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## City Council Meeting Agenda

5:30 p.m.

February 13, 2020

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Employee Recognition**
- V. Community Recognition**
- VI. Citizen Comment**
- VII. Public Safety Update**
  - A. Police
  - B. Fire
- VIII. Consent Agenda**
  - A. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt and expenditure of grant funds in the amount of \$20,000 from the Sabine River Authority for the Longview Arboretum and Nature Center – Scott Caron, Director of Park and Recreation. Pages 4-7
  - B. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt and expenditure of grant funds up to \$18,000 on behalf of the Longview Police Department as sub-grantee of the City of

Dallas/Dallas Police Department from the Internet Crimes Against Child Task Force Grant – Mike Bishop, Police Chief. Pages 8-11

- C. Consider an Ordinance amending Article V to Chapter 106 of the Longview City Code to amend the technically based local limit for cyanide in accordance with guidance from the Texas Commission on Environmental Quality and to make non-substantial modifications to incorporate required provisions of the Pretreatment Streamlining Rule into the city's approved industrial wastewater pretreatment program –Rolin McPhee, Director of Public Works. Pages 12-71
- D. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to negotiate and execute any necessary documents allowing the City of Longview to establish a Memorandum of Understanding with the Judson-Metro Volunteer Fire Department (dba Judson Fire Department) for the purpose of providing emergency medical first responder services for the Longview Fire Department's EMS in Northern Gregg County ESD #3 – J.P. Steelman, Fire Chief. Pages 72-75
- E. Consider an Ordinance amending the FY 19-20 Sanitation budget by \$250,000 to authorize expenditures related to changes in recycling and landfill tipping fees – Dwayne Archer, Assistant Director of Public Works. Pages 76-79
- F. Consider a Resolution accepting the 2017 CDBG Water Improvements at Marion Drive and Jewel Drive for final payment in the amount of \$36019.23 to Haltom Construction of Marshall, Texas – Rolin McPhee, P.E., Director of Public Works. Pages 80-83
- G. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Premier Magnesia, LLC of Wayne, Pennsylvania for magnesium hydroxide slurry for Wastewater Treatment Plant – Rolin McPhee, P.E., Director of Public Works. Pages 84-87
- H. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt, and expenditure of grant funds not to exceed \$15,840.00 from the Federal Communications Commission – Justin Cure, Director of Information Services. Pages 88-91

## IX. Zoning Items

- A. **A PUBLIC HEARING** will be held to consider application #Z19-12 filed by Mahan Shabani requesting a rezone from Single Family (SF-5) to Heavy Commercial (C-2) for the south 40 feet of Lots 16, 17, and 18, Block 28,

Northcutt Heights located on the south side of Northcutt Avenue east of High Street – Angela Choy, AICP, City Planner. Pages 92-107

- B. **A PUBLIC HEARING** will be held to consider a request filed by R & K Distributors, Inc. to abandon a portion of a 10 foot wide sewer easement located at 1302 E. Whaley Street – Angela Choy, AICP, City Planner. Pages 108-115
- C. **A PUBLIC HEARING** will be held to consider a request filed by the City of Longview to abandon a portion of street right-of-way known as Molton Street, Nelson Street and Pecan Street located within Stamper Park – Angela Coy, AICP, City Planner. Pages 116-123
- D. **A PUBLIC HEARING** will be held to consider application #Z20-01 filed by William K. Akins requesting a rezone from Agriculture (A) to Light Industrial (I-1) for approximately 8.876 acres of AB 256 M Mann Survey Tract 14 Section 1, AB 77 S T Ford Survey Tract 7, and Lot 4 Southwest Industrial Park located at 400 Ambassador Row – Angela Choy, AICP, City Planner. Pages 124-135
- E. **A PUBLIC HEARING** will be held to consider application #PD20-01 filed by RS Rental Properties to amend #PD18-08 to allow for an additional use of a daycare/school for Lot 1, Block 17, Lookout Hill located at 515 N. Court Street – Angela Choy, AICP, City Planner. Pages 136-148

**X. Action Item**

Consider an Ordinance adopting the Regional Thoroughfare Plan as an update to Chapter 4 of the Comprehensive Plan – Macie Wyers, Transportation Planning Manager. **THIS ITEM REQUIRES A PUBLIC HEARING.** Pages 149-152

**XI. Items of Community Interest**

**XII. Adjourn**

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made. Para ayuda en español, por favor llame al 903.237.1000.

**APPROVE APPLICATION FOR A SABINE RIVER AUTHORITY OF TEXAS GRANT FOR THE LONGVIEW ARBORETUM AND NATURE CENTER**

**DESCRIPTION:** The City of Longview in conjunction with the Longview Arboretum and Nature Center 501-C-3 would like to apply for a Community Assistance Grant from the Sabine River Authority of Texas in the amount of \$20,000.

The Arboretum is located on 28.62 acres of park land adjacent to the Maude Cobb Convention Center and is within the Sabine River watershed. The grant falls within the "Water Quality" category which will manage and improve water coming from adjacent properties onto the Arboretum property.

**RECOMMENDED ACTION:** Approval to apply for and if approved, accept a Sabine River Authority of Texas Community Assistance Grant for the Longview Arboretum and Nature Center

**SOURCE OF FUNDS:** No match is required, but application includes in-kind donations from Gregg County and the City of Longview as well as donations made to Longview Arboretum and Nature Center 501-C-3.

**STAFF CONTACTS:** Scott Caron, Director of Parks and Recreation  
903-237-1231  
[scaron@longviewtexas.gov](mailto:scaron@longviewtexas.gov)

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**COUNCIL DATE:** February 13, 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SABINE RIVER AUTHORITY OF TEXAS FOR DEVELOPMENT OF THE LONGVIEW ARBORETUM AND NATURE CENTER; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; AUTHORIZING THE ACCEPTANCE OF ALL GRANT REQUIREMENTS AND PROGRAM RULES OF THE SABINE RIVER AUTHORITY OF TEXAS RELATED TO SAID GRANT; PROVIDING FOR MATCHING FUNDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Longview has previously designated the 28.62 acres of land adjacent to the eastern boundary of the Longview Convention Complex for the Longview Arboretum and Nature Center which opened in 2019 and is beginning Phase 2 construction; and,

WHEREAS, the City of Longview in the State of Texas is qualified to apply for grant funds under the Community Assistance Grant Program; and,

WHEREAS, the City of Longview is desirous of authorizing an official to represent and act for the City of Longview in dealing with the Sabine River Authority of Texas concerning the Community Assistance Grant Program; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview supports development of this project as shown in the adopted Comprehensive Plan.

Section 3. That the City of Longview is hereby authorized to submit an application for the grant program referenced herein with the Sabine River Authority of Texas in a timely manner.

Section 4. That the City Manager through the City Manager's designee, is hereby authorized to execute all necessary documents, as approved by the City Attorney's Office, incident to applying for, securing and expending said grant funds referenced herein from the Sabine River Authority of Texas Community Assistance Grant Program.

Section 5. That, if funded, the City of Longview will comply with applicable grant requirements and program rules of the Sabine River Authority of Texas.

Section 6. The grant funds will be used only for the purposes for which they are intended under the grant.

Section 7. Any matching funds provided by the City of Longview will be from authorized in kind donations.

Section 8. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 13th day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PARKS SRA GRANT 2-13-20

## INTERLOCAL AGREEMENT TO GRANT

**DESCRIPTION:** The City of Dallas Internet Crimes Against Children Unit has received funding from the Department of Justice to target child solicitation and child pornography over the internet. The City of Dallas requested the Longview Police Department execute an interlocal agreement to participate in fulfilling the purpose of the grant to provide funding up to the amount of \$18,000.00.

**RECOMMENDED ACTION:** Resolution and Council approval

**SOURCE OF FUNDS:**

**STAFF CONTACT:** Mike Bishop, Chief of Police  
903-237-1100  
[mbishop@longviewtexas.gov](mailto:mbishop@longviewtexas.gov)

**COUNCIL DATE:** February 13, 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE POLICE CHIEF AND OTHER APPROPRIATE CITY OFFICIALS AS NECESSARY TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF DALLAS AND THE LONGVIEW POLICE DEPARTMENT FOR A GRANT TO TARGET CHILD SOLICITATION AND CHILD PORNOGRAPHY OVER THE INTERNET; AUTHORIZING PARTICIPATION IN SAID GRANT PROGRAM; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL NECESSARY DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FINDING THAT THE MEETING AT WHICH THE RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, police departments throughout the state are working together to target child solicitation and child pornography over the internet; and,

WHEREAS, the City of Dallas applied for and received from the Department of Justice a grant to target such crimes; and,

WHEREAS, the City of Dallas has asked the Longview Police Department to participate in fulfilling the purpose of the grant and agreed to reimburse the Longview Police Department up to \$18,000.00 for said participation; and,

WHEREAS, these funds will reimburse the Longview Police Department for expenses incurred for training, equipment, overtime, travel and undercover expenses, as deemed necessary for their operation to combat Internet Crimes Against Children grant program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the Longview Police Chief and other appropriate City officials are hereby authorized to execute an Interlocal Agreement, as approved by the City Attorney's Office, by and between the City of Longview and the City of Dallas incident to securing funds of up to \$18,000.00 for reimbursement of expenses incurred for training, equipment, overtime, travel and undercover expenses, for the Longview Police Department's participation in the Department of Justice's Internet Crimes Against Children grant.

Section 3. That Longview Police Department is authorized to participate in the Department of Justice's Internet Crimes Against Children grant program (Grant No. 2019-MC-FX-K056) through the City of Dallas.

Section 4. That the Police Chief and other appropriate City officials are hereby authorized to execute any additional documents necessary, as approved by the City Attorney's Office, for said participation referenced herein.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 13th day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R POLICE INTERLOCAL AGREEMENT INTERNET CRIMES 2-13-20

**SUBSTANTIAL MODIFICATION TO AMEND THE TECHNICALLY BASED LOCAL LIMITS AND A NON-SUBSTANTIAL MODIFICATION TO INCORPORATE THE FINALIZED PRETREATMENT STREAMLINING RULE MODIFICATIONS INTO THE CITY'S APPROVED INDUSTRIAL PRETREATMENT PROGRAM**

**DESCRIPTION:** This item would amend Article V to Chapter 106 of the Longview City Code to allow for a modification to the Technically Based Local Limits (TBLLs) for Cyanide in accordance with guidance from The Texas Commission on Environmental Quality and to make a non-substantial modification to incorporate required provisions of the the Pretreatment streamlining rule into the City's approved Industrial Pretreatment Program. The TCEQ has determined these modifications are technically complete and have approved these changes.

Streamlining uses a set of checklists to assure all required elements of a city's Pretreatment Program are present.

**RECOMMENDED ACTION:** Approve this Ordinance to allow the City to modify its Technically Based Local Limits and incorporate the streamlining changes into the Industrial Pretreatment Program.

**SOURCE OF FUNDS:** None

**STAFF CONTACTS:** Scott Baggett, Wastewater Treatment Plant Manager  
903-291-5225  
[sbaggett@longviewtexas.gov](mailto:sbaggett@longviewtexas.gov)

Rolin McPhee, P.E., Director of Public Works  
903-237-1336  
[rmcphee@longviewtexas.gov](mailto:rmcphee@longviewtexas.gov)

**COUNCIL DATE:** 02/13/2020

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING ARTICLE V TO CHAPTER 106 OF THE LONGVIEW CITY CODE TO AMEND THE TECHNICALLY BASED LOCAL LIMIT FOR CYANIDE IN ACCORDANCE WITH GUIDANCE FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND TO MAKE NON-SUBSTANTIAL MODIFICATIONS TO INCORPORATE REQUIRED PROVISIONS OF THE PRETREATMENT STREAMLINING RULE INTO THE CITY'S APPROVED INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM; PROVIDING FOR PENALTIES CONSISTING OF A CRIMINAL FINE OF UP TO \$2,000 FOR EACH VIOLATION HEREOF, A CIVIL FINE OF UP TO \$1,000 FOR EACH VIOLATION HEREOF, COLLECTION OF EXPENSES ASSOCIATED WITH ANY LITIGATION IN RELATION TO A VIOLATION HEREOF, AND SUCH OTHER PENALTIES AND REMEDIES AS MAY BE ALLOWED BY LAW; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; DIRECTING THE PUBLICATION OF THIS ORDINANCE IN ACCORDANCE WITH THE REQUIREMENT OF THE CITY CHARTER; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the Federal Government has enacted the Federal Water Pollution Control Act of 1972 (PL 92-500), as amended by the Clean Water Act of 1977 (PL 95-217), containing Industrial Wastewater Pretreatment Regulations at 40 CFR Part 403; and,

WHEREAS, the State of Texas has enacted provisions of the Texas Water Code implementing most of the Federal law cited above; and,

WHEREAS, in accordance with the requirements and provisions of the aforesaid laws, the City of Longview has previously enacted Ordinance Number 3216, now codified in Chapter 106 of the Longview City Code, regulating the discharge of wastewater in accordance with the aforementioned provisions of law; and,

WHEREAS, the City Council wishes to amend the technically based local limit for cyanide contained in the aforesaid Chapter 106 to comport with the calculations of the Texas Commission on Environmental Quality; and,

WHEREAS, the City Council wishes to make certain non-substantial modifications to the aforesaid Chapter 106 in order to incorporate required provisions of the Pretreatment Streamlining Rule into the City of Longview's approved industrial wastewater pretreatment program; and,

WHEREAS, said non-substantial modifications have been approved by the Texas Commission on Environmental Quality; and,

WHEREAS, the City Council finds and determines that this ordinance is an ordinance governing public health and sanitation and, as such, is subject to fines of up to \$2,000 for criminal violations hereof in accordance with Section 54.001 of the Texas Local Government Code and Section 1-4 of the Longview City Code; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That Article V to Chapter 106 of the Code of Ordinances, City

of Longview, Texas, is hereby repealed in its entirety.

