

AN ORDINANCE

AN ORDINANCE AMENDING AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWERS OF THE TOWN OF MAGNOLIA, TEXAS, ESTABLISHING A PERMIT SYSTEM, ESTABLISHING A SYSTEM OF CHARGES FOR SERVICES RENDERED, REGULATING UNSEWERED AND MISCELLANEOUS DISCHARGES, PROVIDING FOR ENFORCEMENT, ESTABLISHING A SEWER USE SCHEME, AN INDUSTRIAL COST RECOVERY SYSTEM AND USER CHARGE STANDARDS.

WHEREAS, the Town of Magnolia has provided facilities for the collection and treatment of wastewater to promote the health, safety, and convenience of its people and for the safeguarding of water resources common to all; and,

WHEREAS, provision has been made in the design, construction and operation of such facilities to accommodate certain types and quantities of industrial wastes in addition to normal wastewater; and,

WHEREAS, it is the obligation of the producers of industrial waste to defray the costs of the wastewater treatment services rendered by the Town of Magnolia in an equitable manner, and, insofar as it is practicable, in proportion to benefits derived; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MAGNOLIA, TEXAS:

SECTION 1. DEFINITIONS. As used in this ordinance

(1) "APPROVING AUTHORITY" means the Mayor or his duly-representative;

(2) "BOD" (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade;

(3) "BUILDING SEWER" means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection);

TEXAS DEPARTMENT  
OF WATER RESOURCES

Reviewed: *Stephen Bell*  
Approved: *Donald W. Yelo DE*

Date: *5-18-80*

(4) "TOWN" means the Town of Magnolia, Texas, or any authorized person acting in its behalf;

(5) "COD" (Chemical Oxygen Demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand;

(6) "CONTROL MANHOLE" means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer;

(7) "CONTROL POINT" means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer;

(8) "GARBAGE" means animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce;

(9) "INDUSTRIAL WASTE" means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater;

(10) "INDUSTRIAL WASTE CHARGE" means the charge made on those persons who discharge industrial wastes into the Town's sewerage system;

(11) "MILLIGRAMS PER LITER" (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water;

(12) "NATURAL OUTLET" means any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater;

(13) "NORMAL DOMESTIC WASTEWATER" means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 200 mg/l and BOD is not more than 200 mg/l;

(14) "OVERLOAD" means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity;

(15) "PERSON" includes individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity;

(16) "pH" means the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration;

(17) "PUBLIC SEWER" means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the Town of Magnolia;

(18) "SANITARY SEWER" means a public sewer than conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed;

(19) "SLUG" means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation;

(20) "STANDARD METHODS" means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation;

(21) "STORM SEWER" means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed;

(22) "STORM WATER" means rainfall or any other forms of precipitation;

(23) "SUPERINTENDENT" means the Water and Wastewater Superintendent of the Town of Magnolia or his duly authorized deputy, agent, or representative;

(24) "SUSPENDED SOLIDS" means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device;

(25) "TO DISCHARGE" includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions;

(26) "TRAP" means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances;

(27) "UNPOLLUTED WASTEWATER" means water containing

- (A) no free or emulsified grease or oil,
- (B) no acids or alkalis,
- (C) no phenols or other substances producing taste or odor in receiving water;
- (D) no toxic or poisonous substances in suspension, colloidal state, or solution,
- (E) no noxious or otherwise obnoxious or odorous gases,
- (F) not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Department of Water Resources, and

(G) color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods;

(28) "WASTE" means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities;

(29) "WASTEWATER" means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present;

(30) "WASTEWATER FACILITIES" includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes;

(31) "WASTEWATER TREATMENT PLANT" means any Town-owned facilities, devices, and structures used for receiving, processing, and treating wastewater, industrial waste, and sludges from the sanitary sewers;

(32) "WASTEWATER SERVICE CHARGE" means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater; and

(33) "WATERCOURSE" means a natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

(34) "HAZARDOUS METAL" includes each of the following metals in its elemental state and any of its compounds expressed as that metal: arsenic, barium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver and zinc.

(35) "INLAND WATERS" shall include all surface waters in the State other than "tidal waters" defined below.

(36) "TIDAL WATERS" shall mean those waters of the Gulf of Mexico within the jurisdiction of the State of Texas, bays and estuaries thereto, and those portions of the river systems which are subject to the ebb and flow of the tides, and to the intrusion of marine waters;

(37) "AVERAGE QUALITY" shall mean the arithmetic average (weighted by the flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that calendar day.

