



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, March 17, 2009

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Mayor Pro-Tem Mike McCarty	..	..	..	
Councilperson Al Simonson	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilperson Frank Jordan	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-18

Consider Approval of a Contract with Mark Beausoleil for Insurance and FEMA Claim Services.

- Attachment #1 - BEAUSOLEIL CONTRACT Claim Services (DOC)

2. Council Action 2009-19

Consider Approval of an Agreement for City of Liberty Web Site Design.

- Attachment #2 - Web Site Cost Analysis2 (XLS)
- Attachment #3 - Web Site Proposal A-1 Telcom ()

3. Council Action 2009-20

Consider Amending the Membership Requirements of the Airport Advisory Board.

- Attachment #4 - AAB March 09 (DOC)

4. Ordinance 2009-5

Consider Adoption of an Ordinance to Allow the Fire Department to Bill Internally for Fire Service Calls.

5. Council Action 2009-21

Consider Proposals for Demolition of the Liberty Bell Tower.

6. Ordinance 2009-6

Consider Adoption of an Ordinance Setting Forth Requirements for Users of the Wastewater Treatment Plant and Regulating the Discharge of Waste into the Wastewater System.

- Attachment #5 - Wastewater Ordinance - Industrial Option #2 (DOC)
- Attachment #6 - Wastewater Ordinance - Industrial Option 1 (DOC)

B. Executive Session

Deliberation Regarding Real Property. Gov. Code 551.072
Consultation With Attorney. Gov. Code §551.071

1. Discussion of possible property purchase for additional city facilities.

C. Reconvene into Regular Session

Consider any action on the items as discussed in the Executive Section

1. Consider action, if any, on the items as discussed in the Executive Session

VI. COUNCIL MEAL

VII. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 6th day of March, 2009 at 1:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2009.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/17/09 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION 2009-18

DOC ID: 1287

Consider Approval of a Contract with Mark Beausoleil for Insurance and FEMA Claim Services.

POWER OF ATTORNEY

THE STATE OF TEXAS

KNOW ALL PERSONS

COUNTY OF LIBERTY

BY THESE PRESENTS

THAT I, Ron Wood, Liberty City Manager, pursuant to the authority vested in me by Liberty City Council on February ____, 2009, hereby employ and appoint **Mark Beausoleil**, Attorney at Law, as The City of Liberty's true and lawful attorney to act for The City of Liberty and in The City of Liberty's name to take any appropriate legal action, including, but not limited to, **Breach of Contract/Bad Faith/DTPA, and/or any other cause of action which he deems necessary to prosecute and collect claims arising out of damages to The City of Liberty properties caused by Hurricane Ike.** In addition, to file suit, conduct the same to a final decision, or compromise, or negotiate any settlement; provided that no settlement shall be made by said attorney without my approval, and I agree not to negotiate or make any settlement without the consent of said attorney.

Attorney agrees to represent Client in connection with said claim; Client and Attorney hereby agree as follows:

1. Payment:
 - A. Client agrees to pay and hereby assigns to Attorney as compensation for his services, TWENTY (20%) PERCENT of New Money received if the insurance demand is paid within the time allowed by law;
 - B. If Claim is not paid within the time allowed by Texas Law and Attorney is forced to file a Bad Faith Claim against the insurance company then client agrees to pay attorney TWENTY-FIVE (25%) PERCENT of New Money received on behalf of the client;
 - C. If Attorney is forced to bring a Bad Faith Claim against the Insurance Company for non-payment of a valid insurance claim, attorney will fight to compel the Insurance Company to pay for all costs associated with the case, including attorney's fees.
2. Client agrees to reimburse Attorney for all actual expenses, other than ordinary office expenses, incurred in handling the claim, and for monies advanced on Client's behalf should Attorney collect New Money from FEMA or insurers, and agrees that such expenses and advancements shall be deducted from any recovery obtained for Client. Monies advanced to client before case settles shall be deducted from Client's share of recovery. If no recovery is made or if recovery made is not sufficient to cover Attorney's out of pocket expenses (other than ordinary office expenses and any overhead), then City shall owe no reimbursement for expenses to Attorney.
3. It shall be the exclusive privilege of Attorney to determine when and where suit shall be filed and whether or not an appeal should be perfected from any judgment rendered. No compromise or settlement of Client's case will be made without the consent of both Client and Attorney.
4. Attorney is hereby granted full authority to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be necessary or reasonably required to conclude settlement and/or reduce to possession any and all monies or other things of

value due to Client in connection with this claim, as fully as Client could do in person provided Client has authorized such settlement.

5. It shall be the privilege of Attorney to associate other attorneys on this matter, and Client hereby expressly consents thereto. In such event, the fee of the associated attorneys shall be paid by Attorney out of his share of any recovery.
6. All sums of New Money from FEMA or insurer due or to become due are payable at Attorney's offices.
7. IT IS FURTHER DISTINCTLY UNDERSTOOD AND AGREED TO BY CLIENT that Attorney may, when and if he/she should decide, after full investigation of the facts of the case and research of the law, return said claim to client, release himself from further action on the claim, refund all the unearned retainer, and discharge himself from this contract without further liability on the part of Attorney to Client.
8. Attorney, with the consent of Client, retains a lien on said cause of action, any proceeds and any judgments mentioned as attorney's fees, costs and expenses in regard to agreed percentage of New Money; and Client expressly assigns to Attorney the right to retain said share and sums of the amount finally received by settlement, judgment or otherwise, in full, for said services and disbursements furnished by Attorney. This lien shall remain in effect notwithstanding premature termination of the contract before the complete resolution of the cause of action. Attorney shall have no lien on proceeds from claims currently under review and in the "pipeline".
9. Client acknowledges that Attorney has made no guarantee regarding the successful termination of said cause of action, and all expressions relative thereto are matters of the attorney's opinion only.
10. This contract covers only New Money, which references money received by the City as a direct result of Attorney's work. Attorney and City agree that Attorney shall receive no percentage of money for which a claim has already been made, unless such claim is denied to the City, and Attorney is able to prosecute claim resulting in New Money to the City. The City shall, in its sole discretion determine whether money received from insurance proceeds or other claims or grants is New Money subject to this contract, except that, if a claim is denied and Attorney prosecutes claim successfully, that money shall be considered New Money. Grant applications for New Money shall be approved before submission by Attorney by the City Manager or his designee before any such proceeds are considered New Money.