Section 3. That there is hereby enacted a new Article V to Chapter 106 of the Code of Ordinances, City of Longview, Texas, said new article to read as set forth in the attached Exhibit A, and said Exhibit A is incorporated into this ordinance and for all purposes made a part hereof.

Section 4. That if any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Section 5. That all other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict; provided, however, that the repeal of an ordinance or portion of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal; and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 6. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Section 551.001, *et seq.*

Section 7. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O PW IND'L PRETRTMT CYANIDE LIMIT & STREAMLINING 2-13-20

# Exhibit A

## City of Longview Industrial Waste Ordinance

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## **“Article V. INDUSTRIAL WASTE”**

### **Sec. 106-151. General provisions.**

#### **A. Purpose and Policy**

This Article V sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) and enables the City of Longview to comply with all applicable State and Federal laws including the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Article V are:

- a) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including sludge use and disposal;
- b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;
- d) To provide for equitable distribution of the cost of the municipal wastewater system;
- e) To protect the health and safety of both POTW personnel and the general public who may be affected by the wastewater and sludge from the POTW or by the failure to properly discharge wastewater into the POTW;
- f) To enable the City of Longview, Texas to comply with its TPDES Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and
- g) To protect the Waters of the State within the jurisdiction of the City from the introduction of pollutants.
- h) To ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations.

This Article V provides for the regulation of direct and indirect contributors to the POTW through the issuance of Wastewater Discharge Permits to non-domestic Users and through enforcement of general requirements for the other Users. It also authorizes monitoring, compliance, 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 V shall apply to persons and entities inside the City of Longview and

to persons and entities outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Director of Public Works of the City of Longview shall administer, implement, and enforce the provisions of this Article V.

On and after the adoption of this Article V, any person discharging or seeking approval to discharge non-domestic wastewater into the public sewers, including Storm Sewers, within the City of Longview, Texas, or within its jurisdiction or wishing to discharge transported wastes into the wastewater treatment system shall be required to comply with the requirements herein before such approval may be granted.

## B. Definitions

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

- 1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et.seq..
- 2) Approval Authority. The Texas Commission on Environmental Quality (TCEQ) or successor agency.
- 3) Approved Analytical Procedures. Analytical procedures approved for the testing of wastewater samples in accordance with Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136) and amendments thereto or any method that has been approved for analysis in accordance with the approval procedure outlined in 40 CFR 136 or those analytical procedures approved by the Texas Commission on Environmental Quality, formerly the Texas Natural Resource Conservation Commission, as appropriate.
- 4) Authorized Representative of Industrial User.
  - a) If the industrial user is a corporation, authorized representative shall mean:
    - 1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation
    - 2) The manager of one (1) or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to

assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor respectively;
  - c) If the industrial user is a federal, state, or local governmental facility, an authorized representative shall mean a director or the highest official appointed or designated to oversee the operation and performance or the activities of the government facility, or his/her designee;
  - d) The individuals described in paragraphs (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, such as position of plant manager, operator of a well, or well field equipment, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for the environmental matters for the company, and the written authorization is submitted to the Director.
  - e) If an authorization is no longer accurate as in paragraph (d) above because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of (d) must be submitted to the Director.
- 5) Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 106-152 and 106-153. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 6) Biochemical Oxygen Demand (BOD5). The quantity of oxygen utilized in the biochemical degradation of organic matter and the oxygen used to oxidize inorganic material under standard laboratory procedure (Approved Analytical Procedure) where a diluted sample is incubated for five (5) days at 20 degrees Celsius and expressed in milligrams per liter (mg/l).
- 7) Carbonaceous Biochemical Oxygen Demand (CBOD5). A BOD5 where a nitrification inhibitor is added to the sample prior to incubation in

accordance with approved analytical procedures.

- 8) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Standard or Categorical Pretreatment Standard.
- 9) Categorical Standards or Categorical Pretreatment Standards. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act (33 USC 1317) that apply to a specific category of Industrial Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 10) Chemical Oxygen Demand (COD). The measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in milligrams per liter (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.
- 11) City. The City of Longview, Texas, together with all its governing and operating bodies.
- 12) Combined Wastestream Formula. As set forth in 40 CFR 403.6 (e).
- 13) Composite Sample. A sample made up of a mixture of discrete samples collected at the same sampling point at equal intervals over a 24-hour period (or greater), with each interval not to exceed two hours. In a flow-proportional composite sample, the discrete portions are varied according to flow. Where flow is not continuous over a 24-hour period, portions shall be collected at equal intervals over the period of discharge in a 24-hour period, with each interval not to exceed two hours.
- 14) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 15) Control Authority. The term "Control Authority" shall refer to " City of Longview" as the POTW with an approved pretreatment program.
- 16) Direct Discharge. The discharge of wastewater directly to the waters of the State of Texas, including storm drains, man-made and natural drains, and other outlets.
- 17) Director of Public Works or Director. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article, or his duly authorized representative (Utility Plant Manager, Industrial Pretreatment Supervisor or Inspector).
- 18) Domestic sewage. Water-borne wastes normally discharged from the sanitary conveniences of dwellings (including apartments, houses and hotels), office buildings, institutions, free from storm, surface water and

industrial wastes.

- 19) Dry Industry. An industry discharging only domestic sewage into the POTW and having no process discharging any type of industrial waste into the POTW.
- 20) Environmental Protection Agency (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.
- 21) Garbage. Animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of foods and from the handling, storage, or sale of produce composed largely of putrescible organic matter and its natural moisture.
- 22) Grab Sample. A sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
- 23) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 24) Indirect Discharge or Discharge. The introduction of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act, (33 U.S.C.1251et seq).
- 25) Industrial Pretreatment Division. The division or department charged by the Director of Public Works with the duties and authority outlined for the Industrial Pretreatment Division in this Article V.
- 26) Industrial Pretreatment Supervisor. The City staff member charged by the Director of Public Works with the duties and authority outlined for the Industrial Pretreatment Supervisor in this Article V.
- 27) Industrial User or User. A source of Indirect Discharge. A facility that is not a source of Indirect discharge is not an Industrial User.
- 28) Industrial Waste/Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product
- 29) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 30) Interference. A discharge which, alone or in conjunction with discharges from other sources, either:

- a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - b) Is a cause of a violation of any requirement of the POTW's TPDES Permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal, in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations):
    - 1) Section 405 of the Act;
    - 2) Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
    - 3) Clean Air Act;
    - 4) Toxic Substances Control Act; and
    - 5) Marine Protection, Research, and Sanctuaries Act.
- 31) Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- 32) Maximum Allowable Daily Discharge Limit. The highest allowable daily discharge, where the “daily discharge” is measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
- 33) Medical Wastes. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 34) Monthly Average Limit (Average Monthly Discharge Limitation). The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- 35) New Source.
- a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction from which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable

to such sources if Pretreatment Standards are thereafter promulgated in accordance with that section, provided that:

- 1) The building, structure, facility, or installation is constructed at a site on which no other source is located; or
  - 2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - 3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the site. Factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered in determining whether the source is substantially independent.
- b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, but otherwise alters, replaces or adds to existing process or production equipment.
- c) Construction of a new source has commenced if the owner or operator has:
- 1) Begun or caused to begin as part of a continuous on-site construction program:
    - a) Any placement, assembly, or installation of facilities or equipment; or
    - b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which are necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - 2) Entered into binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable amount of time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this definition.
- 36) Noncontact cooling water. Water used for cooling, which does not come into contact with any raw material, intermediate product, waste product or finished product.

- 37) Pass-through. Any discharge of pollution which exits the POTW into the Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's TPDES or NPDES permit (including without limitation an increase in the magnitude or duration of a violation).
- 38) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity (Federal, State or Local) or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.
- 39) pH. A measure of the acidity or alkalinity of a solution, expressed in Standard Units (S.U.).
- 40) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
- 41) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of 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. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR section 403.6 (d).
- 42) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- 43) Pretreatment Standards or Standards. Standards regulating prohibited discharges, Categorical Pretreatment Standards, and Local Limits.
- 44) Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, (33 USC 1292) which is owned in this instance by the City. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Article V, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, Users of the City's POTW.

- 45) POTW Treatment Plant. That portion of the POTW designed to provide treatment, including recycling and reclamation, of wastewater.
- 46) Septic Tank Waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 47) Shall is mandatory; May is permissive
- 48) Significant Industrial User (SIU). Any non-domestic User of the POTW who:
- a) Is subject to Categorical Pretreatment Standards;
  - b) Discharges an average of 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewaters) per workday;
  - c) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD<sub>5</sub>, TSS, etc.) design capacity of the POTW treatment plant;
  - d) Has a reasonable potential, in the opinion of the Director, to adversely affect the POTW treatment plant's operation (inhibition, Pass-through, sludge contamination, or endangerment of POTW workers, etc.) or to violate any Pretreatment Standard or Requirement; or
  - e) Is found by the Director to have a significant impact, either singly or in combination with other contributing industries, on the POTW, the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system, or may pose a health/welfare hazard to the POTW workers or the public or may injure the environment.
- 49) Significant Noncompliance (SNC). Any violation or violations which meet one or more of the following of 40 CFR 403.8(f)(2)(viii):
- a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;
  - b) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

- c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
  - d) Any discharge of a pollutant or pollutants that has caused an imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge;
  - e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or obtaining final compliance;
  - f) Failure to provide, within 45 days after the due date, required reports including, but not limited to, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - g) Failure to accurately report noncompliance;
  - h) Any other violation or group of violations, which may include a violation of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local Pretreatment program
- 50) Slug Discharge or Slug Load. Any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate the Control Authority's regulations, Local Limits or permit conditions.
- 51) State. State of Texas.
- 52) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1996.
- 53) Storm Sewer. Pipes, sewers or other conveyances specifically designed to accept discharges of Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, yard drainage, lawn spray waters, pond water, and other similar water runoff. The term does not include pipes, sewers, or other conveyances connected to a facility providing water treatment. A Storm Sewer is not a part of the POTW.
- 54) Storm Water. Any flow occurring during or following any form of precipitation including snowmelt.

- 55) Texas Commission on Environmental Quality (TCEQ). The Texas Commission on Environmental Quality, or successor agency.
- 56) Texas Pollution Discharge Elimination System or TPDES. A permit program pursuant to section 402 of the Act (33 USC 1342) as delegated to the Texas Commission on Environmental Quality from the EPA.
- 57) Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a laboratory filtration device in accordance with procedures set forth in the latest edition of “Standard Methods for the Examination of Water And Wastewater” currently recognized by the US Environmental Protection Agency (EPA) under 40 CFR Part 136 Methods. TSS is expressed in terms of weight per unit volume (mg/l).
- 58) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of section 307(a) of the Act, or other Acts.
- 59) User. Any person who contributes, causes or permits the contribution of wastewater into the City’s POTW.
- 60) Wastewater. The liquid and water-carried waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and Storm Water that may be present, whether treated or untreated, which contributes to or is permitted to enter the POTW.
- 61) Waters of the State.
- a) The water of the ordinary flow, underflow, and tides or every foreign river, natural stream, lake, and of every bay of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression and watershed in the State is property of the State.
  - b) Water which is imported from any source outside the boundaries of the State for use in the State and which is transported through the beds and the banks of any navigational stream within the State or by utilizing any facilities owned or operated by the State is the property of the State.
- 62) Wastewater Discharge Permit. As set forth in Section 106-155 of this Article V.

### C. Abbreviations

The following abbreviations shall have the designated meaning:

BMP	-	Best Management Practice
BOD <sub>5</sub>	-	Biochemical Oxygen Demand

CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
gpd	-	Gallons per day
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
POTW	-	Publicly Owned Treatment Works
ppm	-	A weight-to-weight ratio numerically equal to mg/l
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SWDA	-	Solid Waste Disposal Act, 42 Act USC 6901, et. seq.
TPDES	-	Texas Pollutant Discharge Elimination System
TSS	-	Total Suspended Solids
USC	-	United States Code
WWTP	-	Wastewater Treatment Plant

**Sec. 106-152. Regulations.**

A. Applicability

Unless otherwise stated herein, this Section 106-152 shall apply to all Users of the City's POTW whether or not the User is subject to Categorical Pretreatment Standards or any other Federal, State or Local Pretreatment Standards or Requirements or whether such User has been issued a Wastewater Discharge Permit.

