

AGENDA

Regular City Council Meeting

7:00 PM - Tuesday, April 20, 2021

Rosenbaum Room, Terrell Police Headquarters, 1100
N. State Highway 34, Terrell, Texas



Mayor Rick Carmona

Council Members

District 2 - Grady Simpson

District 3 - Mayrani Velazquez

District 4 - Charles Whitaker

District 5 - Tim Royse

City Manager Mike Sims

NOTICE IS HEREBY GIVEN that the Terrell City Council will conduct a Regular City Council Meeting at 7:00 p.m. on Tuesday, April 20, 2021, at Terrell Police Headquarters located at 1100 N. State Highway 34, Terrell, Texas. The meeting is open to the public with limited seating in the Rosenbaum Room. Recommendations of the CDC regarding social distancing will be practiced during the course of the public meeting to slow the spread of the Coronavirus (COVID-19).

If you choose not to attend in person and you wish to submit public comments, email support@cityofterrell.org and title the email "Public Comment". All public comments submitted by 12:00 pm on Tuesday, April 20, 2021 will be provided to the City Council members and read into the record for the Tuesday, April 20, 2021 City Council Meeting.

Page

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

4. MAYOR AND COUNCIL COMMUNITY RECOGNITION AND EVENTS

National Child Abuse Awareness Month Proclamation

5. ADOPTION OF MINUTES

5.1. Discuss and Consider Minutes from the Special City Council Meeting and Workshop on March 30, 2021, the Special City Council Meeting and Workshop on April 6, 2021, and the Regular City Council Meeting on April 6, 2021. 6 - 12

[Special City Council Meeting and Workshop - Apr 06 2021 - Minutes - Pdf](#)

[Regular City Council - Apr 06 2021 - Minutes - Pdf](#)

[Special City Council Meeting and Workshop - Mar 30 2021 - Minutes - Pdf](#)

6. HEAR REMARKS FROM VISITORS.

This time is set aside on the agenda to invite any person to address the Council on issues not subject to a public hearing. Routine administrative matters are best discussed with the appropriate City Staff before bringing them to the Council. Prior to the meeting, please complete a "Citizen Participation Form" and present it to the City Secretary. In accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss, consider, or take action on matters not listed on the agenda. Speakers should limit their comments to 3 minutes and are asked to speak into the microphone provided, identifying themselves for the record. The total amount of time set aside for this place on the agenda is 15 minutes. Comments of a personal nature directed at the Council or Staff are inappropriate.

7. COVID-19 BUSINESS

7.1. Discuss COVID-19 update.

8. BOARDS AND COMMISSIONS

8.1. Discuss Park Board Reappointments 13 - 18
[Agenda Item Report - AIR-21-020 - Pdf](#)

8.2. Discuss Zoning Board of Adjustments reappointments 19 - 25
[Agenda Item Report - AIR-21-024 - Pdf](#)

8.3. Discuss Planning and Zoning Commissioner reappointments. 26 - 32
[Agenda Item Report - AIR-21-025 - Pdf](#)

8.4. Discuss Tax Increment Reinvestment Zone No. 1 Board Appointments. 33 - 34
[TIRZ No. 1 Board](#)

8.5.	Discuss Power Center Board Appointments. <u>Power Center Board</u>	35 - 36
8.6.	Discuss Appointments to Naming Committee. <u>Resolution No. 1011</u>	37 - 38
8.7.	Discuss Upcoming Board Appointments. <u>Upcoming board appts</u>	39

9. BUSINESS ITEMS

9.1.	Discuss and Consider Animal Control Veterinary Bid Award. <u>2021 VET BID</u>	40 - 45
9.2.	Discuss and Consider Mid-Year Budget Amendment. <u>2863</u>	46 - 63

10. CONSENT AGENDA

10.1.	Discuss and Consider Ordinance No. 2859 on Second Reading, An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Chapter 12, Utilities, Of The Terrell City Code Of Ordinances By The Addition Of Section 12-21, On Site Sewage Facilities, Providing For Severability, Providing An Effective Date, And Finding And Determining That The Meeting At Which This Ordinance Was Considered Was Open To The Public As Required By Law. <u>Ordinance No. 2859</u>	64 - 67
10.2.	Discuss and Consider Ordinance No. 2860 on Second Reading, An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Chapter 12, Utilities, Of The Terrell City Code Of Ordinances By The Addition Of Section 12-21a, On Site Sewage Facilities Inspections And Permitting, Providing For Severability, Providing A Penalty, Providing An Effective Date, And Finding And Determining That The Meeting At Which This Ordinance Was Considered Was Open To The Public As Required By Law. <u>Ordinance No. 2860</u>	68 - 70

10.3. Discuss and Consider Ordinance No. 2861 on Second Reading, An Ordinance Of The City Of Terrell, Kaufman County, Texas Amending The Terrell City Code Of Ordinances, Appendix 1, Fee Schedule, Section 28, Sewer Service Rates And Charges By Adding Paragraph (7), OSSF Installation Fees; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; Providing An Effective Date; And Finding And Determining That The Meeting In Which This Ordinance Was Considered Was Open To The Public As Required By Law. 71 - 72

[Ordinance No. 2861](#)

10.4. Discuss and Consider Ordinance No. 2862 on Second Reading, An Ordinance Of The City Council Of The City Of Terrell Texas, Repealing And Replacing Chapter 12, Utilities, Article Ii, Industrial Waste Of The City Of Terrell Code Of Ordinances, Providing Regulations For The Disposal Of Sewage And The Use Of Public Sewers; Regulating The Discharge Of Industrial Wastes Into The Sanitary Sewer Of The City; Regulating Sewer And Miscellaneous Discharges; Providing For A Permit System With Denial, Suspension, Revocation And An Appeals Process; Providing A Penalty Clause, A Repealing Clause; A Severability Clause; And An Effective Date. 73 - 138

[Ordinance No. 2862](#)

11. ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 551 OF THE TEXAS GOVERNMENT CODE TO DISCUSS THE FOLLOWING:

Section 551.071 Consultation With Attorney-Pending or Contemplated Litigation.

Section 551.072 Deliberations Regarding Real Property.

Section 551.087 Deliberations Regarding Economic Development Negotiations.

12. STAFF REPORTS

12.1. Discuss National Incident Based Reporting System (NIBRS) for March 2021. 139 - 140

[March 2021 NIBRS](#)

13. RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ITEMS DISCUSSED IN EXECUTIVE SESSION.

14. ADJOURN.

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the Governing Body of the City of Terrell is a true and correct copy of said NOTICE, which has been posted on the front OUTDOOR BULLETIN BOARD CABINET FOR AGENDAS of the Terrell City Hall, Terrell, Texas, a place convenient and readily accessible to the General Public and on the website at cityofterrell.org, and which has been continuously posted for a period of seventy-two (72) hours prior to the date and time said meeting was convened.

Posted Friday, April 16, 2021 –5:00 p.m.

Dawn Steil, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 972-551-6600 for further information. Braille is not available.

Council Reserves the Right to Adjourn into Executive Session to Seek Legal Counsel on a Matter Which the Canon of Legal Ethics Demands to Preserve the Attorney-Client Privilege Pursuant to Section 551.071(2) of the Texas Government Code.



MINUTES

Special City Council Meeting and Workshop Meeting

5:30 PM - Tuesday, April 6, 2021

Terrell Police Headquarters, 1100 N. State Highway 34, Terrell, TX

The City of Terrell Council conducted a Special City Council Meeting and Workshop on Tuesday, April 6, 2021 at 5:30 PM in the Terrell Police Headquarters, 1100 N. State Highway 34, Terrell, TX.

**COUNCIL
PRESENT:** District 5 Tim Royse
District 2 Grady Simpson
District 3 Mayrani Velazquez
District 4 Charles Whitaker

**COUNCIL
ABSENT:** Mayor Rick Carmona

STAFF PRESENT: City Manager Mike Sims
City Secretary Dawn Steil
City Attorney Mary Gayle Ramsey

1 CALL TO ORDER

Mayor Pro Tem Tim Royse called the meeting to order.

2 INVOCATION

Charles Whitaker gave the invocation.

3 PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

Mayor Pro Tem Tim Royse led the pledge.

4 HEAR REMARKS FROM VISITORS.

No one came forward to speak.

5 DISCUSSION ITEMS

- a) Discuss Animal Control Veterinary Bid Award.
Police Chief Ken McKeown presented this item to Council for discussion.
- b) Discuss Mabank Interlocal Agreement.
Management Consultant John Godwin presented this item to Council for discussion.
- c) Discuss Monthly Financial Report.
Housing/Finance Director Jamarcus Ayers presented this item to Council for discussion.
- d) Discuss Mid-Year Budget Amendment.

Housing/Finance Director Jamarcus Ayers presented this item to  Council for discussion.

6 ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 551 OF THE TEXAS GOVERNMENT CODE TO DISCUSS THE FOLLOWING:

Section 551.087 Deliberations Regarding Economic Development Negotiations.

7 RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ITEMS DISCUSSED IN EXECUTIVE SESSION.

No action taken.

8 ADJOURN.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary



MINUTES

Regular City Council Meeting

7:00 PM - Tuesday, April 6, 2021

Terrell Police Headquarters, 1100 N. State Highway 34, Terrell, TX

The City of Terrell City Council conducted a Regular City Council meeting on Tuesday, April 6, 2021 at 7:00 PM in the Terrell Police Headquarters, 1100 N. State Highway 34, Terrell, TX.

COUNCIL PRESENT: Mayor Rick Carmona
 District 2 Grady Simpson
 District 3 Mayrani Velazquez
 District 4 Charles Whitaker
 District 5 Tim Royse

COUNCIL ABSENT:

STAFF PRESENT: City Manager Mike Sims
 City Secretary Dawn Steil
 Assistant City Attorney Greg Shumpert
 City Attorney Mary Gayle Ramsey

1 CALL TO ORDER

Mayor Pro Tem Tim Royse called the meeting to order.

2 INVOCATION

Charles Whitaker led the pledge.

3 PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

Mayor Pro Tem Tim Royse led the pledge.

4 MAYOR AND COUNCIL COMMUNITY RECOGNITION AND EVENTS

Deputy Mayor Pro Tem Mayrani Velazquez reminded everyone that "Earth Day" at the Hulsey Public Library is on April 22, 2021, 6 pm - 7 pm.

National Drug Take Back Day at Terrell Police Headquarters is April 24, 2021, 10 am - 2 pm.

5 ADOPTION OF MINUTES

- a) Discuss and Consider Minutes from the Special City Council Meeting on March 16, 2021, the Special City Council Meeting and Workshop on March 23, 2021, and the the Regular City Council Meeting on March 23, 2021.

Charles Whitaker moved to approve Minutes from the Special City Council Meeting on March 16, 2021, the Special City Council Meeting and Workshop on March 23, 2021,

and the the Regular City Council Meeting on March 23, 2021. , with Mayrani Velazquez seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse

6 HEAR REMARKS FROM VISITORS.

No one came forward to speak.

7 PUBLIC HEARING

- a) Conduct A Public Hearing To Receive Comments Regarding A Change In Zoning (ZC 21-01) From Agricultural (AG) To Executive Estates 32 (EE-32). The Property Is 51.724 Acres Out Of The David McIver Survey, Abstract No. 331, City Of Terrell, Kaufman County, Texas. Also, Known As 10350 CO RD 305.

Mayor Pro Tem Tim Royse opened the Public Hearing.

Libby York, 9880 CR 304, Terrell, TX, voiced her concern regarding the increase in traffic the new development will put on CR 303, 304, and 305. Please use consideration when locating the entrances and exits to the development.

Mayor Pro Tem Tim Royse closed the Public Hearing.

- b) Discuss and Consider A Change In Zoning (ZC 21-01) From Agricultural (AG) To Executive Estates 32 (EE-32). The Property Is 51.724 Acres Out Of The David McIver Survey, Abstract No. 331, City Of Terrell, Kaufman County, Texas. Also, Known As 10350 CO RD 305.

Municipal Development Director Charles Fenner made opening comments.

Mayrani Velazquez moved to approve the Change In Zoning (ZC 21-01) From Agricultural (AG) To Executive Estates 32 (EE-32). The Property Is 51.724 Acres Out Of The David McIver Survey, Abstract No. 331, City Of Terrell, Kaufman County, Texas. Also, Known As 10350 CO RD 305, with Tim Royse seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, and Tim Royse

8 BUSINESS ITEMS

- a) Discuss and Consider Ordinance 2862 Updating the Industrial Pretreatment Regulations.

Mayrani Velazquez moved to approve Ordinance No. 2862 on First Reading, An Ordinance Of The City Council Of The City Of Terrell Texas, Repealing And Replacing Chapter 12, Utilities, Article II, Industrial Waste Of The City Of Terrell Code Of Ordinances, Providing Regulations For The Disposal Of Sewage And The Use Of Public Sewers; Regulating The Discharge Of Industrial Wastes Into The Sanitary Sewer Of The City; Regulating Sewer And Miscellaneous Discharges; Providing For A Permit System With Denial, Suspension, Revocation And An Appeals Process; Providing A Penalty Clause, A Repealing Clause; A Severability Clause; And An Effective Date, with Grady Simpson seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse

ITEM 5.1.

Draft

b) Discuss and Consider Resolution 1020 Authorizing Application for a Community Development Grant Project.

Mayrani Velazquez moved to approve Resolution No. 1020, A Resolution Of The City Council Of Terrell, Texas, Authorizing The Submission Of A Texas Community Development Block Grant Program Application To The Texas Department Of Agriculture For The Community Development Fund; And Authorizing The Mayor And The City Manager To Act As The City's Executive Officers And Authorized Representatives In All Matters Pertaining To The City's Participation In The Texas Community Development Block Grant Program, with Charles Whitaker seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse

c) Discuss and Consider Award for Consultant Services for 2021 CDBG Grant Application and Administration Services.

Mayrani Velazquez moved to award the contract for consultant services for the 2021 Community Development Block Grant (CDBG) to Public Management, with Charles Whitaker seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse

d) Discuss and Consider Mabank Interlocal Agreement.

Mayrani Velazquez moved to approve the Mabank Interlocal Agreement as presented, with Charles Whitaker seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse

9 ADJOURN.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary



MINUTES

Special City Council Meeting and Workshop Meeting

5:00 PM - Tuesday, March 30, 2021

Terrell Service Center, 400 Industrial Blvd., Terrell, TX

The City of Terrell Council conducted a Special City Council Meeting and Workshop on Tuesday, March 30, 2021 at 5:00 PM in the Terrell Service Center, 400 Industrial Blvd., Terrell, TX.

**COUNCIL
PRESENT:** Mayor Rick Carmona
District 5 Tim Royse
District 3 Mayrani Velazquez
District 4 Charles Whitaker

**COUNCIL
ABSENT:** District 2 Grady Simpson

STAFF PRESENT: City Manager Mike Sims
City Secretary Dawn Steil
Assistant City Attorney Greg Shumpert

1 CALL TO ORDER

Mayor Rick Carmona called the meeting to order.

2 INVOCATION

Charles Whitaker gave the invocation.

3 PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

Mayor Rick Carmona led the pledge.

4 MAYOR AND COUNCIL COMMUNITY RECOGNITION AND EVENTS

Mayor Rick Carmona recognized the Terrell High School girls softball team for going to the playoffs.

Mayor Rick Carmona sent condolences to the fallen Department of Public Safety Trooper that lost his life.

City Manager Mike Sims recognized Carnell Horn and Omayra Mata for helping with the COVID-19 Vaccination Hub.

5 HEAR REMARKS FROM VISITORS.

No one came forward to speak.

6 DISCUSSION ITEMS

a) Discuss Public Services Department Strategic Plan.

Director of Public Works Glenn Caldwell presented this item to Council.

- b) Discuss Strategic Plan Overview.
- c) Discuss Strategic Plan City Council Priorities.
- d) Discuss Mid-Year Budget Amendment.

7 ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 551 OF THE TEXAS GOVERNMENT CODE TO DISCUSS THE FOLLOWING:

Section 551.072 Deliberations Regarding Real Property.
Section 551.074 Personnel Matters.

8 RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ITEMS DISCUSSED IN EXECUTIVE SESSION.

9 ADJOURN.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary

Regular City Council
AGENDA ITEM REPORT



To: Glenn Caldwell
Subject: Discuss Park Board Reappointments
Meeting: Regular City Council - Apr 20 2021
Department: Public Services
Staff Contact: Glenn Caldwell, Director

BACKGROUND INFORMATION:

Mr. Matthew Malone was originally appointed to serve on the Park Board in March of 2019. His first term will expire on March 31, 2021. Mr. Malone has expressed his desire to be reappointed to serve a second term.

Mrs. Katie Smith was originally appointed to serve on the Park Board in February of 2017. Mrs. Smith was reappointed to serve a second term in March of 2019, which will expire on March 31, 2021. Mrs. Smith has expressed her desire to be reappointed to serve her third and final term.

Please see attachment of their written requests.

ATTACHMENTS:

[Park board](#)
[council board responsibilities](#)
[Katie Smith Park Bd 3rd Term Request 032321](#)
[Matthew Malone - Park Bd 2nd Term Reappointment](#)

ITEM 8.1.

	Contact Information	Term Count	Appointed Re-Appointed	Term Expiration
Terrell Park Board				
Leonard Lancaster Appointed 11-5-19 Replaced Mary Mccoy Termed out 05/31/19	717 S. Medora Terrell, TX 75160 M: EM: llancaster25@yahoo.com	1	11/5/2019	Nov-21
Kaitlyn Craven Original appt date 12/8/20 Replaced Morgan Daws Appointed 08/07/18	1002 Ross Street Terrell, TX 75160 M: 972-754-4709 EM: katycraven1031@gmail.com	1	12/8/2020	Dec-22
Matthew Malone Orig. Appt. Date - Mar. 5, 2019 Replaced Mayrani Velazquez who resigned.	507 Griffith Ave. Terrell, Texas 75160 M: 214-929-8568 EM: matt@malone-realestate.com	1	3/5/2019	Mar-21
Micah Rice serving the remainder of Katie Osinde's term who resigned 8/20/19	722 Griffith Ave. Terrell, Texas 75160 C: 469-742-3559	1	9/3/2019	Sep-21
Melissa Nichols Original appt. date - 02/07/2017 to replace Christy Gail who resigned	873 Volney Terrell, TX 75160 HM: 972-563-6199 O: 972-563-1448 M: 214-686-4419 EM: melissa.nichols@terrellisd.org	1	8/20/2019	Aug-21
Katie Smith Original appt. date - 02/07/2017 to replace Justin Wallace who resigned	108 College Mound Rd. Terrell, Texas 75160 M: 214-364-8390	2	3/5/2019	Mar-21
Reginald Pegram Original Appt. Date- 06/21/2016 (replaced Tim Royse who became a City Council Member.)	709 West End Terrell, TX 75160 H: 972-524-8684 C: 214-729-7309 EM: rpegram@yahoo.com	3	10/6/2020	Oct-22
7 Members (3) Terms: 2 years Quorum: 4 members Ordinance 2349				
Requests Reappointment				
Needs Replacement				

Council Board Responsibilities

Board	Council Member
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Rick Carmona
Library	Charles Whitaker
Park	Tim Royse
Zoning Board of Adjustments	Mayrani Velazquez
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez

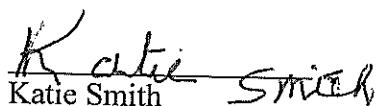
March 23, 2021

City of Terrell
Glenn Caldwell, Director of Public Services
400 Industrial Blvd
Terrell, TX 75160

Mr. Caldwell,

Please accept this letter as my request to be reappointed to serve my final and third term on the Park Board.

Sincerely,


Katie Smith



Demeter Turner <dturner@cityofterrell.org>

Park Board Term Expirations

4 messages

Demeter Turner <dturner@cityofterrell.org>

Tue, Mar 23, 2021 at 8:27 AM

To: matt@malone-realestate.com

Cc: Glenn Caldwell <GCaldwell@cityofterrell.org>

Mr. Malone,

Your first term expires March 31st. Please let us know at your earliest convenience if you're interested in being reappointed to serve a second term on the Park Board. We would like to get it on the next City Council agenda.

Sincerely,
Demeter Turner
Administrative Technician
City of Terrell - Service Center
400 Industrial Blvd
Terrell, Texas 75160
(972) 551-6614 Ext# 2242

Matthew Malone, Broker <matt@malone-realestate.com>

Tue, Mar 23, 2021 at 8:28 AM

To: Demeter Turner <dturner@cityofterrell.org>

Cc: Glenn Caldwell <gcaldwell@cityofterrell.org>

If you will have me! I would happily serve another term.

Thank You,

Matthew Malone, Broker/Owner
Malone and Associates Real Estate Inc.
214.929.8568 Text or Call
972.564.8800 Office

> On Mar 23, 2021, at 8:24 AM, Demeter Turner <dturner@cityofterrell.org> wrote:

>

>

[Quoted text hidden]

Demeter Turner <dturner@cityofterrell.org>

Tue, Mar 23, 2021 at 8:34 AM

To: "Matthew Malone, Broker" <matt@malone-realestate.com>

Thank you. We would love to have you to serve a second term. I will send this forward to Administration to be placed on the Council agenda.

Demeter Turner
Administrative Technician
City of Terrell - Service Center
400 Industrial Blvd
Terrell, Texas 75160
(972) 551-6614 Ext# 2242

[Quoted text hidden]

Glenn Caldwell <gcaldwell@cityofterrell.org>

Tue, Mar 23, 2021 at 8:43 AM

To: "Matthew Malone, Broker" <matt@malone-realestate.com>

ITEM 8.1.

