THE CITY OF LAGO VISTA's wastewater system to receive wastewater collection, treatment and disposal service from THE CITY OF LAGO VISTA;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, THE CITY OF LAGO VISTA and the Customer agree as follows:

- I. As a condition to initiation and continuation of wastewater service to Customer by the City:
 - a. THE CITY OF LAGO VISTA shall have the right to prior approval of the design of the Grinder Pump, including materials and equipment, prior to installation of the Grinder Pump by Customer. It shall be the responsibility of the Customer to obtain from THE CITY OF LAGO VISTA's engineer the design requirements for the Grinder Pump for the Property. A specific pump may be specified by THE CITY OF LAGO VISTA's representative. The design requirements shall be determined by THE CITY OF LAGO VISTA's engineer and shall be in accordance with the rules of the TCEQ (30 Texas Administrative Code chapter 217) for sewage collection systems, as those rules are amended from time to time, as well as the Rate Schedule as amended from time to time. The final design provided by the Customer shall be submitted to THE CITY OF LAGO VISTA's representative as least fifteen (15) business days in advance of desired installation.
 - b. THE CITY OF LAGO VISTA shall have the right to inspect the installed Grinder Pump prior to initiation of service to the Property. Customer shall give THE CITY OF LAGO VISTA at least five (5) business days' notice requesting an inspection. Customer agrees **to correct any deficiencies.**

- c. THE CITY OF LAGO VISTA and Customer agree that the Customer shall be responsible for purchase, installation, inspection and maintenance of the Grinder Pump. The Customer shall be responsible for supplying power to the Grinder Pump and for all cost associated with supplying power associated with the operation of the Grinder Pump.
 - d. Customer agrees that THE CITY OF LAGO VISTA shall have the right to enter the Customer's property at any time in case of an emergency to stop any discharges from the Grinder Pump in order to prevent contamination of state waters, compromise of THE CITY OF LAGO VISTA wastewater system, or for other reasons provided in the Rate Schedule.
 - e. Customer agrees to allow THE CITY OF LAGO VISTA to enter the Customer's property **at any time in case of an emergency, and at all other reasonable times in a non-emergency case, for the purposes of inspecting, testing, or operating any components of the Grinder Pump.**
 - f. Customer agrees to install an isolation valve on the service line to the Grinder Pump. The Customer agrees to allow THE CITY OF LAGO VISTA to have access to the isolation valve at all times.
2. Customer acknowledges and agrees that failure of Customer to pay all costs associated with the operation and maintenance of the Grinder Pump or failure of Customer to allow THE CITY OF LAGO VISTA and its representatives to enter Customer's property for the purposes provided in this Agreement shall be grounds for the disconnection of water and wastewater service to the Property.
 3. Any amendments to this Agreement must be in writing and signed by both THE CITY OF LAGO VISTA and the Customer.
 4. This Agreement is not assignable by Customer. Upon termination of service to the Property, any customer desiring to receive water and/or wastewater service from THE CITY OF LAGO VISTA shall be required to execute a new service agreement.
 5. CUSTOMER AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY OF LAGO VISTA, ITS OFFICERS, DIRECTORS, EMPLOYEES OR REPRESENTATIVES FROM ANY CLAIMS OR DAMAGES of the Customer or third parties arising ASSOCIATED WITH OR ARISING FROM DESIGN, INSTALLATION, OPERATION OR MAINTENANCE OF THE GRINDER PUMP.

ENTERED INTO this the _____ day of _____ 2017.

THE CITY OF LAGO VISTA:

CUSTOMER:

By: _____

By: _____

THE CITY OF LAGO VISTA's REPRESENTATIVE

Printed Name: _____

Sewer Rates

Any user discharging wastes into the city sanitary sewer system shall be subject to the following charges:

- (1) Collection and treatment charge per 1,000 gallons, determined according to the City's rate ordinance, with unit flow-related and pollutant-related costs as prescribed in the rate ordinance. This applies to all users.
- (2) Pretreatment fees, apply to all permitted industries.
- (3) Surcharges for high strength wastes, apply to monitored users only.

User charge formula.