B. General Discharge Prohibitions

- 1) In cases where the character or volume of the wastewater from a manufacturing, commercial or industrial facility or other premises is such that it will damage the system or cannot be treated satisfactorily in the system or violates this Article V in any manner, the Director shall have the right to require disposal of such waste otherwise and prevent it from entering the POTW.
- 2) A User shall not discharge or cause to be discharged into the POTW any Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, yard drainage, yard fountain drainage, lawn spray water or pond water, and unpolluted wastewater unless specifically authorized by the Director.
  - a) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, yard drainage, lawn spray waters, and pond water shall be discharged to such sewers as are specifically designed as Storm Sewers or into a natural outlet.
  - b) Unpolluted process water, swimming pool drainage, condensate,

yard fountain drainage, and other unpolluted wastewater may be discharged into the POTW upon prior written consent of the Director. The Director on a case-by-case basis shall determine the specific maximum flow rate of such waters. The Director may specify at what times such wastewater may be discharged. These types of wastewaters may be discharged to Storm Sewers or natural outlets provided such discharges have been permitted by the appropriate State and/or Federal agency and the Director has been made aware of such discharges as provided by this Article V.

- c) When unpolluted wastewater is mixed with a regulated wastestream, the User shall meet an adjusted limit calculated according to the Combined Wastestream Formula.
- 3) A User shall not discharge or cause to be discharged any pollutant which will cause Interference or Pass-through. A User shall not discharge petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts, which may cause Interference or Pass-through or may otherwise violate the provisions of this Article V.
- 4) A User shall not discharge 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. At no time, shall two successive readings on an 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 substances which the City, the State or the EPA has notified the User is a fire hazard or a hazard to the system. Prohibited wastestreams shall include, but are not limited to, any wastestream with a closed-cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
- 5) A User shall not discharge solid or viscous substances which may cause obstruction to the flow in a sewer or other Interferences with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch ( $\frac{1}{2}$ " ) in any dimension, animal internal organs or tissue, paunch manure, bones, hair, hides or fleshings, entrails, 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, acetylene generation sludge, chemical or acid residues, residues from refining, or processing of fuel or lubricating oil, mud, food processing bulk solids, glass grinding or polishing wastes.
- 6) A User shall not discharge any wastewater having a pH less than 5.5 or greater than 10.5, or wastewater having any other corrosive property

capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

- 7) A User shall not discharge 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, animals, or aquatic life, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.
- 8) A User shall not discharge any trucked or hauled pollutants, except at discharge points designated by the Director.
- 9) A User shall not discharge any noxious or malodorous liquids, gases, or solids, which create a public nuisance or hazard to life or prevents entry into the sewers for maintenance repair, or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems
- 10) A User shall not discharge any substances, which may cause the 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 affecting sludge use or disposal developed pursuant 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.
- 11) A User shall not discharge any substances, which will cause the POTW to violate its TPDES Permit or the receiving industrial pretreatment standards.
- 12) A User shall not discharge any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye waste and vegetable tanning solutions.
- 13) A User shall not discharge any wastewater having a temperature, which will inhibit biological activity in the POTW treatment plant resulting in Interference.
  - a) In no case shall wastewater with a temperature at the introduction into the POTW exceed 40 degrees Celsius (104 degrees Fahrenheit).
  - b) A wastestream at the discharge point shall not have a temperature greater than 65 degrees Celsius (149 degrees Fahrenheit).
- 14) A User shall not discharge any pollutants, including oxygen demanding pollutants (BOD<sub>5</sub>, 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 flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.

- 15) A User shall not discharge any wastewater containing any radioactive waste or isotopes of such half-life or concentration that exceeds limits established by the Director in compliance with applicable State or Federal regulations.
- 16) A User shall not discharge any wastewater containing materials which exert or cause unusual concentrations of solids or composition; as for example, unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or unusual concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.
- 17) A User shall not discharge any wastewater containing excessive amounts of wax, plastic, fats, oils, and grease which may, alone or in combination with other waste, solidify or become more discernibly viscous at temperatures between thirty-two (32) degrees to one hundred fifty (150) degrees Fahrenheit or otherwise cause an obstruction in the POTW collection system.
- 18) A User shall not discharge any detergents, surface-active agents, or any other substances, which may cause excessive foaming in the POTW.
- 19) A User shall not discharge any medical waste except as specifically authorized by the Director in a Wastewater Discharge Permit.
- 20) No person shall discharge or cause to be discharged any pesticide, herbicide, or fungicide, such as, but not limited to, chlordane, heptachlor, aldrin, dieldrin, DDT, DDD, or DDE, or any other toxic, poisonous, or other substance that may injure or interfere with the normal treatment processes or may constitute a hazard to human, animal, or plant life, including aquatic organisms or create any toxicity or other hazards in the POTW's receiving stream.
- 21) No person shall cause any discharge prohibited by state or federal law or regulations, including without limitation, EPA regulations.

When the Director determines that a User(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Industrial pretreatment Supervisor shall:

- a) Advise the User(s) of the impact of the contribution to the POTW;

and

- b) Develop effluent limitation(s) for such User(s) to correct the Interference with the POTW.

C. Compliance Schedule

In order to remedy or avoid a violation of this Article V or of a Wastewater Discharge Permit, the Director may require a User to develop a compliance schedule for installation of control technology.

D. Compliance with Regulations of Public Agencies

Any condition that violates any state, federal, or local statute, rule, regulation or ordinance (including, without limitation, any EPA regulation) regulating industrial pretreatment is prohibited.

E. Storage of Hazardous/Dangerous Materials

- 1) The storage of any material in areas served by public sewers or in areas draining into the City's sewer which, because of discharge or leakage from such storage, may create an explosion hazard in the POTW or in any other way have a deleterious effect upon the POTW or the treatment processes or constitute a hazard to human, animal, or plant life or the receiving stream shall be subject to review by the Director, who may, at his discretion, require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.
- 2) No hazardous or dangerous materials, including, but not limited to, paints, solvents, boiler treatment chemicals, sludges, and hazardous wastes (as defined by 40 CFR 261.3), shall be stored in proximity to a floor drain or other sewer access. Containers of such materials shall be clearly labeled and stored in a place where the materials, in case of leakage or rupture of the container, cannot enter the POTW.
- 3) Where containers of treatment chemicals which are manually or automatically pumped into a system must be maintained in proximity of a floor drain, a physical containment shall be installed that is adequate to contain at least 120% of the maximum volume of the container.
- 4) Any facility, including manufacturing, warehousing, distribution, commercial, private, and retail facilities having underground storage of materials shall, upon request by the Director, provide documentation the underground storage meets all applicable Federal, State, and Local regulations.

**Sec. 106-153. Direct Discharges Prohibited.**

A. Discharge into Waters of the State

- 1) No person shall discharge or cause to be discharged any prohibited or specifically limited pollutant into any Storm Sewer, drain, gutter, stream, or

natural or manmade outlet or in any way Waters of the State unless such discharge has been specifically reviewed and approved by the appropriate state and/or Federal agency.

- 2) Documentation of approval for direct discharges shall be filed with the Director.

**B. Discharges onto Public or Private Property**

- 1) No person shall deposit or discharge any wastewater, industrial waste, or polluted liquid onto public or private property or street that is adjacent to any natural outlet, natural watercourse, Storm Sewer, gutter, drainage ditch, or other area within the jurisdiction of the City of Longview, Texas.
- 2) Pollution of water of the States caused by runoff or washing, whether accidental or intentional, is strictly prohibited.

**C. Categorical Pretreatment Standards**

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471, as currently or subsequently promulgated, are hereby incorporated. Users must comply with the Categorical Pretreatment Standards. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

**D. Modification of Categorical Pretreatment Standards**

Where the City’s wastewater treatment system achieves consistent removal of pollutants limited by Categorical Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Pretreatment Standards. “Consistent Removal” shall mean reduction in the amount of a 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 95 percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR Part 403.7(c)(2) - “General Pretreatment Regulations for Existing and New Sources of Pollution” promulgated pursuant to the Act. The City may then modify pollutant discharge limits contained in 40 CFR Part 403.

**E. Specific Pollutant Limitations: Local Limits**

No person shall discharge wastewater containing in excess of the pollutant limits below. These limits are based on either flow proportional or time proportional composite samples.

<b>Element</b>	<b>Limit (Daily Max.)</b>
Aluminum	10.00 mg/l

Arsenic	0.18 mg/l
Barium	4.00 mg/l
Cadmium	0.11 mg/l
Chromium (total)	3.00mg/l
Copper	1.94 mg/l
Cyanide (total)	0.172 mg/l
Lead	0.85 mg/l
Manganese	5.00 mg/l
*Mercury	0.00 mg/l
Molybdenum	0.59 mg/l
Nickel	0.50 mg/l
Selenium	0.084 mg/l
Silver	0.088 mg/l
Zinc	4.00 mg/l
Oils and Grease (HEM)	100.0 mg/l

\* Compliance will be determined at the minimal analytical level

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The City may impose mass limitations in addition to the concentration-based limitations above.

F. State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations and those in this Article V.

G. City's Right of Revision

The City reserves the right to establish by ordinance more stringent limitations or requirements on wastewater discharges if deemed necessary to comply with the objectives presented in Subsection A of Section 106-151 of this Article V.

Any person who wishes to increase his flow, concentration, or mass of pollutants above the limits stated in his Wastewater Discharge Permit must obtain an amended permit from the Director.

H. Prohibition of Dilution

No User shall ever increase the use of process water or, in any way, attempt to

dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

## I. Slug Control Plans

Pollutants, substances, or wastewater prohibited by this Article V shall not be processed or stored in a manner, which could result in a discharge of such pollutants, substances, or wastewater to the POTW. To prevent accidental discharge of prohibited materials, facilities shall be provided and maintained at the owner or User's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. The Director shall evaluate, within one year of a User being designated a Significant Industrial User, whether each such Significant Industrial User needs a plan or other action to control slug discharges. The Slug Control Plan shall contain, at a minimum, the following:

- 1) A description of discharge practices including non-routine batch discharges;
- 2) A description of stored chemicals;
- 3) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of contaminant structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response; and
- 4) Procedures for immediate notification of the facility's Authorized Representative and the Director in the event of a slug discharge, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow-up notification within five days.
  - a) These procedures shall be posted in a conspicuous place in the workplace.
  - b) Employers shall ensure all employees who may cause such a discharge to occur are advised of the emergency notification procedures.
- 5) Slug Discharge is defined as any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the Control Authority's regulations, Local Limits or permit conditions.

No User who commences contribution to the POTW after the effective date of this Article V shall be permitted to introduce pollutants into the system until the Director has approved accidental discharge procedures. 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 V.

J. Procedures In Case of Slug Discharge

- 1) In the case of an slug discharge, it is the responsibility of the User to immediately telephone and notify the Industrial Pretreatment Division of the incident. The notification shall include:
  - a) Name and address of the facility;
  - b) Name of person responsible for operation of the facility (a contact person for the Control Authority);
  - c) Location of discharge;
  - d) Time the discharge began and duration of the discharge;
  - e) Type of waste being discharged;
  - f) Cause of the discharge;
  - g) Concentration and volume of the waste;
  - h) Corrective actions taken; and
  - i) Whether or not the discharge has been discontinued.
- 2) Within five (5) days following a slug discharge, the User shall submit to the Industrial Pretreatment Division a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences.
- 3) Such notification shall not relieve the User of any expense, loss, or damage or other liability, which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property.
- 4) Nor shall such notification relieve the User of fines, civil penalties, or other liability, which may be imposed by this article or other applicable law.

**Sec. 106-154. Fees.**

All fees shall be reviewed annually and may be changed by resolution of the City Council .

A. Purpose

One purpose of this Article V is to provide for the recovery of cost from Users of the POTW for the implementation of the program established herein.

B. Schedule of Fees

The fees will consist of three basic charges. These include a permit fee required of all Industrial Users, a sampling fee to be levied at the time of sampling, and an analysis fee to cover the cost of sample analysis. se fees shall be set by Resolution of the City Council .

C. Surcharges for pollutant measurements outside allowable values

- 1) Chemical Oxygen Demand - (COD) These fees shall be set by resolution of the City Council
- 2) Oil and grease: These fees shall be set by Resolution of the City Council.
- 3) pH - These fees shall be set by resolution of the City Council.
- 4) Ammonia Nitrogen - These fees shall be set by resolution of the City Council.
- 5) Temperature - These fees shall be set by resolution of the City Council.
- 6) Biochemical Oxygen Demand - These fees shall be set by resolution of the City Council.
- 7) Total Suspended Solids - These fees shall be set by resolution of the City Council.

The daily lump sum surcharges for parameters listed above shall be applied to days on which the parameter is found out of compliance by sampling/monitoring performed by the City (or by self-reporting data if applicable) until the date the facility is found to be back in compliance.

D. Charges for Delivery of Waste to the POTW

- 1) An appropriate charge shall be made for each load of transported waste delivered to the POTW Treatment Plant. This charge shall be based on a per-gallon cost of treatment for such waste and may be adjusted on an as-needed basis to reflect changes in the cost to treat such waste. The Director of Public Works shall have the authority to set the charges described in this Subsection D (1) of this Section 106-154 in accordance with the requirements of said section.

