

ORDINANCE NO. 09-07-10

AN ORDINANCE OF THE CITY OF REDWATER, TEXAS, ESTABLISHING STANDARDS TO LIMIT AND PROHIBIT THE INTRODUCTION OF HARMFUL SUBSTANCES INTO THE CITY WASTEWATER SYSTEM, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A REPEALER; SEVERABILITY; SCOPE OF JURISDICTION; STANDARDS, APPLICABILITY, AND EXCEPTIONS; AND ENFORCEMENT, INCLUDING CRIMINAL FINES NOT TO EXCEED \$500.00 AND CIVIL PENALTIES NOT TO EXCEED \$2,000.00 PER VIOLATION

WHEREAS, grease and oils have poor solubility in water and tend to separate from liquid solution;

WHEREAS, large amounts of grease and oil in the wastewater system cause trouble in collection system pipes by decreasing pipe capacity, requiring more frequent cleaning of piping systems, and increasing the frequency with which piping must be replace;

WHEREAS, the City Council of the City of Redwater, Texas, finds that the unregulated release of greases and other harmful substances into the City's wastewater system is detrimental to the proper operation of the wastewater collection system and treatment plant;

WHEREAS, the City Council finds that the regulation of the discharge of grease and other harmful substances into the City's wastewater system is necessary to protect and promote the public health, safety, and welfare of the City's citizens; and

WHEREAS, the City Council has the general authority to regulate discharges into the City's wastewater system pursuant to the Texas Constitution, the Texas Local Government Code, Chapters 51,54, and 402, and the Texas Water Code, Chapters 26 and 54:

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

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Redwater, and are hereby approved and incorporated into the body of this Ordinance.

2. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed to the extent of any such conflict.

3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

4. SCOPE OF JURISDICTION

This Ordinance applies to all facilities whose wastewater discharge into the City's wastewater system contains or may contain grease, oil, or other harmful substances (as defined herein) adjunctive, but not limited, to food preparation and serving. This Ordinance further applies to any entity or individual whose wastewater discharges into the City's wastewater system contain concentrations of heavy metals or toxic materials as hereinafter defined.

5. DEFINITIONS

5.1. General. Words and phrases used herein shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are used for reference purposes only.

5.2. Specific

- a. City: The City of Blanco, an incorporated municipality located in Bowie County, Texas.
- b. City Limits: The incorporated municipal boundary of Redwater.
- c. ETJ: The extraterritorial jurisdiction of the City of Redwater.
- d. Department: The City of Redwater Water and Sewer Corporation.

e. **Wastewater System:** The connections, transmission lines, lift stations, vent pipes, grinders, treatment plants, and any other assets or facilities operated by the City for the purpose of conveying and treating wastewater.

f. **Grease Trap:** A grease trap is a vault with a minimum capacity of between 500 gallons and 750 gallons that is located on the exterior of a building. The vault includes a minimum of two compartments, and the flow between each compartment is through a 90-degree fitting designed to retain grease. The capacity of the interceptor provides holding time so that wastewater has time to cool, allowing grease time to congeal and rise to the surface where it accumulates until the trap is cleaned.

6. STANDARDS AND APPLICABILITY

6.1. Standards for Grease Traps

a. Grease traps shall comply with Section 1003 of the International Plumbing Code. Affected entities shall obtain proper permits from the City prior to construction or installation of grease trap. Prior to the issuance of a permit, the grease trap design shall be reviewed and approved by the City's Public Works Director to ensure compliance with this Ordinance.

b. Grease traps shall produce an effluent in compliance with this Ordinance based upon the entity's pumping schedule. If the schedule is inadequate to effect compliance, pumping shall be effected more frequently or the grease trap shall be upgraded to comply with this Ordinance.

c. Cleaning, Maintenance, and Inspections. Areas around grease traps shall be kept clean and free of grease, odors, and other materials at all times. Periodic cleaning, necessary maintenance, and inspections shall be conducted as often as necessary to ensure compliance with this Ordinance, but not less than once per ninety days.

(1) Affected entities shall periodically clean grease traps. Grease traps shall be fully evacuated of all contents during cleaning. If the capacity of the grease trap is greater than the capacity of the transport vehicle, i.e., full evacuation and removal is not possible in a single load, then the entity and the transporter shall fully evacuate the grease trap's contents within twenty-four hours. The accumulated contents of a grease trap shall in no case be allowed to exceed twenty-five percent (25%) of the grease trap's first stage capacity.