(a) The following formula shall be used to assess each user's share of the cost of operation and maintenance, debt service, and current capital improvements under this division:

| | | |
|---|---|--|
| C | = | Collection and treatment charge (dollars per thousand gallons) |
| C | = | $C_f + C_{CBOD} + C_s$ [+ unit costs for any other cost parameters (section 106-361)] |
| C_f | = | Flow related cost (dollars per thousand gallons) |
| C_{CBOD} | = | CBOD related cost (dollars per thousand gallons for each mg/l of CBOD) |
| C_s | = | Suspended solids related cost (dollars per thousand gallons for each mg/l of suspended solids) |
| Unit costs for other parameters—As prescribed by amended ordinance, in dollars per thousand gallons multiplied by parameter concentration as specified in amended ordinance | | |
| B | = | CBOD concentration (mg/l) |
| S | = | Suspended solids concentration (mg/l) |

- (b) The formula in subsection (a) of this section does not include surcharges for high strength wastes as prescribed in or pretreatment fees.
- (c) C_f , C_{CBOD} , C_s , and any other unit costs shall be determined to cover all capital and operating costs for the sewage collection and treatment system, excluding costs covered by grants, tap fees, pretreatment fees, and other miscellaneous sources.
- (d) Flows shall be determined by average measurement and calculated according to agreement and set forth in the industrial sewer use permit.
- (e) B, S, and any other parameter values shall be determined according to B and S shall be taken at 200 mg/l for residential users and for nonresidential users not otherwise classified or subject to monitoring.

Surcharges for high strength wastes.

(a) Users found to be discharging high strength wastes, the opinion of the city is these wastes cause additional expense for collection and treatment, the city shall add a surcharge for that user based on a formula and/or a lump sum as follows:

(1) The formula shall be as follows:

| | | |
|------------------|---|---|
| C_{sur} | = | Monthly surcharge for user |
| C_{sur} | = | $[\sigma C_{pol}] V_u$ |
| σC_{pol} | = | Sum of all pollutant surcharges assessed by city by formula |
| C_{pol} | = | $C_x (X - L_x)$ |
| X | = | Concentration of specified pollutant in mg/l or other designated units |
| L_x | = | Maximum allowable concentration of specified pollutant (in same units as X) per sewer use ordinance or permit |
| C_x | = | Cost for treating one unit of pollutant concentration for 1,000 gallons, plus any additional transportation costs resulting from one unit of pollutant for 1,000 gallons due to clogging of sewers or other reasons |
| V_u | = | Monthly volume of usage for user |

When a surcharge is assessed for excessive COD, the corresponding CBOD loading shall be treated as 200 mg/l.

(2) *Lump sum.* The city may assess a lump sum for any designated parameter for each day that the parameter exceeds ordinance or permit limits. Such lump sum surcharges shall be as set forth in the rate ordinance per day per parameter, and shall be assessed only for days of verified violations.

(b) For any given parameter, surcharges shall be assessed on a uniform basis (formula or lump sum) for all users.

(c) Surcharges shall be applied only if, in the opinion of the city, (i) the additional revenue will outweigh the administrative and monitoring cost, (ii) surcharges are necessary in order to provide equitable charges for customers discharging normal domestic wastes, or (iii) surcharges are need to discourage violations or heavy pollutant loadings. The city shall select the pollutant parameters subject to surcharge (ammonia, COD, oil and grease, pH, temperature, or other) and shall apply all surcharges in an equitable manner.

Pretreatment fees

(a) Pretreatment fees shall be assessed to each permitted industry. These fees shall cover the city's cost of monitoring, administering, and enforcing the pretreatment program, including periodic inspections. Pretreatment fees shall consist of the following:

(1) Annual permit fees, billed to each permitted industry, based on average daily water usage for the preceding calendar year. Industries may be grouped into flow rate brackets with a specified permit fee applicable to each bracket. The annual permit fee shall apply separately to each permit and shall be assessed in its entirety for a year for any permit which is in effect for more than 15 days during the year. If an industry allows its permit to lapse during the year because of cessation of operations, then has the permit reinstated before the end of the year, the industry shall be subject to double assessment of the annual permit fee.

- (2) Inspection fees shall be assessed to cover costs of inspection, sampling, and monitoring by city personnel. The inspection fee shall apply to all permitted industries and shall be billed with the first billing cycle occurring 30 days or more after the annual inspection for an industry. Inspection fees shall be established for the following types of industries:
 - a. Categorical (according to number of sampling points).
 - b. Other significant industrial users, nonfood (according to number of sampling points).
 - c. Other significant industrial users, food industries, as well as all minor users (according to flow brackets).
- (b) Pretreatment fees shall not be assessed for permits which remain on inactive status for the entire calendar year.
- (c) All pretreatment fees will be as prescribed by the rate ordinance.