(38) "DAILY COMPOSITE QUALITY" shall mean the concentration of a sample consisting of a minimum of three grab samples of an effluent collected at regular intervals over a normal operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

(39) "GRAB SAMPLE QUALITY" shall mean the concentration of an individual sample of effluent collected in less than 15 minutes.

SECTION 2. PROHIBITED DISCHARGES. (a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may

- (1) injure or interfere with wastewater treatment processes or facilities;
- (2) constitute a hazard to humans or animals; or
- (3) create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this ordinance.

SECTION 3. CHEMICAL DISCHARGES. (a) No discharge to public sewers may contain

- (1) cyanide greater than 1.0 mg/l;
- (2) fluoride other than that contained in the public water supply;
- (3) chlorides in concentrations greater than 250 mg/l;
- (4) gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
- (5) substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters may contain:

- (1) strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (2) fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Centigrade);
- (3) objectionable or toxic substances exerting an excessive chlorine requirement to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials; or
- (4) obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of Section 2(a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the Approving Authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by State, Federal, or other agencies with jurisdiction over discharges to receiving waters.

SECTION 4. QUALITY LEVELS FOR HAZARDOUS METALS. (a) The allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharge to inland waters are as follows:

Metal	Average	Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

(b) No other heavy metals, hazardous metals or toxic materials may be discharged into public sewers without a permit from the Approving Authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(c) Prohibited heavy metals and toxic materials include but are not limited to:

- (1) Antimony,
- (2) Beryllium,
- (3) Bismuth,
- (4) Cobalt,
- (5) Molybdenum,
- (6) Uranyl iron,
- (7) Rhenium,
- (8) Strontium,
- (9) Tellurium,
- (10) Herbicides,
- (11) Fungicides, and
- (12) Pesticides.

SECTION 5, GARBAGE. (a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half (1/2) inch in any dimension are prohibited.

(b) The Approving Authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater.

SECTION 6. STORM WATER AND OTHER UNPOLLUTED DRAINAGE. (a) No person may discharge to public sanitary sewers

(1) unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;

(2) unpolluted cooling water;

(3) unpolluted industrial process waters; or

(4) other unpolluted drainage.

Any new storm sewer connections into sanitary sewer system are prohibited.

(b) In compliance with the Texas Water Quality Act and other statutes, the Approving Authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

SECTION 7. TEMPERATURE. No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° Centigrade) or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred ten (110) degrees Fahrenheit.

SECTION 8. RADIOACTIVE WASTES. (a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the Approving Authority.

(b) The Approving Authority may establish, in compliance with applicable State and Federal regulations, regulations for discharge of radioactive wastes into public sewers.

SECTION 9. IMPAIRMENT OF FACILITIES. (a) No person may discharge into public sewers any substance capable of causing

(1) obstruction to the flow in sewers;

(2) interference with the operation of treatment processes of facilities; or

(3) excessive loading of treatment facilities.

(b) Discharges prohibited by Section 9(a) include, but are not limited to, materials which exert or cause concentrations of

(1) inert suspended solids greater than 250 mg/l including but not limited to

(A) Fuller's earth;

(B) lime slurries; and

(C) lime residues;

(2) dissolved solids greater than 500 mg/l including but not limited to

(A) sodium chloride; and

(B) sodium sulfate;

(3) excessive discoloration including but not limited to

(A) dye wastes; and

(B) vegetable tanning solutions; or

(4) BOD, COD, or chlorine demand in excess of normal plant capacity.

(c) No person may discharge into public sewers any substance that may

(1) deposit grease or oil in the sewer lines in such a manner as to clog the sewers;

(2) overload skimming and grease handling equipment;

(3) pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or

(4) deleteriously affect the treatment process due to excessive quantities.

(d) No person may discharge any substance into public sewers which

(1) is not amenable to treatment or reduction by the processes and facilities employed; or

(2) is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) The Approving Authority shall regulate the flow and concentration of slugs when they may

(1) impair the treatment process;

(2) cause damage to collection facilities;

(3) incur treatment costs exceeding those for normal wastewater; or

(4) render the plant effluent unfit for stream disposal or industrial use.

(f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including but not limited to

(1) ashes;

(2) cinders;

(3) sand;

(4) mud;

(5) straw;

(6) shavings;

(7) metal;

(8) glass;

(9) rags;

(10) feathers;

(11) tar;

(12) plastics;

(13) wood;

(14) unground garbage;

(15) whole blood;

(16) paunch manure;

(17) hair and fleshings;



- (18) entrails;
- (19) paper products, either whole or ground by garbage grinders;
- (20) slops;
- (21) chemical residues;
- (22) paint residues; or
- (23) bulk solids.