(2) During cleaning, grease residue shall be removed from grease trap walls and piping, and the piping shall be inspected to assure the integrity of the grease trap. No liquid waste shall be returned to the grease trap during cleaning.

(3) The entity shall inspect the physical condition of the grease trap each time it is cleaned. Repairs, if required, shall be made prior to reusing the grease trap.

(4) Repairs or modifications to grease traps shall be approved by the Public Works Director or his representative. The Public Works Director or his representative shall inspect the grease trap after repairs or modifications have been made and prior to refilling or reuse of the grease trap. The Public Works Director or his representative shall issue an inspection tag to the entity and retain a copy for the department's records. The entity shall obtain necessary permission/permits from the City prior to repairing or modifying a grease trap.

(5) An entity shall have any grease trap cleaned when ordered to do so by the Public Works Director or his representative. Generally an entity shall comply with the department's request within forty-eight hours. If the entity fails to comply, the department may arrange for the grease trap's cleaning and bill the entity for all costs incurred by the City.

6.2. Standards for Heavy Metals & Toxic Materials

a. No discharges into the City's wastewater system shall contain concentrations of heavy metals exceeding the following concentrations stated in terms of milligrams per liter (mg/l) determined on the basis of individual sampling in accordance with the standard method:

Arsenic	0.05 mg/l
Barium	5.0 mg/l
Boron	2.0 mg/l
Cadmium	0.02 mg/l
Chromium (total)	5.0 mg/l
Copper	1.0 mg/l
Lead	0.1 mg/l
Manganese	1.0 mg/l
Mercury	0.005 mg/l
Nickel	1.0 mg/l
Selenium	0.02 mg/l
Silver	0.1 mg/l
Zinc	5.0 mg/l

b. The following heavy metals and toxic materials are prohibited from discharge into the City's wastewater system:

Antimony, Beryllium, Bismuth, Cobalt, Molybdenum, Uranylion, Rhenium, Strontium, Tellurium, Herbicides, Pesticides, Fungicides

c. No other heavy metals or toxic materials shall be discharged into the public wastewater system without a permit from the City of Redwater specifying conditions of pretreatment, concentrations, volumes and other provisions as may be applicable.

5.3. Applicability

a. Any establishment, including but not limited to restaurants, cafeterias, schools, churches, hospitals, and/or nursing homes, involved in preparing or serving food either as its principal business or as a ongoing, routine activity associated with its daily operation, shall furnish, install, operate, and maintain a grease trap for the efficient removal of grease and oil from the wastewater system.

b. New Facilities. New facilities affected by this Ordinance shall comply with the requirements herein prior to the commencement of food preparation activities.

c. Existing Facilities. Existing facilities affected by this Ordinance shall comply with the requirements herein not later than six months after the effective date of this Ordinance. For purposes of this Ordinance, an existing facility which has voluntarily ceased to operate or which changes ownership, and which is not otherwise in compliance with this Ordinance, shall be considered as a new facility.

d. No individual or entity shall discharge heavy metals or toxic materials in concentrations exceeding those set forth herein into the City's wastewater system, except as provided for herein.

5.4. Exceptions. Churches, charities, and non-profit organizations not operating kitchens full time, i.e., on an infrequent basis, may apply to the City for exceptions to the provisions of this Ordinance relating to the discharge of grease and oils. The department shall review applications and shall provide the City Council with a recommendation to approve or deny the request.

6. ENFORCEMENT

6.1. Civil & Criminal Penalties. The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person or entity violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

6.2. Criminal Prosecution. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C Misdemeanor.

6.3. Civil Remedies. Nothing herein shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

a. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

b. A civil penalty up to two thousand dollars (\$2,000.00) a day when it is shown that the defendant was actually notified of the provisions of this Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and


c. Other available relief, to include termination of City public utility services until corrective action is had.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED the 6 day of April, 2009, by the City Council of the City of Redwater, Texas.

THE CITY OF REDWATER



Beverly Phares, Mayor

ATTEST:



Dessie Enns, City Secretary