WITNESS OUR HANDS at _____, Texas, this the _____ day of _____, 2009.

CLIENT

ATTORNEY

ADDRESS

PHONE

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/17/09 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION 2009-19

DOC ID: 1288

Consider Approval of an Agreement for City of Liberty Web Site Design.

WEBSITE DESIGN HOSTING COST ANALYSIS

Web Hosting Annual Costs	A-1 Tel-Com	Detail	Level 7 Solutions	Detail
Web Hosting Plan (web & email hosting)	540	(\$45/month)	300	(\$25/month)
Domain Registration Renewal	16		0	Not quoted
RBL and Antispam Subscription Service	324	Based on 100 email accounts	2016	Based on 100 email accounts
Content Management Subscription	0	No annual fee	199	Annually after 1st year
Total Annual Fees	880		2515	
Web Hosting One-Time Charges				
Content Management Software	800	One-time Charge	999	Includes 1 year subscription
Web Design One-Time Charges	4000	35-45 pages range	5700	38 pages @ \$150; 2 @ \$225
Total One-Time Charges	4800		6699	
Charges for changes to web pages after initial site build are charged by the hour. Updates to existing pages will fall upon City of				
Liberty staff or we can have the updates done for an hourly fee.				
Hourly Fees	A-1 Tel-Com	\$40.00/hour	Level 7 Solutions	\$75.00/hour
Training Fees	A-1 Tel-Com	No training fees	Level 7 Solutions	\$75/hr plus travel
				(1.5 hour travel per trip @ \$75/hr)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/17/09 06:00 PM

Department: Administration
Category: Misc. Board & Comm Info

COUNCIL ACTION 2009-20

DOC ID: 1289

Consider Amending the Membership Requirements of the Airport Advisory Board.

EXPLANATION:

At the Council Meeting of March 10th, appointments were made to the Airport Advisory Board. The required seven (7) members were appointed, however, none of the appointed individuals were a councilperson or member of management, as stated in the membership requirements. Discussion entailed amending the requirements to allow eight (8) members, instead of seven (7), to fill this void. Discussion also included possibly amending the membership requirements to allow for alternate members.

Dianne Tidwell

AIRPORT ADVISORY BOARD

March 10, 2009

MISSION STATEMENT

THE MISSION OF THE AIRPORT ADVISORY BOARD IS TO SUPPLY TECHNICAL INFORMATION, SUGGESTIONS, AND ADVICE CONCERNING THE OPERATIONS, MAINTENANCE, AND IMPROVEMENT OF THE LIBERTY MUNICIPAL AIRPORT TO THE CITY OF LIBERTY COUNCIL AND STAFF.

MEMBERSHIP REQUIREMENTS

1. The Board will consist of 7 members.
2. Membership may include 2 "non-resident" members.
3. 1 member will be a councilperson or member of management.
4. The Board's authority will cease and the board disbanded as of Dec. 31, 2009.

BOARD MEMBERS

Sheryl Mayo	Dale Clawson	Linda Dubois
Charles Grabein	Chet Tims	E.B. Neuman
Tracy Williams		

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/17/09 06:00 PM

Department: Fire & EMS
Category: Misc. Rates

ORDINANCE 2009-5

DOC ID: 1272 A

Consider Adoption of an Ordinance to Allow the Fire Department to Bill Internally for Fire Service Calls.

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE LIBERTY FIRE DEPARTMENT TO CHARGE THE COST OF CERTAIN EMERGENCY AND RESCUE SERVICES WITHIN THE RESPONSE AREA OF THE LIBERTY FIRE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

Whereas, the Liberty Fire Department provides fire suppression, emergency medical, and rescue services in and around the city of Liberty; and,

Whereas, the Liberty Fire Department is equipped with and utilizes certain apparatus, emergency tools, equipment, and materials as a means of saving lives and property; and,

Whereas, the purchase of said tools, equipment, and materials is a significant expense for the City of Liberty; and,

Whereas, The Liberty Fire Department has requested from the City Council of the City of Liberty to effectuate a revenue recovery plan through which beneficiaries of the services of the Liberty Fire Department are required to pay a fair and reasonable share of the cost of loss and wear and tear to apparatus, tools, equipment, and materials used and the cost of the specialized training provided to the emergency responders of the City of Liberty Fire Department in the use of such tools, equipment, and materials, so that a safe and appropriate level of service can be available to the City; and,

Whereas, frequently, persons or entities requiring the emergency services of the companies and for whom the apparatus, tools, equipment, and materials have been utilized have insurance to cover the cost associated with the loss and wear and tear to said tools, equipment, and material incurred in connection with the act of rendering emergency services to said persons or entities; and,

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

Section 1: That the City of Liberty recognizes and supports the right of the Liberty Fire

Department to bill persons and entities, including insurance companies providing coverage to said persons and entities for the reasonable cost that are related to the loss, damage, and wear to apparatus, tools, equipment, and materials necessary to provide the emergency services rendered to said persons or entities.

Section 2: Fees shall be collected for services provided inside the City Limits as well as those provided outside the City Limits of Liberty.

Section 3: The Liberty Fire Department, or their authorized agent, shall submit an invoice to the relevant insurance company covering the particular loss that is related to the emergency services rendered.

Section 4: Residents of the City of Liberty who have no insurance coverage for the incident connected to receiving emergency services rendered by the Liberty Fire Department are hereby exempted from the fire department service charges contained herein, unless it is determined that the emergency services rendered were connected to negligent and/or malicious act(s) on the part of said persons. Any commercially owned, operated, or zoned property shall not be eligible for said exemption listed in this section (4).

Section 5: All ordinances or parts of ordinances and resolutions, in conflict with this ordinance are hereby repealed, and are no longer of any force and effect.

Section 6: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 7: That this Ordinance shall be in full force and effect from and after the date of its passage.

Section 8: That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas, this 17th day of March, 2009.

