

# **PUBLIC UTILITIES**

## **CHAPTER 16**

### **Article 1. Utility Extensions**

#### **Sec. 16-1. Definitions.**

- (A) Consumer. The real property, taxpayer whose premises are connected to the water and wastewater system.
- (B) Developer. The individual/company/corporation who is developing the property in accordance with the Subdivision Development Ordinance.
- (C) Off-site or Approach Line. The water and wastewater mains so constructed within the public way for the distribution and collection of water and wastewater necessary to connect the on-site line to the existing water and wastewater system. (Ord. of 6-28-83, §16-41, Ord. of 9-22-92 §1-177)

#### **Sec. 16-2. Extension of water and wastewater mains.**

Where the extension of water and wastewater mains is required to serve properties which have been subdivided for development to include resale, the developer shall be responsible for the total cost of all on and off site mains of sufficient size to provide domestic or commercial, or industrial and/or fire protection in accordance with current standards. The City of Big Spring shall, at its option, require the developer to increase the size of the water and wastewater lines to meet anticipated growth, development and/or water and wastewater system general improvements. The city shall bear the additional expenses necessitated by the over sizing, only to the extent of actual cost of materials over and above the required sizes. (Ord. of 1-24-62, 53; Ord. of 6-28-83, §16-42; Ord. of 9-22-93, §1-177)

#### **Sec. 16-3. Installations shall be made under the supervision of the City of Big Spring.**

All water and wastewater system extensions made under the provisions of this article shall be constructed in accordance with current city standards and plans and specifications that have been approved by the city council. The city shall inspect and test all water and wastewater systems installed in accordance with this article. (Ord. of 6-28-92, §16-43; Ord. of 9-22-92, §1-177)

#### **Sec. 16-4. Extension to densely populated areas.**

Where the city council finds that, in densely populated areas and in specified locations therein, due to the absence of water and sewer service, the public welfare would be best served by making extensions at its own cost, and after due investigation and consideration, in order to eliminate extremely unhealthful conditions which are contributing factors to epidemics and where money is available for such purposes, it is the express policy of the city council when expressed by its resolution, to extend water and wastewater mains into these densely populated areas. When lines are extended following such resolution, the property owner shall be required to pay development charges over and above the rates and charges established by this article when such property is

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connected to the water and wastewater main. These development charges may be paid in such a manner as the city council determines. (Ord. of 6-28-83, §16-44; Ord. of 9-22-92, §1-177)

### **Sec. 16-5. Utility Connections Outside the Corporate Limits.**

Individuals, corporations, or companies, residing or doing business outside the corporate limits of the City of Big Spring, that desire to connect to the potable water system may do so by completing an application in the Director of Public Works office and paying the prescribed fees for such service. The city crews will make the appropriate tap and place the meter necessary to service this connection within the corporate limits of the City of Big Spring. The applicant shall be responsible for running AWWA approved pipe from the tap to their area of desired service. (Ord. of 03-09-93).

### **Sec. 16-6. Fees Prescribed.**

The potable water "lifeline" or base rate and the prevailing per 1,000 gallon usage rate within the corporate limits of the City of Big Spring shall both be doubled for all services provided outside the corporate limits. (Ord. of 03-09-93, Ord. of 10-19-10)

### **Sec. 16-7 through 16-19. Reserved.**

## Article 2. Utility Connections

### **Sec. 16-20. Water connections**

- (A) In every case where any person desires connection with the city's water system, the city will, upon written application accompanied by proper payment, furnish to the customer, install, inspect, and test a connection with the city water main, which shall include all pipe and fittings necessary to run a service line to the meter, which shall usually be placed within twenty-four (24) inches of the back of the curb. The consumer shall be required to install and maintain his service line from the meter to the house.
  
- (B) The fee for water connections shall be as follows:
  - (1) WATER TAPPING COST IN AN IMPROVED ROADWAY 50' OR LESS:

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Tap Size	Cast Iron Iron PVC Mains Cost	Cost per L. F. After 50'
3/4"	\$512.00	\$4.00
1"	\$600.00	\$5.00
2"	\$842.00	\$6.00
4"	\$2,949.00	\$7.50
6"	\$4,324.00	\$8.00
8"	\$7,061.00	\$14.00

(2) WATER TAPPING COST IN A UNIMPROVED ROADWAY 50' OR LESS:

Tap Size	Cast Iron Iron PVC Mains Cost	Cost per L.F. After 50'
3/4"	\$357.00	\$4.00
1"	\$445.00	\$5.00
2"	\$687.00	\$6.00
4"	\$2,794.00	\$7.50
6"	\$4,169.00	\$8.00
8"	\$7,061.00	\$14.00

(3) Trench protection for depths below 5' to 8', there will be an additional \$2.00 per L.F.

(4) Trench protection for depths below 8', there will be an additional \$5.00 per L.F.

The rates in subsection (B) of this section shall be adjusted annually or as necessary.

(D) No person other than properly authorized agents of the water department shall be permitted to tap or make connections with the main or distributing pipes of the water works system. (Ord. of 9-23-75)

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- (E) The ever-increasing cost of providing water service to the citizens of Big Spring necessitates that water service requests for use outside the corporate limits of the City of Big Spring be denied. Therefore, no request for water service outside the corporate limits of the city shall be approved.
- (F) Present water service taps outside the corporate limits shall be allowed to remain in service. These rights are limited to active water service accounts at the time this ordinance is passed.
- (G) Holders of water service taps outside the City of Big Spring limits are expressly prohibited from tapping, diverting or otherwise providing water from the tap to other than members of their immediate household residing under the same roof or utilization of the water for purposes other than the use that existed on October 1, 1982. (Ord. of 9-23-75; Ord. of 6-28-83, §16-1; Ord. of 9-17-85, 8-11-87; Ord. of 9-22-92, §1-177)

### **Sec. 16-21. Damaging water equipment.**

It shall be unlawful for any person to willfully injure, deface or destroy any reservoir, machinery, pipe, hydrant or other fixture belonging to the water utility system of the city. (Ord. of 9-2-29, §5; Ord. of 6-28-83, §16-10; Ord. of 9-22-92, §1-177)

### **Sec. 16-22. Unauthorized use of fire hydrants.**

Every hydrant placed by the water department for the purpose of extinguishing fires is hereby declared to be a public hydrant, and no person other than members of the fire department, health department, and those authorized by the City Manager shall open such hydrant or draw, or attempt to draw, from the same any water, or in any manner interfere with such a hydrant. (Ord. of 9-2-29, §6; Ord. of 6-28-83, §16-11; Ord. of 9-22-92, §1-177)

### **Sec. 16-23. Interfering with water meters or meter readers.**

It shall be unlawful for any person other than a regular employee of the water department to in any manner interfere with or tamper with any meter box cover, or to interfere with, hinder or attempt to hinder any regular employee of the water department from reading any meter connection with the water service, or to remove any meter for repairs or for any other purpose. (Ord. of 9-2-29, §10; Ord. of 6-28-83, §16-12; Ord. of 9-22-92, §1-177)

### **Sec. 16-24. Entry for employees of water department.**

The authorized employees of the water department shall have free access at all reasonable hours of the day to all parts of any premises to which water is supplied. (Ord. of 9-2-29, §9; Ord. of 6-28-83, §16-13; Ord. of 9-22-92, §1-177)

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### **Sec. 16-25. Deposit required for water meter tests.**

A deposit of twenty-five dollars (\$25.00) shall be required for all customer requested water meter tests on water meters of : inch (":") to one inch (1"). Meter tests on meters two inch (2") and larger shall be twenty-five dollars (\$25.00) per inch. This deposit shall be refunded to the customer in the event the meter reads more than two percent (2%) in error. (Ord. of 10-9-79; Ord. of 6-28-83, §16-14; Ord. of 9-22-92, §1-177)

### **Sec. 16-26 through 16-29. Reserved.**

### **Sec. 16-30. Wastewater connection required.**

Every owner of a building, or part thereof, occupied by people for any purpose and location within the city limits and within two hundred (200) feet of a public wastewater line, shall be connected with such line. The work done in connection therewith, and all materials used, shall comply strictly with the requirements of this chapter and the City of Big Spring Plumbing Code. It shall be unlawful for the owner or occupant of any building where people reside or are regularly employed within two hundred feet (200') of the wastewater system as provided by this section, to fail to have said building connected with the city wastewater system. It shall likewise be unlawful for any person to throw, or allow to be thrown or deposited upon the surface of the ground, or in any hole in or under the surface of the ground where such premises are within the distance herein prescribed to be connected with the wastewater system, any water which has been used for domestic or manufacturing purposes, any liquid or solid filth, feces, or urine. (Ord. of 1-11-49, §36; Ord. of 6-28-83, §16-3; Ord. of 9-22-92, §1-177)

### **Sec. 16-31. Septic tank required.**

If because of the distance from the sewer system or the wastewater system flow, any owner is not required to connect with the wastewater system as provided in Section 16-30, premises shall be provided with a septic tank meeting the requirements of the state health authorities. (Ord. of 1-11-49, §36; Ord. of 6-28-83, §16-4; Ord. of 9-22-92, §1-177)

### **Sec. 16-32. Privies prohibited.**

It shall be unlawful for any person to construct, maintain or use any privy within the city. (Ord. of 6-28-83, §16-5; Ord. of 9-22-92, §1-177)

### **Sec. 16-33. Wastewater connections**

No person shall tap, connect to, or otherwise extend a wastewater line located within the public right-of-way or in an easement held by the city, or tap or connect to any wastewater line which is owned or maintained by the city, without first having secured a wastewater tap permit.