Cc: Demeter Turner <dturner@cityofterrell.org>

Great! Thank you Sir

On Tue, Mar 23, 2021 at 8:28 AM Matthew Malone, Broker <matt@malone-realestate.com> wrote:

[Quoted text hidden]

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Sincerely,
Glenn Caldwell
Director of Public Service
972-551-6614 Office

Regular City Council
AGENDA ITEM REPORT



To: City Council
Subject: Discuss and consider Zoning Board of Adjustments reappointments
Meeting: Regular City Council - Apr 20 2021
Department: Municipal Development
Staff Contact: J Potts,

BACKGROUND INFORMATION:

Zoning Board of Adjustments members requesting reappointments to the board:
Dr. Kameka Miller reappointment to second term.
Chairman Jimmy Cooper reappointment to third term.
Vice-Chairman Karen Jones reappointment to third term.

ATTACHMENTS:

[council board responsibilities](#)
[ZBA](#)
[Zoning Board of Adjustments Term Emails](#)

Council Board Responsibilities

Board	Council Member
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Rick Carmona
Library	Charles Whitaker
Park	Tim Royse
Zoning Board of Adjustments	Mayrani Velazquez
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez

ITEM 8.2.

Member	Contact Information	Term Count	Appointed Re-Appointed	Term Expiration
Zoning Board of Adjustments				
Jimmy Cooper CHAIRMAN (10/26/2020) Original appointment date - Jan. 3, 2017 Replaced Stacey Browning who was not reappointed.	222 Elm Drive Terrell, TX 75160 M: 972-955-8736 EM: jim@jarepllc.com	2	2/5/2019	Feb-21
Matthew Hancock originally appointed 2-23-2021	220 Griffith Ave Terrell, TX 75160 T: 469-223-5040 EM: cpthippity@aol.com	1	2/23/2021	Feb-23
Dr. Kameka Miller Orig. Appt. Date - 2/5/19 to replace Dawn Steil who resigned 11/9/18 due to City of Terrell employment	ADDRESS Terrell, Texas 75160 C: 601-720-2828 W: EM:	1	2/5/2019	Feb-21
Jerry Yates- replaced Valente Briones	109 Brookhollow Terrell, TX 75160 972-669-4654	2	10/20/2020	Oct-22
Ashley Carmona Fivecoat originally appointed 2-23-2021 Replaced Gene Glaeser who termed out	1007 Griffith Ave. Terrell, TX 75160 C: 214-537-1155 EM: ashley5coat@gmail.com	1	2/23/2021	Feb-23
Carolyn Fairley Appointed 10/20/20, replaced Bill Sweazea who did not seek a 3rd term	1007 N. Frances Terrell, TX 75160 C: 972-322-1990 EM: realtorcarolynfairley@gmail.com	1	10/10/2020	Oct-22

ITEM 8.2.

Karen Jones VICE-CHAIRMAN (10/26/2020)	150 Redwood Lane Terrell, Texas 75160 C: 469-474-9719 H: 972-524-1499 EM: TISDWife@yahoo.com	2	2/5/2019	Feb-21
(3) Terms: 2 years Quorum: 4 members Ordinance 2357				
Request Reappointment				
Needs Replacement	2011 Honorees: Chris Simpson Frank Finan			



Second Term on the Zoning Board of Adjustments

2 messages

J Potts <jpotts@cityofterrell.org>
To: Kameka Miller <kamekamiller87@gmail.com>
Cc: Charles Fenner <cfenner@cityofterrell.org>

Mon, Mar 1, 2021 at 8:10 AM

Mrs. Miller,

I want to "Thank You" for your service during the first term on the Zoning Board of Adjustments, which expired in February 2021. I'm emailing you to see if you would like to serve a second term on the Zoning Board of Adjustments. Please let me know if you wish to serve the third term on the board.

Sincerely,
J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

Kameka Miller <kamekamiller87@gmail.com>
To: J Potts <jpotts@cityofterrell.org>
Cc: Charles Fenner <cfenner@cityofterrell.org>

Mon, Mar 1, 2021 at 3:04 PM

Hi Mr. Potts,

Thank you so much for your email. I would love to serve another term on the Zoning Board of Adjustments for the City of Terrell.

Sent from my iPhone

> On Mar 1, 2021, at 8:07 AM, J Potts <jpotts@cityofterrell.org> wrote:
>
>
[Quoted text hidden]



Third Term on the Zoning Board of Adjustments

2 messages

J Potts <jpotts@cityofterrell.org>
To: jim@jarepllc.com
Cc: Charles Fenner <cfenner@cityofterrell.org>

Mon, Mar 1, 2021 at 8:06 AM

Mr. Cooper,

I want to "Thank You" for your service during the second term on the Zoning Board of Adjustments, which expired in February 2021. I'm emailing you to see if you would like to serve a third term on the Zoning Board of Adjustments. Please let me know if you wish to serve the third term on the board.

Sincerely,

J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

Jim Cooper <jim@jarepllc.com>
To: J Potts <jpotts@cityofterrell.org>

Mon, Mar 1, 2021 at 8:32 AM

3rd term is fine by me. Thanks for your hard work

[Quoted text hidden]



Third Term on the Zoning Board of Adjustments

2 messages

J Potts <jpotts@cityofterrell.org>
To: K Jones <tisdwife@yahoo.com>
Cc: Charles Fenner <cfenner@cityofterrell.org>

Mon, Mar 1, 2021 at 8:08 AM

Mrs. Jones,

I want to "Thank You" for your service during the second term on the Zoning Board of Adjustments, which expired in February 2021. I'm emailing you to see if you would like to serve a third term on the Zoning Board of Adjustments. Please let me know if you wish to serve the third term on the board.

Sincerely,

J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

Karen Jones <tisdwife@yahoo.com>
To: J Potts <jpotts@cityofterrell.org>

Mon, Mar 1, 2021 at 9:44 AM

Yes, I'd love to serve another term. I enjoy the work and the great people I work with! Thanks J!

Sent from my iPad

On Mar 1, 2021, at 8:05 AM, J Potts <jpotts@cityofterrell.org> wrote:

[Quoted text hidden]

Regular City Council
AGENDA ITEM REPORT



To: City Council
Subject: Discuss and consider Planning and Zoning Commissioner reappointments.
Meeting: Regular City Council - Apr 20 2021
Department: Municipal Development
Staff Contact: J Potts,

BACKGROUND INFORMATION:

Planning and Zoning Commissioners requesting reappointment to the commission:
Chairman- Danny Stephens reappointment to third term.
Vice-Chairman Jenny Heisel reappointment to third term.
Commissioner Trini B. Jones reappointment to third term.

ATTACHMENTS:

[council board responsibilities](#)
[Planning & Zoning](#)
[Planning and Zoning Term Emails](#)

Council Board Responsibilities

Board	Council Member
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Rick Carmona
Library	Charles Whitaker
Park	Tim Royse
Zoning Board of Adjustments	Mayrani Velazquez
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez

ITEM 8.3.

Member	Contact Information	Term Count	Appointed / Re-App't'd	Term Expiration
Planning & Zoning Commission				
Rosi Jaurez Original Appointment 9/19/2017	204 Heath Terrell, TX 75160 H: M: 713-818-5328 EM: rosi@fun-folks-unlimited.com	2	4/1/2020	Apr-22
Jenny Heisel Vice-Chairman Original Appt. Date - 11/15/2016 Vice- Chairman elect 7/23/2020	302 Lovers Lane Terrell, TX 75160 T: 972-563-6408 M: 214-384-3031 EM: jenny.heisel@suddenlink.net	2	2/14/2019	Feb-21
Jorge Vargas originally appointed 11-17-2020 replaced Vickie Anderson who termed out	810 E. College Street Terrell, Texas 75160 M: 469-474-5245 EM: sgtvargas74@yahoo.com	1	11/17/2020	Nov-22
Gabriel Cabrera originally appointed 2-23-2021 replaced Carolyn A. Wimberly who was not reappointed	408 S Frances Street Terrell, TX 75160 M: 214-948-4242 W: EM: gabriel.cabrera@dallascityhall.com	1	2/23/2021	Feb-23
Trini B. Jones Original appointment date - 10/20/2015	136 E. McCoulskey Terrell, TX 75160 M: 469-343-8245 EM: trinibjones@gmail.com	2	2/14/2019	Feb-21

ITEM 8.3.

Garrett Carlisle Original Appointment June 30, 2020 to replace Carolyn Fairley who termed out	307 Talty Road Terrell, TX 75160 C: 972-489-6456 EM: garrett@cliffviewassetgroup.com	1	6/30/2020	Jun-22
Stephanie Thomas Original Appointment: April 18, 2017 to replace Bruce Loflin who resigned.	1815 Trailview Terrell, TX 75160 H: 972-551-3466 M: 214-335-3670 EM: stephaniethomasrn@yahoo.com	2	5/21/2019	May-21
Danny Stephens- CHAIRMAN Orig. Appt. Date - 1/5/17	307 W. Moore Ave Terrell, Texas 75160 T: 972-524-5025 C: 214-926-9204 EM: dannystephens@sbcglobal.net	2	2/14/2019	Feb-21
Joe Hood - Replaced Jerry Yates term out.	506 Fox Terrell, TX 75160 T: 972-977-7507 W: C: 972-977-7505 EM: cmdrjoehood@yahoo.com	2	5/21/2019	May-21
(3) Terms: 2 years 4th Tuesday of each month Quorum: 5 members Ordinance 2350				
Request Reappointment				
Needs a Replacement				



Third Term on the Planning and Zoning Commission

2 messages

J Potts <jpotts@cityofterrell.org>
To: Danny Stephens <dannystephens@sbcglobal.net>
Cc: Charles Fenner <cfenner@cityofterrell.org>

Thu, Feb 25, 2021 at 6:53 PM

Mr. Stephens,

I want to "Thank You" for your service during the second term on the Planning and Zoning Commission, which expired in February 2021. I'm emailing you to see if you would like to serve a third term on the Planning and Zoning Commission. Please let me know if you wish to serve the third term on the Planning & Zoning Commission.

Sincerely,

J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

Danny Stephens <dstephens@ter-jan.com>
To: J Potts <jpotts@cityofterrell.org>

Fri, Feb 26, 2021 at 8:27 AM

Jay,

I will be glad to serve a third term.

Thanks

[Quoted text hidden]



Third Term on the Planning and Zoning Commission

2 messages

J Potts <jpotts@cityofterrell.org>
To: Jenny <jenny.heisel@suddenlink.net>
Cc: Charles Fenner <cfenner@cityofterrell.org>

Thu, Feb 25, 2021 at 6:52 PM

Mrs. Heisel,

I want to "Thank You" for your service during the second term on the Planning and Zoning Commission, which expired in February 2021. I'm emailing you to see if you would like to serve a third term on the Planning and Zoning Commission. Please let me know if you wish to serve the third term on the Planning & Zoning Commission.

Sincerely,

J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

Jenny <jenny.heisel@suddenlink.net>
To: J Potts <jpotts@cityofterrell.org>

Sat, Feb 27, 2021 at 5:46 AM

Yes, I will serve another term. Thank you

Sent from my iPad

> On Feb 25, 2021, at 6:49 PM, J Potts <jpotts@cityofterrell.org> wrote:
>
>
[Quoted text hidden]



Third Term on the Planning and Zoning Commission

3 messages

J Potts <jpotts@cityofterrell.org>
To: Trini Jones <trinibjones@gmail.com>
Cc: Charles Fenner <cfenner@cityofterrell.org>

Thu, Feb 25, 2021 at 6:54 PM

Mr. Jones,

I want to "Thank You" for your service during the second term on the Planning and Zoning Commission, which expired in February 2021. I'm emailing you to see if you would like to serve a third term on the Planning and Zoning Commission. Please let me know if you wish to serve the third term on the Planning & Zoning Commission.

Sincerely,

J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

J Potts <jpotts@cityofterrell.org>
To: Trini Jones <trinibjones@gmail.com>

Thu, Mar 4, 2021 at 11:27 AM

Mr. Jones,

Wanted to check in with you to see if you have considered serving a third term on the Planning and Zoning Commission? I am currently preparing the agenda item for the City Council to consider and approve additional term appointments to the Planning and Zoning Commission at the City Council meeting scheduled for 3/16/2021.

Sincerely,

J. Lee Potts
City of Terrell
Municipal Development Tech
972-551-6600 Ext 2063

[Quoted text hidden]

Trini Jones <trinibjones@gmail.com>
To: J Potts <jpotts@cityofterrell.org>

Thu, Mar 4, 2021 at 11:26 AM

Yes, I will.

[Quoted text hidden]

ITEM 8.4.

Name	Contact Information	Term Count	Appointed Re-	Term Expiratio
Tax Increment Financing Reinvestment Zone No. 1 Board				
Don Thurman Chairman for 1 year Appointed November 20, 2007	1103 Griffith Ave. Terrell, Texas 75160 T: 972-524-6219 M: 469-474-8111	7	3/5/2019	Mar-21
Juan Salazar Replacing Douglas Howie term expired Jan-20 Orig. Appt. Date - Dec. 18, 2019	1720 Oak Post Drive Terrell, TX 75160 W: C: 214-832-9441 EM: juans@1stchoicepandb. com	1	1/20/2020	Jan-22
John Davidson, Chairman Appointed Chairman 3/5/19 Appointed November 20, 2007	408 Laurel Trail North Terrell, Texas 75160 T: 972-563-0186 EM: johndavidson@anbtx.com W: 214-863-5959	7	3/5/2019	Mar-21
Terry Barber Appointed by KC Comm. Court to fill unexp. term of Ken Schoen Appointed 1/23/2017	601 E. Nash Street Terrell, TX 75160 W: 972-563-5362 C: 214-734-0812 EM: tbarber@kaufmancounty. net	2	3/20/2019	Apr-21
Mike Hunt Appointed by KC Comm. Court to fill unexp. term of Jimmy Vrzalik Appointed 1/23/2017	Pct. 1 3001 S. Washington St. Kaufman, TX 75142 W: 972-932-0285 C: 214-797-6420 EM: mhunt@kaufmancounty. net	2	3/20/2019	Apr-21
2 years Board of Directors Ordinance 2355	Initial appointments required by resolution. See Resolution 595			

ITEM 8.4.

Needs Replacement	Requests Reappointment		
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ITEM 8.5.

Name	Contact Information	Term Count	Appointed Re-Appointed	Term Expiration
Power Center Board				
Don Thurman Original Appointment Date: 09/17/2013	1103 Griffith Ave. Terrell, Texas 75160 T: 972-524-6219 M: 469-474-8111	3	3/5/2019	Mar-21
Juan Salazar Replacing Douglas Howie term expired Jan-20 Orig. Appt. Date - Dec. 18, 2019	1720 Oak Post Drive Terrell, TX 75160 W: C: 214-832-9441 EM: juans@1stchoicepandb. com	1	1/1/2019	Jan-21
John Davidson, Chairman Original Appointment Date: 09/17/2013 App as Chairman 2/7/17	408 Laurel Trail North Terrell, Texas 75160 T: 972-563-0186 W: 214-863-5959	3	3/5/2019	Mar-21
Terry Barber Appointed by KC Comm. Court to fill unexp. term of Ken Schoen Appointed 1/23/2017	601 E. Nash Street Terrell, TX 75160 W: 972-563-5362 C: 214-734-0812 EM: tbarber@kaufmancounty. net	2	3/20/2019	Apr-21
Mike Hunt Appointed by KC Comm. Court to fill unexp. term of Jimmy Vrzalik Appointed 1/23/2017	Pct. 1 3001 S. Washington St. Kaufman, TX 75142 W: 972-932-0285 C: 214-797-6420 EM: mhunt@kaufmancounty. net	2	3/20/2019	Apr-21
2 years Board of Directors Ordinance 2574	Initial appointments required by Ordinance. See Ordinance 2574			

ITEM 8.5.

Name	Contact Information	Term Count	Appointed Re-Appointed	Term Expiration
Needs Replacement	Request Reappointment			

RESOLUTION NO. 1011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, ESTABLISHING AND ASSIGNING RESPONSIBILITIES TO A CITY FACILITIES NAMING COMMITTEE AND PLACING A TEMPORARY HOLD ON NEW HONORARY NAMES TO ALLOW THE CITY FACILITIES NAMING COMMITTEE DUE TIME FOR DELIBERATIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Councils in the State of Texas possess the responsibility of assigning names to streets, municipal buildings, parks, trails, lakes and other facilities under the municipality's jurisdiction; and

WHEREAS, the Terrell City Council recognizes the importance of a reliable, efficient and open process for creating new names that reinforce respect for the history of Terrell, foster appreciation for the various contributions of the people and neighborhoods of Terrell, establish a positive identity consistent with the brand of Terrell, promote civic pride in Terrell and communicate clearly to visitors and emergency response personnel; and

WHEREAS, the Terrell City Council adopted Resolution No. 636 on June 16, 2009 governing the naming or renaming of City facilities, streets, and park land; and

WHEREAS, the Terrell City Council adopted Ordinance No. 2717, the current Comprehensive Plan, on January 2, 2018, which included recommendations from both the Park Plan and the Downtown Plan as adopted in May, 2018; and

WHEREAS, the Terrell City Council wishes to be responsive to changes in planning documents, growth trends and community input which have occurred since Resolution No. 636 was adopted.

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

Section I.

A City Facilities Naming Committee is hereby established as a temporary advisory board to provide consideration and input to the Terrell City Council based on the recitals herein. The Committee shall have five (5) total members with one (1) representative to be recommended by each of the five (5) members of the City Council and membership on the Committee to be subject to a vote of the full City Council. The City Secretary is directed to create an application for members of the community wishing to serve on the Committee and to make it available to the City Council and on the City website.

Section II.

The City Facilities Naming Committee shall meet at a time to be established by the City Manager after all five (5) members have been assigned by the City Council. The Committee

shall operate under Roberts Rules of Order, shall select its own Chairperson at its first meeting, shall meet as necessary as scheduled by the City Manager to make due consideration of a full range on City naming issues and shall have full charge to consider nonbinding recommendations to Council related to naming policies, naming processes and names of individual facilities under the City's jurisdiction.

Section III.

The City Facilities Naming Committee shall make its recommendations only by a majority vote of the full five (5) members of the Committee, shall provide a spokesperson to report to the City Council and, in the case of specific facilities, may provide either a single recommendation or a short list of options.

Section IV.

All elements Resolution No. 636 related to new and honorary names are hereby suspended until such time as the Naming Committee recommends updated procedures in the form of an updated Naming Resolution and such new Resolution is approved by City Council. Any street toppers already under consideration by the Planning and Zoning Commission shall be considered exempt from this suspension.

Section V.

To ensure communication between the Committee and City Council, prior to considering any individual facility name or renaming, the Committee shall provide a list of facilities which it recommends be considered to the City Council, the Committee shall then only consider facilities for which the City Council has directed the Committee to exercise its deliberative authority.

Section VI.

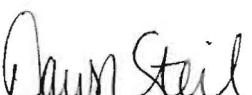
This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Terrell, Texas on this 2nd day of February, 2021.



E. RICK CARMONA, Mayor

ATTEST:



DAWN STEIL, City Secretary

Upcoming Board Appointments

Library Board

Joe Perry	June 2021
Cindy Oakley	June 2021

Park Board

Matthew Malone	March 2021
Katie Smith	March 2021

Planning and Zoning Board

Trini Jones	February 2021
Jenny Heisel	February 2021
Danny Stephens	February 2021
Stephanie Thomas	May 2021
Joe Hood	May 2021

TIRZ No. 1/Power Center Board

John Davidson	February 2021
Don Thurman	February 2021
Terry Barber	April 2021
Mike Hunt	April 2021

Zoning Board of Adjustments

Jimmy Cooper	February 2021
Dr. Kameka Miller	February 2021
Karen Jones	February 2021

Contract for Professional Services — Animal Control Department Shelter Veterinarian

THIS CONTRACT is made and entered into by and between the CITY OF TERRELL, TEXAS, hereinafter called "CITY," acting by and through the City Manager, duly authorized to act on behalf of the CITY, and Dan Turner, DVM, Wills Point Veterinary Clinic, hereinafter called "SHELTER VETERINARIAN," and any staff or partnership veterinarians acting by and through Dan Turner, DVM.

WHEREAS, the CITY desires professional services as "Shelter Veterinarian" in connection with the provision of animal veterinarian services for the Terrell Animal Control Department ("ACD"), specifically relating to animal adoption veterinary services required by law and the ACD when a citizen adopts an animal for their pet, as well as certain other approved veterinary services as agreed, in advance, by the ACD representative; and

WHEREAS, the CITY has determined the Shelter Veterinarian has the education and qualifications required to provide these services and the Shelter Veterinarian is willing to contract with the CITY to perform these services, as described above and detailed below.

The CITY and the SHELTER VETERINARIAN agree as follows:

The CITY hereby retains the SHELTER VETERINARIAN to perform services in connection with animal adoption services and other veterinary services described above and detailed below.

1. SCOPE OF SERVICES

The scope of services to be performed by the SHELTER VETERINARIAN shall be as follows:

1.1 Adoption Veterinary Services

The Shelter Veterinarian will perform specific services, as described in this Contract as "adoption services" for an agreed sum, not exceeding an aggregate amount, according to the following fee schedule:

1. Dog Ovariohysterectomy (spay) <50 lbs. of body weight. \$65.00
Dog Ovariohysterectomy (spay) >50 lbs. of body weight \$85.00
In heat or pregnant \$ 20.00 additional charge
Cat Ovariohysterectomy (spay) \$50.00
If pregnant additional \$15.00
Dog Castration (Neuter) \$60.00
Cat Castration (Neuter) \$25.00
2. Rabies Vaccination at \$10.00 per animal; and
3. Heartworm Testing at \$15.00 per animal. (If requested by adopter)

Services 1-3 described in Section 1.1, Adoption Veterinarian Services, constitute "adoption services" as discussed and understood by this document and the aggregate fee charged to the CITY shall not exceed \$65.00 for a Dog Ovariohysterectomy (spay) <50 lbs. of body weight. \$85.00 for a Dog Ovariohysterectomy (spay) >50 lbs. of body weight. \$50.00 for a Cat Ovariohysterectomy. \$60.00 for a Dog Castration. \$25.00 for a Cat Castration.