- 2) Prompt payment of delivery charges shall be made by the Permitted. No Permitted shall be allowed to discharge wastes to the POTW Treatment Plant while delinquent in payment of charges.
- 3) Trip tickets will be required for each hauled load. The Industrial pretreatment Division will supply these forms to haulers for a fee which is set by resolution of the City Council.. These tickets must be filled out completely and accurately or the hauler will not be allowed to discharge the load. False statements on trip tickets will result in the suspension of Wastewater Discharge Permits and shall be subject to the penalties provided in this Article V for violation hereof.
- 4) All haulers will be issued a Transported Wastewater Discharge Permit (Type T) for each truck used to haul liquid wastes. An annual fee set by resolution of the City Council will be charged for each Wastewater Discharge Permit.
- 5) If discharge area is left unkempt after a discharge, a clean up fee will be assessed. Fees shall be set by resolution of the City Council

## **Sec. 106-155. Administration.**

### **A. Wastewater Analysis**

When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### **B. Wastewater Discharge Permits**

- 1) No Significant Industrial User or waste hauler shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to Subsection C of this section may continue to discharge for the time period specified therein.
- 2) The Director may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Article V.
- 3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Article V and subjects the wastewater discharge permittee to the sanctions set out in Section 106-158 of this Article V. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### **C. Existing Connections**

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Article V and who wishes to continue such discharges in the future, shall, within thirty (30) days after being notified of the need to obtain a permit, apply to the Director for an individual wastewater discharge permit in accordance with Subsection G of this section, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of being notified of the need to obtain a permit except in accordance with a wastewater discharge permit issued by the Director. If necessary to protect the POTW or the environment, the Director may terminate the existing user's connection, using the powers granted under Section 106-158, until a wastewater discharge permit is issued.

D. Deny/Condition New or Increase Contributions

The Director may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its TPDES permit.

E. Classifications of Wastewater Discharge Permits

- 1) The Director shall be authorized to issue two specific classifications of Wastewater Discharge Permits, classified according to the disposal method or type, quality, or quantity of wastewater to be discharged to the POTW:
  - a) CLASS S (Significant Wastewater Discharge Permit) shall be issued to all Users who meet the criteria for Significant Industrial User as outlined in 40 CFR 403.3(v) and as defined in Subsection B (48) of Section 106-151 of this Article V. All Categorical Users shall be issued a Class S Permit.
  - b) CLASS NS (Nonsignificant Wastewater Discharge User) may be issued to any non-domestic User of the POTW who does not meet the criteria for Significant Industrial User but the Director has reason to believe should have a control document. The Director shall be authorized to issue five (5) types of the Class NS Permit:
    - 1) TYPE M (Minor Wastewater Discharge Permit) may be issued to non-domestic Users of the POTW who contribute less than 25,000 gallons of process wastewater per day and who do not otherwise meet the criteria of the Class S Permit but, in the opinion of the Director, should be regulated for quality, quantity, or type of wastewater discharge.
    - 2) TYPE C (Commercial Wastewater Discharge Permit) may be issued primarily to establishments engaged in the retail sale of prepared food and drinks for on-premises or immediate consumption including, but not limited to, carry-out, delivery, catering, and institutional food services, as well as any firm,

hospital, nursing home, or other person or entity whose wastewater discharges require pretreatment in the form of a grease or sand trap.

- 3) TYPE I (Intermittent Wastewater Discharge Permit) may be issued to Users who normally do not contribute wastewater to the POTW because of closed-loop treatment systems, but may occasionally wish to discharge wastewater to the POTW when the treated water can not be recycled. Requirements for at least 24-hour advance notice of discharge shall be included in all Type I permits.
- 4) TYPE T (Transported Wastewater Discharge Permit) shall be issued to all Users who deliver wastes, septic tank or portable toilet waste or grease trap waste, to the POTW by truck.
- 5) TYPE N (No Discharge Permit) may be issued to facilities who do not discharge process wastewater to the POTW, but would be Categorical Users if process wastewater was discharged.

#### F. Transported Wastewater Requirements

- 1) Loads will only be accepted during hours specified by the Industrial Pretreatment Division.
- 2) All haulers must sign in at the Industrial Pretreatment Industrial pretreatment Division office before dumping.
- 3) Tests, which may be conducted on samples collected from trucks, include Oil and Grease, pH and metals. These tests will be paid for by the hauler and will continue until a base line for treatment of these wastes can be established.
- 4) Each hauler will be required to be permitted by the TCEQ.
- 5) Transported Wastewater Discharge Permits must be available in the vehicle at all times for inspection by staff from the Industrial pretreatment Division.
- 6) The Industrial pretreatment Division will verify that each hauler is properly permitted before being allowed to discharge their load.
- 7) No industrial wastes will be accepted unless the Industrial pretreatment Supervisor has granted prior approval.

## G. Permit Application

All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:

- 1) Identifying Information.
  - a. The name and address of the facility, including the name of the operator and owner.
  - b. Contact information, description of activities, facilities, and plant production processes on the premises;
- 2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- 3) Description of Operations.
  - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- 4) Time and duration of discharges;
- 5) The location for monitoring all wastes covered by the permit;
- 6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the Combined Wastestream Formula set out in 40 CFR 403.6(e).
- 7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
  - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 106-156 of this Article V. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in Section 106-156 of this Article V.
- 8) Any other information as may be deemed necessary by the Director to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### H. Duty to Reapply

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this section, a minimum of 180 days prior to the expiration of the User's existing individual wastewater discharge permit [or general permit.

#### I. Extra Jurisdictional Industrial Users

- 1) Any significant industrial user located beyond the City limits shall submit a wastewater discharge permit application that complies with the requirements of this Section 106-155, and obtain a wastewater discharge permit before connecting to the POTW.
- 2) The Director may require other industrial users located beyond the City limits to submit a wastewater discharge permit application that complies with the requirements of this Section 106-155, and obtain a wastewater discharge permit before connecting to the POTW.

#### J. Application Signatories and Certification

All wastewater discharge permit applications and User reports, including periodic reports, 90-day reports, and BMRs must be signed by an authorized representative of the User and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.”

#### K. Permit Modifications

- 1) Within 9 months of the promulgation of a Categorical Pretreatment Standard, the Wastewater Discharge 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 Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Section 106-155, the User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the Applicable Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Discharge Permit shall submit to the Industrial pretreatment Division within 180 days after the promulgation of an applicable Categorical Pretreatment Standard the information required by Section 106-155.
- 2) A Wastewater Discharge Permit may be modified for good cause at any time during the life of the Wastewater Discharge Permit by the Director.
  - a) Modification of the Wastewater Discharge Permit may be made for reasons such as, but not limited to, the following:
    - 1) To incorporate any new or revised Federal, State, or Local Pretreatment Standards or Requirements;
    - 2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time the Wastewater Discharge Permit was issued;
    - 3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
    - 4) Violation of any terms or conditions of the Wastewater Discharge Permit;
    - 5) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any

required report;

- 6) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  - 7) To correct typographical or other errors in the Wastewater Discharge Permit; or
  - 8) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- b) In addition to the above reasons, a Type T Wastewater Discharge Permit may be modified for any the following reasons:
- 1) To reflect changes in limitations or requirements;
  - 2) To reflect changes or alterations in operations;
  - 3) When a vehicle is modified or replaced; or
  - 4) When the volume of waste handled, equipment, or total operation is expanded by 50% or more.
- 3) Except as provided by Federal or State laws, the Permitted shall be informed of any proposed changes in the Wastewater Discharge Permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance except where the changes were a result of the Combined Wastestream Formula or the issuance of alternate limits for production-based standards according to 40 CFR 403.6 I(3).
  - 4) The Permitted shall file for modification of the Wastewater Discharge Permit at least ninety (90) days prior to all changes or alterations of the pretreatment facilities or processes or any changes, which may affect the character of the wastewater discharge.
  - 5) The Wastewater Discharge Permit shall be maintained as an accurate representation of the User's wastewater discharge to the POTW. Failure to maintain the Wastewater Discharge Permit as an accurate representation of the wastewater discharge to the POTW shall be cause for enforcement action.

#### L. Search Warrants

If the Director, and/or the Approval Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health,

safety and welfare of the community, then the Director may seek issuance of a search warrant.

#### M. Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Article V and all other applicable regulations, User charges and fees established by the City.

- 1) Class S Permits shall minimally contain, where applicable, Categorical Pretreatment Standards and requirements for new or existing sources as set forth in 40 CFR 401 through 471 and amendments thereto.
  - a) All permits shall contain the following;
    - 1) A statement of permit ownership;
    - 2) A statement of duration of the permit including specific dates of validity;
    - 3) A statement that the permit is non-transferable without prior notification to the Director in accordance with section 106-155 (l) of this article; a copy of the permit will be provided to the new owner or operator at the time the notification is given to the Director;
    - 4) Effluent limits, including BMPs, based on applicable Pretreatment Standards;
    - 5) Self-monitoring, sampling, reporting, notification(s), and recordkeeping (at least 3 years, and includes BMPs) requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, specific analytical methods and method detection limits, and sample type(s);
    - 6) Where the Director has authorized alternate sampling (grab vs. composite; or time-proportional vs. flow-proportional composite sampling), protocols must be specified;
    - 7) A statement of applicable administrative, civil, and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule shall not extend any compliance date beyond that required by the applicable federal, state or local law
    - 8) Requirements to control Slug Discharge, if determined by the Director to be necessary;
    - 9) Requirements for notification of the Director of any new introduction of wastewater constituents or any substantial

change in the volume or character of the wastewater constituents being introduced into the POTW; and

- 8) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment requirements, including those which become effective during the term of the permit.
- b) At the discretion of the Director, a permit may contain, but need not be limited to, the following conditions:
- 1) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the POTW;
  - 2) Limits on the 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) Requirement for installation and maintenance of inspection and sampling facilities;
  - 5) Specifications for monitoring programs, which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - 6) Compliance schedule for installation of pretreatment facilities;
  - 7) Requirements of submission of technical reports or discharge reports;
  - 8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
  - 9) Other conditions as deemed appropriate by the Director to ensure compliance with this Article V.

#### N. Permits Duration

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall be informed of any proposed changes in this Wastewater Discharge Permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time

schedule for compliance.

O. Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation at a specific location. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Director.

P. Void Permits

A Wastewater Discharge Permit shall be automatically voided by the occurrence of any of the following:

- 1) Upon cessation of operations or transfer of business ownership; or
- 2) Upon issuance of a new Wastewater Discharge Permit.

Amendments to a Wastewater Discharge Permit shall supersede and invalidate the portions of the Wastewater Discharge Permit, which they are intended to replace.

**Sec. 106-155.1. Recordkeeping by the Control Authority**

The Control Authority is required to maintain for a minimum of three years and have available to the Approval Authority upon request:

- 1) Records of the activities associated with slug control evaluation and results of such activities;
- 2) Records of all information resulting from any monitoring activities required by 40 CFR Part 403, including documentation associated with BMPs.

**Sec. 106-156. Reporting requirements for permitted Users.**

A. Baseline Monitoring Report

Categorical Users shall submit baseline reports in accordance with the 40 CFR 403.12(b). Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging or scheduled to discharge to the POTW who have not previously submitted such information shall submit to the Director a report which contains the information required in items one through seven in this Subsection. At least ninety (90) days prior to commencement of discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable Categorical Pretreatment Standard shall submit to the Director a report which contains the information required in items one through seven of this Subsection. A new source shall report the method of pretreatment it intends to employ to meet the applicable Categorical Pretreatment Standards.

A new source shall give reasonable estimates of its anticipated flow and quantity of pollutants to be discharged.

- 1) Identifying information. The name and address of the facility, including the name of the operator(s) and owner(s).
- 2) Permits. The User shall submit a list of any environmental control permits held by or for the facility.
- 3) Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification code(s), (SIC), of the operation(s) carried out by the facility. This description shall include schematic process diagram and a plumbing diagram, which indicates the point(s) of discharge to the POTW from the regulated process (es).
- 4) Flow measurement. The User shall submit information showing the measured average and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - a) Each regulated process wastestream;
  - b) Other wastestreams as necessary to allow use of the combines wastestream formula as outlined in 40 CFR 403.6;
  - c) A verifiable estimate of these flows may be provided where justified by cost or feasibility considerations.
- 5) Measurement of pollutants.
  - a) The User shall identify the Pretreatment Standards applicable to each regulated process;
  - b) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass of pollutants where required by the standard or the control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed according to approved analytical procedures. Where a required BMP or pollution prevention alternative is part of the Categorical Standard, the User must submit documentation to demonstrate compliance with the BMP or pollution prevention alternative;
  - c) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques where feasible, samples may be obtained through time-proportional composite or through a minimum of four (4) grab samples where

the User demonstrates that this will provide a representative sample of the effluent being discharged;

- d) The User shall take a minimum of one (1) representative composite sample to compile the data necessary to comply with the requirements of this Subsection;
  - e) Samples shall be taken immediately downstream from the pretreatment facilities if such exists or immediately downstream of the regulated process if no pretreatment exists. If other wastestreams are mixed with the regulated wastestream prior to pretreatment, flows and concentrations necessary to allow use of the combined wastestream formula, as outlined in 40 CFR 403.6(e), shall be measured in order to evaluate compliance with the Pretreatment Standards. Where alternate concentrations or mass limitations have been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Director;
  - f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR parts 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;
  - g) The Director may allow the submission of a baseline report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
  - h) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- 6) Certification. The report shall include a statement reviewed by an authorized representative (as defined in 40 CFR 403.12(I) and certified by a qualified professional indicating whether the pretreatment standards are being met on consistent basis and, if not, whether additional operations and maintenance (O & M) or additional pretreatment is required to meet the applicable standards.
- 7) Compliance schedule. If additional pretreatment or O & M is required to meet the applicable pretreatment standard, a plan outlining the shortest schedule by which such additional pretreatment or O & M will be provided shall be included. The completion date of this schedule shall not be later

than the compliance date established for the applicable pretreatment standard.