ATTEST:

CITY OF LIBERTY:

Dianne Tidwell, City Secretary

Carl Pickett, Mayor

APPROVED AS TO FORM:

Randy Gunter, City Attorney

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/17/09 06:00 PM

Department: Administration
Category: Demolition

COUNCIL ACTION 2009-21

DOC ID: 1290

Consider Proposals for Demolition of the Liberty Bell Tower.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/17/09 06:00 PM

Department: Administration
Category: Water & Wastewater Issues

ORDINANCE 2009-6

DOC ID: 1291

**Consider Adoption of an Ordinance Setting Forth
Requirements for Users of the Wastewater Treatment Plant
and Regulating the Discharge of Waste into the Wastewater
System.**

See attached ordinances - Option #1 and Option #2

OPTION #2

AN ORDINANCE TO REPLACE ORDINANCE 698 FOR THE PURPOSES OF SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE CITY OF LIBERTY WASTEWATER TREATMENT PLANT, REGULATING THE DISCHARGE OF WASTE INTO THE WASTEWATER BEING INJECTED INTO THE SYSTEM; PROVIDING STANDARDS FOR PRETREATMENT; PROHIBITING THE INJECTION OF VARIOUS SUBSTANCES INTO THE SYSTEM; PROVIDING FOR THE PAYMENT OF FEES; PROVIDING VARIOUS REPORTING REQUIREMENTS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE INCLUDING A FINE OF \$200.00 A DAY FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CIVIL REMEDIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City of Liberty ("City") has determined that in order to protect the health, safety, and welfare of the citizens of Liberty, it is necessary to regulate the injection of certain wastewater material into the City's wastewater treatment system; and

WHEREAS, the City desires to prevent the introduction of pollutants into the wastewater treatment plant; and

WHEREAS, the City desires to prohibit the introduction of pollutants into its wastewater system that will cause the City to violate its State or Federal Discharge Permit; and

WHEREAS, the City desires to promote the reuse and recycling of industrial wastewater and sludge for the wastewater system; and

WHEREAS, the City desires to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvements at the wastewater treatment plant; and

WHEREAS, the City must comply with all State and Federal laws including the Clean Water Act (33 USC, Section 1251 et seq); and

WHEREAS, the City has determined that the following Ordinance will implement its lawful objectives as set forth above.

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

SECTION 1 – PURPOSE, POLICY, ADMINISTRATION, ABBREVIATIONS AND DEFINITIONS

1.1 Purpose and Policy

The City authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. Permit holders who discharge wastewater shall be assessed a surcharge to their monthly sewer service charge based on the characteristics of the wastewater discharged, in accordance with the provisions of this Ordinance.

1.2 Administration

Except as otherwise provided herein, the Water and Wastewater Supervisor (“Supervisor”) shall administer, implement, and enforce the provisions of this Ordinance. The City Council shall have authority to review and supersede any actions taken by the Supervisor and may delegate any tasks associated with the administration, implementation or enforcement of this Ordinance to City personnel as deemed necessary.

1.3 Abbreviations

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

BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
COD -	Chemical Oxygen Demand
EPA -	U.S. Environmental Protection Agency
gpd -	gallons per day
mg/L -	milligrams per liter
NPDES -	National Pollutant Discharge Elimination System (EPA Discharge Permit)
O&G -	Oil and Grease
RCRA -	Resource Conservation and Recovery Act
SIU -	Significant Industrial User
TSS -	Total Suspended Solids
TNRCC -	Texas Natural Resource Conservation Commission

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration (e.g. mg/L).
- B. 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 Clean Water Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.
- C. Composite Sample. A sample taken over a period of time, usually 24 or 8 hours, in which the amount collected, is proportional to the amount of flow discharged.
- D. Conventional Pollutants. Chemical constituents of wastewater which are typically a measure of its strength or common characteristics, specifically, BOD, TSS, COD, O&G and pH.
- E. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.
- F. Industrial Waste. Materials which could be discharged to the City wastewater collection from a non-residential establishment which contains pollutants as defined in this Section.
- G. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a grab sample or composite sample collected, independent of the flow rate.
- H. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the treatment plant, its treatment processes or operation or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's TNRCC Discharge Permit, NPDES Permit, or of the prevention of sewage sludge use or disposal in compliance with any other more stringent State or local regulations.
- I. Noncontact Cooling Water. Water use for cooling which does not come into direct contact with any raw material, intermediate product, wastewater protection, or finished product.
- J. Normal Wastewater. Wastewater discharged into the collection system which has conventional pollutant levels below or within the following values:

BOD	less than 200 mg/L
TSS	less than 200 mg/L

O&G	less than 50 mg/L
COD	less than 450 mg/L
pH	5.5 to 9.5

- K. Pass Through. A discharge which exits the wastewater treatment plant into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's discharge permit, including an increase in the magnitude or duration of a violations.
- L. Permit Holder or Holder. A person, business or corporation which has been issued an Industrial Wastewater Discharge Permit in conformance with this Ordinance.
- M. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- N. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage garbage, sewage sludge, chemical wastes, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial process wastewater, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- O. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alternating of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the wastewater treatment system.
- P. Process Wastewater. Wastewater generated from an industrial, manufacturing or commercial operation which is not from personnel restroom and washroom facilities.
- Q. Significant Industrial User ("SIU").
1. A user subject to Categorical Pretreatment Standards; or
 2. A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the wastewater treatment plant;
 - b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic flow or organic load of the wastewater treatment plant; or

- c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the wastewater treatment plant operation or for violating any pretreatment standard or requirement.
- R. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of the Ordinance.
- S. Suspended Solids. The total suspended matter that floats to the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- T. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the wastewater treatment plant.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibition Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the wastewater treatment plant, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the wastewater treatment plant whether or not they are Permit Holders or SIUs.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the wastewater treatment plant the following pollutants, substances, or wastewater:
 - 1. Pollutants which create a fire or explosive hazard in the wastewater treatment plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60°C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 5.5 or more than 10.0, or otherwise causing corrosive structural damage to the wastewater treatment plant or equipment;
 - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the wastewater treatment plant resulting in interference;