1.2 Specific Shelter Veterinarian Services

The SHELTER VETERINARIAN also agrees to provide the following veterinary services to the ACD. Prior to providing any of these services, the SHELTER VETERINARIAN agrees to provide an estimate of costs, including prescribed medication to the Chief of Police or his Supervisor with the ACD and shall not provide the specific veterinary services without approval of the Chief of Police or his Supervisor.

Specific veterinary services will be provided to the ACD according to the following schedule:

1. Micro-chipping at \$20.00 per animal;
2. X-rays \$125.00 for a single, \$20.00 for additional x-rays;
3. Exam fee \$20.00;
4. Capstar, if given in clinic \$5.00

The SHELTER VETERINARIAN shall submit an invoice to the City of Terre 11 ACD for all services due by the 15th day of each month for services provided during the previous month. The invoice will clearly reflect the charges approved by this Contract, as well as services approved by the Chief of Police or his ACD Supervisor.

2. CITY RESPONSIBILITIES

In order to effectively and efficiently facilitate the provision of services required by this contract, the CITY shall:

2.1 Adoption Veterinary Services

1. The CITY, by way of Staff of the ACD, shall timely schedule appointments for all adoption veterinary services;
2. The CITY, by way of Staff of the ACD, shall transport animals to the Shelter Veterinarian at the appointment time arranged; or day before and;
3. The Adopter shall pick up the treated animal, after the provision of adoption veterinary services, at the Shelter Veterinarian after 4pm on the day the veterinary services are performed.

2.2 Specific Shelter Veterinary Services

1. The ACD staff shall provide the SHELTER VETERINARIAN a signed Terrell Animal Control Department Authorization for Veterinary Services form, authorizing specific veterinary services; and
2. The ACD Staff shall provide the SHELTER VETERINARIAN a copy of each adopted animals shelter medical history report.
3. Any authorized charges approved on the ACD Authorization for Veterinary Services shall be paid by the CITY, as approved.

3. BILLING

3.1 Invoicing for Services

The Shelter Veterinarian shall invoice the CITY, according to the fees and schedules contained in this Contract by the 15th day of the following month for services approved and provided in the previous month.

Upon receipt, review and approval of the invoice by the City of Terrell ACD Staff, the invoice shall be processed and paid, as approved, by no later than the 15th day of the month in which the bill is received.

4. TERMINATION OF AGREEMENT

4.1 Termination

This Contract shall be valid from the date executed by the parties.

This Contract shall remain in effect through March 9, 2022, at which time it said Contract shall be renegotiated between the parties.

The CITY or the SHELTER VETERINARIAN may terminate this Contract for any reason, at any time, PROVIDED the terminating party provides the other party a minimum of thirty (30) days written notice. The termination shall take place thirty (30) calendar days after receipt of notice of termination. Upon termination of this Contract, fees for services rendered shall be paid subsequent to appropriate billing and a fifteen (15) day processing and approval period. No amount shall be due for "lost" or "anticipated" profits.

All payment obligations of the CITY under this Contract, including without limitation in the context of default or termination by either party, shall be subject to Chapter 2251 of the Texas Government Code (Payment for Goods and Services).

4.2 Failure to Pay

Failure of the CITY to make payments to the SHELTER VETERINARIAN in accordance with this Contract shall be considered substantial nonperformance and cause for termination.

If the CITY fails to make payment to the SHELTER VETERINARIAN within thirty (30) days of a statement for service properly performed, the SHELTER VETERINARIAN may, upon fourteen (14) days written notice to the CITY, suspend performance of services under this Contract. The suspension shall automatically take place, without further notice, if payment is not received within the fourteen (14) day notice.

5. GENERAL CONSIDERATIONS

5.1 Performance Standards

Services performed by the SHELTER VETERINARIAN under this Contract will be provided in a manner consistent with that level of care and skill ordinarily exercised by a professionally trained and credentialed Doctor of Veterinary Medicine in the State of Texas.

5.2 City Control

It is understood and agreed that the CITY shall have complete control of the services to be rendered, and that no work shall be done under this Contract until the SHELTER VETERINARIAN is solicited to proceed, as in accordance with this Contract.

5.3 Compliance with Laws

Each party shall comply with all federal, state, and local law and ordinances in the execution of all services in connection with this Project and as delineated in this Contract.

5.4 No Additional Work Without Authorization

Any provision in the Contract notwithstanding, it is specifically understood and agreed that the SHELTER VETERINARIAN shall not authorize or undertake any work pursuant to this Contract, which would require the payment of any fee, expense or reimbursement in addition to the fee stipulated in Article 1 of this Contract, without having first obtained specific written authority therefore from the CITY, per this Contract.

5.5 Governing Law

This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related hereto shall be in Kaufman County, Texas.

5.6 Complaints and Grievances

Complaints and grievances regarding the performance of this Contract shall be mediated by the City Manager of the City of Terrell, in consultation with the City Attorney's Office.

DOCUMENT EXECUTION

IN WITNESS WHEREOF, the parties have executed this Contract this the _____ day of
_____ 2021.

CITY OF TERRELL

By: _____
MIKE SIMS, City Manager

Attest:

City Secretary

SHELTER VETERINARIAN

By: _____
Dan Turner, DVM

Date: _____

ITEM 9.1.

9.1



Recent Labor Changes

(each year includes required civil service STEP increase)

FY20 – 2.5% STEP increase for all employees; instituted education and certification pay; adjusted auto policies

FY21 – 4% raise for Uniformed Police and Fire provided start of FY21; no other benefit changes in Adopted Budget

Pending Budget Amendment includes a 2.5% across the board market adjustment provided in May 2021

FY22 – Pending Budget Amendment includes a 2.5% across the board market adjustment provided in September 2021

Remaining FY22 proposals on hold until summer budget retreat; focus to include tuition, training and other non-wage benefits important to younger employees; no additional market increase; funding to rework Employee Handbook

Summary: 2.5% annual increase = slowing drifting further away from market average

Draft Future Labor Cost Analysis

	Base FY21 Budget	Scenario A FY22 Draft Budget	Scenario B Draft FY22 Budget
	No Increase for Non-Civil Service Employees; PD and FD 4% increase plus STEP	2.5% on May 1, Add 2 911, Increase 911, Restructure Finance, PD/FD FY22 STEP, Health up 5% in FY22	Scenario A plus 2.5% on Sept 1
11 Legislative	\$ 121,924	\$ 125,405	\$ 128,079
12 Administration	\$ 454,713	\$ 459,056	\$ 468,682
13 Animal Control	\$ 204,438	\$ 211,992	\$ 215,864
14 Finance	\$ 300,688	\$ 365,461	\$ 372,071
16 Municipal Building	\$ 34,219	\$ 35,480	\$ 35,941
17 Municipal Court	\$ 299,748	\$ 315,507	\$ 321,649
18 Emergency Management	\$ 152,595	\$ 153,500	\$ 156,889
20 Municipal Development	\$ 899,489	\$ 882,928	\$ 900,230
21 Engineering	\$ 411,453	\$ 424,188	\$ 433,330
22 Street	\$ 1,103,596	\$ 1,240,497	\$ 1,263,688
26 Parks	\$ 377,728	\$ 390,490	\$ 397,044
27 Youth Services	\$ 61,411	\$ 66,058	\$ 67,263
29 Pool	\$ 81,687	\$ 81,687	\$ 81,687
32 Police	\$ 6,096,531	\$ 6,511,481	\$ 6,639,575
33 Fire	\$ 3,710,684	\$ 3,687,343	\$ 3,760,800
34 Library	\$ 806,900	\$ 836,944	\$ 851,506
35 Housing	\$ 334,284	\$ 334,763	\$ 340,810
40 Human Resources	\$ 486,964	\$ 509,880	\$ 516,831
General Fund Totals	\$ 15,939,053	\$ 16,632,661	\$ 16,951,938
GF % Increase Over FY21		4.35%	6.35%
51 Water Quality	\$ 638,971	\$ 656,641	\$ 669,397
52 Water Distribution	\$ 483,029	\$ 496,300	\$ 504,590
61 Water Pollution	\$ 484,921	\$ 467,989	\$ 476,445
62 Water Collection	\$ 634,590	\$ 651,318	\$ 662,407
80 Utility Billing	\$ 217,602	\$ 224,243	\$ 228,367
Utility Fund Totals	\$ 2,459,114	\$ 2,496,490	\$ 2,541,207
25 Fleet Maintenance	\$ 316,074	\$ 325,577	\$ 331,733
All Labor Expenses	\$ 18,714,241	\$ 19,454,729	\$ 19,824,878
Total % Increase Over FY21		3.96%	5.93%

DRAFT ORDINANCE NO. 2863

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, AS PASSED AND ADOPTED ON APRIL ___, 2021 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

SECTION I.

The following funds are amended to reflect the following in the budget:

	Budget	Amount	Total	
Revenues				
CITY POWER CENTER FUND				
007-00-3304-00 2017-2007 CITY POWER CENTER	0.00	0.00	0.00	New account to record delinquent payment for previous years
007-00-3304-01 2018-2007 CITY POWER CENTER	0.00	0.00	0.00	New account to record delinquent payment for previous years
007-00-3304-02 2019-2007 CITY POWER CENTER	0.00	0.00	0.00	New account to record delinquent payment for previous years
007-00-3304-03 2020-2007 CITY POWER CENTER	0.00	382,348.00	382,348.00	Transfer Funds from PPP to City Power Center Fund
COUNTY POWER CENTER FUND				
008-00-3304-00 2017-2007 COUNTY POWER CENTER	0.00	0.00	0.00	New account to record delinquent payment for previous years
008-00-3304-01 2018-2007 COUNTY POWER CENTER	0.00	0.00	0.00	New account to record delinquent payment for previous years
008-00-3304-02 2019-2007 COUNTY POWER CENTER	0.00	0.00	0.00	New account to record delinquent payment for previous years
008-00-3304-03 2020-2007 COUNTY POWER CENTER	0.00	265,293.00	265,293.00	Transfer Funds from PPP to County Power Center Fund
GENERAL FUND				
010-00-3207-00 CITY SALES TAX	5,907,206.00	131,250.02	6,038,456.02	Projected Sales Tax Revenue Increase
010-00-3211-00 CITY SALES TAX/TAX REDUCTION	3,375,546.00	75,000.01	3,450,546.01	Projected Sales Tax Revenue Increase

ITEM 9.2.

010-00-3250-00					
TAXES-SALES EDC	2,531,659.00	56,249.99	2,587,908.99	Projected Sales Tax Revenue Increase	
010-00-3251-00					
TAXES-SALES PADIC	843,886.00	18,749.99	862,635.99	Projected Sales Tax Revenue Increase	
010-00-3252-00					
CAPITAL IMPROVEMENT TRANSFER	843,886.00	18,749.99	862,635.99	Projected Sales Tax Revenue Increase	
010-00-3803-00					
KAUFMAN COUNTY / LIBRARY	47,600.00	18,400.00	66,000.00	Increased Revenues from Kaufman County	
010-00-3812-00					
HOUSING ADMINISTRATION	408,984.00	115,828.00	524,812.00	HUD Cares Act Funding	
010-00-3825-00					
PARK MEMORIALS	0.00	400.00	400.00		
010-00-3842-00					
FIRE DONATIONS	0.00	2,500.00	2,500.00	Donation for Fire Department	
010-00-3899-01					
COVID 19 REIMBURSEMENTS	315,000.00	367,981.14	682,981.14	Cares Act Reimbursement Actual	
010-00-3899-02					
VACCINATION HUB REIMBURSEMENTS	0.00	225,000.00	225,000.00	Reimbursement for Vaccination HUB	
010-00-3899-03					
AMERICAN RESCUE PLAN	0.00	480,000.00	480,000.00	American Rescue Plan Phase 1 Funding	
AIRPORT FUND					
014-00-3107-01					
CONTRACTUAL REQUIREMENT	0.00	75,000.00	75,000.00	Partial Payment Fire Administration Lease	
PUBLIC PRIVATE PARTNERSHIP					
015-00-3301-00					
COUNTY TIF PARTICIPATION	328,922.00	(328,922.00)	0.00	Accounting Adjustment Move to County TIF Fund	
015-00-3301-01					
COUNTY POWER CENTER PARTICIPATION	254,391.00	(254,391.00)	0.00	Accounting Adjustment Move to County Power Center Fund	
015-00-3304-00					
CITY TIF PARTICIPATION	1,136,190.00	(54,884.00)	1,081,306.00	Changed based on Hal Jones Report	
015-00-3304-01					
CITY POWER CENTER PARTICIPATION	382,691.00	(382,691.00)	0.00	Accounting Adjustment Move to City Power Center Fund	
015-00-3304-02					
TRANSFER IN GENERAL FUND	0.00	180,000.00	180,000.00	American Rescue Plan Funding for Chamber Partnership and Downtown Partnership	
AIRPORT CAPITAL FUND					
018-00-3702-00					
GRANT REFUND	0.00	246,143.00	246,143.00	Grant Refund	

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CAPITAL IMPROVEMENT FUND				
026-00-3101-00 TRANSFER IN GENERAL FUND	843,886.00	18,749.99	862,635.99	Projected Sales Tax Revenue Increase
COUNTY TIF NO. 1 FUND				
030-00-3301-00 2008-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-01 2009-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-02 2010-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-03 2011-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-04 2012-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-05 2013-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-06 2014-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-07 2015-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-08 2016-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-09 2017-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-10 2018-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-11 2019-2007 COUNTY TIF TAXES	0.00	0.00	0.00	New account to record delinquent payment for previous years
030-00-3301-12 2020-2007 COUNTY TIF TAXES	0.00	328,592.00	328,592.00	Transfer funds from PPP to County TIF Fund

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INFORMATION TECHNOLOGY					
044-00-3201-00					
TRANSFER IN GENERAL FUND	734,377.00	410,000.00	1,144,377.00		Additional Funding to cover previous year fund deficits; Plus ARP funding for BroadBand and other IT expenditures
044-00-3202-00					
TRANSFER IN UTILITY FUND	174,026.00	43,341.00	217,367.00		Additional Funding to cover previous year fund deficits
044-00-3203-00					
TRANSFER IN EQUIPMENT REPLACEMENT FUND	19,800.00	31,656.00	51,456.00		Additional Funding to cover previous year fund deficits
044-00-3204-00					
TRANSFER IN STORM WATER FUND	0.00	51,575.00	51,575.00		Additional Funding to cover previous year fund deficits
044-00-3205-00					
TRANSFER IN AIRPORT FUND	0.00	22,480.00	22,480.00		Additional Funding to cover previous year fund deficits
044-00-3209-00					
TRANSFER IN PUBLIC PRIVATE PARTNERSHIP FUND	0.00	11,774.00	11,774.00		Additional Funding to cover previous year fund deficits
FRS 87A LAKE ELMO					
316-00-3001-00					
STATE GRANT INCOME	0.00	256,025.00	256,025.00		Grant Revenue Received in 2021
316-00-3001-01					
FEDERAL GRANT INCOME	0.00	500,500.00	500,500.00		Grant Revenue Received in 2021
Expenses					
CITY POWER CENTER FUND					
007-15-4410-00					
CITY PC REIM SINACOLA	0.00	0.00	0.00		Accounting Adjustment
007-15-4410-02					
CITY PC REIM BAYLOR	0.00	0.00	0.00		Accounting Adjustment
007-15-4410-03					
CITY PC REIM TERRELL MARKET CENTER	0.00	54,976.00	54,976.00		Accounting Adjustment
007-15-4410-04					
CITY PC REIM BUCEE'S	0.00	48,800.00	48,800.00		Accounting Adjustment
007-15-4410-06					
CITY PC REIM CROSSROADS	0.00	194,111.00	194,111.00		Accounting Adjustment
COUNTY POWER CENTER FUND					
008-15-4410-00					
COUNTY PC REIM SINACOLA	0.00	0.00	0.00		Accounting Adjustment
008-15-4410-02					
COUNTY PC REIM BAYLOR	0.00	0.00	0.00		Accounting Adjustment

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008-15-4410-03 COUNTY PC REIM TERRELL MARKET CENTER	0.00	40,852.00	40,852.00	Accounting Adjustment
008-15-4410-04 COUNTY PC REIM BUCEE'S	0.00	33,116.00	33,116.00	Accounting Adjustment
008-15-4410-06 COUNTY PC REIM CROSSROADS	0.00	132,652.00	132,652.00	Accounting Adjustment

GENERAL FUND

LEGISLATIVE

010-11-4101-00 SUPERVISION	84,050.00	1,088.00	85,138.00	2.5% Raise across the board in May 1 and September 1
010-11-4110-00 SOCIAL SECURITY	6,430.00	83.00	6,513.00	2.5% Raise across the board in May 1 and September 1
010-11-4111-00 TMRS	13,902.00	180.00	14,082.00	2.5% Raise across the board in May 1 and September 1
010-11-4457-00 ECONOMIC DEVELOPMENT CORP	2,531,659.00	56,249.99	2,587,908.99	Increase from Sales Tax Revenue
010-11-4458-00 PARKS & DOWNTOWN IMPR CORP	843,886.00	18,749.99	862,635.99	Increase from Sales Tax Revenue
010-11-4498-00 CONTINGENCY FUND	40,000.00	(39,500.00)	500.00	Reduce to balance budget

ADMINISTRATION

010-12-4102-00 CLERICAL	101,625.00	1,304.00	102,929.00	2.5% Raise across the board in May 1 and September 1
010-12-4110-00 SOCIAL SECURITY	24,717.00	296.00	25,013.00	2.5% Raise across the board in May 1 and September 1
010-12-4111-00 TMRS	53,441.00	640.00	54,081.00	2.5% Raise across the board in May 1 and September 1
010-12-4445-00 CITY MANAGER CONTINGENCY	30,000.00	(30,000.00)	0.00	Reduce to balance budget

ANIMAL CONTROL

010-13-4101-00 SUPERVISION	46,005.00	565.00	46,570.00	2.5% Raise across the board in May 1 and September 1
010-13-4102-00 CLERICAL	36,196.00	491.00	36,687.00	2.5% Raise across the board in May 1 and September 1
010-13-4110-00 SOCIAL SECURITY	9,262.00	212.00	9,474.00	2.5% Raise across the board in May 1 and September 1
010-13-4111-00 TMRS	20,026.00	456.00	20,482.00	2.5% Raise across the board in May 1 and September 1

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FINANCE				
010-14-4101-00				
SUPERVISION	109,605.00	6,807.35	116,412.35	2.5% Raise across the board in May 1 and September 1
010-14-4102-00				
CLERICAL	87,988.00	54,996.00	142,984.00	Add Budget Analyst
010-14-4110-00				
SOCIAL SECURITY	15,322.00	2,433.00	17,755.00	2.5% Raise across the board in May 1 and September 1
010-14-4111-00				
TMRS	33,128.00	5,261.00	38,389.00	2.5% Raise across the board in May 1 and September 1
010-14-4440-00				
CONTRACT LABOR	35,000.00	119,500.00	154,500.00	Organizational Changes to Department
MUNICIPAL BUILDING				
010-16-4104-00				
TEMPORARY	13,915.00	174.00	14,089.00	2.5% Raise across the board in May 1 and September 1
010-16-4110-00				
SOCIAL SECURITY	1,065.00	13.00	1,078.00	2.5% Raise across the board in May 1 and September 1
010-16-4111-00				
TMRS	2,302.00	29.00	2,331.00	2.5% Raise across the board in May 1 and September 1
MUNICIPAL COURT				
010-17-4101-00				
SUPERVISION	120,160.00	1,414.00	121,574.00	2.5% Raise across the board in May 1 and September 1
010-17-4102-00				
CLERICAL	77,855.00	1,005.00	78,860.00	2.5% Raise across the board in May 1 and September 1
010-17-4110-00				
SOCIAL SECURITY	15,301.00	185.00	15,486.00	2.5% Raise across the board in May 1 and September 1
010-17-4111-00				
TMRS	33,083.00	400.00	33,483.00	2.5% Raise across the board in May 1 and September 1
EMERGENCY MANAGEMENT				
010-18-4101-00				
SUPERVISION	107,856.00	2,062.00	109,918.00	2.5% Raise across the board in May 1 and September 1
010-18-4110-00				
SOCIAL SECURITY	8,251.00	158.00	8,409.00	2.5% Raise across the board in May 1 and September 1
010-18-4111-00				
TMRS	17,839.00	341.00	18,180.00	2.5% Raise across the board in May 1 and September 1
010-18-4290-01				
COVID-19 MATERIALS AND SUPPLIES	20,000.00	100,000.00	120,000.00	Vaccination HUB and other COVID efforts
010-18-4404-00				
CONSULTANT FEES & SERVICES	1,000.00	49,000.00	50,000.00	Vaccination HUB and other COVID efforts
010-18-4406-00				