- (A) Any person desiring service connection to the city wastewater system shall make application for a permit at the office of the plumbing inspector.

The fee for the wastewater tap and permit shall be as follows:

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(1) WASTEWATER TAPPING COST IN A IMPROVED ROADWAY 50' OR LESS:

Tap Size	Cost	Cost per L. F. After 50'
4"	\$346.00	\$6.00
6"	\$489.00	\$7.00

(2) WASTEWATER TAPPING COST IN A UNIMPROVED ROADWAY 50' OR LESS:

Tap Size	Cost	Cost per L. F. After 50'
4"	\$265.00	\$4.00
6"	\$365.00	\$5.00

(3) Trench protection for depths below 5' or 8', there will be an additional \$2.00 per L.F.

(4) Trench protection for depths below 8' there will be an additional \$5.00 per L.F.

(B) The rates in subsection (a) of this section shall be adjusted annually or as necessary. (Ord. of 04-22-91; Ord. of 9-22-92, §1-177)

(1) The utilities superintendent will determine the location and grade of existing wastewater mains and if wastewater service can be made available to the property. No service shall be made available unless existing mains are immediately adjacent to or within 200' of the property to be served. Ord. of 9-22-92, §1-177)

**Sec. 16-34. Pipes connected to sewer to be kept free from obstruction.**

It shall be unlawful for the owner or occupant of any building or premises within this city to use, or to permit anyone else to use, any privy or water closet on such premises that is connected with the wastewater system of the city, unless the same shall be used in connection with sufficient water flowing into the sewer to keep the pipes connecting such water closets with the sewers free from obstruction. (Ord. of 1-11-49, §36; Ord. of 6-28-83, §16-6; Ord. of 9-22-92, §1-177)

**Sec. 16-35. Prohibited Connections.**

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No open gutter, cesspool or privy vault shall be connected with any sewer or drain and it shall be unlawful for any person to make or have made any connection with the wastewater system of the city

that will permit any surface or drain water from the ground or roof of houses, or the overflowing of cisterns or cesspools, to enter any wastewater system, directly or indirectly. (Ord. of 1-11-49, §9,36; Ord. of 6-28-83, §16-7; Ord. of 9-22-92, §1-177)

### **Sec. 16-36. Damaging wastewater system; unauthorized deposits.**

No person shall injure, break or remove any section of any manhole, lamp hole, flush tank, catch basin, or any part of the city's wastewater system, or throw or deposit or cause to be deposited or thrown in any wastewater system any garbage, offal, dead animals, vegetables, parings, ashes, cinders, rags or other matter or thing whatsoever, except feces, urine, and the necessary waste toilet paper, liquid, house and mill slops. (Ord. of 1-11-49, §10; Ord. of 6-28-83, §16-8; Ord. of 9-22-92, §1-177)

### **Sec. 16-37. Improper discharge into wastewater system.**

The city, acting through the plumbing inspector or other authorized officers, shall have the power to stop and prevent from discharging into the wastewater system any private sewer or drain through which substances are discharged which are liable to injure the wastewater or obstruct the flow of the sewage, or interfere with the operation of the disposal plant. (Ord. of 1-11-49, §12; Ord. of 6-28-83, §16-9; Ord. of 9-22-92, §1-177)

### **Sec. 16-38 through 16-49. Reserved.**

### **Sec. 16-50. Third Party Natural Gas Sales.**

(A)

#### **Definitions.**

- (1) Consumer. Any individual person, corporation, company, partnership, firm, unincorporated association, trust state agency, government entity, political subdivision of the state, school district, institution of higher learning, or public corporation that uses or consumes natural gas within the corporate limits of the city.
- (2) Permit. The right, license, and privilege granted by the City to a Consumer or Seller to use the Public Ways for the purpose of transporting gas owned by any party other than Transporter and to be used or consumed by Consumer.
- (3) Permittee. A Consumer or Seller granted a Permit under this ordinance.
- (4) Pipeline System. A gas system installed in the Public Ways and consisting of works, pipes, pipelines, apparatus, machinery, structures, appliances, and appurtenances reasonably necessary for this sale, transportation, or distribution of natural gas.

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- (5) Public Ways. Any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, utility easement, right of way, and any other public ways, places, areas, or grounds within the corporate limits of the city is now constituted or as may be added thereafter.
  - (6) Purchase Price. The total purchase price excluding transportation charges otherwise paid by any franchisee under any other provision of this ordinance or any provision of any other franchise of the city, paid by a Consumer to a Seller for natural gas that is used or consumed within the corporate limits of the city and that is transported to the Consumer through a Pipeline System.
  - (7) Seller. Any individual person, corporation, company, partnership, firm, unincorporated association, trust, or public corporation (excluding, however, any Transporter) that sells natural gas to any Consumer, which natural gas is transported to the Consumer through a Pipeline System.
  - (8) Transporter. Any individual person, corporation, company, partnership, firm, unincorporated association, trust or public corporation that transports and delivers gas owned by any party other than Transporter through Transporter's Pipeline System.
- (B) Permit required.
- (1) No Consumer shall receive, directly or indirectly, gas within the city that was purchased from a Seller outside of the corporate limits of the city and that is to be transported through any Pipeline System installed in the Public Ways unless the Consumer or the Seller shall hold a valid Permit from the city. Such Permit shall be issued for the purpose of granting the Permittee authority to use the Public Ways.
  - (2) After the operative date of this Ordinance, no Transporter shall enter into any agreement or arrangement by which natural gas owned by any party other than such Transporter shall be transported through any portion of Transporter's Pipeline System for delivery to any Consumer within the corporate limits of the city unless:
    - (a) the Consumer or Seller shall have obtained a Permit from the city for the use of the Public Ways in transporting and delivering gas pursuant to such agreement or arrangement; and
    - (b) if requested by the city, Transporter agrees to collect from the Permittee any and all fees to be paid pursuant to such Permit and to remit such fees so collected to the city on a monthly basis, and



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(c) the Transporter agrees to report to the city, on a monthly basis, all volumes transported through its Pipeline System for delivery to any Consumer within the corporate limits of the city pursuant to any agreement or arrangement.

(3) Any transportation agreements or arrangements that are in existence as of the effective date of this Ordinance which provide for the payment of any franchise-type fee may continue in effect for sixty days to allow the Permittee to complete and submit an application for permit in accordance with the provisions of this ordinance.

(C) Fees.

In consideration of the issuance of a Permit by the city, a Permittee shall pay to the city a fee for the use of the Public Ways in an amount equal to three and 2 percent (32%) of the Purchase Price of the gas transported or delivered within the corporate limits of the City.

(D) Permit requirements.

(1) Every application for a Permit, as required in this Section, shall be in writing and shall include the following information:

- (a) the date of the application; and
- (b) the name of the applicant; and
- (c) address of the principal place of business of the applicant; and
- (d) the name and address of the principal place of business of the consumer of the natural gas; and
- (e) the name and address of the principal place of business of the seller of the natural gas; and
- (f) the name and address of the principal place of business of the transporter of the natural gas; and
- (g) the address of the place where the gas is to be delivered within the City of Big Spring; and
- (h) the date that the applicant proposes to begin delivery of said natural gas; and
- (i) the name of the party who is to be responsible for the collection and payment of all fees pursuant to said Permit; and
- (j) the proposed purchase price of the gas to be transported or delivered within the city.