4. Wastewater having a temperature greater than 150° F (49° C), or which will inhibit biological activity in the treatment plant resulting in interference;
5. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater treatment plant in a quantity that may cause acute worker health and safety problems;
7. Trucked or hauled pollutants, except at discharge points designated by the Supervisor in accordance with Section 3.2 of this Ordinance;
8. Noxious or odorous liquids, gases, solids, or other wastewater which, either singly or by interacting with other wastewater, are sufficient to create a public nuisance or a hazard to life including pesticides, herbicides and fungicides;
9. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions, which consequently imparts color of the treatment plant effluent.
10. Wastewater containing any radioactive wastewater or isotopes except in compliance with applicable State or Federal regulations;
11. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Supervisor;
12. Sludges, screening, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the Supervisor in a wastewater discharge permit;

14. Wastewater causing, along or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the wastewater plant.

2.2 National Categorical Pretreatment Standards

All users of the wastewater collection system which meet the definitions of Categorical Industries in the National Categorical Pretreatment Standards shall pretreat their industrial wastewater if the Standards require them to do so. The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, parts 405-471 are hereby incorporated. These Federal regulations apply to specific industries to limit the amount of pollutants discharged to the public wastewater collection and treatment system.

2.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

	Instantaneous Maximum Allow- able Discharge <u>Limit (mg/L)</u>	Maximum for 24 Hour Composite <u>Sample (mg/L)</u>
Arsenic	0.05	0.01
Barium	5.0	1.0
Boron	1.0	0.2
BOD	2,000	1,000
Cadmium	0.2	0.1
Chromium	5.0	1.0
Copper	1.0	1.0
Cyanide	0.5	0.5
Lead	0.1	0.02
	Instantaneous Maximum Allow- able Discharge <u>Limit (mg/L)</u>	Maximum for 24 Hour Composite <u>Sample (mg/L)</u>
Manganese	1.0	0.2
Mercury	0.005	0.002
Nickel	1.0	0.2

O&G	400	200
Selenium	0.02	0.01
Silver	0.1	0.02
TSS	2,000	1,000
Zinc	5.0	1.0
Phenols	12.0	2.0

The above limits apply at the point where the wastewater is discharged to the public collection system. All concentration for metallic substances is for "total" metal unless indicated otherwise. The Supervisor may impose mass limitation in addition to, or in place of, the concentration based limitation above.

The City reserves the right to establish, by Ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the treatment plant.

2.4 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Supervisor may impose mass limitation on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Supervisor, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Supervisor for review. Plans shall be sealed by a licensed Professional Engineer.

Unless evidence that the limits in Section 2 are not violated, all establishments which prepare food and or generate wastewater from a food preparation process shall have a grease trap sized to provide a theoretical hydraulic detention time of twenty minutes minimum, or whatever time period is required to meet the limitations in Section 2 based on capacity of the pipe to the facility discharging process wastewater, the water meter size, or flow rate to the grease trap based on fixture unit capacities as defined in the Plumbing Code.

SECTION 4 WASTEWATER DISCHARGE PERMIT

4.1 Wastewater Analysis

When requested by the Supervisor, a user must submit information on the nature and characteristic of its wastewater within twenty days of the request. The Supervisor is authorized to prepare a form for this purpose and may periodically require users to update this information. The cost of testing and reporting shall be borne by the user.

4.2 Wastewater Discharge Permit Requirements

No SIU shall discharge wastewater into the wastewater treatment plant without first obtaining a wastewater discharge permit from the Supervisor and paying the required fee, except that a SIU that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

An Industrial Waste Discharge Permit shall be valid for a one year period and shall be renewable annually. The Permit Holder shall apply to renew thirty days prior to the expiration date of the permit. The renewal shall describe any changes in information provided with the permit application or shall state that no changes are needed and shall be accompanied by a renewal fee, if required under Section 4.9 of this Ordinance.

Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 6 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the wastewater treatment plant prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety days after said date, apply to the Supervisor for a wastewater discharge permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow discharges to the treatment plant to continue after one hundred twenty days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Supervisor.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the wastewater treatment plant must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge

permit, in accordance with Section 4.5 of this Ordinance, must be filed at least sixty days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Supervisor may require all users to submit as part of an application, the following information:

- A. Name, address and phone number of owner of the facility seeking a permit and the name, address and phone number of an authorized representative at the facility who is knowledgeable about the process and wastewater to be discharged from the facility;
- B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged by the treatment plant;
- C. Number of employees, hours of operation and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes;
- E. Site plans showing all points of discharge and floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size and location, if available.
- F. Time and duration of discharges; and
- G. Any other information as may be deemed necessary by the Supervisor to evaluate the wastewater discharge permit application.

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who are 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 penalties for submitting false information, including the possibility of fine."

4.7 Wastewater Discharge Permit Decisions

The Supervisor will evaluate the data furnished by the user and may require additional information. Within thirty days of the receipt of a complete wastewater discharge permit application, the Supervisor will determine whether or not to issue wastewater discharge permit. The Supervisor may deny any application for a wastewater discharge permit. This decision will be in writing and shall be dated. A decision by the Supervisor may be appealed to the Council. Any appeal must be filed with City Secretary within 30 days of said decision of the Supervisor has been issued.

4.8 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Supervisor to prevent pass through or interference.

- A. Wastewater discharge permits must contain:
 - 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed three years.
 - 2. A statement that the wastewater discharge permit is nontransferable without prior notification and formal approval by the Council.
 - 3. Effluent limits based on applicable pretreatment standards; and
 - 4. Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements of the installation of pretreatment technology, pollution control, or construction of the appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
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. Develop and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater treatment plant;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the treatment plant; and
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

4.9 Fees

- A. Application Fee. Each application for an Industrial Waste Discharge Permit shall be accompanied by a fifty dollar (\$50.00) non-refundable fee.
- B. Permit Fee. Industrial Waste Discharge Permit shall only be valid when a permit fee is paid to the City for an industrial establishment. Commercial establishments which discharge only conventional pollutants shall not be charged a fee.

The Industrial establishment permit fee shall be two hundred dollars (\$200.00) plus any expenses that the City shall reasonably incur in the process of evaluating, verifying and Issuing the permit, including collection and analysis of sample and consulting services.