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DISASTER DECLARATION CONTINGENCY	75,000.00	100,000.00	175,000.00	Vaccination HUB and other COVID efforts
MUNICIPAL DEVELOPMENT				
010-20-4101-00				
SUPERVISION	136,544.00	10,695.64	147,239.64	2.5% Raise across the board in May 1 and September 1
010-20-4102-00				
CLERICAL	139,630.00	25,826.00	165,456.00	2.5% Raise across the board in May 1 and September 1
010-20-4103-00				
LABOR	297,531.00	(58,293.23)	239,237.77	2.5% Raise across the board in May 1 and September 1; Staff Changes
010-20-4110-00				
SOCIAL SECURITY	44,692.00	2,451.00	43,033.00	2.5% Raise across the board in May 1 and September 1
010-20-4111-00				
TMRS	95,552.00	(3,600.00)	91,952.00	2.5% Raise across the board in May 1 and September 1; Staff Changes
010-20-4404-00				
CONTRACT LABOR	8,500.00	30,000.00	38,500.00	Building Inspections
ENGINEERING				
010-21-4101-00				
SUPERVISION	135,001.00	9,033.45	144,034.45	2.5% Raise across the board in May 1 and September 1
010-21-4103-00				
LABOR	152,421.00	1,866.00	154,287.00	2.5% Raise across the board in May 1 and September 1
010-21-4110-00				
SOCIAL SECURITY	21,988.00	834.00	22,822.00	2.5% Raise across the board in May 1 and September 1
010-21-4111-00				
TMRS	47,450.00	1,893.00	49,343.00	2.5% Raise across the board in May 1 and September 1
STREETS				
010-22-4101-00				
SUPERVISION	202,714.00	6,622.89	209,336.89	2.5% Raise across the board in May 1 and September 1
010-22-4102-00				
CLERICAL	81,985.00	1,043.00	83,028.00	2.5% Raise across the board in May 1 and September 1
010-22-4103-00				
LABOR	372,607.00	5,978.67	378,585.67	2.5% Raise across the board in May 1 and September 1
010-22-4110-00				
SOCIAL SECURITY	52,579.00	1,024.00	53,603.00	2.5% Raise across the board in May 1 and September 1
010-22-4111-00				
TMRS	113,680.00	2,258.00	115,938.00	2.5% Raise across the board in May 1 and September 1
PARKS				
010-26-4101-00				
SUPERVISION	54,773.00	931.00	55,704.00	2.5% Raise across the board in May 1 and September 1
010-26-4103-00				
LABOR	144,943.00	2,464.00	147,407.00	2.5% Raise across the board in May 1 and September 1

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010-26-4110-00 SOCIAL SECURITY	17,573.00	299.00	17,872.00	2.5% Raise across the board in May 1 and September 1
010-26-4111-00 TMRS	37,995.00	646.00	38,641.00	2.5% Raise across the board in May 1 and September 1
010-26-4112-00 WORKERS COMP	8,488.00	1,352.00	9,840.00	Hiring Maintenance Worker; Including Increases
010-26-4480-00 PARK MEMORIALS	0.00	400.00	400.00	Park Memorial Expenditure
YOUTH SERVICES				
010-27-4101-00 SUPERVISION	34,770.00	429.00	35,199.00	2.5% Raise across the board in May 1 and September 1
010-27-4110-00 SOCIAL SECURITY	2,660.00	33.00	2,693.00	2.5% Raise across the board in May 1 and September 1
010-27-4111-00 TMRS	5,751.00	71.00	5,822.00	2.5% Raise across the board in May 1 and September 1
POLICE				
010-32-4101-00 SUPERVISION	431,615.00	9,351.39	440,966.39	2.5% Raise across the board in May 1 and September 1
010-32-4102-00 CLERICAL	517,875.00	36,222.11	554,097.11	2.5% Raise across the board in May 1 and September 1
010-32-4103-00 LABOR	2,864,297.00	63,389.50	2,927,686.50	2.5% Raise across the board in May 1 and September 1
010-32-4105-00 OVERTIME	105,000.00	5,000.00	110,000.00	Increase to cover vaccination hub
010-32-4110-00 SOCIAL SECURITY	300,483.00	7,096.00	307,579.00	2.5% Raise across the board in May 1 and September 1
010-32-4111-00 TMRS	649,673.00	15,342.00	665,015.00	2.5% Raise across the board in May 1 and September 1
010-32-4518-00 DONATIONS	0.00	1,151.00	1,151.00	Police Donations Expenditure
FIRE				
010-33-4101-00 SUPERVISION	499,816.00	8,832.00	508,648.00	2.5% Raise across the board in May 1 and September 1
010-33-4102-00 CLERICAL	39,284.00	1,003.00	40,287.00	2.5% Raise across the board in May 1 and September 1
010-33-4103-00 LABOR	1,871,216.00	34,089.00	1,905,305.00	2.5% Raise across the board in May 1 and September 1
010-33-4105-00				

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OVERTIME	55,000.00	3,000.00	58,000.00	Increase to cover vaccination hub
010-33-4110-00 SOCIAL SECURITY	188,826.00	3,360.00	192,186.00	2.5% Raise across the board in May 1 and September 1
010-33-4111-00 TMRS	408,259.00	7,266.00	415,525.00	2.5% Raise across the board in May 1 and September 1
010-33-4510-00 FIRE DONATIONS	0.00	2,500.00	2,500.00	DONATION TO FIRE DEPARTMENT
LIBRARY				
010-34-4101-00 SUPERVISION	113,707.00	5,092.49	118,799.49	2.5% Raise across the board in May 1 and September 1
010-34-4102-00 CLERICAL	277,928.00	4,644.06	282,572.06	2.5% Raise across the board in May 1 and September 1
010-34-4104-00 TEMPORARY	79,643.00	2,091.26	81,734.26	2.5% Raise across the board in May 1 and September 1
010-34-4110-00 SOCIAL SECURITY	36,053.00	904.00	36,957.00	2.5% Raise across the board in May 1 and September 1
010-34-4111-00 TMRS	77,949.00	1,957.00	79,906.00	2.5% Raise across the board in May 1 and September 1
HOUSING				
010-35-4101-00 SUPERVISION	97,440.00	1,228.00	98,668.00	2.5% Raise across the board in May 1 and September 1
010-35-4102-00 CLERICAL	116,861.00	1,506.00	118,367.00	2.5% Raise across the board in May 1 and September 1
010-35-4110-00 SOCIAL SECURITY	16,363.00	240.00	16,603.00	2.5% Raise across the board in May 1 and September 1
010-35-4111-00 TMRS	35,379.00	519.00	35,898.00	2.5% Raise across the board in May 1 and September 1
010-35-4405-00 HUD CARES ACT IMPROVEMENTS	0.00	115,828.00	115,828.00	SOFTWARE UPGRADES
HUMAN RESOURCES				
010-40-4101-00 SUPERVISION	137,451.00	11,007.03	148,458.03	2.5% Raise across the board in May 1 and September 1
010-40-4102-00 CLERICAL	83,763.00	1,569.30	85,332.30	2.5% Raise across the board in May 1 and September 1
010-40-4110-00 SOCIAL SECURITY	16,923.00	962.00	17,885.00	2.5% Raise across the board in May 1 and September 1
010-40-4111-00 TMRS	36,589.00	2,087.00	38,676.00	2.5% Raise across the board in May 1 and September 1
INTERGOVERNMENTAL TRANSFER				

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010-90-4414-00					
TRANSFER OUT TO CAPITAL IMPR FUND	843,886.00	12,499.99	856,385.99	Increase from Sales Tax Revenue	
010-90-4416-00					
TRANSFER TO PUBLIC PRIVATE PARTNERSHIP	0.00	180,000.00	180,000.00	American Rescue Plan for Chamber and Downtown Partnerships	
010-90-4416-01					
TRANSFER TO CITY POWER CENTER	295,878.00	86,469.00	382,347.00	Updated based on collections; Transfer to City Power Center; Rename account	
010-90-4419-00					
TRANSFER TO AUTOMATION (44)	734,377.00	310,000.00	1,044,377.00	Additional Funding to meet Obligations and ARPs	
010-90-4420-00					
TRANSFER OUT TO AIRPORT FUND	0.00	75,000.00	75,000.00	Partial Fire Administration Lease Payment	
AIRPORT FUND					
DEBT SERVICE/TRANSFERS					
014-90-4519-00					
TRANSFER TO AUTOMATION (44)	0.00	22,480.00	22,480.00	Additional Funding to meet obligations	
PUBLIC PRIVATE PARTNERSHIP					
TAX INCREMENT FINANCE NO. 1					
015-15-4408-02					
EDC AMERICANWAY & SAGE HILL PKWY	0.00	550,000.00	550,000.00	To record expenditure	
015-15-4410-00					
CITY TIF REIM SINACOLA	10,645.00	(2,412.79)	8,232.21	Transfer City PC, County PC, and County TIF to respective funds	
015-15-4410-02					
CITY TIF REIM BAYLOR	0.00	0.00	0.00	Transfer City PC, County PC, and County TIF to respective funds	
015-15-4410-03					
CITY TIF REIM TERRELL MARKET CENTER	237,025.00	(131,551.00)	105,474.00	Transfer City PC, County PC, and County TIF to respective funds	
015-15-4410-04					
CITY TIF REIM BUCEE'S	174,125.00	(101,352.00)	72,773.00	Transfer City PC, County PC, and County TIF to respective funds	
015-15-4410-06					
CITY TIF REIM CROSSROADS	848,391.00	(552,778.00)	295,613.00	Transfer City PC, County PC, and County TIF to respective funds	
015-17-4401-00					
CHAMBER PARTNERSHIP ARP	0.00	25,000.00	25,000.00	American Rescue Plan	
015-17-4401-01					
DOWNTOWN TOURISM PARTNERSHIP ARP	0.00	10,000.00	10,000.00	American Rescue Plan	
015-18-4402-00					
CROSSROADS PID DESIGN/CONSTRUCTION	0.00	55,240.00	55,240.00	Design Agreement At Crossroads PID	
DEBT SERVICE/TRANSFERS					
015-90-4407-00					

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TRANSFER TO AUTOMATION (44)	0.00	11,774.00	11,774.00	Additional Funding to Meet Obligations
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UTILITY FUND					
WATER QUALITY					
020-51-4101-00					
SUPERVISION	163,002.00	2,593.06	165,595.06	2.5% Raise across the board in May 1 and September 1	
020-51-4102-00					
CLERICAL	45,604.00	1,685.77	47,289.77	2.5% Raise across the board in May 1 and September 1	
020-51-4103-00					
LABOR	185,059.00	2,353.00	187,412.00	2.5% Raise across the board in May 1 and September 1	
020-51-4110-00					
SOCIAL SECURITY	30,942.00	511.00	31,453.00	2.5% Raise across the board in May 1 and September 1	
020-51-4111-00					
TMRS	66,899.00	1,105.00	68,004.00	2.5% Raise across the board in May 1 and September 1	
WATER DISTRIBUTION					
020-52-4101-00					
SUPERVISION	55,240.00	721.00	55,961.00	2.5% Raise across the board in May 1 and September 1	
020-52-4103-00					
LABOR	200,186.00	5,322.37	205,508.37	2.5% Raise across the board in May 1 and September 1	
020-52-4110-00					
SOCIAL SECURITY	22,715.00	463.00	23,178.00	2.5% Raise across the board in May 1 and September 1	
020-52-4111-00					
TMRS	49,112.00	999.00	50,111.00	2.5% Raise across the board in May 1 and September 1	
020-52-4440-00					
CONTRACT LABOR	50,000.00	75,000.00	125,000.00		
020-52-4512-00					
INSERT-A-VALVE EQUIPMENT	0.00	47,000.00	47,000.00	Purchase of Equipment	
WATER POLLUTION					
020-61-4101-00					
SUPERVISION	68,564.00	1,388.26	69,952.26	2.5% Raise across the board in May 1 and September 1	
020-61-4103-00					
LABOR	219,221.00	4,339.40	223,560.40	2.5% Raise across the board in May 1 and September 1	
020-61-4110-00					
SOCIAL SECURITY	22,934.00	399.00	23,333.00	2.5% Raise across the board in May 1 and September 1	
020-61-4111-00					
TMRS	49,854.00	595.00	50,449.00	2.5% Raise across the board in May 1 and September 1	
WATER COLLECTION					
020-62-4101-00					
SUPERVISION	191,906.00	3,739.19	195,645.19	2.5% Raise across the board in May 1 and September 1	
020-62-4103-00					

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LABOR	153,896.00	4,716.97	158,612.97	2.5% Raise across the board in May 1 and September 1
020-62-4110-00				
SOCIAL SECURITY	30,967.00	686.00	31,653.00	2.5% Raise across the board in May 1 and September 1
020-62-4111-00				
TMRS	66,954.00	1,483.00	68,437.00	2.5% Raise across the board in May 1 and September 1
UTILITY BILLING				
020-80-4101-00				
SUPERVISION	51,405.00	624.00	52,029.00	2.5% Raise across the board in May 1 and September 1
020-80-4102-00				
CLERICAL	81,635.00	1,028.00	82,663.00	2.5% Raise across the board in May 1 and September 1
020-80-4110-00				
SOCIAL SECURITY	10,254.00	126.00	10,380.00	2.5% Raise across the board in May 1 and September 1
020-80-4111-00				
TMRS	22,170.00	274.00	22,444.00	2.5% Raise across the board in May 1 and September 1
DEBT SERVICE/TRANSFER				
020-90-4419-00				
TRANSFER TO COMMUNICATIONS (044)	174,026.00	43,341.00	217,367.00	Additional funding to meet obligations
EQUIPMENT REPLACEMENT FUND				
FLEET/EQUIPMENT SERVICES				
025-25-4101-00				
SUPERVISION	63,508.00	1,666.16	65,174.16	2.5% Raise across the board in May 1 and September 1
025-25-4102-00				
CLERICAL	0.00	0.00	0.00	2.5% Raise across the board in May 1 and September 1
025-25-4103-00				
LABOR	126,217.00	4,618.19	130,835.19	2.5% Raise across the board in May 1 and September 1
025-25-4110-00				
SOCIAL SECURITY	14,705.00	481.00	15,186.00	2.5% Raise across the board in May 1 and September 1
025-25-4111-00				
TMRS	31,794.00	1,039.00	32,833.00	2.5% Raise across the board in May 1 and September 1
DEBT SERVICE/TRANSFERS				
025-90-4413-00				
TRANSFER OUT COMMUNICATIONS (044)	19,800.00	31,656.00	51,456.00	Additional funding to meet obligations
CAPITAL IMPROVEMENT FUND				
026-26-4512-00				
CITY HALL IMPROVEMENTS	50,000.00	225,000.00	275,000.00	Additional cost for City Hall Improvements
026-26-4519-00				
A/C UNIT MAINTENANCE	0.00	120,000.00	120,000.00	Budget Build Error
COUNTY TIF NO. 1 FUND				
030-15-4410-00				

ITEM 9.2.

COUNTY TIF REIM SINACOLA	0.00	2,492.00	2,492.00	Transfer from PPP to County TIF; Rename
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030-15-4410-02

COUNTY TIF REIM BAYLOR

0.00

0.00

0.00

Rename

030-15-4410-03

COUNTY TIF REIM TERRELL MARKET CENTER

0.00

31,924.00

31,924.00

Transfer from PPP to County TIF; Rename

030-15-4410-04

COUNTY TIF REIM BUCEE'S

0.00

22,026.00

22,026.00

Transfer from PPP to County TIF; Rename

030-15-4410-06

COUNTY TIF REIM CROSSROADS

0.00

89,472.00

89,472.00

Transfer from PPP to County TIF; Rename

STORMWATER FUND

DEBT SERVICE/TRANSFERS

037-90-4404-00

TRANSFER OUT UTILITY FUND INDIRECT COSTS

0.00

8,197.00

8,197.00

Budget Build Error

037-90-4419-00

TRANSFER TO COMMUNICATIONS (044)

0.00

51,575.00

51,575.00

Additional funding to meet obligations

INFORMATION TECHNOLOGY FUND

044-14-4401-00

ACCOUNTING SOFTWARE

0.00

16,751.60

16,751.60

Accounting Software Upgrade with existing vendor

044-17-4401-00

BROADBAND PARTNERSHIP ARP

0.00

25,000.00

25,000.00

American Rescue Plan

044-17-4401-01

RADIO COMMUNICATION INFRASTRUCTURE ARP

0.00

100,000.00

100,000.00

American Rescue Plan

CITY POWER CENTER FUND

	Budget	Amount	Total
Revenues	0.00	382,348.00	382,348.00
Expenditures	0.00	297,887.00	297,887.00

Beginning Cash and Investments in Bank
\$379,431.42
New Projected YE Cash in Bank \$463,892.42

84,461.00

COUNTY POWER CENTER FUND

	Budget	Amount	Total
Revenues	0.00	265,293.00	265,293.00
Expenditures	0.00	206,620.00	206,620.00

Beginning Cash and Investments in Bank
\$115,394
New Projected YE Cash in Bank \$173,967.51

58,673.00

GENERAL FUND NETIncludes 2 new Dispatch Positions

	Budget	Amount	Total	
Revenues	14,273,767.00	1,510,109.14	15,783,876.14	Beginning Cash and Investments in Bank \$2,649,649.01
Expenditures	17,757,230.00	1,510,056.88	19,263,176.88	New Projected YE Cash in Bank \$2,737,965.27

52.26

AIRPORT FUND

	Budget	Amount	Total	
Revenues	0.00	75,000.00	75,000.00	Beginning Cash and Investments in Bank \$328,065.00
Expenditures	0.00	22,480.00	22,480.00	New Projected YE Cash in Bank \$282,818.00

52,520.00

PUBLIC PRIVATE PARTNERSHIP FUND

	Budget	Amount	Total	
Revenues	2,102,194.00	(840,888.00)	1,261,306.00	Beginning Cash and Investments in Bank \$4,161,522.80
Expenditures	1,270,186.00	(136,079.79)	1,134,106.21	New Projected YE Cash in Bank \$2,370,222.94

(704,808.21)

AIRPORT CAPITAL FUND

	Budget	Amount	Total	
Revenues	0.00	246,143.00	246,143.00	Beginning Cash and Investments in Bank \$308,586.93
Expenditures	0.00	0.00	0.00	New Projected YE Cash in Bank \$657,129.93

246,143.00

UTILITY FUND

	Budget	Amount	Total	
Revenues	0.00	0.00	0.00	Beginning Cash and Investments in Bank \$3,614,287.59
Expenditures	2,012,545.00	200,493.02	2,213,038.02	New Projected YE Cash in Bank \$3,413,977.57

(200,493.02)

EQUIPMENT REPLACEMENT FUND

	Budget	Amount	Total	
Revenues	0.00	0.00	0.00	Beginning Cash and Investments in Bank \$428,138.44

ITEM 9.2.

Expenditures	256,024.00	39,460.35	295,484.35	New Projected YE Cash in Bank \$505,382.09
			(39,460.35)	
CAPITAL IMPROVEMENT FUND	Budget	Amount	Total	
Revenues	843,886.00	18,749.99	862,635.99	Beginning Cash and Investments in Bank \$1,606,981.15
Expenditures	50,000.00	345,000.00	395,000.00	New Projected YE Cash in Bank \$644,617.14
			(326,250.01)	
COUNTY TIF NO. 1 FUND	Budget	Amount	Total	
Revenues	0.00	328,592.00	328,592.00	Beginning Cash and Investments in Bank \$225,315.66
Expenditures	0.00	145,914.00	145,914.00	New Projected YE Cash in Bank \$407,993.66
			182,678.00	
STORMWATER FUND	Budget	Amount	Total	
Revenues	0.00	0.00	0.00	Beginning Cash and Investments in Bank \$837,580.81
Expenditures	0.00	59,772.00	59,772.00	New Projected YE Cash in Bank \$649,890.81
			(59,772.00)	
INFORMATION TECHNOLOGY FUND	Budget	Amount	Total	
Revenues	928,203.00	570,826.00	1,499,029.00	Beginning Cash and Investments in Bank (\$491,192.89)
Expenditures	0.00	141,751.60	141,751.60	New Projected YE Cash in Bank (\$254,415.89)
			429,074.40	
FRS 87A ELMO LAKE DAM	Budget	Amount	Total	
Revenues	0.00	756,525.00	756,525.00	Beginning Cash and Investments in Bank \$582,414.07
Expenditures	0.00	0.00	0.00	New Projected YE Cash in Bank \$1,338,939.07
			756,525.00	

SECTION IV.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

Passed and Approved on this the _____ day of _____, 2021.
Passed and Adopted on this the _____ day of _____, 2021.

RICK CARMONA, MAYOR

ATTEST:

DAWN STEIL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

ORDINANCE NO. 2859

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING CHAPTER 12, UTILITIES, OF THE TERRELL CITY CODE OF ORDINANCES BY THE ADDITION OF SECTION 12-21, ON SITE SEWAGE FACILITIES, PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to the public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the City Council of the City of Terrell, Texas should enact an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Terrell, Texas; and

WHEREAS, the City Council of the City of Terrell, Texas finds that the use of on-site sewage facilities in areas of the City of Terrell, Texas not served by the City of Terrell's sanitary sewage system is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the City Council of the City of Terrell, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the City of Terrell, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS;

ARTICLE I.

THAT Chapter 12, Utilities, of the Terrell City Code of Ordinances is hereby amended by the addition of Section 12-21, On-Site Sewage Facilities as follows, to-wit:

Sec. 12-21. On-Site Sewage Facilities.