(2) Every application for a Permit shall be filed with the City Secretary at least thirty (30) days before the proposed date of first delivery of natural gas.

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- (3) The City Manager shall within thirty (30) days of the filing of the application for a Permit as required in this Section, first consider the application to determine whether or not the application complies with all respects and provisions of this Section; and if it does so comply, issue said permit.
  
- (4) Any permit issued shall contain the following material terms:
  - (a) the Permittee shall pay the fee set forth in Section 3 to either the City or Transporter, as the case may be, on a monthly basis, according to the city's direction; and
  - (b) the Permittee shall grant to the city the right to audit at reasonable times the books and records of the Permittee to verify the correct payment of the fee set forth in Section 3; and
  - (c) the Permit shall specify the beginning and ending dates that the permit will be effective; provided that said permit not be granted for a period to exceed five (5) years.
  - (d) that the Permittee shall not assign the permit or assign or transfer the rights herein granted, either in whole or part, without the written consent of the City Manager of the City of Big Spring.
  
- (E) Penalties and revocation.
  - (1) Any Consumer or Seller adjudged guilty of operating without the Permit required by Section 2 shall be subject to a fine of Five Hundred Dollars (\$500.00) for each offense, and each day of a continuing violation shall be deemed a separate offense.
  - (2) If the Permittee shall fail to substantially comply with the conditions of the permit, the city shall have the right by a resolution duly passed therefore to forfeit said permit and all the rights granted to said Permittee; provided, however, the city shall give the Permittee thirty (30) days notice in writing, upon receipt of registered letter containing the same, specifying the conditions claimed to have been violated, and giving full and fair opportunity to be heard thereon, before declaring such forfeiture, which notice shall fairly and fully set out all of the conditions claimed and complained of, and shall be given by the said city and shall be signed by the City Secretary under the seal of the City. After having been properly authorized by the Mayor of the City; and further, provided, however, the Permittee shall have thirty (30) days after receiving such

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notice in which to rectify and correct such violations and to substantially comply with the terms and conditions of the permit; should the violations so complained of not have been rectified and corrected and the terms and conditions of the

permit substantially complied with at the end of said thirty (30) days, then and in that event, the city shall have the power to forfeit said permit on account of the violations specified in said notice. (Ord. of 9-22-92, §1-177)

### **Sec. 16-51 through 16-59. Reserved.**

### **Article 3. Utility Service Charges**

#### **Sec. 16-60. General.**

##### **Sec. 16-60.1. When and where payable.**

The charges fixed by this article for water and wastewater service shall be due and payable on the fifteenth (15th) day after the date of billing. Such charges shall be paid at the city water office. (Ord. of 11-23-82, §16-25; Ord. of 9-22-92, §1-177)

##### **Sec. 16-60.2. Delinquent fees.**

- (A) Except as provided below, a delinquent fee shall be added to all water, wastewater and garbage bills not paid on or before the due date. The delinquent fee shall be an amount equal to ten percent (10%) of the total of said bill.
- (B) The delinquent fees established in subsection (A) above shall not be assessed on accounts where the principal customer is over 65 years of age. Suitable evidence in the form of driver's license or birth certificate presented to the water office shall be sufficient to establish this exemption.
- (C) A delinquent account must be paid by cash or money order before the water will be reconnected. (Ord. of 9-25-79; Ord. of 4-12-83, §16-26; Ord. of 9-22-92, §1-177; Ord of 1-24-95)

##### **Sec. 16-60.3. Billing.**

Charges for water and wastewater services shall be billed to the users or customers on the same statement, and such users or customers shall be permitted to make payment for any utility billed separately, but all services must be paid for the same time, including the charges for garbage collection,

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which are included on the same statement pursuant to Chapter 11 of this code. (Ord. of 11-22-55 §5; Ord. 6-82, 11-23-82, §16-27; Ord. of 9-22-92, §1-177)

### **Sec. 16-60.4. Disconnecting Service.**

In the event any user or customer of the city's water and wastewater systems does not pay the amounts due upon proper billings within ten (10) days from the date the same became due and payable, the City Manager is hereby authorized and directed to order the disconnection of water and sanitation services. There shall be a fee of ten (\$10.00) dollars for such disconnections. When the amount past due

and delinquent is paid by such user or customer, such services may be resumed upon payment of all past due amounts plus a reconnect fee of ten (\$10.00) dollars charged for the reconnect if made during normal work hours. The charges for reconnect made during other than normal work hours shall be fifteen (\$15.00) dollars. (Ord. of 9-25-79; Ord. 6-82, 11-23-82, §16-28; Ord. of 9-22-92, §1-177; Ord. of 01-26-93; Ord. of 1-24-95, Ord. of 10-28-97).

### **Sec. 16-60.5. Free service prohibited.**

No free water or wastewater services shall be allowed and, to the extent that the city, or any of its departments, avails itself of the services and facilities provided by the waterworks and wastewater system, it shall pay therefore the same rates and charges herein prescribed for all users and customers. (Ord. of 11-22-55, §6; Ord. 6-82, 11-23-82, §16-29; Ord. of 9-22-92, §1-177)

### **Sec. 16-60.6. Computation of water charge when meter fails.**

When a water meter breaks or fails to operate properly, a customer will be granted an adjustment for any billing periods affected thereby. Adjustments will be made to the customers water billing by subtracting the customers average consumption for the three month period immediately preceding the affected period from the consumption indicated for the affected period. The customer will then be billed for one half (2) of the resulting figure plus the average of the three month period. In the event prior consumption records are insufficient, the customer will be billed for one half (2) of the consumption indicated for the affected period.

Any adjustments made to the consumption level of commercial water accounts shall also apply on a proportionate basis to the reduction of any sewer charges based on the water consumption indicated for the affected period. Adjustments shall be limited to service connections inside the corporate limits of the city. (Ord. of 1-27-81, §1; Ord. 6-82, 11-23-82, §16-30, Ord. 10-28-86; Ord. of 9-22-92, §1-177)

### **Sec. 16-60.6(b) Computation of water charge when service line fails.**

When a customer experiences an unusual increase in water consumption due to a break in water lines on the customer's side of the meter, an adjustment will be made to the customer's water billing upon presentation of (1) satisfactory evidence of the failure of the water line and (2) a paid invoice from a licensed plumber stating that the line has been repaired. Adjustments will be made to the customer's bill as follows: (1) The customer's adjusted bill will be calculated by taking the average consumption from previous year for a three month period, including the affected month. In the event that prior

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consumption records are insufficient, the customer will be billed for 2 of the consumption indicated for the affected billing period. (Ord. of 11-20-92)

### Sec. 16-60.7. Turn-off fee.

In the event any user or consumer of the city's utilities contacts the city and requests that their water be turned off for repairs, etc., the following fee schedule will apply:

- (A) A fee of seven and one-half dollars (\$7.50) shall be charged for turn-off or turn-on during normal work hours.
  
  
  
  
  
  
  
  
  
  
- (B) A fee of eleven and one-quarter dollars (\$11.25) shall be charged for turn-on or turn-off during periods other than normal work hours. (Ord. of 4-10-73; Ord. 6-82, 11-23-82. §16-31; Ord. of 9-22-92, §1-177)

### Sec. 16-60.8. Transfer fee.

A fee of fifteen dollars (\$15.00) shall be charged to all water service customers requesting a transfer of service within the city. (Ord. of 9-25-80; Ord. 6-82, 11-23-82), §16-32; Ord. of 9-22-92, §1-177)

### Sec. 16-60.9. Deposit Required.

- (A) A deposit of fifty dollars (\$50.00) shall be required for all new residential water service customers and all previous customers seeking a transfer of service who have been delinquent in the payment of their water bills during the twelve (12) month period immediately preceding the date of the request for such transfer. Such deposit shall be refundable on or before the end of the fiscal year during which such deposit is made, provided, however, that such deposits shall not be refundable on or before the end of the next fiscal year if made within six (6) months of the end of the fiscal year or if the customer has been delinquent in the payment of his water bill during the fiscal year. (Ord. of 01-26-93).
  
