

ORDINANCE NO. 5378

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 26 "UTILITIES," ARTICLE II "SEWER USE, WASTEWATER AND STORMWATER DISPOSAL," DIVISION 5 "REGULATION OF DISCHARGE AND SEWER CONNECTIONS," SECTION 26-114, "AUTHORITY TO REQUIRE PRETREATMENT AND MONITORING FACILITIES," BY DELETING SUBSECTION (I); AUTHORIZING THE CITY MANAGER AND RELATED CITY DEPARTMENTS TO UPDATED DOCUMENTATION REFLECTING SUCH AMENDMENT TO THE ORDINANCE AND STANDARDS; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas (the "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Denison (the "City Council") adopted Chapter 26 "Utilities" of its Code of Ordinances ("Code"), which governs utility regulations, including water, sewer and waste, and its respective monitoring, in the City; and

WHEREAS, the City is periodically required to update the industrial pretreatment program in order to comply with state and federal law; and

WHEREAS, the City Council now wishes to make amendments to this Chapter of the Code to update the Code to reflect current state and federal requirements and expectations in enforcement; and

WHEREAS, amendments to the Code are intended to enhance the administration of the pretreatment program by allowing staff to adopt Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) limits by industry type rather than requiring one set of limits for all industries regardless of type; and

WHEREAS, by revising the Code to remove subsection (l), if the City or their authorized personnel determine a BOD or TSS limit is needed to comply with state and federal wastewater standards, the update allows for the individually issued permit to establish a pounds per day loading limitation for BOD and TSS based on the Mass Proportion Method from the EPA's Local Limits Development Guidance Document (EPA 833-R-04-002A, July 2004), and

WHEREAS, the City, through an advisor-consultant, has conferred with Texas Commission of Environmental Quality (“TCEQ”) as part of the pretreatment program update and TCEQ, is requiring the revision in ordinance by March 15, 2025; and

WHEREAS, the amendment of the Code to remove this requirement will help the City comply with applicable state and federal laws, and to better align health and safety standards of the City and State requirements; and

WHEREAS, the City Council does hereby find that the amendments to Chapter 26 hereby accomplishes such objectives.

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

SECTION 1: Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2: Amendment. Chapter 26, “Utilities,” Article II, "Sewer Use, Wastewater and Stormwater Disposal," Division 5, "Regulation of Discharge and Sewer Connections," Section 26-114, “Authority to Require Pretreatment and Monitoring Facilities,” is hereby amended to delete subsection (l) in its entirety, as follows (remove the text marked with strikethrough_:

~~(l) — The significant industrial users with average loads of BOD or TSS exceeding fifty (50) pounds per day shall obtain a wastewater discharge permit. The permit will establish a pounds per day loading limitation based upon a maximum concentration of five hundred (500) mg/L for BOD and TSS multiplied by the flow from the discharger's plant.~~

SECTION 3: Update of Documentation. The City Council authorizes the City Manager, or his designees, as well as the Director of Public Works and/or his designees, and the Director of Environmental Services and/or his designees, to update any documentation necessary to reflect the amended Ordinance and its corresponding standards to reflect TECQ and updated state and federal legal expectations, as deemed necessary for updating to reflect these changes.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

SECTION 6. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, as may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. Open Meeting. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SECTION 9. Publication and Effective Date. This Ordinance shall become effective immediately upon adoption and its publication as required by law.

AND IT IS SO ORDERED.

On motion by Mayor Pro Tem Adams, seconded by Council Member Thomas, the above and foregoing ordinance was passed and approved on this the 3rd day of March 2025, by the following vote:

- Ayes: Adams, Courtright, Crawley, Redwine and Thomas
- Abstentions:
- Nays:
- Absent: Thorne and Massey

At regular meeting March 3, 2025.



ROBERT CRAWLEY, MAYOR

ATTEST:



Christine Wallentine, City Clerk