- (a) *Conflicts.* – This Section repeals and replaces any other On-Site Sewage Facility (OSSF) Ordinance of the City of Terrell, Texas.
- (b) *On Site Sewage Facility Regulation and Enforcement.* – The City of Terrell, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the THSC and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Paragraph (e) below.
- (c) *Area of Jurisdiction.* – This section shall apply to all areas lying within the corporate limits of the City of Terrell, Texas.
- (d) *On-Site Sewage Facility Rules.* – Any permit issued for an on-site sewage facility within the jurisdictional area of the City of Terrell, Texas must comply with the Rules adopted in Paragraph (e) below.
- (e) *On-Site Sewage Facility Rules Adopted.* – The Rules, Title 30 Texas Administrative Code (TAC) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for on-site sewage facilities are hereby adopted, and all officials and employees of the City of Terrell, Texas, having duties under said Rules are authorized to perform such duties as are required of them under said Rules.
- (f) *Incorporation by Reference.* - The Rules, 30 TAC Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.
- (g) *Amendments.* – The City of Terrell, Texas wishing to adopt more stringent Rules for this section understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by the City of Terrell, Texas:

The City of Terrell requires a minimum of three-fourth (3/4) of an acre for a property to be served by an on-site sewage facility when served by a public water supply.

- (h) *Duties and Powers.* – The OSSF Designated Representative (DR) (30 TAC §285.2 (17)) of the City of Terrell, Texas, must be certified by the TCEQ before assuming the duties and responsibilities.
- (i) *Collection of Fees.* – All fees collected for permits and/or inspections shall be made payable to the City of Terrell, Texas. An additional fee of ten dollars (\$10.00) shall also be collected for each on-site sewage facility permit issued to be paid to the credit of the TCEQ Water Resources Management Account as required by THSC, Chapter 367.

- (j) *Appeals.* – Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Municipal Court of the City of Terrell, Texas.
- (k) *Enforcement Plan.* – The City of Terrell, Texas, clearly understands that, at a Minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSF's. This section adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285.
- (l) *Relinquishment.* - In the event the City Council of Terrell, Texas, decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the City Council, as authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d) (5) and § 285.14 after the date that delegation has been relinquished.

ARTICLE II.

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas, that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

This Ordinance will take effect on October 1, 2021, after the publication of the caption and its approval by the TCEQ as the law in such cases provides.

PASSED AND APPROVED this the 16th day of March, 2021.

PASSED AND ADOPTED this the _____ day of _____, 2021.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary

Approved as to form:

Mary Gayle Ramsey, City Attorney

ORDINANCE NO. 2860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING CHAPTER 12, UTILITIES, OF THE TERRELL CITY CODE OF ORDINANCES BY THE ADDITION OF SECTION 12-21A, ON SITE SEWAGE FACILITIES INSPECTIONS AND PERMITTING, PROVIDING FOR SEVERABILITY, PROVIDING A PENALTY, PROVIDING AN EFFECTIVE DATE, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Terrell, Texas has enacted an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Terrell, Texas; and

WHEREAS, the City Council of the City of Terrell, Texas finds it necessary to enact provisions for the proper inspections and permitting of on-site sewage facilities in the City of Terrell.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS;

ARTICLE I.

THAT Chapter 12, Utilities, of the Terrell City Code of Ordinances is hereby amended by the addition of Section 12-21A, On-Site Sewage Facilities Inspections and Permitting as follows, to-wit:

Sec. 12-21A. On-Site Sewage Facilities Inspections and Permitting.

- (a) *Initial Inspection and Permitting* – Prior to any installation or permitting of an on-site sewage facility within the City of Terrell, a detailed design in conformance with the requirements of Section 12-21 must be submitted and approved by the OSSF Designated Representative and the City Engineer of the City of Terrell. Upon approval, an installation permit may be issued for the construction of the facility. Upon the completion of the initial construction and prior to final burial of the facility, an on-site inspection must be conducted by the OSSF Designated Representative for final approval. All fees for the initial inspections and permitting are the responsibility of the property owner and payable to the City of Terrell.
- (b) *Regular Inspections* – Within the months of April, August and December of each year, all aerobic on-site sewer facilities within the City of Terrell must, at the sole expense of the property owner, be inspected by a Registered Sanitarian or a Registered Professional Engineer that have expertise in on-site sewer facility design and operation to certify that the facility is in proper working condition.

The property owner shall be solely responsible for obtaining the services of a properly credentialed professional to make the above inspections.

The property owner shall be solely responsible for obtaining all necessary services from a Registered Sanitarian or a Registered Professional Engineer. There shall be no homeowner inspections or maintenance of an on-site sewage disposal system using aerobic treatment within the City of Terrell.

(c) *Submission of Reports to the OSSF Designated Representative and the City Engineer*

Following each of the inspections for an aerobic on-site sewer facility as specified above, a written report showing that the facility is in compliance with all applicable regulations of the T.C.E.Q and the Texas Health and Safety Code must be submitted to the OSSF Designated Representative and the City Engineer of the City of Terrell by the Registered Professional Sanitarian or Registered Professional Engineer conducting the inspection for review and final approval. All monthly administrative costs shall be at the sole expense of the property owner and payable to the City of Terrell.

(d) *Installation Fees* – Applicable fees for all initial inspections together with all follow-up reviews and approvals by the OSSF Designated Representative of the City of Terrell can be found in Appendix 1, Fee Schedule of the City of Terrell, Section 28, Paragraph (7), OSSF Installation Fees.

(e) *Penalty* – Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, be assessed a fine as follows:

(1)	First offense -	\$150.00
(2)	Second offense -	\$250.00
(3)	All additional offenses -	\$1,000.00
	(Each additional day the violation persists shall constitute a separate offense.)	
(4)	In addition to the above penalty for all additional offenses, the City may, at its discretion, order that electrical service to the property be discontinued until all violations of this section have been fully abated to insure public health and safety,	

ARTICLE II.

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas, that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

This Ordinance will take effect on October 1, 2021, after the publication of the caption as the law in such cases provides.

PASSED AND APPROVED this the 16th day of March, 2021.

PASSED AND ADOPTED this the _____ day of _____, 2021.

E. Rick Carmona, Mayor

Attest:

Approved as to form:

Dawn Steil, City Secretary

Mary Gayle Ramsey, City Attorney

ORDINANCE NO. 2861

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING THE TERRELL CITY CODE OF ORDINANCES, APPENDIX 1, FEE SCHEDULE, SECTION 28, SEWER SERVICE RATES AND CHARGES BY ADDING PARAGRAPH (7), OSSF INSTALLATION FEES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING IN WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY:

ARTICLE I.

THAT Appendix 1, Fee Schedule, Section 28, Sewer Service Rates and Charges, be amended by adding paragraph (7) as follows:

(7) OSSF Installation Fees. The following fees shall apply to all initial inspections together with all follow-up reviews and approvals by the OSSF Designated Representative of the City of Terrell as follows to-wit:

a. Initial Single Family Residential Installation Permit -	\$360.00
b. Commercial Installation Permit -	\$610.00
c. Re-Inspection/Residential Installation -	\$200.00
d. Re-Inspection/Commercial	\$300.00
e. Monthly Septic Fee	\$1.00

ARTICLE II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence paragraph or section.

ARTICLE IV.

All other provisions of Section 28 not expressly modified by this Ordinance shall remain in full force and effect.

ARTICLE V.

This Ordinance will take effect on October 1, 2021, after the publication of the caption as the law in such cases provides.

PASSED AND APPROVED on this the 16th day of March, 2021.

PASSED AND ADOPTED on this the _____ day of _____, 2021.

E. Rick Carmona, Mayor

ATTEST:

Dawn Steil, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney



CITY OF TERRELL

INDUSTRIAL PRETREATMENT PROGRAM

STREAMLINING RULE MODIFICATIONS

March 2021

CITY OF TERRELL
INDUSTRIAL WASTE ORDINANCE

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ORDINANCE NO. 2862

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL TEXAS,
REPEALING AND REPLACING CHAPTER 12, UTILITIES, ARTICLE II, INDUSTRIAL
WASTE OF THE CITY OF TERRELL CODE OF ORDINANCES, PROVIDING
REGULATIONS FOR THE DISPOSAL OF SEWAGE AND THE USE OF PUBLIC
SEWERS; REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE
SANITARY SEWER OF THE CITY; REGULATING SEWER AND MISCELLANEOUS
DISCHARGES; PROVIDING FOR A PERMIT SYSTEM WITH DENIAL, SUSPENSION,
REVOCATION AND AN APPEALS PROCESS; PROVIDING A PENALTY CLAUSE, A
REPEALING CLAUSE; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

WHEREAS, the City of Terrell provides facilities for the collection and treatment of wastewater, including the treatment of wastewater in appropriate treatment facilities, including contracting for the administration of the industrial pretreatment program, to promote the health, safety and convenience of its citizens and for the safeguarding of water resources common to all; and

WHEREAS, the City must operate its facilities in compliance with the Federal Water Pollution Control Act, U.S. Environmental Protection Agency (EPA) regulations, Texas Commission on Environmental Quality (TCEQ) regulations, and other federal, state and local laws; and

WHEREAS, protection of the quality of the effluent and proper operation of wastewater collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge at the point of origin of certain types and/or quantities of industrial wastes; and

WHEREAS, it is the obligation of the producers of industrial wastewater to defray the costs of the wastewater treatment services required of and provided by the City in an equitable manner and, insofar as it is practicable in proportion to benefits derived.

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

CHAPTER 12, UTILITIES, ARTICLE II, INDUSTRIAL WASTE is hereby repealed and replaced as follows:

12-76: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms and phrases used in this Ordinance shall be as follows:

ACT - The Federal Water Pollution Control Act, Public Law No. 92-500, also known as the Clean Water Act (CWA), as amended, 33 United States Code (U.S.C.) 1251 *et seq.*

ADMINISTRATOR – The Administrator of the U.S. Environmental Protection Agency (EPA).

APPROVAL AUTHORITY - The Director in a National Pollutant Discharge Elimination System (NPDES) delegated state with an approved State pretreatment program, i.e., the Texas Commission on Environmental Quality (TCEQ) or its successor agencies.

AUTHORIZED REPRESENTATIVE OF THE USER –

- A) If the user is a corporation:
 - 1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D) The individuals described in paragraphs A) through C), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BEST MANAGEMENT PRACTICES or BMPs - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

BIOCHEMICAL OXYGEN DEMAND (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at twenty (20) degrees Celsius (20°C), expressed as a concentration in mg/L. The laboratory determination shall be made in accordance with the procedures set forth in 40 C.F.R. Part 136.

BUILDING DRAIN – That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys to the building sewer, which begins three (3) feet outside the inner face of the building wall.

BUILDING SEWER - The extension from the building plumbing line(s) to the sewer main at the property line or other lawful place of disposal (also called house lateral or house connection).

BYPASS - Means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Industrial Users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER – An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

CHEMICAL OXYGEN DEMAND (COD) - The measure of oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as a concentration in mg/L as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with BOD.

CITY – The City of Terrell, Texas, the City Council of Terrell, the City Manager of Terrell, and/or any other person authorized by the City Council to represent the City.

COMPOSITE SAMPLE – A sample consisting of at least two aliquots collected on either a time or flow proportional basis over a period of time. The collective sample aliquots will reflect the average water quality covering the sample period.

CONTROL AUTHORITY – For purposes of this Ordinance, the City of Terrell pursuant to a pretreatment program that has been approved by the Approval Authority. A delegated agent of the City may administer certain aspects of the approved pretreatment program, according to the agreement.

CONTROL MANHOLE - A manhole, cleanout, or other appropriate sampling port giving access to a building sewer line prior to the building sewer line discharges into the public sewer.

DAILY DISCHARGE - The discharge of a pollutant measured during a calendar day or any twenty-four (24) hour period that reasonably represents a calendar day for purposes of sampling.

DAILY MAXIMUM LIMIT - The maximum allowable discharge limit of a pollutant during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semi-solid waste (*i.e.*, grease trap waste, grit trap wastes, and/or septage) into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including, but not limited to, groundwater.

DOMESTIC SEWAGE - The waterborne wastes normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of storm water and industrial wastes.

ENVIRONMENTAL OFFICER - The City Manager of the City or his/her duly authorized representative, which may be any entity with which the City has contracted for operation of the POTW or a treatment plant and/or with which the City has entered into a multijurisdictional, or interjurisdictional, agreement providing for wastewater service and/or a pretreatment program, or a particular officer or employee thereof. For purposes of this Ordinance, NTMWD shall be considered a delegated agent of the City with authority to act on behalf of the City regarding all pretreatment matters as outlined in the agreement.

EPA (Environmental Protection Agency) - The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized officials of EPA.

EXISTING SOURCE - Any source or discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act (33 U.S.C. § 1317).

FACILITY OR ACTIVITY - Means an NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

FLOW PROPORTIONAL COMPOSITE SAMPLE - Shall mean a sample collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

GARBAGE - Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from handling, processing, storage, and sale of food products and produce.

GRAB SAMPLE - An individual sample which is taken from a wastestream without regard to the flow in the wastestream and collected over a period of time not exceeding fifteen (15) minutes.

GREASE TRAP OR INTERCEPTOR - A water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes into the sanitary sewer system to which the receptacle is directly or indirectly connected.

GRIT/SAND TRAP - A water-tight receptacle designed and constructed to intercept and prevent the passage of sand, grit and other heavy solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

HAZARDOUS WASTE - Any liquid, solid, contained gas, or sludge wastes that contain properties that are dangerous or potentially harmful to human health or the environment. Types and characteristics of hazardous waste are identified in 40 C.F.R. Part 261.

HOLDING TANK WASTE – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE or DISCHARGE - The introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317).

INDUSTRIAL USER - Any source of indirect discharge, including all Significant Industrial Users, Categorical Industrial Users, or any other source of non-domestic discharge that may be regulated under this Ordinance, unless otherwise specified.

INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT (or PERMIT) - A Permit required of an Industrial User to discharge wastewater into any sewer system under the jurisdiction of the POTW.

INDUSTRIAL USER WASTEWATER SURCHARGE - The additional charge made on those persons or industries who discharge industrial wastes into the sewer system which are amenable to treatment by the POTW treatment processes, but which exceed either the BOD or TSS concentrations of “Normal Domestic Sewage,” or may discharge flow in such an amount that hydraulically consumes treatment or conveyance capacity of the POTW.

INDUSTRIAL WASTE - The water-borne solids, liquids, or gaseous wastes resulting from industrial processes, or any mixture of these with water or domestic sewage as distinct from “Normal Domestic Sewage.”

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a single grab sample.

INTERFERENCE - A discharge which, either alone or in conjunction with a discharge or discharges from other sources, both:

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

B) is the cause of a violation of any requirement of the applicable TPDES permit issued for operation of the POTW (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Act (33 U.S.C. § 1345); the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State requirements contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LIQUID WASTE - Water-borne solids, liquids, and gaseous substances accumulated in a grease trap, grit trap, chemical/portable toilet and/or septic tanks.

LOCAL LIMIT – Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 C.F.R. 403.5(a)(1) and (b).

MEDICAL WASTE – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MILLIGRAMS PER LITER (mg/L) - A weight to volume ratio; the milligrams per liter value multiplied by the factor 8.34 is equivalent to pounds per million gallons of water.

MONTHLY AVERAGE - The highest allowable average of “daily discharge(s)” over a calendar month, calculated as the sum of all “daily discharge(s)” measured during a calendar month divided by the number of “daily discharge(s)” measured during that month. Compliance with the monthly average effluent limitations guidelines and standards is required regardless of the number of samples analyzed and averaged during a calendar month.

MUNICIPAL DEVELOPMEN DEPARTMENT – The department responsible for issuing commercial/industrial building permits and certificates of occupancy to new water and/or sewer customers who are subject to the Industrial Pretreatment Program and reporting such permits and certificates of occupancy to the Industrial Pretreatment Coordinator.

NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD, OR STANDARD – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. § 403.5.

NEW SOURCE –

A) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act (33 U.S.C. § 1317), which will be

applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:

- 1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- 3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

B) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of A) 2) or A) 3), above, but otherwise alters, replaces, or adds to the existing process or production equipment.

C) Construction of a New Source as defined has commenced if the owner or operator has:

- 1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - a) Any placement, assembly, or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment;
- 2) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NONCONTACT COOLING WATER - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORMAL DOMESTIC SEWAGE - The “normal” sewage for the City, for which the average concentration of TSS is not more than 250 mg/L and BOD is no more than 250 mg/L. Industrial Wastes and storm water are excluded from this term.

NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD) – The North Texas Municipal Water District, the Executive Director of North Texas Municipal Water District, or his/her duly authorized representative.

OWNER - Any person who owns a facility or any portion of a facility.

PASS THROUGH - A discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the applicable TPDES permit issued for the operation of the POTW (including an increase in the magnitude or duration of a violation).

POTW (Publicly Owned Treatment Works) - A treatment works as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned by a State or municipality (*i.e.*, the City or other governmental entity such as NTMWD). 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 lift stations, sewers, pipes and other conveyances only if they convey wastewater to a Wastewater Treatment Plant. The term also means the governmental entity as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works (*i.e.*, the City or other governmental entity such as NTMWD). For the purpose of this Ordinance, the term shall also include sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City of Terrell, users of Terrell's POTW.

PPM (Parts Per Million) - A weight to weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH – A measure of the acidity or alkalinity of a solution, expressed in standard units. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

POLLUTANT - 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 spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, and cellar dirt; industrial, municipal, and agricultural waste; and the characteristics of wastewater (such as pH, temperature, suspended solids, turbidity, color, BOD, COD, toxicity, and odor).

PRETREATMENT (or TREATMENT) OF INDUSTRIAL WASTE - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or

biological processes, or process changes, or by other means, except by diluting the concentration of pollutants (as prohibited by 40 C.F.R. § 403.6(d)), unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed with an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. § 403.6(e).

PRETREATMENT PROGRAM – A program regulated under 307 (b) of the Act and set forth in 40 C.F.R. Part 403 controlling the indirect discharge of pollutants into the POTW. The Pretreatment Program establishes regulations for those dischargers to prevent pass through and interference of the POTW, ensure worker health and safety, and improve opportunities to recycle and reclaim wastewater and/or sludge from the wastewater treatment plant.

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to the Pretreatment Program imposed on an Industrial User, other than a pretreatment standard. Requirements of the Pretreatment Program are set forth in 40 C.F.R. Part 403.

PRETREATMENT STANDARDS OR STANDARDS – Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

PRIORITY POLLUTANT - A pollutant found in Table II or Table III of 40 C.F.R. Part 122, Appendix D.

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

PROHIBITED DISCHARGE STANDARDS (or PROHIBITED DISCHARGES) - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 5 of this Ordinance.

PROPERLY SHREDDED GARBAGE – The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (0.5) inch in any dimension.

SANITARY SEWER - A public sewer that conveys domestic sewage or industrial wastes or a combination of both, and into which storm, surface, groundwaters and other unpolluted waters are not intentionally passed.

SEWAGE - Human excrement and gray water (household showers, dishwashing operations, etc.).

SEWAGE SERVICE CHARGE – The charge made on all Users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of Normal Domestic Sewage.

SHALL AND MAY – The term “shall” describes mandatory actions, and the term “may” describe permissive (*i.e.*, discretionary) actions.

SIC (Standard Industrial Classification) - A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972, or the latest edition.

SIGNIFICANT INDUSTRIAL USER (SIU)

A) Except as provided in part B) the term shall mean:

- 1) An Industrial User subject to Categorical Pretreatment Standards; or
- 2) Any other Industrial User that:
 - a) discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
 - b) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c) is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirements (in accordance with 40 C.F.R. § 403.8(f)(6)).

B) Upon finding that an Industrial User meeting the criteria in part A) 2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirements, the Control Authority may at any time, on the City’s own initiative or in response to a petition received from an Industrial User, and in accordance with 40 C.F.R. § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

SIGNIFICANT NONCOMPLIANCE (SNC) – Significant noncompliance is defined as:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined by this Ordinance;

- 2) Technical Review Criteria (TRC) violations, defined here as those which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in this Ordinance multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- 3) Any other violation of a Pretreatment Standard or Requirement as defined by this Ordinance (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- 5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- 6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- 7) Failure to accurately report noncompliance; or
- 8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of this Ordinance, as it may be hereafter amended.

SLUG DISCHARGE or SLUG LOAD - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, and/or a discharge which violates any Prohibited Discharge Standard in Section 5 of this Ordinance, and/or could significantly disrupt the POTW and/or threaten human health and safety, and/or could potentially result in violations of the applicable TPDES permit issued for the operation of the POTW or sludge requirements.

SPILL - The accidental or intentional loss or unauthorized discharge of any waste or raw material.

STORM SEWER (or STORM DRAIN) - A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUSPENDED SOLIDS - Solids that either float on the surface of, or are in suspension of water, sewage, or other liquids, and which are removable by laboratory filtration device. Quantitative determination of "total suspended solids" or "TSS" shall be made in accordance with procedures set forth in 40 C.F.R. Part 136.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) - The Texas Commission on Environmental Quality, or an agent thereof, or where appropriate, the Executive Director of TCEQ, or other duly authorized official of said agency, or its successor agencies.

TIME PROPORTIONAL COMPOSITE SAMPLE - A sample consisting of a series of aliquots collected after the passage of a definite period, regardless of the volume or variability of the rate of flow during that period.

TOXIC POLLUTANT (or TOXIC SUBSTANCE) - Any substance whether gaseous, liquid or solid which, when discharged to the POTW in sufficient concentrations, as determined by the Control Authority, may be hazardous to sewer maintenance and personnel, tend to interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life, or to create a hazard to recreation in the receiving waters of the effluent from a wastewater treatment plant; or any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of the Clean Water Act Section 307(a) (33 U.S.C. § 1317) or other acts.

TRAP - A device designed to skim, settle, or otherwise remove oil, grease, sand, solids, petroleum products, flammable wastes or other harmful substances.

WASTE - Rejected, unutilized, or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural, or industrial activities.

WASTEWATER - The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and/or manufacturing facilities, and institutions, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER TREATMENT PLANT (or TREATMENT PLANT or WWTP) – That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal and industrial wastewater.

