

ORDINANCE C-605-06

AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF AN ABNORMAL SEWAGE SURCHARGE ON CERTAIN COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS WHICH DISCHARGE INTO THE CITY OF BURLESON'S SANITARY SEWER SYSTEM CONCENTRATIONS OF BIOCHEMICAL OXYGEN DEMAND (BOD) AND TOTAL SUSPENDED SOLIDS (TSS) IN AMOUNTS EXCEEDING NORMAL DOMESTIC WASTEWATER CONCENTRATIONS AND PROVIDING A STANDARD FOR SAMPLING BOD AND TSS CONCENTRATIONS FOR THE THREE (3) CLASSES OF ESTABLISHMENTS REGULATED BY THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY.

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

SECTION I. DEFINITIONS

When used in this ordinance, these terms shall be defined as follows:

Abnormal Sewage: Any sewage having a Total Suspended Solids (TSS) or Biochemical Oxygen Demand (BOD) content in excess of that found in normal domestic wastewater but which is otherwise acceptable into a sanitary sewer under the terms of this ordinance and Ordinance No. B-755-06.

Abnormal Sewage Surcharge: The charge levied against any person for services rendered during treatment of abnormal sanitary sewage or waste. This charge shall be in addition to the usual monthly charge for sanitary sewage service.

Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter specified by procedure in "Standard Methods", and results expressed in terms of weight and concentration (milligrams per liter [mg/l]).

City: City of Burleson, Texas.

Composite Sample: A sample of the wastewater discharged to the collection system by a user and composed of a series of not less than three samples taken during the periods when industrial wastes are being discharged. The period of time over which the samples are collected for compositing into a single sample shall not exceed twenty-four hours. The series of samples may be collected on a time-proportional or flow-proportional basis.

Director: The Director of Public Works for the City of Burleson, Texas or his/her designee.

Grab Sample: A single sample of effluent flow taken at any time.

mg/l: Milligram per liter.

ppm: Parts per million.

Person: Any individual, business, partnership, any type of corporation, governmental agency, or political subdivision.

POTW: Publicly Owned Treatment Works - Any sewage treatment plant and the sewers, watercourses and appurtenances thereto, owned and operated by the City or by others under contract to treat the City's sewage.

Sanitary Sewer: A publicly owned pipe or conduit designed to collect and transport industrial waste and domestic sewage to the POTW.

Sewage: Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

Shall: Is mandatory.

User: Any person who contributes, causes or permits the contribution of wastewater into the City's sanitary sewer.

Wastewater: Industrial waste, sewage or any other waste that has been used by and discharged from an industry, commercial enterprise, household or other water consumer, including that may be combined with any ground water, surface water or storm water, that may be discharged to the POTW. Said water may be either polluted or unpolluted.

SECTION II. INDUSTRIAL SURCHARGE FOR CLASS GROUPS

(A) Commercial and industrial establishments hereafter described as Class I, II, III which discharge wastewater into the City sanitary sewer system shall be required to meet the requirements of this section:

<u>Class</u>	<u>Description</u>
I	Eating places: includes restaurants, bars, lounges, and other establishments which engage in preparation of food or beverage which is served directly to the consumer.
II	Equipment service facilities: includes establishments which perform or provide washing, cleaning, or servicing, of automobiles, trucks, buses, machinery, or equipment, this class to include public facilities, facilities limited to specific companies, attended and coin operated establishments.

- III **Food and kindred products processing:** includes commercial establishments which engage in the preparation, packaging, processing, or distribution of food, food other than those included in Class I and which discharge less than 150,000 gallons of wastewater per month.

All commercial and industrial establishments falling within one or more of the above class groups shall be subject to and pay a surcharge as set forth in the paragraphs below.

At the discretion of the Director of Public Works, any commercial or industrial establishment may be monitored individually.

(B) A surcharge shall be charged the customers based on wastewater strength determination for that particular class group. Strengths for BOD and TSS are determined for each class group according to the table set forth in paragraph (F) below.

(C) The volume of flow used in computing abnormal sewage surcharges shall be based upon metered water consumption as shown in the meter reading records maintained by the City.