- a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events (including, but not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation) leading to the construction and operation of the additional pretreatment facilities required to meet the applicable pretreatment standard. No increment shall exceed nine (9) months.
- b) No later than fourteen (14) days following each date in the schedule and the final compliance date, a progress report shall be submitted to the Director including, a minimum, whether or not it complied with the increment in the schedule and, if not, the reason for the delay, the date compliance with the increment is expected, and the steps being taken to return the construction to the schedule established. In no instance shall more than nine (9) months elapse between progress reports to the Director.
- c) The compliance schedule shall be signed and certified by the authorized representative in accordance with Subsection H of Section 106-155.

#### B. Ninety-day Compliance Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or Requirements 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 Industrial pretreatment Division 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 operations and maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. Where a required BMP or pollution prevention alternative is part of the Categorical Standard, the User must submit documentation to demonstrate compliance with the BMP or pollution prevention alternative. This statement shall be signed by an authorized representative of the Industrial User, and certified by a registered professional engineer.

#### C. Periodic Compliance Reports

- 1) Any User subject to a Pretreatment Standard or Requirement, after the compliance date of such Pretreatment Standard or Requirement, or, in the case of a New Source, after commencement of the discharge into the

POTW, shall submit to the Industrial pretreatment Division during the months of May and November, unless required more frequently in the Pretreatment Standard or Requirement or by the Director, a report indicating the nature, concentration of pollutants in the effluent which are limited by such Pretreatment Standard or Requirement and the measured or estimated average and maximum daily flows for the reporting period. The May report shall include all laboratory analyses from November through April, and the November report shall include all laboratory analyses from May through October. The reports shall also include documentation of the chain of custody for each laboratory analysis. Documentation of the chain of custody must be in a form acceptable to the Director and in compliance with any applicable state or federal regulations. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in Subsection (K) of Section 106-155. For Categorical Industrial Users that have a required BMP or pollution prevention alternative as part of the Categorical Standard, documentation to demonstrate compliance must also be submitted according the guidelines listed above. Noncategorical Significant Industrial Users are required to report data obtained through appropriate sampling and analysis performed during the period covered by the report which data are representative of conditions occurring during the reporting period. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

- 2) The Director may impose mass limitations on Users where the impositions of mass limitations are appropriate. In such cases, the report required by Subsection A of this Section 106-156 shall indicate the mass of pollutants regulated by Pretreatment Standards or Requirements in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director of Public Works, of pollutants contained therein which are limited by the applicable Pretreatment Standards or Requirements. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard or Requirement.
- 3) All analyses, monitoring, and tests required under this Article V shall be performed in accordance with procedures established by the Approval Authority 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 Approval Authority. Sampling shall be performed in accordance with the techniques approved by the Approval Authority.
- 4) If a User subject to a reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently that required by Director, the results of this monitoring shall be included in the report.

#### D. Compliance Schedules

The Director will require:

- 1) The development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements; and
- 2) The submission of all notices and self-monitoring reports including documentation showing compliance with required BMPs or pollution prevention alternatives from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in 40 CFR 403.12. If additional pretreatment and/or operation and will be required to meet the Pretreatment Standards; the compliance schedule, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or operation and maintenance, will be required. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. (40 CFR 403.12 (b)(7)).

The conditions in 40 CFR 403.12 (c) (1-3) shall apply to the compliance schedule.

#### E. Noncompliance Notification

- 1) If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Control Authority performs sampling at the User's facility at least once a month, or if the Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling, or if the Control Authority has performed the sampling and analysis in lieu of the Industrial User.
- 2) Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the Industrial User of the violation and requires the Industrial User to perform the repeat sampling and analysis.

#### F. Notice of potential problems, including Slug Discharge

In a case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a Slug Discharge that may cause potential problems for the POTW:

- 1) A User shall immediately notify Director by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and the corrective actions taken by the User.
- 2) A written submission shall also be provided within five (5) days of the time the User becomes aware such discharge. The written submission shall contain a description of the discharge and its cause; the duration of the discharge, including exact dates and times, and, if the discharge has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the discharge. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- 3) All Users shall permanently post on a bulletin board or other prominent location a notice advising employees who to call in the event of a discharge described in this provision. Users shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

#### G. Notice of Changed Discharge

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ten (10) days before the change.

- 1) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- 2) The Director may issue an individual wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

#### H. Hazardous Waste Notification

- 1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of

the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Subsection G of this provision. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Article V.

- 2) Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- 3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- 4) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- 5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### I. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

## J. Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- 1) Except as indicated in Section 2) and 3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- 2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- 3) For sampling required in support of baseline monitoring and 90-day compliance reports required in this section a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the periodic compliance reports required by this section, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

## K. Record Keeping

- 1) Users subject to the reporting requirements of this Article V shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article V and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 106-153.F. Records shall include:
  - a) The date, exact place, method, and time of sampling, and the name of the person(s) taking the samples;

- b) The dates analyses were performed;
- c) Who performed the analyses;
- d) The analytical techniques or methods used; and
- e) The results of such analyses.

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City of Longview, or where the Director has specifically notified the User of a longer retention period.

### **Sec. 106-156.1. Monitoring facilities.**

The Director of Public Works may require the User, at the User's expense, to provide and operate, 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 Director of Public Works 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.

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.

### **Sec. 106-156.2. Traps.**

Where necessary to prevent the discharge of grease, oil, flammable substances, sand, or other harmful wastes into the POTW, a User shall provide at his own expense a trap to intercept these substances. Traps shall not be required for private living quarters or dwellings.

Traps shall be required for all schools, restaurants, cafeterias, car washes, automotive services (including service stations), hospitals, nursing homes, and other commercial establishments for which, in the opinion of the City's Industrial pretreatment Supervisor, a trap is necessary for protection of the POTW. The owner or operator of an establishment shall have the right to appeal the Industrial pretreatment Supervisor's decision to the Director of Public Works.

Each trap in active use shall be cleaned at least one (1) time every ninety (90) days (unless the Industrial pretreatment Supervisor specifies differently). Cleaning more frequently than ninety (90) days may be required by the City's

Industrial pretreatment Supervisor. Cleaning schedules varying from the ninety-day minimum shall be issued to the affected establishment in writing. The User shall maintain on the premises written verification of the date when each trap is cleaned, with the location and identity of the trap clearly defined. Unless otherwise allowed by the City, the commercial firm performing the cleaning shall provide such verification. Such verifications shall be kept available to the City for a minimum of three (3) years.

The requirements of the plumbing ordinance of the City, where applicable, shall govern the installation and maintenance of traps.

Establishments existing prior to the time this amendment is adopted which do not have the required trap(s) installed or whose trap(s) does not currently meet City standards will have one hundred eighty (180) calendar days after passage of this amendment to install the required trap(s), or bring their existing trap to standard.

### **Sec. 106-156.3. Right of Entry: Inspection and Sampling.**

The Director shall inspect and sample the facilities of any User at least once per year to ascertain whether the purpose of this Article V is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director or the City's representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or the performance of any of the Director's duties. Any requests or demands made by the Director or the City's representatives shall be acted upon in a timely manner. The City, State, and 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 the User's premises, the User shall make necessary arrangements with the User's security guards so that upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Article V. The Director may obtain a search warrant from the municipal court in an instance where the User does not provide access to its premises.

### **Sec. 106-156.4. Pretreatment.**

Users shall provide necessary wastewater treatment as required to comply with all Pretreatment Standards, including without limitation, this Article V and all Categorical Pretreatment Standards. Each User shall achieve compliance with all 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 Director shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operation procedures shall be submitted to the Director for review,

and shall be acceptable to the Director 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 Director prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards or Requirements shall be made available to officials of the City of Longview, the EPA or the State upon request and shall be retained by the User for a minimum of three (3) years or until any ongoing litigation involving the pretreating User, and related to compliance with this Article V, has been resolved.

#### **Sec. 106-156.5. Confidential Information.**

Information and data on a User obtained from reports, questionnaires, permit applications, permitting and monitoring programs and from inspection is subject to the Texas Public Information Act, Texas Government Code section 552.001, et seq. Such information and data shall be available to the public or other governmental agency without restriction unless the User specifically requests that the information be withheld from public release on the basis that the release of such information would divulge information, processes or methods of production entitled to protection under applicable state law as trade secrets of the User or would give advantage to a competitor. Any claim of confidentiality shall be made at the time of submission of the information or data to the Director. Any request shall be asserted by stamping "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Control Authority may make the information available to the public without further notice. Information identified as confidential by the User shall be kept in confidence and not disclosed to the public. However, if a public information request is made for such information, the City shall request an opinion from the Texas Attorney General as to the confidentiality of the information and notify the User of the City's request as required by the Texas Public Information Act. The User understands that the City will abide by the decision of the Texas Attorney General with regard to the confidentiality of the requested information and that it is the User's responsibility to enforce any rights the User may have to challenge the Attorney General's decision.

Any portions of a report for which a User has requested confidentiality in accordance with this section shall be made available upon written requests to governmental agencies for uses related to this Article V, the Texas Pollutant Discharge Elimination System (TPDES) Permit, and/or the Pretreatment Programs. Such portions of a report shall also 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.

#### **Sec. 106-156.6. Publication of Industrial Users in Significant Noncompliance.**

The Control Authority shall comply with the public participation requirement of 40 CFR 25 in the enforcement of national pretreatment standards. As a provision of such, the Director shall make at least annual public notification, in a newspaper of general circulation that provides meaningful notice within the

jurisdiction(s) served by the POTW, of Users which, at any time in the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. For the purpose of this provision, a Significant Industrial User is in significant noncompliance if its violation(s) meets one or more of the criteria in Section 106-151(B)(49)(a-h) of this Article. Any other Industrial User is in significant noncompliance if its violation(s) meets one or more the criteria in Section 106-151(B)(49)(c),(d), or (h) of this Article.

## **Section 106-157. Protection of the POTW collection system.**

### **A. Protection from Damage and Tampering**

- 1) No person shall maliciously, willfully, or negligently break, damage, deface, or tamper with any structure, appurtenance, or equipment, which is part of the POTW.
- 2) No person shall cover any manhole on a public sewer with earth, paving, or any structure or otherwise render it inaccessible.
- 3) No building shall be located on top of a public sewer.
- 4) No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth remains over the pipe bells.
- 5) No person shall remove the cover (lid) from a manhole or cleanout for any purpose except as authorized by the Director.

### **B. Discharge into the Collection System**

- 1) Discharge of waste shall be made into the POTW collection only at places designated for discharge.
- 2) No person shall discharge or cause to be discharged any wastes from non-domestic sources into the POTW facilities at a residential or other domestic wastewater source.
  - No person shall discharge or cause to be discharged any waste into the POTW which has been transported from another site onto a residential, commercial, or industrial site.
- 4) Contractors, painters, pest control operators, and other such persons shall not discharge any process waste into the POTW at a residential site. Such wastes shall be disposed in accordance with all Local, State, and Federal regulations. Prohibited materials shall include, but are not limited to, paint, washings from paint brushes, solvents, and pesticides and herbicides, including washings from pesticide and herbicide containers and applicators.

## **Sec. 106-158. Enforcement.**

## A. Notice of Violation

Whenever the Director finds that any User has violated or is violating this Article V, the User's Wastewater Discharge Permit, or any prohibition, limitation, or requirements contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within 10 (ten) days of the date of the notice, the User thereof shall submit a plan for the satisfactory correction to the Director. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## B. Administrative Orders (AOs)

### 1) Consent Order

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for the noncompliance. Such documents will include specific actions to be taken by the User to correct the noncompliance within a time period specified by the document.

### 2) Compliance Order/Compliance Schedule

#### b) Applicability:

If a User cannot comply with Section 106-152 or Section 106-153 of this article or with any other Pretreatment Standards, the Director may issue a compliance order containing a schedule for achieving compliance.

#### b) Allowable Time for Compliance:

The compliance schedule shall be the shortest time in which the User is able to provide pretreatment facilities or changes in operation and maintenance that will achieve compliance. If a User is given a compliance schedule for Categorical Standards, the completion date of this schedule shall not be later than the compliance date established for the applicable Categorical Standard and shall be in accordance with the 40 CFR 403. If a User does not come into compliance within the time provided in a compliance schedule, sewer service may be discontinued under Subsection F of this Section.

#### c) Other requirements:

Compliance orders may also contain additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW.

### 3) Cease and Desist Order

When the Director finds that a User has violated, or continues to violate, any provision of the this Article V, a wastewater discharge permit or order issued herein, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- a) Immediately comply with all requirements; and
- b) Take such appropriate remedial or preventive action may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

### C. Show-Cause Hearing

The Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in this Section. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### D. Emergency Suspensions

The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may be present, an endangerment to the environment.