12-77: ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report
C.F.R. – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
CWA – Clean Water Act
EPA – U.S. Environmental Protection Agency
gpd – Gallons per day
mg/L – Milligrams per liter
NELAP – National Environmental Laboratory Accreditation Program
NPDES – National Pollutant Discharge Elimination System
NTMWD – North Texas Municipal Water District
POTW – Publicly Owned Treatment Works
ppm – Parts per million
RCRA – Resource Conservation and Recovery Act
SIC – Standard Industrial Classification
SIU – Significant Industrial User
SNC – Significant Noncompliance
SWDA – Solid Waste Disposal Act
TAC – Texas Administrative Code
TPDES – Texas Pollutant Discharge Elimination System
TCEQ – Texas Commission on Environmental Quality
TSS – Total Suspended Solids
TWC – Texas Water Code
U.S.C. – United States Code
WWTP – Wastewater Treatment Plant

12-78: PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for industrial users of the POTW for the City of Terrell and enables the City of Terrell to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and the General Pretreatment Regulations for Existing Sources of Pollution (40 C.F.R. Part 403). The objectives of this Ordinance are:

- A) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

- B) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D) To protect both the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- E) To promote the reuse and recycling of industrial wastewater and sludge from the POTW;
- F) To provide for fees for the equitable distribution of cost of operation, maintenance, and improvement of the POTW; and
- G) To enable the POTW to comply with the applicable TPDES permit issued for the operation of the POTW, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to all industrial users of the POTW that directly or indirectly discharge sewage that enters the POTW owned and/or operated by the City. This Ordinance may be enforced against any industrial user. This Ordinance authorizes the issuance of Industrial User Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established.

The City and/or NTMWD may agree in writing to modify the requirements for industrial users as set out herein, the application of which will be limited to the POTW owned and/or operated by the City.

12-79: ADMINISTRATION

Except as otherwise provided herein, the Environmental Officer shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Environmental Officer may be delegated by the Environmental Officer to his/her duly authorized representative, which may be any entity with which the City has contracted for operation of the POTW or a treatment plant and/or with which the City has entered into a multijurisdictional, or interjurisdictional, agreement providing for wastewater service and/or a pretreatment program, or a particular officer or employee thereof.

12-80: PROHIBITED DISCHARGES

No person may introduce or cause to be introduced into the POTW any pollutant(s) or wastewater which may cause pass through or interference. Also prohibited are any substances that have an adverse effect on the environment, may endanger life, health or property, or constitute a

public nuisance. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements. Furthermore, no industrial user may discharge or contribute the following substances into the POTW:

- A) Substances specifically prohibited from being discharged into the POTW are as follows:
 - 1) Any liquids, solids or gases, including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, perchlorates, bromates, carbides, hydrides, sulfides or any other substances which are a fire or other hazard to the system, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires, explosions, or be injurious in any other way to the facilities or operation of the POTW.
 - 2) Any substance which creates a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 C.F.R. § 261.21.
 - 3) Any wastewater having a pH less than five point zero (5.0) Standard Units (SU), greater than ten point five (10.5) SU, or any wastewater having any other corrosive property capable of causing damage, including structural damage, or hazard to the POTW, equipment, or any person.
 - 4) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and/or safety problems.
 - 5) Any liquid or vapor, including wastewater, having a temperature higher than 150 degrees Fahrenheit (150°F) or sixty-five degrees Centigrade (65°C); or exhibiting heat in amounts which will inhibit biological activity in a POTW causing an interference; or, in any case, exhibiting heat in such quantities that the temperature at the introduction into the POTW exceeds 40 degrees Centigrade (40°C) or 104 degrees Fahrenheit (104°F).
 - 6) Any pollutant(s), including oxygen demanding pollutants (BOD, COD, etc.) and total dissolved solids, released in a Discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Pass Through or Interference at the POTW or which will cause the POTW to be in non-compliance with any Federal or State sludge use or disposal criteria, guidelines, or regulations.
 - 7) Any free or emulsified fats, waxes, greases or oils containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (32°-150°F) (0°-65°C); or any combination of free or

emulsified fats, waxes, greases or oils, if, in the opinion of the Control Authority, it appears probable that such wastes:

- a) can deposit grease or oil in the sanitary sewers in such a manner as to clog the sewers;
- b) can overload skimming and grease handling equipment;
- c) are not amenable to bacterial action and will therefore pass through to the receiving water without being affected by normal sewage treatment processes; or
- d) can have deleterious effects on the treatment process due to excessive quantities.

8) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

9) Solid, liquid, or viscous substances in amounts which may cause obstruction to the flow in sanitary sewers or other interference with the proper operation of the wastewater treatment facilities such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids or waste paper.

10) Any noxious or malodorous liquids, gases, solids, or other wastewater, which either singly or by interaction with other substances are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sanitary sewers for maintenance or repair.

11) Wastewater containing COD in concentrations which are not amenable to treatment, or any other substance which is determined by the Control Authority to not be amenable to treatment by the POTW.

12) Any trucked or hauled pollutants, including hauled wastewater, except at discharge points designated by the Environmental Officer and at such times as are established by the Control Authority.

13) Pollutant(s) which causes:

- a) high hydrogen sulfide content; or
- b) unusual taste or odor-producing substances.

- 14) Wastewater which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent thereby violating the applicable TPDES permit issued for the operation of the POTW.
- 15) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, unless specifically authorized by the Control Authority.
- 16) Solids, sludges, or other pollutants removed in the course of treatment or control of the wastewaters (including, but not limited to, materials which have been removed by catch basins, grease traps, grease interceptors, sand traps, or pretreatment systems), or acquired from another person or location.
- 17) Medical wastes, except as specifically authorized by the Environmental Officer in an Industrial User Wastewater Discharge Permit.
- 18) Wastewater causing, alone or in conjunction with other sources, causing the POTW's effluent to fail a toxicity test.
- 19) Any garbage that has not been properly ground or shredded by suitable garbage grinders to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers.
- 20) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- 21) Any radioactive wastes or isotopes without prior written permission from the Control Authority.

B) In cases where, in the opinion of the Environmental Officer, the character of the sewage from any manufacturer or industrial plant building or other premises is such that it will damage the system, or cannot be treated satisfactorily in the system, the Environmental Officer shall have the right to require such industrial user to dispose of such waste otherwise and prevent it from entering the POTW.

C) Unusual flow and concentration of any of the above shall be pretreated to a concentration acceptable to the City, if such wastes can:

- 1) cause damage to the POTW;
- 2) impair processes;
- 3) incur treatment cost exceeding those of normal sewage;

- 4) render the water unfit for stream disposal or industrial use;
- 5) create a public nuisance.

12-81: LOCAL LIMITS

The Control Authority is authorized to establish local limits pursuant to 40 C.F.R. 403.5(c) to prevent interference and pass through and implement the specific prohibitions above. The local limits apply to all industrial users of the City's POTW.

A) It shall be unlawful for any industrial user to discharge into the POTW, any metals, chemicals or toxic substances in excess of the following limits:

1) Uniform Concentration Limits

The following heavy metals and toxic materials in the form of compounds or elements in solution or suspension in concentrations exceeding these limits:

Pollutant	Daily Maximum Local Limit (mg/L)
Aluminum (Total)	57.74
Arsenic (Total)	0.88
Cadmium (Total)	0.77
Chromium (Total)	5.00
Copper (Total)	0.33
Lead (Total)	3.67
Mercury (Total)	0.04
Nickel (Total)	6.79
Zinc (Total)	2.79
Cyanide (Total)	0.77
Total Suspended Solids (TSS)	8,084

2) Industrial contributory flow or mass allocation pollutant limitations

The following pollutants will be allocated to industrial users on a case by case basis not to exceed the maximum allowable industrial loading (MAIL) established in the approved pretreatment program:

Pollutant
Selenium (Total)
Silver (Total)
Ammonia (Total)
Biochemical Oxygen Demand (BOD)

Limits for these pollutants will be calculated using either the industrial contributory flow or mass allocation methods. The specific limitations will be established in the individual user discharge permits.

- 3) The Control Authority may set limits on a permit by permit basis for any other parameter that would pose a threat to water quality, health and safety, or the POTW or the discharge of which would otherwise result in violation of Section 5 of Ordinance, including but not limited to, priority pollutants found in the POTW influent at a concentration at or above 0.1 mg/L or Numerical Aquatic Life Criteria as defined by TCEQ. Individual permit limits for specific dischargers may be established for compounds not specifically listed above, dependent upon a case-by-case evaluation. Such limits shall be determined based on the following factors:
 - a. Volume and concentration of the discharge;
 - b. Proximity to treatment works;
 - c. Type and size of treatment works operation;
 - d. Proximity to other industrial waste discharges that may cause adverse conditions;
 - e. Characteristics of chemical compound (volatility, solubility, and toxicity, including toxicity in treatment works effluent);
 - f. Dilution in collection system and treatment works;
 - g. Technological achievability of removal, including achievability of treatment offsite;
 - h. Potential impacts to public, private, or side sewers; treatment works; biosolids; or receiving waters.
- 4) Any radioactive wastes or isotopes without prior written permission from the Environmental Officer.

B) The above limits apply at the point where the wastewater is discharged to the POTW. The Control Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

C) The Control Authority may use grab sample(s) to determine noncompliance with Pretreatment Standards.

D) Dilution is prohibited as a substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Industrial Users that are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

12-82: CITY'S RIGHT OF REVISION

The Control Authority reserves the right to establish, by Ordinance or in Industrial User Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW by Industrial Users.

12-83: DISCHARGES REQUIRING TRAPS

This Section applies only to those Industrial Users that are required to obtain an Industrial User Wastewater Discharge Permit and are considered Significant Industrial Users by the Control Authority.

- A) Discharges requiring a trap include any Significant Industrial User determined by the Control Authority based on this Ordinance discharging the following to the POTW:
 - 1) Grease or water containing grease;
 - 2) Oil;
 - 3) Sand and other solids;
 - 4) Flammable wastes, or;
 - 5) Other harmful substances.
- B) Any person responsible for discharges requiring a trap shall at their own expense and as required by the Control Authority:
 - 1) Provide equipment and facilities of a type and capacity approved by the Control Authority along with certified engineering design and drawings.
 - 2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection.
 - 3) Maintain the trap in effective and operating condition.
 - 4) Maintain all records for at least three years related to the maintenance and operation of the trap including manifests or trip tickets.
 - 5) Provide and maintain a sampling port that allows for representative oil and grease sampling to be collected as approved by the Environmental Officer.
 - 6) Shall provide disposal receipts and/or trip ticket for maintenance of the trap on a regular basis.

- 7) Nothing in this section shall be construed to limit the authority of or relieve the owner of responsibility to abide by the grease ordinance.
- 8) Comply with the City of Terrell Ordinance.

12-84: COMPLIANCE WITH OTHER AUTHORITIES

- A) Compliance with Federal Authority. Industrial Users within the jurisdiction of this Ordinance shall comply with all Federal General Pretreatment Regulations and with those Categorical Pretreatment Standards applicable to each as specified in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.
- B) Compliance with State Authority. Industrial Users within the jurisdiction of this Ordinance shall comply with applicable sections of Chapter 26 of the Texas Water Code.

12-85: INSPECTION AND SAMPLING

The Control Authority must carry out inspection, surveillance, and monitoring of Industrial Users to determine compliance or noncompliance with Pretreatment Standards independent of information supplied by the Industrial Users as required in 40 C.F.R. 403.8(f)(v).

- A) The Environmental Officer, NTMWD, as well as other authorized representatives of the City, EPA, TCEQ, and the Texas Department of Health, or any successor agencies bearing proper credentials and identification, shall be permitted to enter the premises of any Industrial User at any reasonable time for the purpose of inspection, observation, measurement, sampling, examination and copying of records, sampling and testing of any wastewater discharged into the POTW, as well as of any wastewater prior to treatment or discharge, and inspection of any pretreatment facilities, and shall have the right to inspect for compliance at least once per year.
- B) The Control Authority shall carry out all independent inspections and monitoring procedures necessary to determine compliance with applicable Pretreatment Standards and Requirements, including the right to take independent samples.
- C) The Control Authority shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations. All end of pipe sample locations must allow for uninterrupted and unobstructed access 24 hours a day, 7 days per week for the Control Authority.
- D) The Control Authority may require the Industrial User to install monitoring equipment as necessary. The User's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices

used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. All calibrations shall be conducted as recommended by the manufacturer but no less frequent than once per year. The calibration must be documented and records maintained for at least three years.

- E) Anyone acting under this authority shall observe the established rules and regulations concerning safety, internal security, and fire protection.
- F) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be assumed by the Industrial User.
- G) No person shall maliciously, willfully, or negligently break, steal, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the Control Authority property, i.e., (automatic samplers and other field equipment). Any person found in violation of this requirement shall be subject to the sanctions set out in the Ordinance and criminal penalties under Texas Penal Code, Title 7, Chapter 28.
- G) Any denial of access or unreasonable delay in allowing the Environmental Officer, NTMWD, as well as other authorized representatives of the City, EPA, TCEQ, and the Texas Department of Health, or any successor agencies bearing proper credentials and identification access to an Industrial User's premises shall be a violation of this Ordinance.
- H) Search Warrants. If the Environmental Officer, NTMWD, as well as other authorized representatives of the City, EPA, TCEQ, and the Texas Department of Health, or any successor agencies bearing proper credentials and identification have been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Control Authority designed to verify compliance with this Ordinance or any Industrial User Wastewater Discharge Permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Environmental Officer and/or delegated agent may seek issuance of a search warrant from any court of competent jurisdiction.

12-86: DETERMINING THE CHARACTER AND CONCENTRATION OF WASTEWATER

The wastewater discharged into the POTW by an Industrial User shall be subject to periodic inspection and sampling as often as may be deemed necessary by the Environmental Officer. Sampling shall be conducted by the Control Authority according to 40 C.F.R. Part 136 and amendments thereto or with any other test procedures approved by the EPA and performed by a laboratory accredited by NELAP.

- A) The examination and analysis of the characteristics of waters and wastes shall be:
 - 1) Independent and performed without notice to the Industrial User.
 - 2) Performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act (33 U.S.C. § 1314) and contained in 40 C.F.R. Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Environmental Officer or other parties, approved by the EPA.
 - 3) All analyses performed as required by this Ordinance must be conducted by a NELAP certified laboratory, which is certified for all parameters reported, unless certification is not available for a specific parameter.
 - 4) Determined from suitable samples taken at the control manhole provided or other sample locations authorized by the Environmental Officer provided at the expense of the industry.
 - 5) Split samples may be provided at the Industrial User's request and expense provided:
 - a) The Industrial User may not use the split sample for routine self-monitoring.
 - b) The Industrial User must have all supplies (bottles, chain of custody, labels, etc.) readily accessible for the Control Authority sampling personnel upon request.
- B) The Environmental Officer may require any Industrial User to compensate the Control Authority, as appropriate, for the costs of sampling, analyses of the discharges, and any additional administrative fees provided in Section 14, below.
- C) The Control Authority may use a grab sample(s) to determine noncompliance with pretreatment standards.

12-87: CONTROL MANHOLE

When necessary to monitor wastewater discharged into the POTW from any Industrial User, the Control Authority shall require an Industrial User to provide and install, at its own expense, a suitable control manhole in an easily accessible location on the premises from which the wastewater

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is discharged in order to adequately sample and measure such wastewater. All end of pipe control manholes shall be accessible by the Control Authority 24 hours a day 7 days a week. Installation of any meters, equipment, and miscellaneous accessories deemed necessary by the Control Authority shall be required to be installed at the Industrial Users own expense.

- A) A required control manhole shall be:
 - 1) near the outlet of each building lateral, sewer, drain, pipe, or channel, which connects with the wastewater system;
 - 2) designed and constructed to prevent infiltration by ground or surface water;
 - 3) located to provide ample room in or near the facility to allow accurate sampling and preparation of samples for analyses; and
 - 4) maintained by the Industrial User at all times in safe and proper operating condition.
- B) Before beginning construction of a control manhole, the Industrial User shall submit plans to the Environmental Officer for review and approval to insure compliance with this section and any applicable City plumbing codes. Plans must include documentation on any meters or other equipment required to be installed.
- C) For those Industrial Users subject to Categorical Pretreatment Requirements, a proper control manhole shall be installed at the Industrial Users expense. The control manhole shall be located on each regulated process immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. The Industrial User must submit any plans to the Control Authority for review and approval prior to installing the control manhole.
- D) Where the Control Authority require that a control manhole shall be installed for an Industrial User located in a property occupied by multiple tenants, the owner and/or tenant will be required to install a proper control manhole. The control manhole shall be installed so that only wastewater discharged by the Industrial User is sampled and is prior to any other tenant's wastewater entering the sewer line.

12-88: MISCELLANEOUS OFFENSES RELATING TO SEWER SYSTEM

No person other than a regular employee or officer of the Control Authority charged with such duties shall do or aid in doing any of the following acts:

- A) Opening, closing, lifting or removing the cover of any wastewater lift station, sanitary sewer manhole, or clean-out plug of the City sanitary sewers.

- B) Interfering with, destroying, impairing, injuring or defacing any property which is a part of or essential to the proper functioning of the POTW.
- C) Covering or concealing from view any sanitary sewer manhole.
- E) Tapping and/or otherwise connecting into an existing sanitary sewer which is a part of the POTW.

12-89: SIGNIFICANT INDUSTRIAL USER FEES

All Significant Industrial Users regulated under this Ordinance are subject to fees as necessary to properly implement the City of Terrell's Pretreatment Program.

- A) Each Significant Industrial User for which the Control Authority has designated as such in order to comply with the applicable TPDES permit issued for the operation of the POTW shall, if the Control Authority so demands, compensate the Control Authority, as appropriate, for the costs required to monitor wastewater discharges required to adequately implement the Pretreatment Program.
- B) Each Industrial User for which the Control Authority takes samples and/or runs laboratory analyses to monitor wastewater discharges shall compensate the Control Authority, as appropriate, if the Control Authority so demands, for the cost of such sampling and laboratory analyses. The Control Authority shall determine the number of samples and frequency of sampling necessary to determine compliance independent or information supplied by Industrial Users.
- C) The Control Authority may adopt other reasonable fees for reimbursement of its costs for setting up and operating the Pretreatment Program which may include:
 - 1) Fees for Industrial User Wastewater Discharge Permit applications, including the cost of review and processing such applications;
 - 2) Fees to recoup costs of monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing an Industrial User's discharge, and reviewing monitoring reports submitted by Industrial Users;
 - 3) Fees to recoup the costs of responding to discharges by Industrial Users in violation of this Ordinance and/or to recoup monetary fines and/or penalties imposed on the Control Authority for violations of the applicable TPDES permit issued for the operation of the POTW attributable to pass through or interference caused by an Industrial User;
 - 4) Fees for reviewing and responding to accidental discharge procedures and construction;

- 5) Fees for reviewing appeals; and
- 6) Other fees the Control Authority may deem necessary to carry out the requirements of this Ordinance. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the Control Authority.

D) All fees required under this Ordinance shall be invoiced, upon the Control Authority's request, to the contributing Industrial User by the Control Authority and shall be payable as indicated on the invoice.

12-90: INDUSTRIAL WASTEWATER STRENGTH AND FLOW SURCHARGE

A surcharge may be applied to a Significant Industrial User in addition to the monthly sewer service charge for the discharge of wastewater with concentrations of either BOD or TSS concentrations exceeding that of "Normal Domestic Sewage," or excess flow to cover the additional costs of treating such wastewater. Such a charge is collected by the City.

A) The surcharge shall be calculated as follows:

$$C = [B(Bu-250) + S(Su-250)] \times F \times V$$

Where:

C	=	surcharge to the User in dollars
B	=	unit cost factor for treating one unit of BOD (per 1,000 gallons)
Bu	=	the tested BOD of the discharge
S	=	unit cost factor for treating one unit of TSS (per 1,000 gallons)
Su	=	the tested TSS of the discharge
F	=	a factor of 8.34 to convert mg/L to pounds/ gallon
V	=	monthly billing volume (discharge) in thousand gallons
250	=	average domestic BOD and TSS (250 mg/L)

- B) If the concentration of BOD or TSS in the discharge is less than the normal strength for that category above specified, there shall be no surcharge for that category, nor shall there be credit given to the total surcharge if the concentration of either BOD or TSS is less than the normal concentration.
- C) All BOD and TSS values used in determining the surcharge shall be re-evaluated and adjusted to reflect any changes in wastewater characteristics as sampling results indicate necessary.
- D) Industrial Users that discharge flow in such an amount that hydraulically consumes treatment or conveyance capacity of the POTW may be assessed a surcharge in an amount to cover such excess capacity.

12-91: PRETREATMENT REQUIRED

- A) Industrial Users shall provide necessary wastewater treatment as required to comply with all Pretreatment Standards and Requirements, including Categorical Pretreatment Standards, local limits, and the prohibitions set out in Sections 5 and 6 of this Ordinance, with the time limitations specified by EPA, TCEQ, NTMWD, or the City, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Control Authority shall be provided, operated, and maintained at the User's expense. The Control Authority may require the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements.
- B) Before beginning construction of pretreatment facilities, the Industrial User shall submit certified and detailed plans and operating procedures for the facility to the Environmental Officer for review and approval. The review and approval of such plans and procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Environmental Officer and the Control Authority under the provisions of this Ordinance.
- C) All Industrial Users shall promptly notify the Control Authority 90 days in advance of any change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 C.F.R. § 403.12(p). The Environmental Officer may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial User Wastewater Discharge Permit Application Form. The Environmental Officer may issue an individual wastewater discharge permit under this Ordinance or modify an existing wastewater discharge permit under this Ordinance in response to changed conditions or anticipated changed conditions.
- D) All records relating to compliance with Pretreatment Standards and Requirements shall be made available to the Environmental Officer, NTMWD, and to other authorized officials of the City, TCEQ, or EPA upon request.
- E) The determination of the character and concentration of industrial wastewater shall be made by the Environmental Officer at such times and on such schedules as the Control Authority may establish.