- (1) Any User who procures any part or all of his water supply from sources other than the City, all or part of which is discharged into the sanitary sewer system, shall install and maintain, at their expense, water meters of the type approved by the City for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meters shall be read monthly and tested for accuracy when deemed necessary by the City.
- (2) In those circumstances where a User desires a credit for metered water being consumed, but not being returned to the sanitary sewer, a volume credit shall be allowed if said water User installs an effluent meter or meters to measure wastewater flow. Said meter shall be installed and maintained at the customer's expense, be installed pursuant to plans and specifications approved by the City, be installed in an approved location, be calibrated annually and a certified calibration statement for said meter be annually provided the City, and have a totalization device. The aforementioned calibration shall be witnessed by a representative of the City.
- (3) In those circumstances where a User desires a credit for metered water being consumed but not being returned to the sanitary sewer, and further where none of the preceding paragraphs are applicable, it shall be the responsibility of the User to provide satisfactory evidence of discharge reduction upon which an accurate credit can be estimated, and the City may estimate said discharge upon the presentment of such evidence.

- (4) If the city finds that it is not practicable to measure the quantity or quality of waste by the aforesaid meters or monitoring devices, it shall determine the quantity or reality of the waste in any manner or method it may find practicable in order to arrive at the percentage of water entering the sanitary sewer system of the City or the quality of the sewage to be used to determine the sewer service charge and the abnormal sewage surcharge for class groups.

(D) If a commercial or industrial establishment contains operations from more than one class group and it is determined that the surcharge rate for a particular class group would not adequately compensate the City for its costs of treatment, then the Director of Public Works or his designee may assess an additional charge based on a proportional average of the class groups involved or he may require the commercial or industrial establishment to be billed for an abnormal surcharge which is based on the maximum values of BOD or TSS from either class group.

(E) A commercial or industrial establishment placed into a class group may elect to have its surcharge determined from composite samples in lieu of the class averages provided that:

- (1) The establishments submits to the Director, in writing, a request to have its surcharge determined from composite samples in lieu of class averages.
- (2) The requesting establishment installs, at their sole expense, a manhole or sample tee built to the Director's specifications and approved by the Director.
- (3) The requesting establishment obtains and strictly adheres to a self-monitoring procedure to include sampling and analyses as prescribed by the Director. Such collections and analyses shall be at the sole expense of the requesting entity. The City may provide monitoring after placement of the manhole or sample tee as provided in (2) above, with the requesting establishment compensating the City for its actual expenses.
- (4) The requesting establishment agrees and understands that the City shall obtain shock samples, either grab or composite, from the monitoring site for the purpose of checking the accuracy of the self-monitoring procedures and analyses prescribed above and that in the event of discrepancies, the City's data or the normal average strengths of the appropriate class, shall be used for determining the surcharge.
- (5) The laboratory employed by the requesting industry shall be approved by the Director prior to implementation of self-monitoring. Subsequent changes in the laboratory shall require prior approval.

(F) The initial determination for BOD and TSS strength shall be based on the following levels:

Class I:	BOD = 1193 mg/l TSS = 526 mg/l
Class II:	BOD = 267 mg/l TSS = 1079 mg/l
Class III:	BOD = 752 mg/l TSS = 423 mg/l
Normal Domestic Wastewater:	BOD = 210 mg/l TSS = 240 mg/l

These strengths may be revised from time to time based on study information from the Federal, State, or local government.

(G) The abnormal sewage surcharge shall be calculated per 100 gallons metered using the following formula:

$$S = \{b \times (B-DB) + t \times (T - DT)\} \times 8.34/10,000 \times 1.05$$

- S = Surcharge Rate
- B = BOD Strength
- T = TSS Strength
- b = BOD \$/lb.
- DB = Normal BOD strength
- t = TSS \$/lb.
- DT = Normal TSS strength
- 8.34 = lbs./gallon
- 10,000 = Meter units
- 1.05 = Sampling recovery factor

SECTION III

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

SECTION IV

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.


After its passage and publication as provided by law, this ordinance shall be in full force and effect for water and wastewater billing statements issued on or after November 1, 2006.

PASSED AND APPROVED this 28th day of September, 2006.



Mayor

ATTEST:



City Secretary

First Reading: 9/14/06