- 1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Subsection H of this section are

initiated against the User.

- 2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Subsection D or H of this Section 106-158.
- 3) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall reimburse to the City all costs incurred by the City or its agents detecting, investigating, monitoring, measuring and eliminating the discharge along with any disconnect and reconnect fees. Any property damages to the POTW or its appurtenant structures resulting from the discharge shall also be borne by the User(s) responsible for the dangerous discharge.

#### E. Termination of Discharge/Revocation of Permit

Any User who violates the following conditions of this Article V, or applicable State and Federal regulations, is subject to discharge termination and having the User's Wastewater Discharge Permit revoked:

- 1) Failure of a User to accurately report the wastewater constituents and characteristics of his discharge;
- 2) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- 3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring;
- 4) Violation of any Pretreatment Standards or Requirements or of conditions of the Wastewater Discharge Permit;
- 5) Falsifying self-monitoring reports;
- 6) Tampering with monitoring equipment;
- 7) Failure to pay fines when assessed;
- 8) Failure to pay sewer charges;
- 9) Failure to meet compliance schedules; or
- 10) Failure to complete a wastewater survey or Wastewater Discharge Permit application.

In addition to the above reasons, a Type T Wastewater Discharge Permit may be

suspended or revoked for any of the following reasons:

- 1) Use of unregistered, unlicensed, or unsafe vehicles or unregistered or unlicensed vehicle operators;
- 2) Mixing of septic tank waste with incompatible waste for the purpose of deception;
- 3) Dilution of waste for the purpose of deception;
- 4) Discharging of a waste load without a POTW signature on the trip ticket;
- 5) Discharge of a waste load within the POTW except at the designated discharge point;
- 6) Rejection of more than three (3) loads during the life of a Wastewater Discharge Permit;
- 7) Failure to document final disposal of a rejected load;
- 8) Providing false or inaccurate information on the source or composition of the waste;
- 9) Failure to maintain proper records as outlined in this Article V;
- 10) Failure to remain current on charges for transported waste delivery; or
- 11) Loss or failure to renew State certifications or permits.

#### F. Legal Action

If any person discharges sewage, industrial wastes or other wastes contrary to the provisions of this Article V, Federal or State Pretreatment Standards or any order of the City or in any way violates the provisions of this Article V, the City Attorney or the City Attorney's designee, without further City Council approval, may take any and all legal actions necessary or appropriate to enforce said requirements. The City Attorney or the City Attorney's designee may seek any legal and/or equitable relief necessary or appropriate to prevent, stop, rectify, punish, or in any way obtain redress for any such discharge or violation. Such action by the City Attorney or the City Attorney's designee may include, but is not limited to, enforcement in the municipal court, filing of appropriate civil actions in a court or courts of appropriate jurisdiction, or defending the City from suit.

#### G. Supplemental Enforcement Remedies

- 1) **PERFORMANCE BONDS** - The Director may decline to reissue a Wastewater Discharge Permit to any User which has failed to comply with the provisions of this Article V, any previous Wastewater Discharge Permit, or any order issued hereunder unless such User first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value

determined by the Director to be necessary to achieve consistent compliance.

- 2) **LIABILITY INSURANCE** - The Director may decline to reissue a Wastewater Discharge Permit to any User which has failed to comply with the provisions of this Article V, any previous Wastewater Discharge Permit or any order issued hereunder, or any Pretreatment Standard or Requirement unless the User first submits proof that they have obtained financial assurances sufficient to restore or repair damage to the POTW caused by its damage.
- 3) **WATER SUPPLY SEVERANCE/ SEWER ABATEMENT SEVERANCE** - Whenever a User has violated or continues to violate any provision of this Article V, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may sever water service, sewer service, or both to the User. Service will only commence, at the User's expense, after the User has satisfactorily demonstrated ability to comply with the provisions of this Article V, the Wastewater Discharge Permit, or any order issued hereunder.
- 4) **PUBLIC NUISANCES** - Any violation of any provision of this Article V, the Wastewater Discharge Permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his authorized representative. Any person or persons creating a public nuisance shall reimburse the POTW for any costs incurred in removing, abating, or remedying said nuisance and shall be subject to the provisions of the City ordinance, if any, governing such nuisances.

## **Sec. 106-159. Affirmative Defenses to Discharge Violations**

### **A. Upset Provision**

In an action brought in federal court only:

- 1) For the purpose of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- 2) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (3) below are met.
- 3) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i) An upset occurred and the user can identify the cause(s) of the upset;
  - ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - iii) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset, if this information is provided orally, a written submission must be provided within five (5) days:
    - (A) A description of the indirect discharge and cause of noncompliance;
    - (B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
  - 5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
  - 6) User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**B. Act of God defense**

In an action brought in municipal or state court only, if a person can establish that an event would otherwise be a violation of this article or a permit issued under this article was caused solely by an act of God, war, strike, riot, or other catastrophe, as defined in Texas Water Code Section 7.251, the event is not a violation of this article or the permit. In an enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot, or other catastrophe shall have the burden of proof. In the event that an act of God, war, strike, riot, or other catastrophe has been established the user shall control production of all discharges to the extent possible until such time as the reduction, loss, or failure of its treatment facility is restored or an alternative method of treatment is provided.

Burden of Proof. In any enforcement proceeding, the User seeking to establish the Act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of the ordinance or permit issued under the ordinance, was solely by the act of God, war, strike, riot or other catastrophe.

### C. Bypass

- 1) For the purpose of this section,
  - a) "Bypass" means the intentional diversion of wastewater from any portion of a User's treatment facility.
  - b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- 2) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.
- 3) Notice
  - a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director at least ten (10) days before the date of the bypass, if possible.
  - b) A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- 4) Bypass
  - a) Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless:
    - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe

property damage;

- 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - 3) The User submitted notices as required under paragraph (3) of this section.
- b) The Director may approve an authorized bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in paragraph (4)(a) of this section.

**Sec. 106-160. Penalty; cost.**

A. Injunctive Relief

The Director may seek injunctive relief to restrain or compel actions of a User.

B. Civil Penalties

In accordance with Texas Local Government Code section 54.017, any User who is found to have violated an order of the City Council or who willfully or negligently fails to comply with any provision of this Article V, and the orders, rules, regulations and Wastewater Discharge Permits issued hereunder may be assessed a civil penalty of up to the maximum allowed by State law for each offense, but not less than one thousand dollars (\$1,000.00) per violation, per day. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article V or the orders, rules, regulations, and Wastewater Discharge Permits issued hereunder. Additional recoveries and relief in law and/or equity under existing Federal or State law are not precluded by specific recoveries obtained by the City under this Section.

C. Criminal Penalties; no culpable mental state required.

In accordance with Texas Local Government Code section 54.001 and Section 1-4 of the Code of Ordinances, City of Longview, Texas, any person who fails to comply with the provisions of this Article V commits an offense punishable by a fine of up to the maximum allowed by State law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. To the extent allowed by Texas Penal Code Section 6.02(f), the City of Longview City Council hereby dispenses with the requirement of establishing a culpable mental state in order to prove a violation of this Article V.

#### D. Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article V, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article V, commits an offense. Such an offense shall be subject to the penalties set forth in this Article V for the violation hereof and to any other penalties therefore provide by State or Federal law.

#### **Sec. 106-161. Interjurisdictional Pretreatment Agreement**

The Director shall have legal authority and responsibility through any interjurisdictional pretreatment agreement to perform the technical and administrative activities necessary for implementation of a pretreatment program.

**MEMORANDUM OF UNDERSTANDING AGREEMENT**

**DESCRIPTION:** Allow the City of Longview to enter into a memorandum of understanding with the Judson-Metro Volunteer Fire Department (dba Judson Fire Department) that would allow for the Texas Department of State Health Services approved designation for Judson-Metro VFD to become licensed medical 1<sup>st</sup> Responder agency to assist ambulances from the Longview FD who provide EMS in areas of northern Gregg County now covered by Emergency Services District #3 (dba Judson VFD).

**RECOMMENDED ACTION:** Approval of a resolution authorizing staff to initiate a memorandum of understanding between the Longview FD and the Judson-Metro VFD for the purpose of providing 1<sup>st</sup> Responder services in their primary jurisdiction currently covered by EMS from the Longview FD via an existing interlocal agreement between the City of Longview and Gregg County.

**SOURCE OF FUNDS:** No funding required.

**STAFF CONTACTS:** J.P. Steelman, Fire Chief  
(903) 237-1227  
[jpsteelman@longviewtexas.gov](mailto:jpsteelman@longviewtexas.gov)

**COUNCIL DATE:** February 13<sup>th</sup>, 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CITY OF LONGVIEW AND THE JUDSON-METRO VOLUNTEER FIRE DEPARTMENT (DBA JUDSON FIRE DEPARTMENT) CONCERNING EMERGENCY MEDICAL FIRST RESPONSE SERVICES; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL NECESSARY DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FINDING THAT THE MEETING AT WHICH THE RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview Fire Department and the Judson-Metro Volunteer Fire Department (dba Judson Fire Department) have a long history of working together to deliver effective emergency response and which benefits the citizens of the City of Longview, Texas as well as those who reside in the City's extraterritorial jurisdiction, specifically Northern Gregg County Emergency Services District #3; and,

WHEREAS, previously the City Council authorized the execution of a memorandum of understanding agreement with the Judson Fire Department for the purpose of providing Texas Department of State Health Services approved prehospital, emergency medical first response to assist Longview Fire Department ambulances; and,

WHEREAS, both the City of Longview and the Judson Fire Department wish to continue collaborating in an effective manner for the emergency medical

response to residents of both Longview and those who reside directly in extraterritorial jurisdiction areas outside of the City of Longview, specifically Northern Gregg County Emergency Services District #3; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager or his designee is hereby authorized to negotiate and execute a Memorandum of Understanding, including any necessary amendments, by and between the City of Longview Fire Department and the Judson Fire Department, regarding the Texas Department of State Health Services approved emergency medical first-responder status.

Section 3. That the authorization granted hereby shall be and is hereby conditioned upon receipt of all necessary documents in a form acceptable to the City Attorney.

Section 4. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R FIRE JUDSON FIRST RESPONDER MOU 2-13-20

## SANITATION BUDGET AMENDMENT

**DESCRIPTION:** The Sanitation Department is seeking an amendment to the FY 19-20 Budget in the amount of \$250,000 due to the changes in landfill and recycling fees.

On January 9th Council approved a \$1.25 rate increase to provide the required revenue to cover these increased expenses.

Rivers Recycling has increased the tipping fee on Recyclable materials from \$20 per ton to \$65 per ton.

Pinehill Landfill has increased the Mattress Fee from \$12 to \$25 per mattress.

FY 19-20 Current Budget: \$6,094,488

Recycling.Landfill Fee Changes: \$250,000

FY 19-20 Adjusted Budget: \$6,344,488

**RECOMMENDED ACTION:** Passage of Budget Admendment Ordinance

**SOURCE OF FUNDS:** Sanitation Fund

**STAFF CONTACT:** Dwayne Archer, Assistant Director of Public Works  
903-237-1287  
[darcher@longviewtexas.gov](mailto:darcher@longviewtexas.gov)

**COUNCIL DATE:** February 13, 2020

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING THE BUDGET FOR THE CITY OF LONGVIEW, TEXAS, FOR FISCAL YEAR 2019-2020 BY ALLOCATING FUND BALANCE IN THE AMOUNT OF \$250,000 TO ACCOUNT 023-032-000-5690 FOR INCREASES IN RECYCLING AND LANDFILL FEES; PROVIDING FOR FILING WITH THE COUNTY CLERKS OF GREGG AND HARRISON COUNTIES; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview has seen increases in both recycling tipping fees and landfill mattress disposal fees; and,

WHEREAS, the City of Longview will incur additional expenses from these increased fees in the amount of \$250,000; and,

WHEREAS, on January 9<sup>th</sup> the City Council authorized a rate increase of \$1.25 per month per customer unit to fund these increased fees;

WHEREAS, no provision was included in the 2019-2020 budget for these unanticipated expenses; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the budget for the City of Longview, Texas, fiscal year 2019-2020 is hereby amended by the amount of \$250,000 to account number 023-032-000-5690.

Section 3. That the City Secretary is hereby authorized and directed to file this budget amendment with the County Clerks of Gregg and Harrison Counties, Texas, in conformance with state law.

Section 4. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED AND APPROVED this 13th day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

READ AND APPROVED:

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Angela Coen  
Finance Director

O PW SANITATION BUDGET AMEND 2-13-20

## **2017 CDBG WATER IMPROVEMENTS AT MARION DRIVE AND JEWEL DRIVE**

**DESCRIPTION:** Consider a resolution accepting the 2017 CDBG Water Improvements at Marion Drive and Jewel Drive and authorizing final payment in the amount of \$36,019.23 to Haltom Construction, of Marshall, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Haltom Construction on April 12, 2017 in the amount of \$623,735.92. The final construction cost is \$589,835.62.

The scope of work provided the construction of approximately 2,700 feet of 8 inch water mains and related work at Marion Drive and Jewel Drive and miscellaneous work as necessary to complete the installations.

The project has been completed in accordance with the contract. Hayes Engineering recommends acceptance of the project and approval of the final payment. City staff concurs with the recommendation.