SECTION 10. COMPLIANCE WITH EXISTING AUTHORITY. (a) Unless exception is granted by the Approving Authority, the public sanitary sewer system shall be used by all persons discharging:

- (1) wastewater;
- (2) industrial waste; and
- (3) polluted liquids.

(b) Unless authorized by the Texas Department of Water Resources, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property into or adjacent to any:

- (1) natural outlet;
- (2) watercourse;
- (3) storm sewer;
- (4) other area within the jurisdiction of the Town.

(c) The Approving Authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions or laws, regulations, ordinances, rules and orders of Federal, State and local governments.

SECTION 11. APPROVING AUTHORITY REQUIREMENTS. (a) If discharges or proposed discharges to public sewers may

- (1) deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
- (2) create a hazard to life or health; or
- (3) create a public nuisance;

the Approving Authority shall require

- (A) pretreatment to an acceptable condition for discharge to the public sewers;
- (B) control over the quantities and rates of discharge; and
- (C) payment to cover the cost of handling and treating the wastes.

(b) The Approving Authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The Approving Authority shall reject wastes when

- (1) it determines that a discharge or proposed discharge is included under subsection (a) of this section; and


(2) the discharger does not meet the requirements of subsection (a) of this section.

SECTION 12. APPROVING AUTHORITY REVIEW AND APPROVAL. (a) If pretreatment or control is required, the Approving Authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

SECTION 13. REQUIREMENTS FOR TRAPS. (a) Discharges requiring a trap include

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- (1) grease or waste containing grease in excessive amounts;
  - (2) oil;
  - (3) sand;
  - (4) flammable wastes; and
  - (5) other harmful ingredients.

(b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the Approving Authority:

- (1) provide equipment and facilities of a type and capacity approved by the Approving Authority;
- (2) locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
- (3) maintain the trap in effective operating condition.

SECTION 14. REQUIREMENTS FOR BUILDING SEWERS. Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the Approving Authority,

- (1) install an accessible and safely located control manhole;
- (2) install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
- (3) maintain the equipment and facilities.

SECTION 15. SAMPLING AND TESTING. (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. (NOTE: The particular analyses involved will determine whether a twenty-four (24) hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH.)

(b) Examination and analyses of the characteristics of waters and wastes required by this ordinance shall be

- (1) conducted in accordance with the latest edition of "Standard Methods"; and
- (2) determined from suitable samples taken at the control manhole provided or other control point authorized by the Approving Authority.

(c) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

(d) The Town may select an independent firm or laboratory to determine flow, BOD, and suspended solids.

(e) The Town is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

SECTION 16. PAYMENT AND AGREEMENT REQUIRED. (a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.

(b) When discharges of industrial waste are approved by the Approving Authority, the Town or its authorized representative shall enter into an agreement or arrangement providing

- (1) terms of acceptance by the Town; and
- (2) payment by the person making the discharge.

SECTION 17. USER CHARGE SYSTEM. The Town of Magnolia is in the process of securing a loan from the Texas Water Development Board to pay for the local share of the project. This loan must be repaid from revenue generated by the wastewater treatment system, which will be in the form of "user charges."

The capital recovery costs will be distributed to the customers on an equal basis and will constitute the "base charge," or minimum fee, of the charge schedule. For the first year of operation, the minimum monthly charge per customer will be \$13.45.

Since there is no industrial waste in the Town of Magnolia, the pollutant concentrations discharged by all users are approximately equal; therefore, the user charges for operation and maintenance (O&M) costs will be on a volume basis in accordance with the following equation:

$$C_u = \frac{C_t}{V_t} \times V_u$$

where  $C_u$  = A user's charge for O&M per unit of time.

$C_t$  = Total O&M costs per unit of time.

$V_t$  = Total volume contribution from all users per unit of time.

$V_u$  = Volume contribution from a user per unit of time.

The volume of sewage per user will in most situations be proportional to the water usage; therefore, the water usage will serve as the means of distributing the O&M costs to the customers. During the first year of operation, the monthly O&M cost will be \$1.37 per thousand gallons.