  
  
  
  
  
  
  
  
  
- (B) A deposit of seventy-five dollars (\$75.00) shall be required for all new commercial water service customers and all previous customers seeking a transfer of service who have been delinquent in the payment of their water bills during the preceding twelve (12) month period immediately preceding the date of the request for such transfer. Such deposit shall be refundable on or before the end of the fiscal year during which such deposit is made, provided, however, that such deposits shall not be refundable on or before the end of the next fiscal year if made within six (6) months of the end of the fiscal year or if the customer has been delinquent in the payment of his water bill during the fiscal year. (Ord. of 01-26-93).
  
  
  
  
  
  
  
  
  
  
- (C) All water deposits held by the city shall accrue interest at the rate of six percent (6%) per annum.

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- (D) In the event that an account becomes delinquent more than two times, a deposit in the amount of two months average bill will be required from the delinquent customer. If the customer already has a deposit with the city, an additional amount to equal two months average bill must be placed with the city. (Ord. of 8-28-79; Ord. 6-82, 11-23-82, §16-33; Ord. of 9-22-92, §1-177; Ord. of 1-24-95)

**Sec. 16-61 through 16-69. Reserved.**

**Sec. 16-70. Charges for water rates.**

All persons supplied with water by the City, unless otherwise stipulated under separate contract, shall be billed for water service at the following monthly rates:

(A) Meter Size	Base Rate
5/8"	\$ 16.75
1"	20.00
2"	25.00
3"	75.00
4"	100.00
6"	150.00
8"	200.00
10"	250.00
12"	300.00

Any size meter at locations serving multiple users, such as apartment complexes and mobile home parks, shall be billed at the 5/8" meter size rate multiplied by the number of units being served by the single meter.

- (B) Usage Rate Table:

Inside city limits	\$2.80 per thousand gallons
Outside city limits	\$5.60 per thousand gallons

- (C) Standby fire sprinkler service.

- (1) There shall be a monthly standby fire sprinkler service charge assessed as follows:
  - (a) Inside city limits: \$15.00 base plus \$1.50 per inch of sprinkler supply pipe diameter.

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- (b) Outside city limits: \$30.00 base plus \$1.50 per inch of sprinkler supply pipe diameter.
  
- (D) Multi-family dwellings, four-plex or larger, shall be permitted to have a master meter and shall be assessed at the 5/8" meter base rate for each dwelling unit on the meter.
  
- (E) Mobile home parks with more than ten (10) spaces shall be permitted to have a master meter and shall be assessed at the 5/8" meter base rate for each space on the meter. A mobile home park with less than ten (10) spaces shall provide a separate meter for each space.
  
  
  
  
  
  
  
  
  
  
- (F) Apartment complexes shall be permitted to have a master meter and shall be assessed at the 5/8" meter base rate for each dwelling unit on the meter.
  
- (G) Multi-family dwellings (four-plex or larger), mobile home parks with more than ten (10) spaces or apartment complexes on a single meter shall be given a five percent (5%) vacancy allowance against the total number of dwelling units or spaces in computing the total number of spaces or dwelling units for which a base rate charge is due.
  
- (H) The City Manager or his representative has the authority to grant a vacancy allowance greater than authorized by (G) upon presentation of records and documents by the owners or operators which verify claims of a higher vacancy rate. The vacancy rate granted by the City Manager or his representative shall not exceed the rate which is verified by said records and documents. The City Manager or his representative shall have the right to review said vacancy allowance at any time and revise same.

(Ord. of 4-12-83; Ord. of 2-14-84, §16-23 (J); Ord. of 9-10-85, Ord. of 8-11-87; Ord. of 9-22-92, §1177, Ord. of 9-24-96, Ord. of 9-26-00, Ord. of 9-25-01, Ord. of 9-23-03, Ord. of 9-27-05, Ord. of 11-25-07, Ord. of 9-23-08, Ord. of 9-22-09, Ord. of 10-19-10)

### **Sec. 16-17 through 16-79. Reserved.**

#### **Sec. 16-80. Wastewater rates.**

- (A) The wastewater rates shall be calculated as follows:
  - (1) For all accounts, residential, commercial, multi-family dwelling (four-plex or larger), mobile home park, and apartment complex there shall be a "base rate" for every unit, dwelling unit, or space that is connected to the wastewater system. The base rate is as follows:

Residential Unit	\$ 11.00
Non-Residential Unit	\$ 18.00

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(Ord. 10-6-86, Ord. of 9-26-00, Ord. of 9-27-05, Ord. of 9-22-09)

- (2) A multi-family dwelling (four-plex or larger), a mobile home park with more than ten (10) spaces, or an existing apartment on a single meter shall be given a five percent (5%) vacancy allowance against the total number of dwelling units, spaces, or units in computing the total number of dwelling units, spaces or units for which a base rate charge is due on each dwelling unit, space or unit.
- (3) In addition to the monthly base rate, each wastewater account shall be charged for wastewater discharge based on water usage. The charge for non-commercial accounts will be assessed at a rate of \$1.50 per 1,000 gallons of water usage. The charge for commercial accounts will be assessed at a rate of \$2.00 per 1,000

gallons of water usage. In making the assessment for residential, water usage shall be computed by taking ninety percent (90%) of the customer's average monthly water usage, as shown by City water records, for the months of December, January, and February immediately preceding the year in question. For commercial accounts, ninety percent (90%) of actual monthly water usage will be used in calculating the charge for wastewater discharge. In lieu of the foregoing water usage computation, a residential account will have the option of applying to the City water office for computation of water usage based on either of the following formulas: (a) 100 gallons of water per day per person in the residential customer's household times the number of days in the billing period; or (2) ninety percent (90%) of the actual water used by the customer during the current month as shown by the City's water records. Any option elected will be effective for a minimum of twelve (12) months or until a history of consumption is established, whichever comes first. (Ord. 6-10-86; Ord. of 9-22-92, §1-177, Ord. of 9-28-04, Ord. of 9-27-05, Ord. of 9-22-09)

- (4) Wastewater rates - no history of consumption. Where there is no history of consumption to establish the average monthly water usage for residential accounts during the months of December, January, and February as stated in Section (A)(3) above, an account will be billed for wastewater discharged at the monthly base rate fee plus charges based on current water usage. The water usage charge will be assessed at the rate of \$1.50 per 1,000 gallons of water. When making this assessment, water usage shall be computed by taking ninety percent (90%) of the water used by the customer in the current month as shown by City water records. In lieu of the foregoing water usage computation, a residential account will have the option of applying to the City water office for computation of water usage based on either of the following formulas: (a) 100 gallons of water per day per person in the residential customer's household



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times the number of days in the billing period; or (2) ninety percent (90%) of the actual water used by the customer during the current month as shown by the City’s water records. Any option elected will be effective for a minimum of twelve (12) months or until a history of consumption is established, whichever comes first. (Ord. 6-10-86; Ord. of 9-22-92, §1-177, Ord. of 9-28-04, Ord. of 9-27-05, Ord. of 9-22-09)

- (5) The City Manager or his representative shall have the authority to grant a vacancy allowance greater than that authorized by section 16-24(A)(2) upon presentation of records and documents by owners or operators which verify claims of a higher vacancy rate. The vacancy rate granted by the City Manager or his representative shall not exceed the vacancy rate which is verified by said records and documents. The City Manager or his representative shall have the right to review said vacancy allowance at any time and revise same but shall not review said vacancy allowance at any time and revise same but shall not review

said vacancy allowance more than once per year at the request of the owners or operators.