- C. Renewal Fee. Industrial Waste Discharge Permits which are charged permit fees shall only be valid when renewed In accordance with Section 4 of this Ordinance and when a renewal fee is paid to the City. The permit renewal fee shall be fifty dollars (\$50.00) plus any expenses that the City shall reasonably incur in the process of evaluating, verifying and issuing the permit, including collection and analysis of sample and consulting services

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports for Categorical Users

- A. At least ninety days prior to commencement of their discharge, new sources and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standards, shall submit to the Supervisor an Industrial Waste Discharge Permit Application.
- B. The results of sampling and analysis of the nature and amount required by the categorical standard or by the Supervisor of regulated pollutants in the discharge from each regulated process shall be reported. The sample type, the amount sampled and the timing of sampling shall be representative of daily wastewater flow patterns.

5.2 Monitoring Report for Permit Holders

SIU or other persons holding an Industrial Waste Discharge Permit shall test, monitor and report the quality of the pollutants entering the City's collection system at a frequency not less than every six months or as required in the Industrial Waste Discharge Permit.

A composite sample shall be analyzed for the following parameters and any others required by the Industrial Waste Discharge Permit or deemed necessary by the Supervisor to determine compliance with Section 2.1:

pH, BOD, TSS, O&G, COD and TOC

Monitoring results shall be kept for a minimum of three years and shall be the basis of calculating the Wastewater Treatment Surcharge. Monitoring results shall be reported with each Industrial Wastewater Discharge Permit Renewal.

5.3 Calculation of Surcharge

For those abnormal industrial wastes having a COD concentration of 2.25 or more times that of the BOD concentration, the surcharge will be based on the COD category in lieu of the BOD category. Computations of surcharges shall be based on the following formula:

$$S = 1 + [(BOD - 200) + (TSS - 200) + (4 \times O\&G - 200)] \times 0.001$$

or

$$S = 1 + [(0.44 \times COD - 200) + (TSS - 200) + (4 \times O\&G - 200)] \times 0.001$$

S = Surcharge factor used to multiply the amount charged monthly for wastewater service based on flow.

BOD, TSS, O&G and COD refer to the concentration of these pollutants measured in mg/L as reported by the Permit Holder or as measured by the Supervisor. If the values of any of these pollutants is less than the value of the maximum concentration of normal wastewater, then these values shall be dropped from the above formula used in computing S.

All flow rates, BOD, COD, O&G and TSS values used in determination of the surcharge of major wastewater customers shall be reevaluated on an annual basis and shall be adjusted to reflect any increase or decrease in wastewater treatment costs based on the previous year's experience. However, if there is a major change in the operation to cause changes in value, the values may be increased or decreased during the calendar year based on a study of changes or actual measurements. The Permit Holder may request an adjustment of surcharge after any self monitoring report.

5.4 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

5.5 Sample Collection

Except as indicated as follows, a Permit Holder must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Supervisor may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

5.6 Sampling Point

Each Permit Holder shall provide an accessible manhole or alternate sampling point acceptable to the Supervisor at the point or points of connection to the public wastewater collection system which is suitable for obtaining samples of the wastewater discharged. The sampling manhole shall be located on a property line adjacent to public right-of-way or shall be accessible by easement dedicated to the public.

Permit Holder shall allow the Supervisor ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

The Supervisor shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of the Ordinance and any wastewater discharge permit or order issued hereunder.

5.7 Record Keeping

Users subject to the reporting requirements of the Ordinance shall retain, and make available for Inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical technique or method used; and the results of such analyses. These records shall remain available for a period of at least three years.

SECTION 6 – ENFORCEMENT

6.1 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the users expense, after it has satisfactorily demonstrated its ability to comply.

6.2 Public Nuisances

A violation of any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance which shall be abated by any procedure authorized by law and City shall be entitled to recover its damages, attorney fees and expenses of litigation.

6.3 Fines

Any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense. Each day of violation constitutes a separate offense.

6.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Supervisor may take any, all or any combination of these actions against a noncompliant user.

SECTION 7 – AUTHORIZATION TO EXECUTE

That the Mayor of the City of Liberty is authorized to execute and the City Secretary is authorized to attest to this Order on behalf of the City Council.

SECTION 8 – DISPENSING WITH TWO READINGS

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

SECTION 9 – EFFECTIVE DATE

After its passage and publication, this ordinance shall be in full force and effect the 1st day of April, 2009.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Liberty, this 17th day of March, 2009.

THE CITY OF LIBERTY:

Attest:

By: Carl Pickett, Mayor

Dianne Tidwell, City Secretary

Approved as to form:

Randall Gunter
City Attorney

Wastewater Discharge Permit Application

Mail To:

City of Liberty
Industrial Waste Department
1829 Sam Houston
Liberty, Texas 77575

Business Name: _____

Service
Address: _____

Mailing
Address: _____

Operator Name: _____

Owner Name: _____

Address: _____

Contact Person: _____

Phone #: _____ Fax #: _____

Type of Business: _____
(Restaurant, Laundry, Service Station, Garage, Office, Bakery, Photo Lab, Manufacturing, etc)

Waste Processes: _____
(Equipment/Floor Washing, Cooling, Metal Finishing, X-Ray/Photo Waste, Utility Blowdown, etc.)

Major Chemicals Used: _____
(Soaps, Detergents, Caustics, Solvents, Acids, Metal Salts, Cyanides, etc.)

Water Consumption (gallons/month): Estimate _____ Actual _____

Wastewater Average (gallons/month): Estimate _____ Actual _____

Please describe types of waste generated that are not discharged to the sanitary sewer, the amount generated, method of disposal, and location of disposal.

<u>Waste generated</u>	<u>Amount generated</u>	<u>Method of disposal</u>	<u>Location of disposal</u>
------------------------	-------------------------	---------------------------	-----------------------------

Please provide a Responsible Corporate Officer, and/or the Duly Authorized Representative as designated signatory authority of the facility. This must be a person having legal responsibility for the overall operation of the discharging facility. The designated signatory shall be a person who is thoroughly familiar with the facts reported on this form and can be contacted by the Director.

Responsible Corporate
Officer: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Duly Authorized Representative: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Certification Statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who are 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 penalties for submitting false information, including the possibility of fine.