12-92: FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The Categorical Pretreatment Standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. The Categorical Pretreatment Standards only apply to Categorical Industrial Users of the POTW.

- A) Upon the promulgation of a Categorical Pretreatment Standard for a particular industrial category or subcategory, the Categorical Pretreatment Standard, if more stringent than specific local limits imposed under this Ordinance for Industrial Users subject to that Categorical Standard, shall supersede the local limits imposed under this Ordinance.
- B) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Environmental Officer may impose equivalent concentration or mass limits in accordance with 40 C.F.R. § 403.6(c).
- C) Where Industrial Users combine wastestreams prior to treatment, compliance with an applicable Categorical Pretreatment Standard will be determined either prior to combining the wastestreams or following treatment of the combined wastestream (by applying the Combined Wastestream formula found in 40 C.F.R. § 403.6(e)).
- D) A User may obtain a variance from a Categorical Pretreatment Standard if the Industrial User can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- E) An Industrial User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 C.F.R. § 403.15.
- F) The Control Authority may convert the mass limits of the Categorical Pretreatment Standards of 40 C.F.R. Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Categorical Industrial Users. The conversion is at the discretion of the Control Authority.
- G) Once included in its permit, the Categorical Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
- H) Many Categorical Pretreatment Standards specify one limit for calculating Maximum Daily discharge limitations and a second limit for calculating Maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- I) Any Categorical Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Environmental Officer within two (2) business days after the Categorical Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Categorical Industrial User not notifying the Environmental Officer of such anticipated change will be required to meet the mass or concentration limits

in its permit that were based on the original estimate of the long term average production rate.

12-93: INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT REQUIREMENTS

- A) All Users shall notify the Environmental Officer of the nature and characteristics of their wastewater prior to commencing their discharge. The Environmental Officer is authorized to prepare a form for this purpose. All Users must complete the Industrial User Wastewater Discharge Permit Application, the Industrial Waste Survey, and/or other forms as required by the Control Authority. If a User fails to complete any form identified as required by the Control Authority, the User will be in violation of this Ordinance. The Control Authority may periodically require Industrial Users to update this information.
- B) It shall be unlawful for Significant Industrial Users to discharge wastewater, whether directly or indirectly, into the POTW without first obtaining an Industrial User Wastewater Discharge Permit from the Control Authority. Said permit shall be issued by the Control Authority provided that all prerequisites thereto are satisfied. Any violation of the terms and conditions of an Industrial User Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in this Ordinance. Obtaining an Industrial User Wastewater Discharge Permit does not relieve a permittee of its obligation to obtain any other and/or additional permits required by Federal, State, or local law.
- C) The Control Authority may require that other Industrial Users, including liquid waste haulers, obtain Industrial User Wastewater Discharge Permits as necessary to carry out the purposes of this article. The Environmental Officer also may prohibit the disposal of hauled pollutants, including hauled wastewater. The discharge of hauled pollutants, including hauled wastewater, is subject to all other requirements of this Ordinance.
 - 1) Industrial waste haulers, including haulers of wastewater, may discharge loads only at locations designed by the Environmental Officer.
 - 2) No load may be discharged without prior consent of the Environmental Officer.
 - 3) The Environmental Officer may collect samples of each hauled load to ensure compliance with applicable standards.
 - 4) The Environmental Officer may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- 5) Industrial waste haulers, including haulers of wastewater, must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

D) All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a revised Industrial User Wastewater Discharge Permit within one hundred eighty (180) days after the effective date of this Ordinance. The application must be submitted to the Environmental Officer within ninety (90) days after the effective date of this Ordinance.

E) New Connections: Any Significant Industrial User proposing to begin or recommence discharging nondomestic wastes into the POTW must obtain an Industrial User Wastewater Discharge Permit prior to beginning or recommencing such discharge. An application form must be filed by the SIU at least ninety (90) days prior to commencement of discharge. Categorical SIUs must provide an application form and a supplemental Baseline Monitoring Report, the two of which are to contain the information required by 40 C.F.R. § 403.12, as set out in this Ordinance.

F) The Control Authority may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its TPDES permit.

F) Reapplication: Once permitted, the Industrial User has the duty to reapply if the permittee wishes to continue an activity regulated by the permit after the expiration date of the Industrial User Wastewater Discharge Permit. The Industrial User must submit an application for a new permit at least ninety (90) days before the expiration of the then current permit. If the permitted Industrial User changes or adds any process(es) that will subject them to an existing categorical standard, an application must be submitted at least ninety (90) days prior to commencing discharge from the categorical process. The application form may be obtained from the Environmental Officer.

12-94: INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT APPLICATION AND BASELINE MONITORING REPORT

A) All Significant Industrial Users required to obtain an Industrial User Wastewater Discharge Permit shall complete and file with the Environmental Officer, an application on a form provided by the Control Authority. The Control Authority may charge a permit application fee, which if charged, shall accompany the application.

B) The Environmental Officer shall issue an Industrial User Wastewater Discharge Permit if he/she determines that pretreatment facilities are adequate for efficient treatment and that

discharged wastes will comply with all applicable Pretreatment Standards and Requirements, including those imposed by this Ordinance. Incomplete or inaccurate permit applications will not be processed and will be returned to the Industrial User for revision. The Control Authority may require additional information from the Industrial User as necessary to evaluate the permit application and issue the Discharge Permit.

C) Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Environmental Officer an Industrial User Wastewater Discharge Permit Application and a Baseline Monitoring Report, the two of which shall contain the information identified in paragraphs 1) through 6), below. At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become subject to Categorical Standards subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Control Authority a report which contains the information listed in paragraphs 1) through 5), below. New Sources shall also be required to include this report information on the method of pretreatment the source intends to use to meet applicable Categorical Standards. New Sources shall give estimates to the information requested in paragraphs 4) and 5), below.

- 1) Identifying Information: The Industrial User shall submit the name and address of the facility including the name of the operators and owners.
- 2) Permits: The Industrial User shall submit a list of any environmental control permits held by or for the facility.
- 3) Description of Operations: The Industrial User shall submit a description of the nature, average rate of production, and the Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description shall include:
 - a) A floor plan showing the location of process lines/equipment, treatment systems, chemical storage, waste storage, offices and the use(s) for each room or area; and
 - b) A sewer diagram of the facility showing the locations where industrial wastewater enters sewer lines and where the facility sewer lines connect to the city sewer main, as well as the locations of clean-outs, sampling ports, manholes, sinks, floor drains, etc., certified by a professional engineer; and
 - c) A flow diagram of the process lines/equipment and pretreatment systems that show the flow of product and water. This diagram shall include the purpose of each process line/equipment, chemicals used, sizing and flow. A detailed,

written process description shall also be included for each process line and pretreatment system.

- d) A standard operating procedure for the pretreatment system that shall include operating and maintenance schedules. This is only required if a pretreatment system is present or required.
- e) The Industrial User shall submit a list of all chemicals utilized in its processes and appropriate Safety Data Sheets (SDSs).

4) Flow Measurement: The Industrial User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- a) Regulated process streams; and
- b) Other streams as necessary to allow use of the Combined Wastestream formula of 40 C.F.R. § 403.6(e).

The Control Authority may allow for verifiable calculations of these flows where justified by cost or feasibility considerations.

5) Measurement of pollutants:

- a) The Industrial User shall identify the Categorical Pretreatment Standards applicable to each regulated process.
- b) In addition, the Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Categorical Pretreatment Standards or by the Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standards.
- c) Except as indicated in Section d) and e) below, the User must collect wastewater samples using 24 hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Environmental Officer. Where time proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols

(including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. For sampling facilities that discharge less than 24 hours per day, the sampling may be representative of the Industrial User's wastewater discharge per 40 C.F.R. § 403.12(g)(3). Sampling must be taken within a 24-hour period and should only be collected during that portion of the 24-hour period that the IU is discharging from the regulated process and/or pretreatment unit as long as regulated process wastewater is flowing through the pretreatment unit.

- d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- e) For sampling required in support of baseline monitoring and 90 day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Environmental Officer may authorize a lower minimum. For the compliance reports, the Industrial User is required to collect the number of grab samples necessary to assess and assure by compliance with applicable Pretreatment Standards and Requirements. The Control Authority may require more than four grab samples be taken and separately analyzed to ensure that sampling is representative (where the Control Authority cannot verify that previous techniques were representative, such data will not support the use of this alternative practice). Sampling requirements, which previously only supplied to BMRs and 90-day reports, extend to Reports on continued compliance and Noncategorical SIU reports [40 C.F.R. § 403.12(g)(1) and (3)].
- f) The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Environmental Officer or the applicable Standards to determine compliance with the Standard.

- g) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. During parts of the day when there is no discharge of process wastewater, standing water should not be disproportionately sampled and analyzed as it would not be representative of the discharge from the IU. The Control Authority shall only approve a sampling protocol that produces representative results and is based on operation conditions and physical configuration of the IU facility. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the Combined Wastestream formula of 40 C.F.R. § 403.6(e) in order to evaluate compliance with the Categorical Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. § 403.6(e), this adjusted limit along with supporting data shall be submitted to the Environmental Officer.
- h) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto. All analysis must be conducted by a laboratory certified under the NELAP program. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures required by the Environmental Officer or other parties, approved by EPA.
- i) The Control Authority may require the User to submit a pollutant scan of the wastewater discharge.
- j) The Control Authority may allow the submission of a Baseline Monitoring Report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- k) The Baseline Monitoring Report shall indicate the time, date and place of sampling and methods of analysis, and the Industrial User shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

6) Certification: A statement, reviewed by an authorized representative of the Industrial User, and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

- 7) Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards and Requirements, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard or Requirement. A compliance schedule pursuant to this Section must meet the requirements set out in this Ordinance.
- 8) Where the Industrial User's Categorical Pretreatment Standard has been modified by the Combined Wastestream Formula (40 C.F.R. § 403.6(e)) at the time the User submits the report required by this section, the information required by paragraphs 6) and 7) shall pertain to the modified limits.
- 9) If the Categorical Pretreatment Standard is modified by a removal allowance (40 C.F.R. § 403.7), the Combined Wastestream formula (40 C.F.R. § 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. § 403.13), after the User submits the report required by this section, any necessary amendments to the information requested by paragraphs 6) and 7) of this section shall be submitted by the Industrial User to the Environmental Officer within sixty (60) days after the modified limit is approved.

12-95: PERMIT CONDITIONS

Any Industrial User required to obtain an Industrial User Wastewater Discharge Permit under this Ordinance will be issued a permit by the Control Authority after all required documents submitted by the Industrial User are reviewed, verified and technically evaluated by the Control Authority.

- A) Industrial User Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the Control Authority. Industrial User Wastewater Discharge Permits shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Industrial User Wastewater Discharge Permits shall contain, but not be limited to, the following:
 - 1) Statement of duration (in no case more than five years);
 - 2) Statement of non-transferability without, at a minimum, thirty (30) day prior notification to the Environmental Officer and provision of a copy of the existing control mechanism to the new owner or operator;

- 3) Effluent limits, including Best Management Practices, based on applicable general pretreatment standards in 40 C.F.R. Part 403, Categorical Pretreatment Standards, Prohibited Discharge Standards, site specific discharge limitations, local limits, and State and local law. The Control Authority reserves the right to establish in permits more stringent standards or requirements on discharges consistent with this Ordinance;
- 4) Applicable self-monitoring, sampling, reporting, notification and record-keeping requirements (3+ years, includes BMPs), including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards, Categorical Pretreatment Standards, Prohibited Discharge Standards, local limits, and State and local law;
- 5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- 6) Requirements to control Slug Discharges, if determined by the Control Authority to be necessary. The Control Authority shall evaluate within one year of being designated as a Significant Industrial User (SIU), whether each SIU needs a plan or other action to control slug discharges.
- 7) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- 8) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- 9) Requirement for notification to the Environmental Officer for introduction of a new wastestream or wastewater constituents or a substantial change in the operations or volume or characteristics of the wastewater discharged to the POTW.
- 10) A statement that compliance with the Industrial User Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the Industrial User Wastewater Discharge Permit.

B) Industrial User Wastewater Discharge Permits may contain other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations. Such other conditions may include, but are not limited to:

- 1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

- 2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
- 3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
- 4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- 5) Requirement for installation and maintenance of flow measuring devices.
- 6) Requirement to submit a sampling plan detailing the Industrial User's procedures to ensure all sampling and analysis are conducted using 40 C.F.R. Part 136 methods and analysis is done by a laboratory accredited by NELAP. All sampling and analysis for Industrial Users self-monitoring will be conducted at the Industrial Users expense.
- 7) A statement that compliance with the Industrial User Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Industrial User Wastewater Discharge Permit.
- 8) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

12-96: PERMIT ISSUANCE REQUIREMENTS

- A) Permit Duration: Industrial User Wastewater Discharge Permits shall be issued for a specified period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the sole discretion of the Environmental Officer.
- B) Permit Appeals: Any interested person, including the Industrial User, may petition to appeal the terms of a permit, or the denial of a permit, to the Environmental Appeals Committee (as established by this Ordinance), within thirty (30) days of the final permit decision.
 - 1) Failure to submit a timely petition for review of the terms of a permit or the denial of a permit shall be deemed to be a waiver of the administrative appeal.
 - 2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for these objections, and the alternative condition, if any, it seeks to be placed in the permit. Any reasons advanced against a permit denial shall be fully explained.

- 3) The effectiveness of the permit shall not be stayed pending a reconsideration by the Environmental Appeals Committee (“Committee”), unless the Environmental Officer expressly so states. If, after considering the petition and any arguments put forth by the Environmental Officer, the Committee determines that reconsideration is proper, it shall remand the permit, or permit application, back to the Environmental Officer for reconsideration. Those permit provisions being reconsidered by the Environmental Officer on remand shall be stayed pending reissuance, unless the Committee expressly states to the contrary.
- 4) An Environmental Appeals Committee decision not to reconsider a final permit, or the denial of a permit, shall be considered final administrative action for purposes of judicial review.
- 5) If the Environmental Appeals Committee fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- 6) Aggrieved parties seeking judicial review of the final administrative Industrial Wastewater Discharge Permit decision must do so by filing a complaint with the State District Court.

C) Permit Action and Modification: The Control Authority has the power to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by an Industrial User where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate the applicable TPDES permit issued for the operation of the POTW by either pass through or interference. Additionally, any Industrial User that consumes excess organic and/or hydraulic flow capacity will require permit modification. The Control Authority may modify the Industrial User Wastewater Discharge Permit for good cause including but not limited to, the following:

- 1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.
- 2) To address material or substantial alterations or additions to the Industrial User’s operation processes, or discharge volume or character which were not considered in drafting the effective permit.
- 3) A change in any condition in either the Industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- 4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters.
- 5) A violation of any terms or conditions of the permit.

- 6) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
- 7) Revision of or a grant of variance from Categorical Standards pursuant to 40 C.F.R. § 403.13.
- 8) To correct typographical or other errors in the permit.
- 9) To reflect transfer of the facility ownership and/or operation to a new owner or operator.
- 10) Upon request of the permittee, provided such request does not create a violation of any applicable Pretreatment Standards or Requirements, or other laws, rules, or regulations. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D) Permit Transfer: Industrial User Wastewater Discharge Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Environmental Officer, provided:

- 1) The permittee must give at least thirty (30) days advance notice to the Environmental Officer.
- 2) The permittee must provide a copy of the existing permit to the new owner or operator.
- 3) The notice must include a written certification by the new owner or operator which:
 - a) States that the new owner or operator has no immediate intent to change the facility's operations and processes;
 - b) Identifies that the permittee has provided a copy of the existing permit to the new owner or operator;
 - c) Indicates the name and address of the new owner and the authorized signatory for the facility;
 - d) Identifies the specific date on which the transfer is to occur; and
 - e) Acknowledges full responsibility for complying with the existing permit.

- 4) Failure to provide advance notice of a transfer may render the Industrial User Wastewater Discharge Permit void as of the date of facility transfer.
- E) Permit Termination: Industrial User Wastewater Discharge Permits may be terminated for good cause, including but not limited to, the following reasons:
 - 1) Falsifying self-monitoring reports.
 - 2) Tampering with monitoring equipment.
 - 3) Refusing to allow proper inspecting authorities timely access to the facility premises and records.
 - 4) Failure to meet effluent limitations.
 - 5) Failure to pay fines.
 - 6) Failure to pay sewer charges.
 - 7) Failure to meet compliance schedules.
 - 8) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge.
 - 9) Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 28, Paragraph C) of this Ordinance.
 - 10) Misrepresentation or failure to fully disclose all relevant facts in the Industrial User Wastewater Discharge Permit Application.
 - 11) Failure to complete a wastewater survey or the Industrial User Wastewater Discharge Permit Application.
 - 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
 - 13) Violation of any pretreatment standard or requirement, or any terms of the Industrial User Wastewater Discharge Permit or this Ordinance.

A User will be notified of any proposed permit termination and offered an opportunity to show cause under this Ordinance why the proposed termination should not occur.

Industrial User Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial User Wastewater Discharge Permits issued

to a particular Industrial User are void upon the issuance of a new permit to that new Industrial User.

- F) Permit Reissuance: The User shall apply for permit reissuance by submitting a complete Industrial User Wastewater Discharge Permit Application Form a minimum of ninety (90) days prior to the expiration of the User's existing permit.
- G) Continuation of Expired Permits: An expired permit will continue to be effective and enforceable until the permit is reissued if:
 - 1) The Industrial User has submitted a complete Industrial User Wastewater Discharge Permit Application Form at least ninety (90) days prior to the expiration date of the Industrial User's then current permit.
 - 2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Industrial User.

12-97: SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS

All Industrial Users required to submit reports under this Ordinance must comply with the requirements of this section.

- A) The reports required to be submitted by Industrial Users under this Ordinance shall include the certification statement below:

"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."

- B) The reports shall include the foregoing certification statement and shall be signed by the Authorized Representative of the Industrial User.
- C) If the designation of an Authorized Representative of the Industrial User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new written authorization executed by the Authorized Representative satisfying the requirements of the definition stated in Section 1 must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

- D) The reports and other documents required to be submitted or maintained under this Ordinance shall be subject to:
 - 1) The provisions of 18 U.S.C. § 1001 relating to fraud and false statements;
 - 2) The provisions of sections 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and
 - 3) The provisions of section 309(c)(6) regarding responsible corporate officers.
- E) All reports submitted under this Ordinance by Industrial Users shall be deemed submitted to the Control Authority on the postmark date, shipment date, or hand delivery date. As long as this submittal date is on or prior to the report deadline, the report will not be considered late. Any reports due on a Saturday, Sunday, or Holiday shall be due no later than the next working business day.

12-98: 90 DAY COMPLIANCE REPORT FOR CATEGORICAL INDUSTRIAL USERS

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following the commencement of the introduction of wastewater into the POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 19, Paragraphs C) 4), C) 5), and C) 6). For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Environmental Officer or the Pretreatment Standard necessary to determine compliance status of the User. All compliance reports must be signed and certified in accordance with Section 22 of this Ordinance.

12-99: PERIODIC REPORT ON CONTINUED COMPLIANCE FOR SIGNIFICANT INDUSTRIAL USERS

All Significant Industrial Users regulated under this Ordinance shall submit periodic reports to the Control Authority as required by the Industrial User Wastewater Discharge Permit. The contents and frequency of these reports will be specified in the Industrial User Wastewater Discharge Permit.

- A) The requirements for periodic reports submitted by Categorical Industrial Users are as follows:

- 1) Any Significant Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Categorical Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Categorical Standard or by the City, NTMWD, TCEQ, or EPA, a report indicating the nature and concentration of pollutants in the discharge which are limited by such Categorical Pretreatment Standards.
- 2) In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge, except that the Control Authority may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are submitted.
- 3) Where the Control Authority has imposed mass limitations on an Industrial User as provided for by 40 C.F.R. § 403.6(d), the report required by paragraph A), above, shall indicate the mass of pollutants regulated by the applicable Categorical Pretreatment Standards in the Discharge for the Industrial User.
- 4) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 C.F.R. § 403.6(c), the report required by paragraph A) 1), above, shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph A) 1), above, shall include the User's actual average production rate for the reporting period.

B) The requirements for periodic reports submitted by Significant Noncategorical Industrial Users are as follows:

- 1) Significant Noncategorical Industrial Users shall submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority.
- 2) This sampling and analysis may be performed by the Control Authority in lieu of the Significant Noncategorical Industrial User. Where the Control Authority collects all the information required for the report, the Noncategorical Significant Industrial User will not be required to submit the report.

C) All periodic reports submitted by Significant Industrial Users (Categorical and Noncategorical) are as follows:

- 1) These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City, NTMWD or other persons, approved by the EPA.
- 2) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- 3) All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- 4) If an Industrial User subject to the reporting requirement of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in this Section of this Ordinance, the results of this monitoring shall be included in this report.
- 5) All periodic compliance reports must be signed and certified in accordance with Section 22 of this Ordinance.

12-100: GENERAL REPORTING AND RECORD-KEEPING REQUIREMENTS

All Industrial Users required to submit reports under this Ordinance must comply with the requirements of this section.