- (B) **Surcharge.** In addition to the rates prescribed in subsection (A) above, there shall be a surcharge of \$2.00 per month per unit, space, or dwelling unit served by each meter. \$1.35 of the above described surcharge shall be dedicated exclusively to capital equipment and use as authorized by the City Council. To that end, the City Treasurer shall deposit \$1.35 of every \$2.00 surcharge collected in the Surcharge Fund established by the city. The remaining \$.65 shall be deposited in the Operations Fund of the Utility Fund of the City of Big Spring. (Ord. of 5-17-87; Ord. of 9-22-92, §1-177 Ord. of 12-27-95, Ord. of 9-26-00)

**Sec. 16-81 through 16-89. Reserved.**

**Sec. 16-90. Energas Natural Gas Fees.**

Energas Natural Gas Company shall be entitled to charge the following fees for setting and turning on customer meters in the City of Big Spring:

	During Normal Working Hours	After Normal Working Hours
Meter Set	\$8.00	\$12.00
Meter Turn-on	\$8.00	\$12.00

(Ord. of 6-28-83, §16-45; Ord. of 9-22-92, §1-177)

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### **Sec. 16-91. Discontinuance of gas service; reconnect fee.**

In case of default or nonpayment of the gas bill rendered at any authorized rate, Energas Natural Gas Company shall have the right to discontinue gas service to any customer in the manner provided by law, and in case such customer shall make application to have service reconnected, he may be required to pay as a condition precedent thereto all amounts due Energas Natural Gas Company, and also a reconnecting fee of eight dollars (\$8.00) during normal working hours and twelve dollars (\$12.00) after normal working hours. (Ord. of 6-28-83, §16-46; Ord. of 9-22-92, §1-177)

### **Sec. 16-92 to 16-99. Reserved.**

## **Article 4. Water Pollution Control**

### **Sec. 16-100. Water pollution control duties of the city**

- (A) The City of Big Spring, Texas having a population of more than 5,000 inhabitants, hereby establishes a water pollution control and abatement program for the city. The city shall employ or retain an adequate number of personnel, on either part-time or full-time basis as the needs and circumstances of the city may require, who by virtue of their training and experience are qualified to perform the water pollution and abatement functions required to enable the city to carry out its duties and responsibilities under this article.
- (B) The water pollution control and abatement program of this city shall encompass the entire city and its extraterritorial jurisdiction to achieve the objectives of the city for the area within its territorial jurisdiction. The city shall include in the program the services and functions which, in the judgement of the city or as may be reasonably required by state or federal law, will provide effective water pollution control and abatement for the city, including the following services and functions:
- (1) the development and maintenance of an inventory of all significant waste discharges into or adjacent to the water within the city, and within the extraterritorial jurisdiction of the city, without regard to whether or not the discharges are authorized by the department;
  - (2) the regular monitoring of all significant waste discharges included in the inventory prepared pursuant to paragraph (1) above;

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- (3) the collecting of samples and conducting of periodic inspections and tests of the waste discharges being monitored to determine whether the discharges are being conducted in compliance with the Act and any applicable permits, orders or regulations of the department and whether they should be covered by a permit from the commission;
- (4) in cooperation with the department, a procedure for obtaining compliance by the waste dischargers being monitored, including where necessary, the use of legal enforcement proceedings; and
- (5) the development and execution of reasonable and realistic plans for controlling and abating pollution or potential pollution resulting from generalized discharge of wastes which are not traceable to specific sources, such as storm sewer discharges and urban runoff from rainwater. (Ord. 96-83, 12-13-83, 516-2; Ord. of 9-22-92, §1-177)

### **Sec. 16-101. Superintendent of utilities; enforcement duties.**

The City Manager of Big Spring shall appoint a superintendent of utilities and such assistants as the City Manager may determine to be necessary, and it shall be the duty of the superintendent to enforce the provisions of this article. (Ord. 96-83, 12-13-83, §16-3; Ord. of 9-22-92, §1-177)

### **Sec. 16-102. Powers and authority of enforcing agents.**

The City Manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. (Ord. 96-83, 12-13-83, §16-5; Ord. of 9-22-92, §1)

### **Sec. 16-103. Penalties**

- (A) Any person found to be violating any provisions of Articles 4 and 5 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. If the offender continues violation after the expiration of time stated, the City Manager may prohibit the further use of the sewage system by the offender and may remove or close the offender's sewage and water conditions.
- (B) Any person who shall continue any violations beyond the time limit provided for in paragraph (A) above, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than one dollar (\$1.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day in which such violations exist shall be deemed a separate offense.

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- (C) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned by the city for reason of such violation. (Ord. 96-83, 12-13-83, §16-6; Ord. of 9-22-92, §1-177)

### **Sec. 16-104. Enforcement by city of violation.**

Steps to be taken when water pollution is detected by the city:

- (A) Notice to alleged violator: Letter shall be sent by the city to alleged offender to notify that:
- (1) Discharge of wastewaters within his property appears to be in violation of law or the rules of the Texas Water Commission;
  - (2) The city suggests that the alleged violator take immediate steps toward correcting the problem;
  - (3) If the alleged violator finds from his evaluation that he is in violation of law or of the rules of the Texas Water Commission, he may submit an application for a waste discharge permit for the consideration of the city and the Texas Water Commission, together with a time schedule for compliance;
  - (4) He shall be requested to contact the city within ten (10) days so that the city can be informed as to what he proposes to do to correct the alleged violation.
- (B) A copy of the letter giving notice of the alleged violator [described under paragraph (a)] shall be sent to the Texas Water Commission, Austin, Texas. Investigation reports and names of witnesses which are available at that time shall be attached to the letter. A carbon copy will also be sent to the Texas Water Commission, District 10, Odessa, Texas 79761.
- (C) The city shall continue investigation and testing procedures as it feels is necessary to show whether a violation exists.
- (D) The city may oppose the granting of a waste discharge permit, or may recommend partial granting of such, etc. The City of Big Spring is free to sue the polluter for violations which occurred when the polluter has no waste discharge permit.
- (E) If the alleged violator is not willing to take effective steps to control his pollution sources, the responsible city authority shall send a letter to the City Attorney with a request for his consideration of the information which is enclosed. All investigation

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reports which have been completed against this alleged violator and lists of witnesses which may be used in the prosecution of a lawsuit, and all test information should be included. A copy of this letter and attachments shall be sent to the Texas Water commission.

- (F) When the local government files suit in district court pursuant to 26.124 of the Texas Water Code, the Texas Water Commission is a necessary and indispensable party and must be served with citation.

NOTE: This information procedure can be varied as circumstances warrant and as experience between the city, Texas Water commission, and the Attorney General indicate is necessary.

- (G) Information to be furnished to the City Attorney in cases where suit is desired by the city:
- (1) Metes and bounds description of real estate, together with ownership, volume and page number and copy of latest conveyance unto owner;
  - (2) A plan, map and aerial photograph of property in question, if available;
  
  - (3) Names and addresses of all persons in possession; operators, and owners;
  - (4) A copy, or original, of the city's file dealing with the situation problem;
  - (5) Transcript of hearing, if any;
  - (6) Witnesses: names, addresses and statements;
  - (7) Copies of reports by experts and investigators;
  - (8) Copy of all waste discharge permits, if any;
  - (9) City's order requesting the city attorney to file and recommendation;
  - (10) Names and phone numbers of personnel who will be working with the City Attorney on the case;
  - (11) Other information and results of investigations such as photographs, sampling, measurements taken from testing devices or manually, diagrams, models, etc.
- (Ord. 96-83, 12-13-86, §16-7; Ord. of 9-22-92, §1-177)

**Sec. 16-105. Preserving evidence of litigation purposes.**

- (A) Maps, diagrams and sketches.
- (1) Accuracy. The paper must correctly represent the situation as it existed at the time of consideration. It is not necessary that the map or sketch be drawn to scale provided it is a fair representation.
  - (2) Verification. It is usually held that it is not necessary that the person making the map, diagram or sketch testify as to its correctness, but any person acquainted with the facts may do so.

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- (B) Photographs.
  - (1) Instructive. Whenever the appearance of a person, place or object is relevant, a photograph or picture is admissible to explain the evidence and aid in its application and to assist the court or jury in understanding the case.
  - (2) Accuracy. The photograph must be a fair and accurate reproduction of the things or conditions as they were when the photograph was taken. Where a photograph is offered, not as a mere general representation of the thing or condition, but to show distances, colors, relative sizes, or locations of objects, it may be very deceptive and misleading, therefore, much more convincing proof of its accuracy is required.
  - (3) Verification. It is best if the photograph is verified by oath of photographer who took it; however, sufficient verification may be furnished by the testimony of any competent witness who has sufficient knowledge to testify that the photograph fairly represents what it purports to represent. The presence of a verifying witness when the photograph was taken may be a factor in determining the sufficiency of the accuracy.
  - (4) Notice to adverse party. It is not essential to the admissibility of the photographs that the adverse party should have been notified of the intention to take them.
  - (5) Inscription on picture. When an otherwise admissible picture has an inscription on it or on the reverse side of it, before the photograph can be admitted, the handwriting must be identified or concealed so that only the picture itself, and not the message inscribed on it, can be considered as evidence.
- (C) Samples.
  - (1) Identification. Samples are admissible on an issue as to the properties or qualities of the substance involved in the case where they are sufficiently identified as to their source and that they reflect the condition of the substance or articles as of the time involved in the issues.
- (D) Documents.
  - (1) Existence and genuineness. The document must be produced in court, together with witnesses to identify it. (Ord. 96-83, 12-13-83, §16-8; Ord. of 9-22-92, §1-177)