Signed: _____

Title: _____ Date: _____

FEE SCHEDULE

Wastewater Discharge Permit Application Fee: \$65.00

Wastewater Discharge Inspection Fee: \$65.00

The Application Fee is payable when a new grease trap, interceptor or separator is installed and connected to the City's wastewater system.

The Inspection Fee is payable when it is necessary for the City to inspect a grease trap, inspector or separator as defined in the Ordinance

OPTION #1

AN ORDINANCE SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE CITY OF LIBERTY WASTEWATER TREATMENT PLANT, REGULATING THE DISCHARGE OF WASTE INTO THE WASTEWATER BEING INJECTED INTO THE SYSTEM; PROVIDING STANDARDS FOR PRETREATMENT; PROHIBITING THE INJECTION OF VARIOUS SUBSTANCES INTO THE SYSTEM; PROVIDING FOR THE PAYMENT OF FEES; PROVIDING VARIOUS REPORTING REQUIREMENTS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE INCLUDING A FINE OF \$200.00 A DAY FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CIVIL REMEDIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City of Liberty ("City") has determined that in order to protect the health, safety, and welfare of the citizens of Liberty, it is necessary to regulate the injection of certain wastewater material into the City's wastewater treatment system; and

WHEREAS, the City desires to prevent the introduction of pollutants into the wastewater treatment plant; and

WHEREAS, the City desires to prohibit the introduction of pollutants into its wastewater system that will cause the City to violate its State or Federal Discharge Permit; and

WHEREAS, the City desires to promote the reuse and recycling of industrial wastewater and sludge for the wastewater system; and

WHEREAS, the City desires to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvements at the wastewater treatment plant; and

WHEREAS, the City must comply with all State and Federal laws including the Clean Water Act (33 USC, Section 1251 et seq); and

WHEREAS, the City has determined that the following Ordinance will implement its lawful objectives as set forth above.

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

SECTION 1 – PURPOSE, POLICY, ADMINISTRATION, ABBREVIATIONS AND DEFINITIONS

1.1 Purpose and Policy

The City authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. Permit holders who discharge wastewater shall be assessed a surcharge to their monthly sewer service charge based on the characteristics of the wastewater discharged, in accordance with the provisions of this Ordinance.

1.2 Administration

Except as otherwise provided herein, the Water and Wastewater Supervisor (“Supervisor”) shall administer, implement, and enforce the provisions of this Ordinance. The City Council shall have authority to review and supersede any actions taken by the Supervisor and may delegate any tasks associated with the administration, implementation or enforcement of this Ordinance to City personnel as deemed necessary.

1.3 Abbreviations

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

BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
COD -	Chemical Oxygen Demand
EPA -	U.S. Environmental Protection Agency
gpd -	gallons per day
mg/L -	milligrams per liter
NPDES -	National Pollutant Discharge Elimination System (EPA Discharge Permit)
O&G -	Oil and Grease
RCRA -	Resource Conservation and Recovery Act
SIU -	Significant Industrial User
TSS -	Total Suspended Solids
TNRCC -	Texas Natural Resource Conservation Commission

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration (e.g. mg/L).

- B. 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 Clean Water Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.
- C. Composite Sample. A sample taken over a period of time, usually 24 or 8 hours, in which the amount collected, is proportional to the amount of flow discharged.
- D. Conventional Pollutants. Chemical constituents of wastewater which are typically a measure of its strength or common characteristics, specifically, BOD, TSS, COD, O&G and pH.
- E. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.
- F. Industrial Waste. Materials which could be discharged to the City wastewater collection from a non-residential establishment which contains pollutants as defined in this Section.
- G. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a grab sample or composite sample collected, independent of the flow rate.
- H. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the treatment plant, its treatment processes or operation or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's TNRCC Discharge Permit, NPDES Permit, or of the prevention of sewage sludge use or disposal in compliance with any other more stringent State or local regulations.
- I. Noncontact Cooling Water. Water use for cooling which does not come into direct contact with any raw material, intermediate product, wastewater protection, or finished product.
- J. Normal Wastewater. Wastewater discharged into the collection system which has conventional pollutant levels below or within the following values:

BOD	less than 200 mg/L
TSS	less than 200 mg/L
O&G	less than 50 mg/L
COD	less than 450 mg/L
pH	5.5 to 10.0

- K. Pass Through. A discharge which exits the wastewater treatment plant into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's discharge permit, including an increase in the magnitude or duration of a violations.
- L. Permit Holder or Holder. A person, business or corporation which has been issued an Industrial Wastewater Discharge Permit in conformance with this Ordinance.
- M. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- N. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage garbage, sewage sludge, chemical wastes, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial process wastewater, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- O. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alternating of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the wastewater treatment system.
- P. Process Wastewater. Wastewater generated from an industrial, manufacturing or commercial operation which is not from personnel restroom and washroom facilities.
- Q. Significant Industrial User ("SIU").
1. A user subject to Categorical Pretreatment Standards; or
 2. A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the wastewater treatment plant;
 - b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic flow or organic load of the wastewater treatment plant; or
 - c. Is designated as such by the City on the basis that is has a reasonable potential for adversely affecting the wastewater treatment plant operation or for violating any pretreatment standard or requirement.

- R. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of the Ordinance.
- S. Suspended Solids. The total suspended matter that floats to the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- T. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the wastewater treatment plant.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibition Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the wastewater treatment plant, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the wastewater treatment plant whether or not they are Permit Holders or SIUs.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the wastewater treatment plant the following pollutants, substances, or wastewater:
 - 1. Pollutants which create a fire or explosive hazard in the wastewater treatment plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60°C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 5.5 or more than 10.0, or otherwise causing corrosive structural damage to the wastewater treatment plant or equipment;
 - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the wastewater treatment plant resulting in interference;
 - 4. Wastewater having a temperature greater than 150° F (49° C), or which will inhibit biological activity in the treatment plant resulting in interference;

5. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater treatment plant in a quantity that may cause acute worker health and safety problems;
7. Trucked or hauled pollutants, except at discharge points designated by the Supervisor in accordance with Section 3.2 of this Ordinance;
8. Noxious or odorous liquids, gases, solids, or other wastewater which, either singly or by interacting with other wastewater, are sufficient to create a public nuisance or a hazard to life including pesticides, herbicides and fungicides;
9. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions, which consequently imparts color of the treatment plant effluent.
10. Wastewater containing any radioactive wastewater or isotopes except in compliance with applicable State or Federal regulations;
11. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Supervisor;
12. Sludges, screening, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the Supervisor in a wastewater discharge permit;
14. Wastewater causing, along or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the wastewater plant.