A) If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the City and NTMWD within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City and NTMWD within thirty (30) days after becoming aware of the violation. If the Control Authority performed the sampling and analysis in lieu of the Industrial User, the Control Authority will perform the repeat sampling and analysis

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unless it notifies the Industrial User of the violation and requires the Industrial User to perform the repeat sampling and analysis. Resampling is not required if:

- 1) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or
- 2) The Control Authority performs sampling at the Industrial User between the time when the initial sampling was conducted and the time when the Industrial User or the Control Authority receives the results of this sampling.

B) If an Industrial User subject to the reporting requirements of Section 24 monitors any pollutant more frequently than required by this Ordinance or by the Control Authority, using the procedures as prescribed in 40 C.F.R. § 136, the results of this monitoring shall be included in the report.

C) Any Industrial User subject to the reporting requirements established in this Ordinance or the Industrial User Wastewater Discharge Permit shall retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this Ordinance or the Industrial User Wastewater Discharge Permit), and documentation associated with BMPs, operation and maintenance manuals, chemical data sheets, production data, calibration logs, financial records of materials purchased, sampling and analysis reports, etc. and shall make records and documentation available for inspection and copying by the EPA, TCEQ, or NTMWD and/or City. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or the Control Authority, when requested by the State or the Federal government, or when the Industrial User is specifically notified of a longer retention period by the Control Authority.

D) For all samples, such records shall include but not be limited to:

- 1) The date and time the sampling and analyses were performed;
- 2) Who performed the analyses including the laboratory name and address and NELAP accreditation seal;
- 3) Signature of laboratory personnel certifying the analytical report;
- 4) Quality Assurance and Quality Control data for the laboratory analysis;
- 5) The analytical techniques/methods used;
- 6) The results of such analyses;
- 7) The outfall number(s) and exact location for which samples were taken;

- 8) Name and physical location of facility where samples were collected;
- 9) The sampler's name and signature;
- 10) Type of sample(s) collected;
- 11) Number of parts or sample intervals of the sample(s);
- 12) How the sample(s) was collected (*i.e.*, automatic sampler, in person, etc.);
- 13) Sample preservation;
- 14) Sample container – size and material;
- 15) Field data – Who measured it, date, and time;
- 16) Sampling date and time – Beginning date, ending date, beginning time, and ending time;
- 17) Chain of custody information (including affiliation of each individual in chain of custody).
- 18) Certification statement as set out in Section 22 of this Ordinance.
- 19) Signature of the Authorized Representative of the Industrial User as required by this Ordinance as defined in Section 1.

12-101: BYPASS

- A) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs B) and C), below.
- B) Notice
 - 1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten (10) days before the date of the bypass.
 - 2) An Industrial User shall submit oral notice of an unanticipated bypass to the Control Authority within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days

of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours following the bypass.

C) Prohibition of Bypass

- 1) Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless:
 - a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - c) The Industrial User submitted notices as required under Paragraph B) of this Section.
- 2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions in Paragraph C) 1) of this Section.

12-102: SLUG CONTROL PLAN

A) Each Industrial User shall provide protection from Slug Discharges, as defined in Section 1 of this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. In accordance with 40 C.F.R. 403.8(f)(2)(vi), the Control Authority shall evaluate whether each Industrial User needs a plan to control slug discharges. If a slug control plan is required based on the evaluation, the Control Authority will require the Industrial User to develop and implement an accidental discharge/slug control plan. If a slug discharge plan is required, the plan shall be submitted to the Control Authority for review and approval by the Control Authority, and the plan shall contain, at a minimum, the following elements:

- 1) Description of discharge practices, including non-routine batch discharges;

- 2) Description of stored chemicals;
- 3) Procedures for immediately notifying the Control Authority of accidental or slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. § 403.5, with procedures for follow-up written notification within five (5) days;
- 5) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

B) The Control Authority is required to keep records of the activities associated with slug control evaluation and results are required to be available to the Approval Authority upon request.

12-103: NOTICE OF POTENTIAL PROBLEMS, INCLUDING SLUG LOADING

A) All Categorical and Noncategorical Industrial Users shall immediately notify the Control Authority of all discharges, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or slug loadings as defined in 40 C.F.R. § 403.5(b), that could cause problems to the POTW by the Industrial User. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the user.

B) Within five (5) days following such discharge, the Industrial User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

C) Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

12-104: AFFIRMATIVE DEFENSE

A) If a person can establish that an event, which would otherwise be a violation of this Ordinance, an Industrial User Wastewater Discharge Permit issued pursuant to this Ordinance, or other Federal, State, or local law, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation.

B) Conditions necessary for a demonstration of affirmative defense. An Industrial User who wishes to establish an affirmative defense shall demonstrate, through properly signed, contemporaneous operation logs, or other relevant evidence that:

- 1) The event that resulted in a violation occurred and the Industrial User can identify the cause(s) of the violation as being solely an act of God, war, strike, riot, or other catastrophe;
- 2) The facility was at the time being operated in a prudent and efficient manner and in compliance with applicable operation and maintenance procedures;
- 3) The Industrial User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the violation (if this information is provided orally a written submission must be provided within five (5) days);
 - a) A description of the event that resulted in a violation and the cause of noncompliance;
 - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c) Steps being taken and/or plans to reduce, eliminate and prevent recurrence of the noncompliance.

Any verbal notice must include all of the information set out in a) through c) above.

C) Burden of proof. In any enforcement proceeding the Industrial User seeking to establish an affirmative defense shall have the burden of proof.

D) Reviewability of agency consideration. In the exercise of prosecutorial discretion, the Control Authority will review any claims of an affirmative defense. No determinations made in the course of City and/or delegated review shall constitute final action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of an affirmative defense only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

E) User responsibility. The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12-105: NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES

- A) If the permittee knows in advance of the need to discharge of a hazardous waste, the permittee shall submit prior written notice, at least ten days before the date of the discharge of a hazardous waste, to the Control Authority. If the permittee does not know in advance of the discharge of a hazardous waste, the permittee shall immediately notify the Control Authority and submit a written notice to the Control Authority within five (5) days of the discharge. The notification shall identify the hazardous waste discharged and the amount of the hazardous waste discharged.
- B) In addition to the reporting requirements set out in A) above, Industrial Users shall notify the Control Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Industrial Users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 C.F.R. § 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 C.F.R. § 403.12(b), (d) and (e).
- C) Dischargers are exempt from the requirements of paragraph B) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. § 261.30(d) and § 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional information.
- D) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Control Authority, the EPA Regional Waste Management Division Director and the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- E) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the extent determined to be economically practical.
- F) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, an Industrial User Wastewater Discharge Permit issued thereunder, or any applicable State or Federal law.

12-106: CONFIDENTIAL INFORMATION

- A) Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User under applicable state law. Any such request must be asserted at the time of submission of the information or data. Any information requested to be held confidential shall be stamped "confidential business information," "confidential," or "privileged" on each page containing such information by the User at the time the information is submitted.
- B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the applicable TPDES permit issued for the operation of the POTW, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceeding involving the person furnishing the report. Effluent data as defined in 40 C.F.R. § 2.302 will not be considered confidential and will be available to the public without restriction.
- C. Notwithstanding the foregoing, if the Control Authority is compelled or required to disclose confidential information relating to an Industrial User by a court or pursuant to a legal proceeding or as otherwise required by law specifically including, but not limited to, any disclosure of documents or tangible things requested by a third-party pursuant to the Texas Public Information Act (TPIA) and which documents or things the TPIA requires the Control Authority to disclose to the Texas Attorney General's Office in an effort to protect such confidential information from disclosure, the Control Authority shall give the Industrial User written notice of such compulsion or requirement and afford the Industrial User the opportunity to seek a protective order or other appropriate relief. Such an opportunity shall be reasonably limited such that the Control Authority will satisfy all applicable responses, deadlines, and other requirements imposed by the court or pursuant to the legal proceeding.

12-107: COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to Industrial Users required to develop a compliance schedule to come into compliance with Pretreatment Standards and Requirements.

- A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing plans, executing contract for major components, commencing construction, completing construction, etc.).
- B) No increment in the compliance schedule shall exceed nine (9) months.
- C) Not later than fourteen (14) days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

12-108: ADMINISTRATIVE ENFORCEMENT ACTIONS

All Industrial Users regulated under this Ordinance are subject to any and all enforcement actions and remedies described herein.

A) Notice of Violation

After discovery of an Industrial User violation, the Control Authority may inform the noncompliant Industrial User by telephone, e-mail communication, in writing, or in person concerning the violation committed by the Industrial User. If by telephone, the Control Authority will speak to the Authorized Representative of the Industrial User contact and explain the violation. The Control Authority must state that the Industrial User is in violation of this Ordinance. The Control Authority will gather the following information:

- 1) why the violation occurred;
- 2) whether the problem has been corrected;
- 3) whether the violation could occur again; and
- 4) when the problem has been or will be corrected.

The information received from the Authorized Representative of the Industrial User contact concerning the violation will be documented along with the time and date of the call in the Violation Summary file. Such telephone call may be utilized to provide verbal notification

of minor violations. If communication is by e-mail and the Industrial User does not provide the above information in a timely manner, the Control Authority will follow-up via telephone. Use of the telephone call or e-mail communication does not limit the Control Authority's ability to take any other action authorized by this Ordinance.

B) Written Notification of Violation

When the Control Authority finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may serve upon that Industrial User a written Notice of Violation. Within the time frame specified in the Notice of Violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the Control Authority. Submission of an explanation and/or plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

C) Administrative Orders

Enforcement documents which direct Industrial Users to undertake or to cease specified activities. Terms may or may not be negotiated. Administrative Orders may incorporate compliance schedules, administrative penalties, and termination of service. Use of any type of Administrative Order does not limit the Control Authority's ability to take any other action authorized by this Ordinance.

- 1) Consent Orders. The Control Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents may include specific action to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to paragraphs D) and E) of this Section and shall be judicially enforceable.
- 2) Show Cause Hearing. The Control Authority may order an Industrial User which has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) or e-mail communication at least ten (10) calendar days

prior to the hearing. Such notice may be served on any Authorized Representative of the Industrial User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

- 3) Compliance Orders. When the Control Authority finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an Order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specified time limit. If the Industrial User does not come into compliance within the specified time limit, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

D) Cease and Desist Orders

When the Control Authority finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement, or that the Industrial User's past violations are likely to recur, the Control Authority may issue an Order to the Industrial User directing it to cease and desist all such violations and directing the Industrial User to:

- 1) Immediately comply with all requirements; and
- 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

E) Emergency Suspensions

The Control Authority may immediately suspend an Industrial User's discharge, after any reasonable notice to the Industrial User that is practical under the circumstances, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare

of persons. The Control Authority may also immediately suspend an Industrial User's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- 1) Any Industrial User notified of a suspension of its discharge shall immediately stop or eliminate its contribution to the POTW. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer or water connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the Industrial User to recommence its discharge when the Industrial User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in Paragraph H) of this Section are initiated against the Industrial User.
- 2) An Industrial User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Control Authority prior to the date of any show cause or termination hearing under Paragraph C) or F) of this Section.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

F) Termination of Discharge

In addition to the provisions in Section 33, Paragraph E) of this Ordinance, any Industrial User who violates the following conditions is subject to discharge termination:

- 1) Violation of Industrial User Wastewater Discharge Permit conditions;
- 2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- 3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- 4) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection, monitoring, or sampling; or
- 5) Violation of Pretreatment Standards.

Such Industrial User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Paragraph C) of this Section why the proposed

action should not be taken. Exercise of this option by the Control Authority shall not be a bar to, or a prerequisite for, taking any other action against the Industrial User.

G) Administrative Fines

- 1) When the Control Authority finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such Industrial User in an amount not to exceed \$2,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- 2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the Industrial User's property will be sought for unpaid charges, fines, and penalties.
- 3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

H) Appeals from Administrative Enforcement Actions

Any Industrial User subject to any Order issued, any administrative fine imposed, or any enforcement action taken by the Control Authority pursuant to its authority in this Ordinance, may appeal the Order, action, or fine by filing a written notice of appeal with the Control Authority. (The Control Authority may provide forms for this purpose.) Such notice of appeal shall be filed within fifteen (15) days of notice of the Order, action, or fine.

12-109: ENVIRONMENTAL APPEALS COMMITTEE

- A) An Environmental Appeals Committee ("Committee") is hereby established, and authorized to hear and decide appeals from any decision, fine, or order issued or any other enforcement action taken by the Control Authority pursuant to this Ordinance. The Committee shall be composed of, but not limited to, the City Manager, the Mayor, and the City Attorney, or any of their designated representatives.
- B) The Committee may call and hold hearings, administer oaths, receive evidence at the hearing, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions with respect to administering its powers herein.
- C) Upon the hearing of an appeal from an order issued, enforcement action taken, or fine imposed by the Control Authority, the Committee shall determine if there is a preponderance of evidence to support the Industrial User's appeal of the Control Authority's determination,

fine, action, and/or Order. The decision of the Committee shall be in writing and contain findings of fact. If the Committee determines that there **is** a preponderance of evidence presented by the Industrial User to support the Industrial User's appeal, the Committee shall remand the permit, or permit application, back to the Control Authority for reconsideration. If, however, the Committee determines that there **is not** a preponderance of evidence presented by the Industrial User to support the Industrial User's appeal of the Control Authority's determination, fine, action, and/or order, the Committee shall, in addition to its decision, issue an order:

- 1) requiring discontinuance of the violation or condition;
- 2) requiring compliance with any requirement to correct or prevent any condition or violation;
- 3) suspending or revoking any Industrial User Wastewater Discharge Permit issued under this Ordinance; and/or
- 4) imposing the proper fine.

In any decision issued by the Committee, the order shall specify the time in which the compliance with the order must be taken. A copy of the order shall be delivered to the appellant or person to whom the order is directed in person or sent to him/her by registered or certified mail (return receipt requested) or via e-mail communication.

D) Upon the hearing of an appeal from a permit issuance, modification, or denial by the Control Authority, the Committee shall determine if there is evidence to support the Control Authority's permitting decision. The decision of the Committee shall be in writing. If the Committee determines that there is a preponderance of evidence to support the permitting decision of the Control Authority, the Committee shall affirm its decision. If the Committee determines that there is not adequate evidence to support the permitting decision of the Control Authority, the Committee shall remand the permit, or permit application, back to the Control Authority for reconsideration. A copy of the decision of the Committee upon the permitting appeal shall be delivered to the appellant in person or sent to him/her by registered or certified mail or e-mail communication. An Environmental Appeals Committee decision not to reconsider a final permit, or denial of a permit, shall be considered a final administrative action for purposes of judicial review.

12-110: NOTICE OF SIGNIFICANT NONCOMPLIANCE

A) The Control Authority shall publish annually a list of Industrial Users in significant noncompliance with applicable Pretreatment Standards or other Pretreatment Requirements during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against the IU during the same period. Said list shall be published

in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the City.

B) For purpose of this section; an Industrial User is in significant noncompliance if its violation(s) meets one or more of the following criteria:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1;
- 2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- 3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- 5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- 6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- 7) Failure to accurately report noncompliance; or
- 8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the City's Ordinance.

12-111: JUDICIAL ENFORCEMENT REMEDIES

All Industrial Users regulated under this Ordinance are subject to any and all enforcement actions and remedies described herein.

A) Civil Remedies

- 1) Whenever it appears that an Industrial User has violated, or continues to violate, any provision of this Ordinance that relates to the discharge of a pollutant into the POTW, the Control Authority may petition the State district court or the county court at law, through their respective legal counsel, for either the injunctive relief specified in Section 36, paragraph A) 2) or the civil penalties specified in Section 36, paragraph A) 3) below, or both the specified injunctive relief and civil penalties.
- 2) The Control Authority may obtain against the violating Industrial User a temporary or permanent injunction, as appropriate, that:
 - a) prohibits any conduct that violates any provision of this Ordinance that relates to the discharge of a pollutant into the POTW; or
 - b) compels the specific performance of any action that is necessary for compliance with any provision of this Ordinance that relates to the discharge of a pollutant into the POTW.

2) The City may recover a civil penalty of up to but not more than \$2,000.00 per day for each violation of any provision of this Ordinance.

B) Criminal Penalties

- 1) Any person who has violated any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or any order issued hereunder, or any other pretreatment standard or requirement shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of up to but not more than \$2,000.00 per violation, per day or portion of a day, and each and every day such violation shall continue shall be deemed to constitute a separate offense.
- 2) Any person who has knowingly made any false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, an Industrial User Wastewater Discharge Permit, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be subject to a fine of up to but not more than \$2,000.00 per violation, per day or portion of a day, and each and every day such violation shall continue shall be deemed to constitute a separate offense.
- 3) In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm

caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.

C) Civil Suit Under the Texas Water Code

Whenever it appears that a violation or threat of violation of any provision of Section 26.121 of the Texas Water Code, or any rule, permit, or order of the Texas Commission on Environmental Quality, has occurred or is occurring within the jurisdiction of the City of Terrell, exclusive of its extraterritorial jurisdiction, the City, in the same manner as the TCEQ, may have a suit instituted in a state district court through its City Attorney for the injunctive relief or civil penalties or both authorized in Subsection (a) of Section 26.123 of the Texas Water Code, against the person who committed or is committing or threatening to commit the violation. This power is exercised pursuant to Section 26.124 of the Texas Water Code. In any suit brought by the City under this Section 36, Paragraph C), the TCEQ is a necessary and indispensable party.

D) Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive of any other remedies that the Control Authority may have under state or federal law or that the City may have in its ordinances. The Control Authority may take any, all, or any combination of these actions against a violator. The Control Authority is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

12-112: SUPPLEMENTAL ENFORCEMENT ACTION

- A) Performance Bonds. The Control Authority may decline to issue or reissue an Industrial User Wastewater Discharge Permit to any Industrial User who has failed to comply with any provision of this Ordinance, a previous Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement unless such Industrial User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.
- B) Water Supply Severance. Whenever an Industrial User has violated or continues to violate any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the Industrial User may be severed. Service will only recommence, at the Industrial User's expense, after it has satisfactorily demonstrated its ability to comply.
- C) Wastewater Severance. Whenever an Industrial User has violated or continues to violate any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement, wastewater service to the Industrial User may be severed. Service will only recommence, at the Industrial User's expense, after it has satisfactorily demonstrated its ability to comply.

- D) Public Nuisances. A violation of any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority. In addition, any person(s) creating a public nuisance shall be subject to the provisions of the applicable City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.
- E) Conduct. In addition to prohibiting certain conduct by employees, it is the intent of this Ordinance to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his/her office or employment.
- F) Responsibility for Violation. Any Industrial User that, in violating any Pretreatment Standard or Requirement, including any provision of this Ordinance, causes pass through or interference, or otherwise causes the Control Authority to violate the terms of the applicable TPDES permit issued for the operation of the POTW, and as a consequence to incur any civil or criminal penalty, shall be liable to the Control Authority for the amount of any such civil or criminal penalty, as well as any costs of compliance with any order issued by EPA, TCEQ, or any State or Federal Court and, additionally, any costs and/or attorneys' fees incurred by the Control Authority in defense or compliance with such judicial or administrative action.
- G) Fees for Violation. Any Industrial User that violates any Pretreatment Standard or Requirement, including any provision of this Ordinance, shall be liable to the Control Authority for any expense, loss, cleanup cost, damages, attorneys' fees and/or waste disposal cost incurred by the Control Authority because of such violations. Additionally, an administrative fee of up to one-half (1/2) of assessed clean-up costs may be levied by the City against the responsible violator.

PROVISIONS

All provisions of any existing Ordinance of the City of Terrell in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of any existing Ordinance of the City, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SEVERABILITY

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision, or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption and publication as required by law, the City Charter, and approval is received from the TCEQ.

PASSED AND APPROVED this 6th day of April, 2021, at a meeting of the Terrell City Council.

PASSED AND ADOPTED this ____ day of _____, 2021, at a meeting of the Terrell City Council.

E. RICK CARMONA, Mayor

ATTEST:

Dawn Steil, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney



Year to Date - Analysis of Offense against Person, Property & Society for March 2021



Agency: TERRELL PD

ITEM 12.1.

	Offense Description	Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD	% Change
Crimes Against Person	Assault Offenses	Last Year	10	16	31										57	-
		This Year	18	15	13										46	-19.30%
	Homicide Offenses	Last Year	0	0	0											-
		This Year	0	0	0											-
	Human Trafficking	Last Year	0	0	0											-
		This Year	0	0	0											-
	Kidnapping/Abduction	Last Year	0	0	0											-
		This Year	0	0	0											-
	Sex Offenses	Last Year	1	0	0										1	-
		This Year	1	1	3										5	400.00%
	Sex Offenses, Non-Forcible	Last Year	0	0	0											-
		This Year	0	0	1										1	-
Crimes Against Property	Arson	Last Year	0	0	1										1	-
		This Year	0	0	0											-
	Bribery	Last Year	0	0	0											-
		This Year	0	0	0											-
	Burglary/Breaking and Entering	Last Year	6	7	11										24	-
		This Year	6	0	1										7	-70.83%
	Counterfeiting/Forgery	Last Year	5	4	4										13	-
		This Year	2	1	0										3	-76.92%
	Destruction/Damage/Vandalism of Property	Last Year	7	8	5										20	-
		This Year	10	6	3										19	-5.00%
	Embezzlement	Last Year	0	0	0											-
		This Year	0	0	0											-
	Extortion/Blackmail	Last Year	0	0	0											-
		This Year	0	0	0											-
	Fraud Offenses	Last Year	4	2	7										13	-
		This Year	1	0	2										3	-76.92%
	Larceny/Theft Offenses	Last Year	16	17	9										42	-
		This Year	14	10	7										31	-26.19%



Year to Date - Analysis of Offense against Person, Property & Society for March 2021



Agency: TERRELL PD