### **Sec. 16-106. Pollution Investigations.**

In the event of pollution incidents, including unpermitted discharges, spills of oil or other hazardous materials, where legal action against the discharger or person responsible for a spill may result, the investigator shall obtain the following:

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- (A) Names, addresses, phone numbers and positions of all persons who may be responsible for or have knowledge of the discharge or spill.
- (B) Signed statements, wherever possible, indicating where, when and how the discharge or spill occurred and the extent of the discharge or spill. (In cases where a witness will not sign a statement, his oral statement should be immediately reduced to writing and should be submitted with the investigator's written report).
- (C) Samples of discharge or spilled materials, as well as comparative samples from affected and unaffected water in proximity to the discharge or spill. Sample containers are to be immediately and indelibly labeled with the appropriate sample number by the collector and a Chain of Custody Record attached. (See 16-107 below).
- (D) Photographs at the scene to illustrate the source and extent of pollution. Polaroid photographs of good quality are preferable as evidence and should be immediately labeled with the location, date, time, a short description of what is being illustrated, and signed by the photographer. If possible, the signature of a witness at the scene should also be obtained for corroborative purposes.
- (E) License number and other registration of vehicles or vessels involved in pollution incidents. Drivers or operators should be identified and a record made of their names, addresses, employers and identification.
- (F) Field notes made at the scene. (Since these can be used on the witness stand, the investigator should complete them at the scene and, if possible, have a witness at the scene initial or sign them. Field notes should also contain a sketch of the site with appropriate labeling). (Ord. 96-83, 12-31-83, §16-9; Ord. of 9-22-92, §1-177)

### **Sec. 16-107. Chain of custody.**

All samples and other tangible evidence should be maintained in proper custody until disposition or until the samples are dispatched to a laboratory for analysis. A record of sample number, source of sample, time, date, and name of person taking the sample and each person handling the sample will be kept with the sample on a Chain of Custody Record until the sample is delivered to the laboratory. (Placing a sample addressed to the laboratory in the U.S. mail constitutes delivery to the laboratory.) Upon delivery to the laboratory, the Chain of Custody Record should be immediately submitted to the city's water pollution control office, attached to a signed and dated memorandum of transmittal. (Ord. of 96-83, 12-13-83, §16-9; Ord. of 9-22-92, §1-177)

### **Sec. 16-108. Reports.**

All reports of investigation of water pollution incidents should be completed promptly. The report should appropriate descriptions, sample data, maps, photographs, etc., to accurately and fully depict;

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- (A) The waste generating activities or the incident in which a spill occurred;
- (B) The quantitative and qualitative characteristics of the waste generated or the material spilled;
- (C) The route of the waste or spilled material to the receiving waters;
- (D) The receiving waters;
- (E) The effects of the waste or spilled material on the receiving waters;
- (F) The location of the waste generating activity (include street address, if any) or the location of the spill;
- (G) The names and addresses of witnesses and complainants willing to provide information;
- (H) A current list of responsible officials;
- (I) A list of other agencies concerned in the investigation, such as cities, counties, river authorities, etc.;
- (J) All other pertinent information. Ord. 96-83, 12-13-83, §16-9; Ord. of 9-22-92, §1-177)

### **Sec. 16-109 to 16-119. Reserved.**

## **Article 5. Wastewater Discharges**

### **Sec. 16-120. Generally.**

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to the City of Big Spring and to persons outside the city who are, by contract or agreement with the city, users of the City of Big Spring POTW. Except as otherwise provided herein, the utilities superintendent of the City of Big Spring POWT shall administer, implement, and enforce the provisions of this article. (Ord. of 6-28-83, §16-70; Ord. of 9-22-92, §1-177)

### **Sec. 16-121. Definitions.**



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Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

- (A) Act or "the Act". Section 26.177, of the Texas Water Code originally enacted in 1971 by S.B. No. 835.
- (B) Approval Authority. The director in an NPDES State with an approved state municipal water pollution control and abatement program.
- (C) Authorized Representative of a Significant Waste Discharger. An authorized representative may be :
  - (1) a principal executive officer of at least the level of vice president, if the discharger is a corporation;
  - (2) a general partner or proprietor if the discharger is a partnership or proprietorship, respectively;
  - (3) a duly authorized representative responsible for the overall operation of the facilities from which the discharge originates.
- (D) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidations of organic matter under standard laboratory procedures, five (5) days at 20N centigrade expressed in terms of weight and concentration [milligrams per liter (mg/L)].
- (E) Board. The Texas Water Development Board as defined by 26.001 et seq o the Texas Water Code.
- (F) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
- (G) Categorical Standards. National Categorical Pretreatment Standards or Treatment Standards.
- (H) City. The City of Big Spring or the city council of Big Spring.
- (I) Cooling Water. The water discharges from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat
- (J) Commission. The Texas Water Commission.
- (K) Control Authority. The term "Control Authority" shall refer to the "approved authority" defined hereinabove, or the superintendent of utilities.

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- (L) Department. The Texas Water Commission.
- (M) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Texas.
- (N) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- (O) ETJ. Extraterritorial Jurisdiction.
- (P) Grab Sample. Sample which is taken from a waste stream or surface runoff on a one-time basis with no regard to the flow in the stream and without consideration of time.
- (Q) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- (R) Indirect Discharge. The discharge or introduction of non-domestic pollutants from any source regulated under sections 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW or waters of the State of Texas.
- (S) Industrial User. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of 33 U.S.C. 1342.
- (T) National Prohibitive Discharge Standard or any Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of 33 U.S.C. 1342 40 CFR, or section 403.5 of S.B. No. 835.
- (U) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of 33 U.S.C. 1342.
- (V) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine gender. The singular shall include the plural where indicated by the context.
- (W) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (X) Pollution. The man-made or man-induced alterations of the chemical, physical, biological and radiological integrity of water.

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- (Y) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage garbage, sludge, mutations, chemical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.
- (Z) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW or the waters of the State of Texas.
- (AA) POTW or Publicly Owned Treatment Works. Sewers or other conveyances and treatment plants.
- (BB) Shall. is mandatory; May is permissive.
- (CC) Significant Waste Discharger. Any discharger discharging 25,000 gallons or more per day (24 hour period), has in his waste toxic pollutants as defined pursuant to section 307 of 33 U.S.C. 1292 or state statutes and rules, as if found by the city, state control agency or the EPA to have significant impact, either singly or in combination with other contributing industries on the waters of the State of Texas.
- (DD) State. The State of Texas.
- (EE) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (FF) Storm Water. Any flow occurring during or following any forms of natural precipitation and resulting therefrom.
- (GG) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removed by laboratory filtering.
- (HH) Superintendent of Utilities. The person designated by the city to supervise the operation of the utilities department and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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- (II) Toxic Pollutant. Any pollutants or combination of pollutant listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA 307 (a) or other acts.
  
- (JJ) Wastewater. The liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and storm water that may be present, whether treated or untreated, which is permitted to enter the POTW or waters of the State of Texas.
  
- (KK) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, or flow through or border upon the State of any portion thereof and including any other "water" as defined by section 26.001 of the Texas Water Code.

### **Sec.16-122. Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand  
CFR - Code of Federal Regulations  
COD - Chemical Oxygen Demand  
EPA - Environmental Protection Agency  
L - liter  
mg - milligrams  
mg/L - milligrams per liter  
NPDES - National Pollutant Discharge Elimination System  
POTW - Publicly Owned Treatment Works  
SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq  
TSS - Total Suspended Solids  
USC - United States Code

(Ord. of 6-28-83, §16-72; Ord. of 9-22-92, §1-177)

### **Sec. 16-123. Discharge prohibitions.**

#### **Sec. 16-123.1. Wastewater discharges.**

It shall be unlawful to discharge without a city permit to any natural outlet within the City of Big Spring, or in any area under the jurisdiction of the city, and/or to the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter. (Ord. of 6-28-83, §16-83; Ord. of 9-22-92, §1-177)

#### **Sec. 16-123.2. Nonpolluted discharges.**

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- (A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage or unpolluted industrial process waters to any sanitary sewer.
- (B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Manager. Unpolluted process waters may be discharged upon approval of the City Manager, to a storm sewer or natural outlet, or into the sanitary sewer system upon prior written approval of the City Manager or superintendent of utilities.