2.2 National Categorical Pretreatment Standards

All users of the wastewater collection system which meet the definitions of Categorical Industries in the National Categorical Pretreatment Standards shall pretreat their industrial wastewater if the Standards require them to do so. The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, parts 405-471 are hereby incorporated. These Federal regulations apply to specific industries to limit the amount of pollutants discharged to the public wastewater collection and treatment system.

2.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

	Instantaneous Maximum Allow- able Discharge <u>Limit (mg/L)</u>	Maximum for 24 Hour Composite <u>Sample (mg/L)</u>
Arsenic	0.05	0.01
Barium	5.0	1.0
BOD	2,000	1,000
Cadmium	0.7	0.1
Chromium	5.0	1.0
Copper	4.5	1.0
Cyanide	2.0	0.5
Lead	0.1	0.02

	Instantaneous Maximum Allow- able Discharge <u>Limit (mg/L)</u>	Maximum for 24 Hour Composite <u>Sample (mg/L)</u>
Mercury	0.005	0.002
Nickel	1.0	0.2
O&G	400	200
Selenium	0.4	0.1
Silver	1.0	0.2
TSS	2,000	1,000
Zinc	5.0	1.0

The above limits apply at the point where the wastewater is discharged to the public collection system. All concentration for metallic substances is for "total" metal unless indicated otherwise. The Supervisor may impose mass limitation in addition to, or in place of, the concentration based limitation above.

The City reserves the right to establish, by Ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the treatment plant.

2.4 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Supervisor may impose mass limitation on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Supervisor, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Supervisor for review. Plans shall be sealed by a licensed Professional Engineer.

Unless evidence that the limits in Section 2 are not violated, all establishments which prepare food and or generate wastewater from a food preparation process shall have a grease trap sized to provide a theoretical hydraulic detention time of twenty minutes minimum, or whatever time period is required to meet the limitations in Section 2 based on capacity of the pipe to the facility discharging process wastewater, the water meter size, or flow rate to the grease trap based on fixture unit capacities as defined in the Plumbing Code.

SECTION 4 WASTEWATER DISCHARGE PERMIT

4.1 Wastewater Analysis

When requested by the Supervisor, a user must submit information on the nature and characteristic of its wastewater within twenty days of the request. The Supervisor is authorized to

prepare a form for this purpose and may periodically require users to update this information. The cost of testing and reporting shall be borne by the user.

4.2 Wastewater Discharge Permit Requirements

No SIU shall discharge wastewater into the wastewater treatment plant without first obtaining a wastewater discharge permit from the Supervisor and paying the required fee, except that a SIU that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

An Industrial Waste Discharge Permit shall be valid for a one year period and shall be renewable annually. The Permit Holder shall apply to renew thirty days prior to the expiration date of the permit. The renewal shall describe any changes in information provided with the permit application or shall state that no changes are needed and shall be accompanied by a renewal fee, if required under Section 4.9 of this Ordinance.

Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 6 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the wastewater treatment plant prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety days after said date, apply to the Supervisor for a wastewater discharge permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow discharges to the treatment plant to continue after one hundred twenty days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Supervisor.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the wastewater treatment plant must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this Ordinance, must be filed at least sixty days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Supervisor may require all users to submit as part of an application, the following information:

- A. Name, address and phone number of owner of the facility seeking a permit and the name, address and phone number of an authorized representative at the facility who is knowledgeable about the process and wastewater to be discharged from the facility;
- B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged by the treatment plant;
- C. Number of employees, hours of operation and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes;
- E. Site plans showing all points of discharge and floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size and location, if available.
- F. Time and duration of discharges; and
- G. Any other information as may be deemed necessary by the Supervisor to evaluate the wastewater discharge permit application.

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who are 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 penalties for submitting false information, including the possibility of fine."

4.7 Wastewater Discharge Permit Decisions

The Supervisor will evaluate the data furnished by the user and may require additional information. Within thirty days of the receipt of a complete wastewater discharge permit application, the Supervisor will determine whether or not to issue wastewater discharge permit. The Supervisor may deny any application for a wastewater discharge permit. This decision will be in writing and shall be dated. A decision by the Supervisor may be appealed to the Council. Any appeal must be filed with City Secretary within 30 days of said decision of the Supervisor has been issued.

4.8 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Supervisor to prevent pass through or interference.

- A. Wastewater discharge permits must contain:
 - 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed three years.
 - 2. A statement that the wastewater discharge permit is nontransferable without prior notification and formal approval by the Council.
 - 3. Effluent limits based on applicable pretreatment standards; and
 - 4. Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - 2. Requirements of the installation of pretreatment technology, pollution control, or construction of the appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

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. Develop and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater treatment plant;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the treatment plant; and
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

4.9 Fees

- A. Application Fee. Each application for an Industrial Waste Discharge Permit shall be accompanied by a fifty dollar (\$50.00) non-refundable fee.
- B. Permit Fee. Industrial Waste Discharge Permit shall only be valid when a permit fee is paid to the City for an industrial establishment. Commercial establishments which discharge only conventional pollutants shall not be charged a fee.

The Industrial establishment permit fee shall be two hundred dollars (\$200.00) plus any expenses that the City shall reasonably incur in the process of evaluating, verifying and Issuing the permit, including collection and analysis of sample and consulting services.

- C. Renewal Fee. Industrial Waste Discharge Permits which are charged permit fees shall only be valid when renewed In accordance with Section 4 of this Ordinance and when a renewal fee is paid to the City. The permit renewal fee shall be fifty dollars (\$50.00) plus any expenses that the City shall reasonably incur in the process of evaluating, verifying and issuing the permit, including collection and analysis of sample and consulting services

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports for Categorical Users

- A. At least ninety days prior to commencement of their discharge, new sources and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standards, shall submit to the Supervisor an Industrial Waste Discharge Permit Application.
- B. The results of sampling and analysis of the nature and amount required by the categorical standard or by the Supervisor of regulated pollutants in the discharge from each regulated process shall be reported. The sample type, the amount sampled and the timing of sampling shall be representative of daily wastewater flow patterns.