**RECOMMENDED ACTION:** Passage of the resolution.

**SOURCE OF FUNDS:** Funding is available from the Utility CIP Fund and Community Development Block Grant.

**STAFF CONTACT:** Rolin McPhee, P.E., Director of Public Works  
903-237-1336  
[rmcphee@longviewtexas.gov](mailto:rmcphee@longviewtexas.gov)

**COUNCIL DATE:** February 13, 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “2017 CDBG WATER IMPROVEMENTS AT MARION DRIVE AND JEWEL DRIVE”; AUTHORIZING AND APPROVING FINAL PAYMENT TO HALTOM CONSTRUCTION OF MARSHALL, TEXAS FOR THE COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on April 12, 2017, the City Council awarded a contract to Haltom Construction of Marshall, Texas in the amount of \$623,735.92 for the project known as “2017 CDBG Water Improvements at Marion Drive and Jewel Drive”; and,

WHEREAS, this project included the construction of approximately 2,700 feet of 8 inch water mains and related work at Marion Drive and Jewel Drive and miscellaneous work as necessary to complete the installations; and,

WHEREAS, the final construction cost for said project was \$589,835.62; and,

WHEREAS, the project has been completed and the contractor, Haltom Construction has requested final payment in the amount of \$36,019.23; and,

WHEREAS, the final amount of \$36,019.23 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by Haltom Construction of Marshall, Texas on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the work performed by Haltom Construction of Marshall, Texas on the project known as “2017 CDBG Water Improvements at Marion Drive and Jewel Drive” is hereby accepted as complete and that final payment of \$36,019.23 for the completion of said project is hereby approved.

Section 3. That the meeting at which the aforesaid resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL PAY 2017 CDBG WATER IMPROVEMENTS 2-13-20

## MAGNESIUM HYDROXIDE SLURRY

<b>DESCRIPTION:</b>	<p>This item is for an annual requirements style agreement for magnesium hydroxide slurry for use at the City of Longview Wastewater Treatment Plant. In this agreement magnesium hydroxide is provided on an as needed basis. The awarded vendor will provide the City a 9000 gallon mixing tank, mixer and pump for the mixing of the chemical. Magnesium hydroxide is a non-hazardous, municipal grade alkaline slurry used in the treatment of municipal wastewater. It is used to buffer the wastewater to enhance the treatment process by raising the pH &amp; alkalinity and reducing sludge production. This product is similar to "milk of magnesia" used to treat acid stomach. The Wastewater Treatment Plant estimates spending approximately \$92,000.00 annually on magnesium hydroxide.</p> <p>This bid was advertised in the local newspaper as required by law. On January 23, 2020 one bid was on file.</p> <p>The bid received are for the annual cost of magnesium hydroxide slurry and are as follows:</p> <p>Premier Magnesium, LLC of Wayne, PA - \$95,760.00 product price and \$18,000 annual equipment rental fee for a total of \$113,760 annual cost Univar, USA, Inc. of Kent, WA - no bid</p>
<b>RECOMMENDED ACTION:</b>	<p>Approval of the Resolution awarding Premier Magnesia, LLC of Wayne, PA the Magnesium Hydroxide Slurry Bid # 1920-20.</p>
<b>SOURCE OF FUNDS:</b>	<p>010-081-000-2390</p>
<b>STAFF CONTACTS:</b>	<p>Jaye Latch, Purchasing Manager 903-237-1324 <a href="mailto:jlatch@longviewtexas.gov">jlatch@longviewtexas.gov</a></p> <p>Rolin McPhee, Director of Public Works 903-237-1336 <a href="mailto:rmcphee@longviewtexas.gov">rmcphee@longviewtexas.gov</a></p>
<b>COUNCIL DATE:</b>	<p>February 13, 2020</p>

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF PREMIER MAGNESIA, LLC. OF WAYNE, PENNSYLVANIA FOR MAGNESIUM HYDROXIDE SLURRY; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND PREMIER MAGNESIA, LLC OF WAYNE, PENNSYLVANIA FOR SAID PURCHASE; AUTHORIZING THE RENEWAL OF SAID CONTRACT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID CONTRACT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIRMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview issued and advertised an invitation to bid for magnesium hydroxide slurry for use at the City of Longview wastewater treatment plant; and,

WHEREAS, Premier Magnesia, LLC of Wayne, Pennsylvania submitted the lowest and best bid for magnesium hydroxide slurry; and,

WHEREAS, funding will not exceed budgeted funds in any corresponding budget year; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the bid submitted by Premier Magnesia, LLC of Wayne, Pennsylvania is the lowest and best bid submitted to the City of Longview for magnesium hydroxide slurry.

Section 3. That the City of Longview hereby accepts the aforementioned bid from Premier Magnesia, LLC of Wayne, Pennsylvania.

Section 4. That the total amount of the contract for magnesium hydroxide slurry to be provided by Premier Magnesia, LLC of Wayne, Pennsylvania shall not exceed budgeted funds in any corresponding budget year.

Section 5. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office incident to the acceptance on behalf of the City of Longview of aforesaid bid from Premier Magnesia, LLC of Wayne, Pennsylvania for said purchase of magnesium hydroxide slurry.

Section 6. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said contract for any one renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 7. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 8. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 13th day of February 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R AWARD BID MAGNESIUM HYDROXIDE WWTP 2-13-20

**APPROVE APPLYING FOR AND ACCEPTING A FEDERAL COMMUNICATIONS COMMISSION REIMBURSEMENT E-RATE GRANT FOR EXPENDITURES USED FOR BROADBAND CONNECTIVITY AND EQUIPMENT**

**DESCRIPTION:** Consider a resolution approving the application for acceptance of a reimbursement grant from the Federal Communications Commission partnered with Universal Services Administrative Company not to exceed \$15,840.00. The funds provide reimbursement to compensate for the cost of upgrading the library's broadband network and necessary accompanying equipment to improve connectivity speeds. Due to the extraordinary efforts of the city's IT department, the library is eligible to receive free upgrades to the library's broadband network for patron computers at no extra cost to taxpayers. E-RATE is a free service to libraries that qualify for the federally funded grant through the Texas State Library and Archives Commission. Each year, the U.S. Federal Communications Commission (FCC) sets aside over two billion dollars of funding for schools and libraries to help them pay for Internet costs. In Texas, a majority of accredited public libraries are eligible for an 80% discount, with over a quarter eligible for 90%. That means most participating libraries only have to pay 10 to 20% of their Internet costs, with E-rate paying the remainder of the costs. It is a requirement by the Texas State Library and Archives Commission that the library provides this service in order to maintain accreditation status.

**RECOMMENDED ACTION:** Approval of resolution.

**SOURCE OF FUNDS:** \$0, No Match Required

**STAFF CONTACT:** Justin Cure, Information Services Manager  
903-237-1048

Jennifer Eldridge, Library Manager  
903-237-1340

**COUNCIL DATE:** February 13th, 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS FOR THE APPLICATION, RECEIPT, AND EXPENDITURE OF REIMBURSEMENT GRANT FUNDS NOT TO EXCEED \$15,840.00 FROM THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REIMBURSEMENT OF FUNDS USED TOWARD E-RATE BROADBAND SERVICES; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; PROVIDING FOR COMPLIANCE WITH PROGRAM RULES OF THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; PROVIDING FOR FUNDING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the purpose of E-RATE services is to assist libraries in improving broadband network for the public library computers and Wi-Fi; and,

WHEREAS, this grant would reimburse funds to recover 90% of the annual service expense, which includes the costs to upgrade necessary equipment needed to improve broadband services to patrons; and,

WHEREAS, the Longview Public Library may use this grant money to provide broadband and Wi-Fi as a requirement for annual state accreditation from the Texas State Library and Archives Commission; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview is hereby authorized to apply

for accept and expend funding not to exceed \$15,840.00 from a grant from the Federal Communications Commission partnered with Universal Services Administrative Company to reimburse 90% of equipment and service costs for improving broadband network at the City of Longview library.

Section 3. That the City of Longview is hereby authorized to submit said application to the Federal Communications Commission in a timely manner.

Section 4. That the City of Longview hereby accepts and agrees to all special conditions and program rules from the Texas State Library and Archives Commission imposed in connection with the aforementioned grant.

Section 5. That the City of Longview, by and through the City Manager, is hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the application, acceptance and expenditure on behalf of the City of Longview of a Federal Communications Commission reimbursement e-rate grant award in an amount not to exceed \$15,840.00 for expenditures used for broadband connectivity and equipment.

Section 6. That no local matching funds up are required to receive and expend the grant funds described herein.

Section 7. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 8. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 13th day of February 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R IT GRANT FCC REIMBURSEMENT LIBRARY BROADBAND 2-13-20

**APPLICATION #Z19-12**

**STAFF REPORT**  
**February 13, 2020**

**APPLICANT:** Mahan Shabani  
**LOCATION:** South 40 feet of Lots 16, 17, and 18, Block 28, Northcutt Heights located on the south side of Northcutt Avenue east of High Street.  
**REQUEST:** Rezone from Single Family (SF-5) to Heavy Commercial (C-2) Zoning District.

	<u><b>ZONING</b></u>	<u><b>LAND USE</b></u>
SUBJECT PARCEL	SF-5	Vacant
NORTH	SF-5	Vacant
SOUTH	C-2	Auto Repair Shop
WEST	GR & SF-5	Retail and City Property
EAST	SF-5	Residential

**COUNCIL DISTRICT:**  
District 3 – Council Member Wray Wade

**FUTURE LAND USE:**  
The Comprehensive Plan designates this area for Retail (RET).

**STAFF COMMENTS:**  
The applicant is requesting to rezone the south 40 feet of Lots 16, 17, and 18 Northcutt Heights located on the south side of Northcutt Avenue east of High street for the purpose of expanding the use of the adjacent property.

The applicant owns a business that is situated on two lots facing W. Marshall Avenue and located at 109 W. Marshall Ave. He does not have enough space to park all of the vehicles that he is working on and would like to utilize the lots he purchased to the north of his existing property. After they received opposition from the neighbors about converting the entire lot into parking area, it was decided that they would only request rezoning of the south 40 feet of these lots.

In order for the parking area to be constructed, the applicant must rezone this area to a Zoning District that allows for a parking lot.

Staff finds the proposed zoning change is consistent with surrounding uses.

**STAFF RECOMMENDATION:**  
Planning and Zoning Commission (8-0) **recommends approval with a stipulation** that a minimum 8 foot fence be built instead of the required 6 foot fence per the buffer yard screening requirements along the property lines between the adjacent residential properties and the subject properties. Staff also recommends approval of this request.



Z2019-10061

APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP (REZONING)

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT Mahan Shabani (Name) 109 W. Marshall (01) - Mailing address (Mailing Address, City, and Zip) 110 Northcutt Ave Longview, TX 75601 903-215-8707 (Phone) gplongview@gmail.com (E-mail address)

LEGAL DESCRIPTION OF PROPERTY Lots 16, 17, and 18 Block 1 (NCB 28) Northcutts (Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

just South 40' feet HTS NUD INT

STREET ADDRESS 110 Northcutt Ave

WIDTH IN FEET 160 DEPTH IN FEET 140

APPLICANT'S INTEREST IN PROPERTY OWNER (Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM Residential DISTRICT TO Commercial DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY Expand use of Adj. commercial property located at 109 W Marshall Ave By Utilizing of Property leaving 100' Deep and still developable for Residential use

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED? [X] NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION? [X] YES [ ] NO