### **Sec. 16-123.3. Prohibited Discharges.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings of any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.
- (B) Concentrations exceeding one hundred (100) milligrams per liter of wax, fats, grease, oil, plastic or other substances which will solidify or become discernible viscous at any temperature between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
- (C) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, entrails or tissues, paunch manure, bones, hair, hides or fleshing, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

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- (D) Any wastewater having a pH less than 5.5, or greater than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (E) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in the Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.
- (F) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (G) Any substance which may cause a POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non compliance with sludge use or disposal criteria guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (H) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (I) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.
- (J) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40NC (104NF) unless the POTW treatment plant is designed to accommodate such temperature.
- (K) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period

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longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- (L) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (M) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (N) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of one milligram per liter as CN;
- (O) Any fluoride in concentration exceeding that in the public water supply;
- (P) Any salts of the following heavy metals, in solution or suspension, at a concentration greater than as shown below;

Metal	PPM Average	PPM Daily Composite	PPM Grab Sample
Arsenic	0.100	0.200	0.300
Barium	1.000	2.000	4.000
Cadmium	0.050	0.100	0.200
Chromium	0.500	1.000	5.000
Copper	0.500	1.000	2.000
Lead	0.500	1.000	1.500
Manganese	1.000	2.000	3.000
Mercury	0.005	0.005	0.010
Nickel	1.000	2.000	3.000
Selenium	0.050	0.100	0.200
Silver	0.050	0.100	0.200
Zinc	1.000	2.000	6.000

- (Q) All other heavy metals and toxic materials, in solution or suspension, at concentration greater than that in the public water supply, such as, but not limited to, the following:

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Antimony	Molybdenum	Rhenium
Beryllium	Tin	Strontium
Bismuth	Uranylion	Tellurim
Cobalt	Pesticides	Herbicides
Fungicides		

- (R) Chlorides in concentrations exceeding twenty-five hundred (2,500) parts per million, unless the discharge of chlorides in concentrations higher than twenty-five hundred (2,500) parts per million is limited to rates and volumes that will not cause the concentration of chlorides in the treated effluent from the sewage treatment plant to exceed twenty-five hundred (2,500) parts per million;
- (S) Any radioactive wastes of greater concentration or amount than the allowable releases specified by regulatory agencies which control the possession and release of radioactive materials;
- (I) Any active or inert materials in concentrations which interfere with the proper operation of the treatment process to the degree that the normal treatment process used will not produce an effluent meeting the criteria of regulatory agencies or which impose unusual costs for treatment or maintenance;
- (U) No substances, or mixtures which may contain any amount of polychlorinated biphenyls (PCBS);
- (V) Wastewater with a phenol concentration greater than two (2.0) milligrams per liter;
- (W) Wastewater which contains more than five-tenths (0.5) milligrams per liter of hydrogen sulfide measured as H<sub>2</sub>S;
- (X) Wastewater with twenty-four-hour composite samples containing BOD or total suspended solids (TSS) in excess of three hundred (300) milligrams per liter, or chemical oxygen demand (COD) in excess of eleven hundred (1100) milligrams per liter;
- (Y) Wastewater which contains more than 250 ppm total identifiable chlorinated hydrocarbons. (Ord. of 9-22-92, §1-177)

**Sec. 16-124. Pretreatment.**



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- (A) When the superintendent determines that a user(s) is contributing to the POTW any of the enumerated substances in Sec. 16-123 in such amounts as to interfere with the operation of the POTW, the superintendent shall:
  - (1) advise the user(s) of the impact of the contribution on the POTW, and;
  - (2) develop effluent limitation(s) for such user to correct the interference with the POTW. (Ord. of 6-28-82, §15-73).
  
- (B) In cases where, and in the opinion of the superintendent of utilities, the character of the sewage from any manufacturer of industrial plant, building, or other premises in such that it will damage the system or cannot be treated satisfactorily in the system, the City Manager shall have the right to require such user to dispose of such waste otherwise, and prevent it from entering the system.
  
- (C) Grease, oil and interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Manager and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed in accordance with city standards and shall be impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.
  
- (D) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

### **Sec. 16-125. Federal Categorical Pretreatment Standards.**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this

chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12. (Ord. of 6-28-33, §16-74)

### **Sec. 16-126. Modifications of Federal Categorical Pretreatment Standards.**

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the city may apply to the Approval Authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in section 403.7 (c)(2) of

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(Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Source of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, section 403.7 are fulfilled and prior approval from the Approval Authority is obtained. (Ord. of 6-28-83; Ord. of 9-22-92, §1-177)

### **Sec. 16-127. State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article. (Ord. of 6-28-92, §16-77; Ord. of 9-22-92, §1-177)

### **Sec. 16-128. City's right of revision.**

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 16-70. (Ord. of 6-28-83, §16-78; Ord. of 9-22-92, §1-177)

### **Sec. 16-129. Excessive discharge.**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a particle or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state. (Dilution may be any acceptable means of complying with some of the prohibitions set forth in Section 16-123, e.g., the pH prohibition.) (Ord. of 6-28-83, §16-79; Ord. of 9-22-92, §1-177)

### **Sec. 16-130. Accidental discharge.**

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by January 1, 1984. No user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating

procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice. Within five (5) days following an accidental discharge the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish

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kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge.

Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. of 6-28-83, §16-80; Ord. of 9-22-92, §1-177)

### **Sec. 16-131. Exceptions.**

No statement contained in this article shall be construed as preventing any agreement or arrangements between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern for any portion of the excess cost to the city of handling and treating such industrial wastes. In the event the city agrees to accept and treat industrial waste of unusual strength or character, the charges for such treatment shall be determined. (Ord. 96-83, 12-13-83, §16-4; Ord. 9-22-92, §1-177)

### **Sec. 16-132. Fees parameters.**

(A) It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth within the following parameters:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards;
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this section and are separate from all other fees chargeable by the city. (Ord. of 6-28-83, §16-81; Ord. of 9-22-92, §1-177)

### **Sec. 16-133. Fees. (Reserved for future action by the council.)**

### **Sec. 16-134 through 16-149. Reserved.**

## **Article 6. Wastewater Permitting, Monitoring and Reporting Requirements**

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### **Sec. 16-150. Preliminary and General requirements.**

- (A) Where the operation of a person, firm or corporation entails the discharge of any industrial wastes (including, but not limited to those in Sec. 16-123), a written statement on a standard form provided by the City Manager, setting forth the nature of the operation contemplated or presently carried on shall be filed with the City Manager. The statement shall contain the following information:
- (1) Name and address of applicant
  - (2) Type of industry
  - (3) Quantity of plant waste
  - (4) Typical analysis of the waste
  - (5) Type of pretreatment proposed, if any
  - (6) Proposed point of discharge
- (B) Within thirty (30) days of receipt of such statement, it shall be the duty of the City Manager to make an order stating such minimum restrictions as in the judgment of the superintendent may be necessary to adequately guard against unlawful uses of the city's sewage works or discharge to the waters of the state.
- (C) The admission into the public sewers or the waters of the state of any waters having components in excess of those outlined in Sec. 16-123 will be subject to review and control by the approved authority.
- (D) When required by the superintendent, the owner of any property carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be assessable and safely located, and shall be constructed in accordance with city standards. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and assessable at all times.
- (E) All measurements, tests and analysis of the characteristics of water and wastes to which reference is made in Articles 4 and 5 shall be determined in accordance with "Standard Methods of the Examination of Water and Sewage." The tests shall be performed on the samples taken at the control manhole provided for in paragraph (d) above. (Ord. of 9-22-92, §1-177)

### **Sec. 16-151. General permits.**

All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter. (Ord. of 9-22-92, §1-177)

### **Sec. 16-152. Permit application.**

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- (A) Users required to obtain a wastewater contribution permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by a fee of one hundred fifty dollars (\$150.00). Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address and location (if different from the address);
  - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - (3) Wastewater constituents and characteristics including but not limited to those mentioned in section 16-76 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
  - (4) Time and duration of contribution;
  - (5) Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
  - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
  - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (OSM) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
  - (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
    - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

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- (b) No increment referred to in paragraph (A) shall exceed nine (9) months.
  - (c) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.
  - (10) Each product produced by type, amount, process or processes and rate of production;
  - (11) Type and amount of raw materials processed (average and maximum per day);
  - (12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
  - (13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.
- (B) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided herein. (Ord. of 9-22-92, §1-177)