5.2 Monitoring Report for Permit Holders

SIU or other persons holding an Industrial Waste Discharge Permit shall test, monitor and report the quality of the pollutants entering the City's collection system at a frequency not less than every six months or as required in the Industrial Waste Discharge Permit.

A composite sample shall be analyzed for the following parameters and any others required by the Industrial Waste Discharge Permit or deemed necessary by the Supervisor to determine compliance with Section 2.1:

pH, BOD, TSS, O&G, COD and TOC

Monitoring results shall be kept for a minimum of three years and shall be the basis of calculating the Wastewater Treatment Surcharge. Monitoring results shall be reported with each Industrial Wastewater Discharge Permit Renewal.

5.3 Calculation of Surcharge

For those abnormal industrial wastes having a COD concentration of 2.25 or more times that of the BOD concentration, the surcharge will be based on the COD category in lieu of the BOD category. Computations of surcharges shall be based on the following formula:

$$S = 1 + [(BOD - 200) + (TSS - 200) + (4 \times O\&G - 200)] \times 0.001$$

or

$$S = 1 + [(0.44 \times COD - 200) + (TSS - 200) + (4 \times O\&G - 200)] \times 0.001$$

S = Surcharge factor used to multiply the amount charged monthly for wastewater service based on flow.

BOD, TSS, O&G and COD refer to the concentration of these pollutants measured in mg/L as reported by the Permit Holder or as measured by the Supervisor. If the values of any of

these pollutants is less than the value of the maximum concentration of normal wastewater, then these values shall be dropped from the above formula used in computing S.

All flow rates, BOD, COD, O&G and TSS values used in determination of the surcharge of major wastewater customers shall be reevaluated on an annual basis and shall be adjusted to reflect any increase or decrease in wastewater treatment costs based on the previous year's experience. However, if there is a major change in the operation to cause changes in value, the values may be increased or decreased during the calendar year based on a study of changes or actual measurements. The Permit Holder may request an adjustment of surcharge after any self monitoring report.

5.4 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

5.5 Sample Collection

Except as indicated as follows, a Permit Holder must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Supervisor may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

5.6 Sampling Point

Each Permit Holder shall provide an accessible manhole or alternate sampling point acceptable to the Supervisor at the point or points of connection to the public wastewater collection system which is suitable for obtaining samples of the wastewater discharged. The sampling manhole shall be located on a property line adjacent to public right-of-way or shall be accessible by easement dedicated to the public.

Permit Holder shall allow the Supervisor ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

The Supervisor shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of the Ordinance and any wastewater discharge permit or order issued hereunder.

5.7 Record Keeping

Users subject to the reporting requirements of the Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical technique or method used; and the results of such analyses. These records shall remain available for a period of at least three years.

SECTION 6 – ENFORCEMENT

6.1 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the users expense, after it has satisfactorily demonstrated its ability to comply.

6.2 Public Nuisances

A violation of any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance which shall be abated by any procedure authorized by law and City shall be entitled to recover its damages, attorney fees and expenses of litigation.

6.3 Fines

Any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense. Each day of violation constitutes a separate offense.

6.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Supervisor may take any, all or any combination of these actions against a noncompliant user.

SECTION 7 – AUTHORIZATION TO EXECUTE

That the Mayor of the City of Liberty is authorized to execute and the City Secretary is authorized to attest to this Order on behalf of the City Council.

SECTION 8 – DISPENSING WITH TWO READINGS

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with.

SECTION 9 – EFFECTIVE DATE

After its passage and publication, this ordinance shall be in full force and effect the 1st day of April, 2009.

PASSED AND ADOPTED at a meeting of the City Council of the City of Liberty, Texas this 17th day of March, 2009.

THE CITY OF LIBERTY

BY: _____
CARL PICKETT, Mayor

ATTEST:

DIANNE TIDWELL, City Secretary

Wastewater Discharge Permit Application

Mail To:

City of Liberty
Industrial Waste Department
1829 Sam Houston
Liberty, Texas 77575

Business Name: _____

Service
Address: _____

Mailing
Address: _____

Operator Name: _____

Owner Name: _____

Address: _____

Contact Person: _____

Phone #: _____ Fax #: _____

Type of Business: _____
(Restaurant, Laundry, Service Station, Garage, Office, Bakery, Photo Lab, Manufacturing, etc)

Waste Processes: _____
(Equipment/Floor Washing, Cooling, Metal Finishing, X-Ray/Photo Waste, Utility Blowdown, etc.)

Major Chemicals Used: _____
(Soaps, Detergents, Caustics, Solvents, Acids, Metal Salts, Cyanides, etc.)

Water Consumption (gallons/month): Estimate _____ Actual _____

Wastewater Average (gallons/month): Estimate _____ Actual _____

Please describe types of waste generated that are not discharged to the sanitary sewer, the amount generated, method of disposal, and location of disposal.

<u>Waste generated</u>	<u>Amount generated</u>	<u>Method of disposal</u>	<u>Location of disposal</u>
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Please provide a Responsible Corporate Officer, and/or the Duly Authorized Representative as designated signatory authority of the facility. This must be a person having legal responsibility for the overall operation of the discharging facility. The designated signatory shall be a person who is thoroughly familiar with the facts reported on this form and can be contacted by the Director.

Responsible Corporate
Officer: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Duly Authorized Representative: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Certification Statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who are 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 penalties for submitting false information, including the possibility of fine.

Signed: _____

Title: _____ Date: _____

FEE SCHEDULE

Wastewater Discharge Permit Application Fee: \$65.00

Wastewater Discharge Inspection Fee: \$65.00

The Application Fee is payable when a new grease trap, interceptor or separator is installed and connected to the City's wastewater system.

The Inspection Fee is payable when it is necessary for the City to inspect a grease trap, inspector or separator as defined in the Ordinance.