The following is the basic user charge schedule, applicable to users with normal domestic sewage of BOD and SS concentrations of 200 for recovering capital and O&M costs:

Base (minimum): \$13.45  
plus \$1.37 per thousand gallons of water used

In the event that pollutant concentrations from a user exceed the normal range of strength of normal domestic sewage as defined in the preceding article, a surcharge will be levied which will be computed by the following formula:

$$C_s = (B_c B + S_c S) V_u$$

where  $C_s$  = Surcharge for sewage of excessive strength

$B_c$  = O&M cost for treatment of a unit of BOD

$B$  = Concentration of BOD from a user above a base level of 200 mg/l

$S_c$  = O&M cost for treatment of a unit of suspended solids (SS)

$S$  = Concentration of SS from a user above a base level of 200 mg/l

$V_u$  = Volume contribution from a user per unit of time

The Town of Magnolia operation and maintenance costs are influenced by three basic elements: (1) Volume, (2) BOD, (3) SS. Volume cost per user is automatically accounted for in the surcharge equation by  $V_u$ ; therefore, the total O&M surcharge cost will be considered to be due either to BOD or SS. Surcharge rates for the first year of operation will be as follows:

$B_c$  = \$3.77 per mg/l per MG per month

$S_c$  = \$3.09 per mg/l per MG per month

Example Calculation of Surcharge:

$V_u$  = 100,000 gal. per mo. = 0.10 MG per mo.

$B_c = \$3.77 \text{ per mg/l per MG per mo.}$

$B = 100 \text{ mg/l excess (above 200 mg/l)}$

$S_c = \$3.09 \text{ per mg/l per MG per mo.}$

$S = 0$

$C_s = ((\$3.77 \times 100) + (\$3.09 \times 0)) \times 0.10 = \$37.70 \text{ per mo.}$

SECTION 18. INDUSTRIAL COST RECOVERY SYSTEM. There are no industrial users of the sewer system in the Town of Magnolia. When industrial users of the sewer system are first anticipated, the Town of Magnolia will develop an Industrial Cost Recovery System and submit it to the Environmental Protection Agency and the Texas Department of Water Resources for their approval.

SECTION 19. CONDITIONS OR PERMITS. (a) The Town may grant a permit to discharge to persons meeting all requirements of this Ordinance provided that the person:

- (1) submit an application within 120 days after the effective date of this ordinance on forms supplied by the Approving Authority (See Attachment 1);
- (2) secure approval by the Approving Authority of plans and specifications for pretreatment facilities when required; and
- (3) has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
  - (A) payment of charges
  - (B) installation and operation of pretreatment facilities; and
  - (C) sampling and analysis to determine quantity and strength;
- (4) provides a sampling point subject to the provisions of this ordinance and approval of the Approving Authority.

(b) A person applying for a new discharge shall

- (1) meet all conditions of subsection (a) of this section; and
- (2) secure a permit prior to discharging any waste.

SECTION 20. POWER TO ENTER PROPERTY. (a) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this ordinance.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identifications are entitled to enter all private properties through which the Town holds a negotiated easement for the purpose of

- (1) inspection, observation, measurement, sampling, or repair;
- (2) maintenance of any portion of the sewage system lying within the easements; and
- (3) conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

SECTION 21. AUTHORITY TO DISCONNECT SERVICE. (a) The Town may terminate water and wastewater disposal service and disconnect an industrial customer from the system when

(1) acids or chemicals damaging to sewer lines of treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

(2) a governmental agency informs the Town that the effluent from the wastewater treatment plant is no longer a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the Town's system that cannot be sufficiently treated or requires treatment that is not provided by the Town as normal domestic treatment; or;

(3) the industrial customer

(A) discharges industrial waste or wastewater that is in violation of the permit issued by the Approving Authority;

(B) discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

(C) fails to pay monthly bills for water and sanitary sewer services when due; or

(D) repeats a discharge of prohibited wastes to public sewers.

(b) If service is discontinued pursuant to subsection (a)(2) of this section, the Town shall

(1) disconnect the customer;

(2) supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

(3) continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

SECTION 22. NOTICE. The Town shall service persons discharging in violation of this ordinance with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

SECTION 23. CONTINUING PROHIBITED DISCHARGES. No person may continue discharging in violation of this ordinance beyond the time limit provided in the notice.

SECTION 24. PENALTY. (a) A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.00 for each act of violation and for each day of violation.

(b) In addition to proceeding under authority of subsection (a) of this section, the Town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

SECTION 25. FAILURE TO PAY. In addition to sanctions provided for by this ordinance, the Town is entitled to exercise sanctions provided for by the other ordinances of the Town for failure to pay the bill for water and sanitary sewer service when due.

SECTION 26. PENALTY FOR CRIMINAL MISCHIEF. The Town may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully, or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

SECTION 27. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 28. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

PASSED AND APPROVED ON THE 11<sup>th</sup> DAY OF March, 1980.

ATTEST:

TOWN OF MAGNOLIA, TEXAS

[Signature]  
Town Secretary

BY:

[Signature]  
Mayor