### **Sec. 16-153. Permit modifications.**

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater contribution permit as required by subsection 16-84.2, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs (H) and (I) of subsection 16-152. (Ord. of 9-22-92, §1-177)

### **Sec. 16-154. Permit conditions.**

- (A) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

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- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for test and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports (see section 16-153)
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (9) Requirements for notification of slug discharges as per section 16-90.
- (10) Other conditions as deemed appropriate by the city to insure compliance with this chapter. (Ord. of 9-22-92, §1-177)

### **Sec. 16-155. Permits duration.**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the terms of the permit as limitations or requirements as identified in section 16-76 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. of 9-22-92, §1-177)

### **Sec 16-156. Permit transfer.**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or any new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. of 6-28-83, §16-84; Ord. of 9-22-92, §1-177)

### **Sec. 16-157. Charges for treatment of unusual strength wastes.**

- (A) No statement contained in this article shall be construed as preventing any agreement or arrangement between the city and any industrial concern whereby an industrial waste

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limited to conventional pollutants of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern for any portion of the excess cost to the city of handling and treating such industrial wastes. In the event the city agrees to accept and treat industrial waste of unusual strength or character the charges for such treatment shall be determined as follows:

- (1) A basic charge of two hundred twenty-eight dollars (\$228.00) per million gallons times the volume discharged in millions of gallons.
  - (2) A biochemical oxygen demand surcharge of twenty-three and seventeenths cents (\$0.237) per million gallons times the difference between the biochemical oxygen demand expressed in milligrams per liter; all multiplied times the volume discharged expressed in millions of gallons.
  - (3) A suspended solids surcharge of twenty-three and seven-tenths cents (\$0.237) per million gallons times the difference between the suspended solids expressed in milligrams per liter, and two hundred (200) milligrams per liter; all multiplied times the volume discharged expressed in millions of gallons.
- (B) The basic sewer charge and the biochemical oxygen demand and the suspended solids surcharge shall be reviewed at periodic intervals as determined by the City Manager. Changes in the aforementioned rates shall be authorized by ordinance and shall be binding on all agreements for the treatment of industrial waste. (Ord. of 6-28-83, §16-85; Ord. of 9-22-92, §1-177)

### **Sec. 16-158. Compliance date report.**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and if not what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional. (Ord. of 9-22-92, §1-177)

### **Sec. 16-159. Periodic compliance reports.**



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- (A) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in sub-section 16-154. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.
- (B) The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate.
- (C) In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results in sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Ord. of 9-22-92, §1-177)

(Note: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977" and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.)

### **Sec. 16-160. Monitoring facilities.**

The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city. (Ord. of 6-28-83, §16-86; Ord. of 9-22-92, §1-177)

### **Sec. 16-161. Inspection and sampling.**

The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and (where the NPDES State is the approval authority) EPA, shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city's approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. of 6-28-83, §6-86; Ord. of 9-22-92, §1-177)

### **Sec. 16-162. Pretreatment.**

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

The city shall annually publish in the Big Spring newspaper a list of the users which were not in compliance with the pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approved authority upon request. (Ord. of 6-28-83, §16-87; Ord. of 9-22-92, §1-177)

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### **Sec. 16-163. Confidential Information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user. (Ord. of 6-28-83, §16-88; Ord. of 9-22-92, §1-177)

### **Sec. 16-164. Harmful contributions.**

The city may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the city within fifteen (15) days of the date of occurrence. (Ord. of 6-28-83, §16-89; Ord. of 9-22-92, §1-177)

### **Sec. 16-165. Revocation of permit.**

Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this chapter:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of a user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

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(d) Violation of conditions of the permit. (Ord. of 6-28-83, §16-90; Ord. of 9-22-92, §1-177)

### **Sec. 16-166. Notification of violation.**

Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user. (Ord. of 6-28-83, §16-91; Ord. of 9-22-92, §1-177)

### **Sec. 16-167. Show cause hearing.**

The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. (Ord. of 6-28-83, §16-92; Ord. of 9-22-92, §1-177)

### **Sec. 16-168. Hearing procedures.**

The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the city to:

- (A) Issue in the name of the city council notices of hearing requesting the attendance and testimony of witnesses and the production of evidence and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (B) Take the evidence;
- (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon. (Ord. of 6-28-83, §16-93; Ord. of 9-22-92, §1-177)

### **Sec. 16-169. Testimony under oath; transcript.**

At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. (Ord. of 6-28-83, §16-94; Ord. of 9-22-92, §1-177)

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### **Sec. 16-170. Order to comply; discontinuance of service.**

After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing facilities, and devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. of 6-28-83, §16-95; Ord. of 9-22-92, §1-177)

### **Sec. 16-171. Legal action.**

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirement, or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court of this county. (Ord. of 6-28-83, §16-96; Ord. of 9-22-92, §1-177)

### **Sec. 16-172. Powers and authority of enforcing agents.**

The City Manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article. (Ord. of 6-28-83, §16-97; Ord. of 9-22-92, §1-177)

### **Sec. 16-173. Penalties.**

- (A) Any person found to be violating any provisions of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.  
The offender shall, within the period of time stated in such notice, permanently cease all violations. If the offender continues violation after the expiration of the time stated, the City Manager may prohibit the further use of the sewage system by the offender and may remove or close the offender's sewage and water connections.
- (B) Any person who shall continue any violation beyond the time limit provided for in paragraph (a) shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.
- (C) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. of 6-28-83, §16-98; Ord. of 9-22-92, §1-177)

### **Sec. 16-174. Severability.**

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If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect. (Ord. of 6-28-83, §16-99; Ord. of 9-22-92; §1-177)

**Sec. 16-175. Conflict.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (Ord. of 6-28-83, §16-100; Ord. of 9-22-92, §1-177)

**Sec. 16-176. Industrial wastewater connection application.**

An industrial wastewater connection application shall be on a form substantially as follows:

To the City of Big Spring, Texas, the undersigned being of the property located at:
does hereby request a permit to _____ an industrial sewer
Connection serving _____, which company is engaged in
_____ at said location.

- (1) A plan to the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
- (2) Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "B".
- (3) A complete schedule of all processes waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, representative analysis, and compliance with any applicable pretreatment standard or requirements, is attached hereunto as Exhibit "C".
- (4) The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_.

In consideration of the granting of this permit the undersigned agrees:

- (1) To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the city.

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- (2) To accept and abide by all provisions of Chapter 16 of the Code of Ordinances of the City of Big Spring, Texas, and of all other pertinent ordinances or regulations that may be adopted in the future.
  
- (3) To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times, and at no expense to the city.
- (4) To cooperate at all times with the city and its representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
- (5) To notify the city immediately in the event of any accident, or other occurrence that occasions contribution to the wastewater treatment system of any wastewater or substances prohibited or not covered by this permit.

**Sec. 16-177. Wastewater discharge permit.**

A wastewater discharge permit shall be on a form substantially as follows:

City of Big Spring, Texas  
Department of Public Works  
WASTEWATER DISCHARGE PERMIT

Permit No.

In accordance with all terms and conditions of the City Code, Chapter 16, Articles 4 and 5, and all other applicable provisions of said code, and also with any applicable provisions of Federal or State law or regulation:

Permission is hereby granted to

\_\_\_\_\_ Classified by SIC No. \_\_\_\_\_ For the contribution of into the City of Big Spring wastewater lines at

\_\_\_\_\_ This permit is granted in accordance with the application filed on \_\_\_\_\_, 19\_\_ in the office of the \_\_\_\_\_ ( ) and in conformity with plans, specifications and other data submitted to the ( ) in support of the above application, all of which are filed with and considered a part of this permit, together with the following names conditions and requirements

Effective this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

To expire the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

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Utilities Superintendent  
(Ord. of 6-28-83, §16-20; Ord. of 9-22-92, §1-177)  
Permit No.

Addendum I  
Monitoring Schedule (form Attached)

Addendum II  
Compliance Schedule

Date: \_\_\_\_\_ Signed:  
\$ \_\_\_\_\_ inspection fee paid

Application approved and permit granted:

Date: \_\_\_\_\_ Signed:  
(Ord. of 6-28-83, §16-101; Ord. of 9-22-92, §1-177)

**Sec. 16-178 through 16-189. Reserved.**