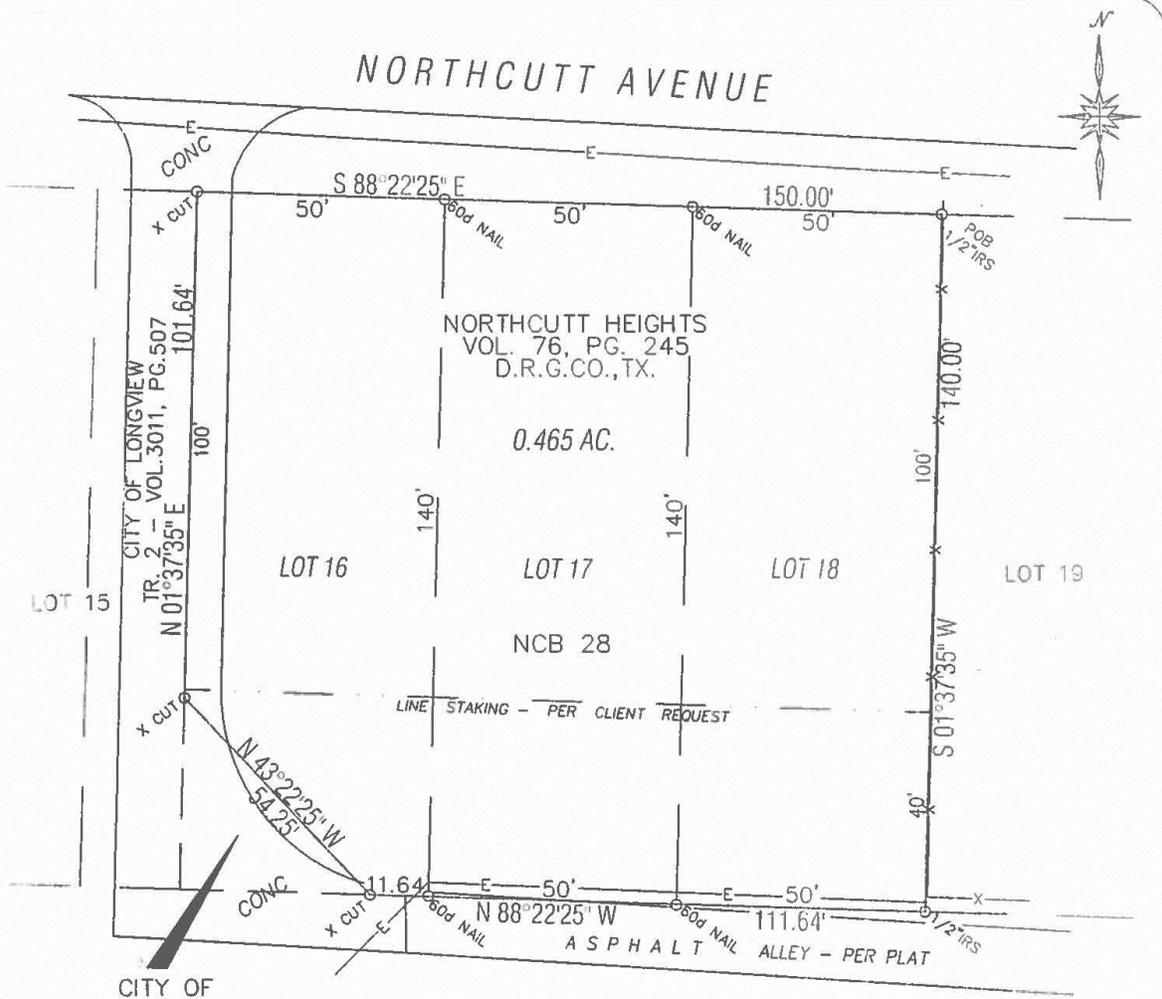
Date 11/05/19 Signature of Property Owner Mahan-Shabani

THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

I, \_\_\_\_\_, do certify that I am authorized to act for \_\_\_\_\_ owner of the above property in making this zoning application.

Signature \_\_\_\_\_ Date \_\_\_\_\_

FOR OFFICE USE ONLY APPLICATION FEE: \$307.00 CASE NO: Z2019-10061 PERMIT NO: Z19-12



CITY OF LONGVIEW  
TR. 1  
VOL. 3011, PG. 507

See field notes to accompany plat.

I, Chris E. Griffith, Registered Professional Land Surveyor, do hereby certify that this plat represents the results of a survey made on the ground under my supervision during the month of October, 2019.

GIVEN UNDER MY HAND & SEAL, this the 3rd day of October, 2019.

By:   
Chris E. Griffith  
Registered Professional Land Surveyor  
State of Texas No. 4846



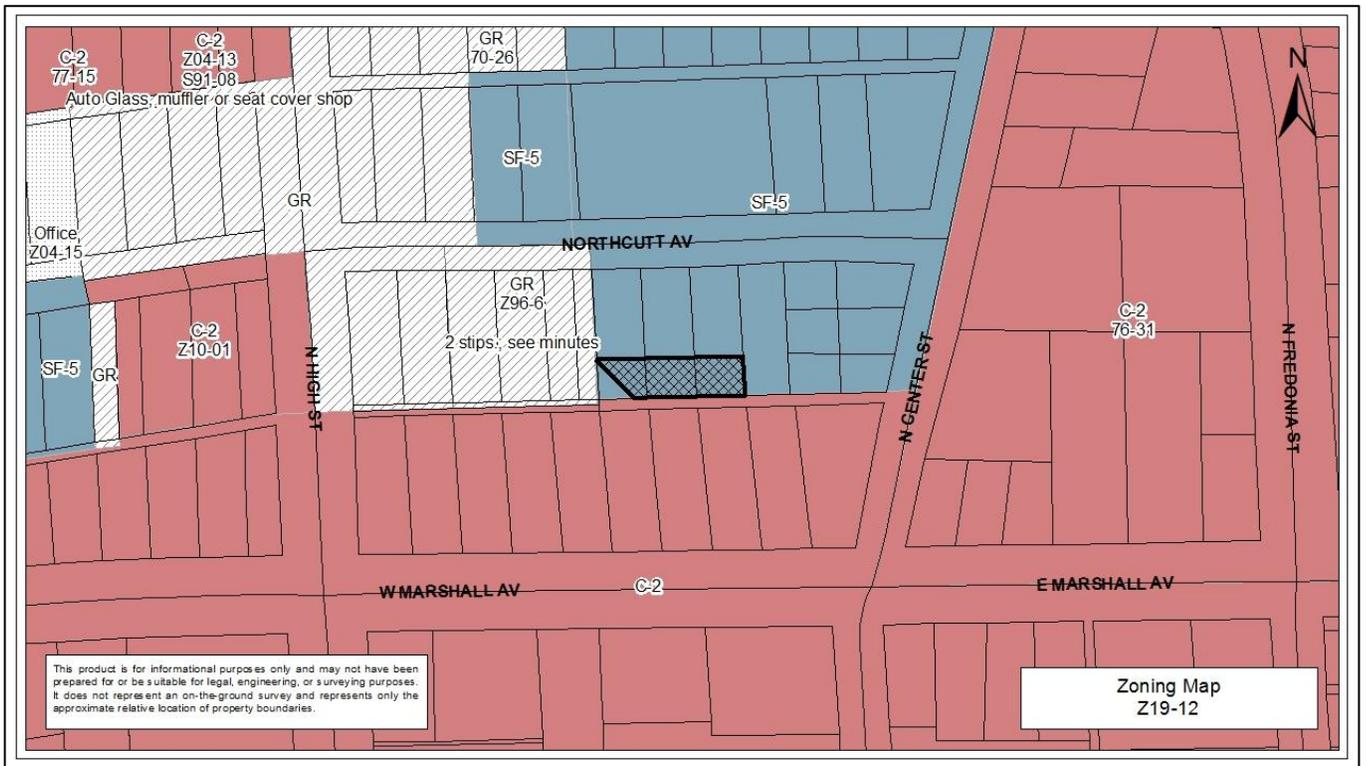
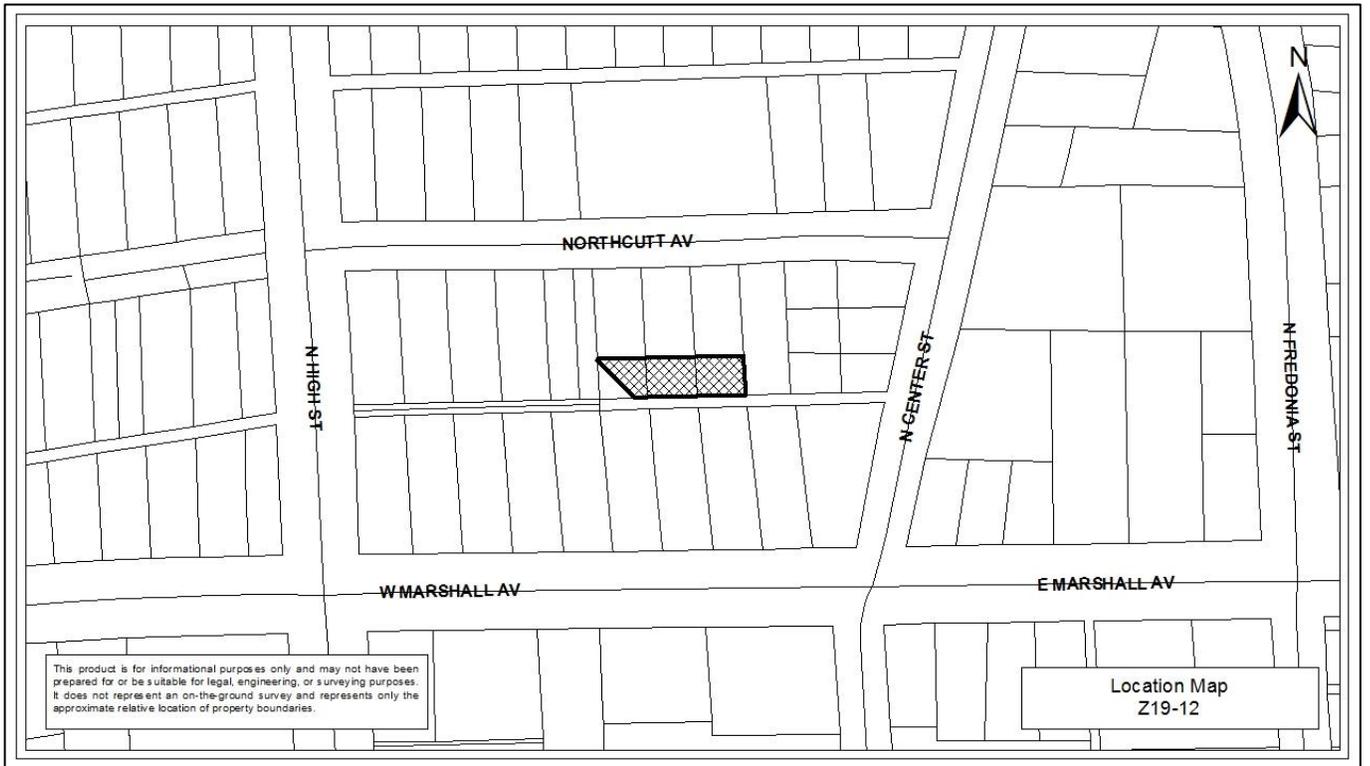
PLAT OF SURVEY  
SHOWING  
110 NORTHCUTT AVENUE  
LOTS 17 & 18  
PART OF LOT 16, NCB 28  
NORTHCUTT HEIGHTS  
ADDITION  
CITY OF LONGVIEW  
GREGG COUNTY, TEXAS  
SCALE: 1" = 30'

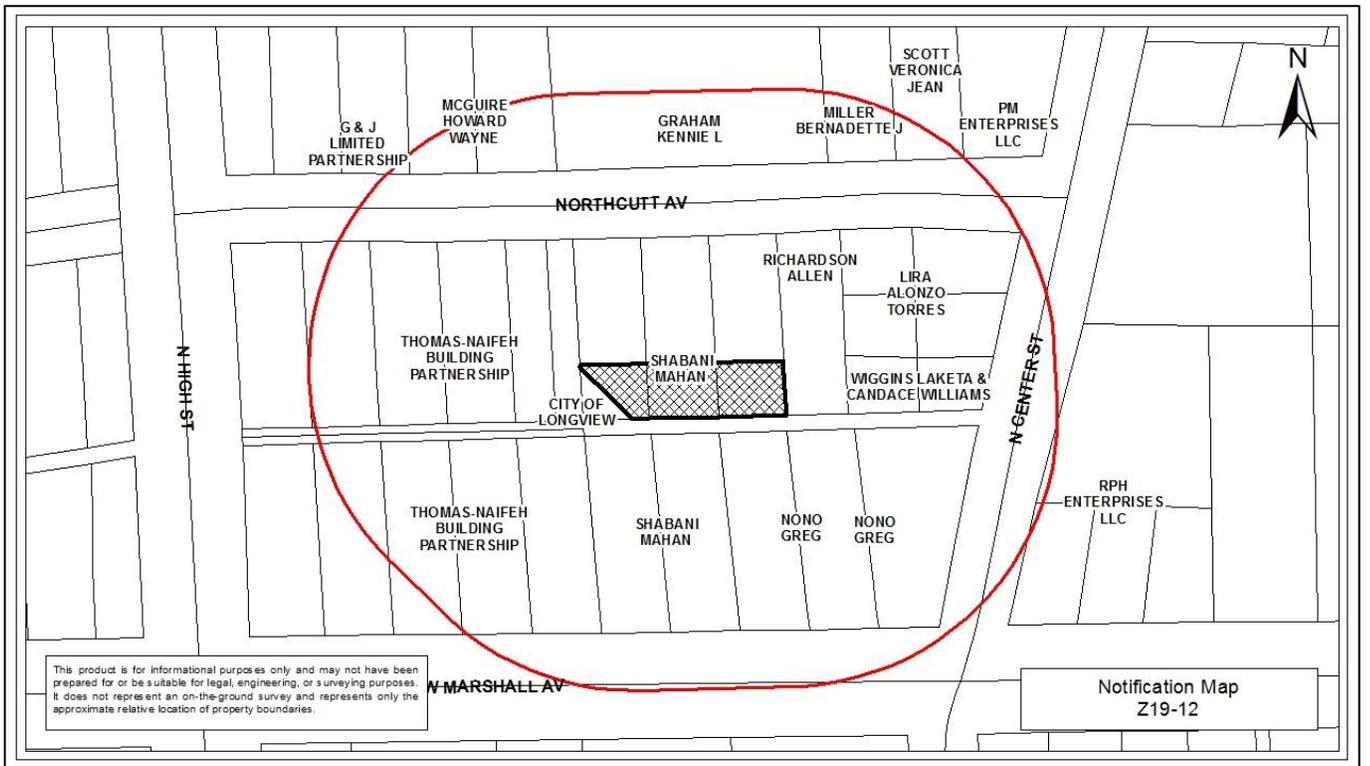
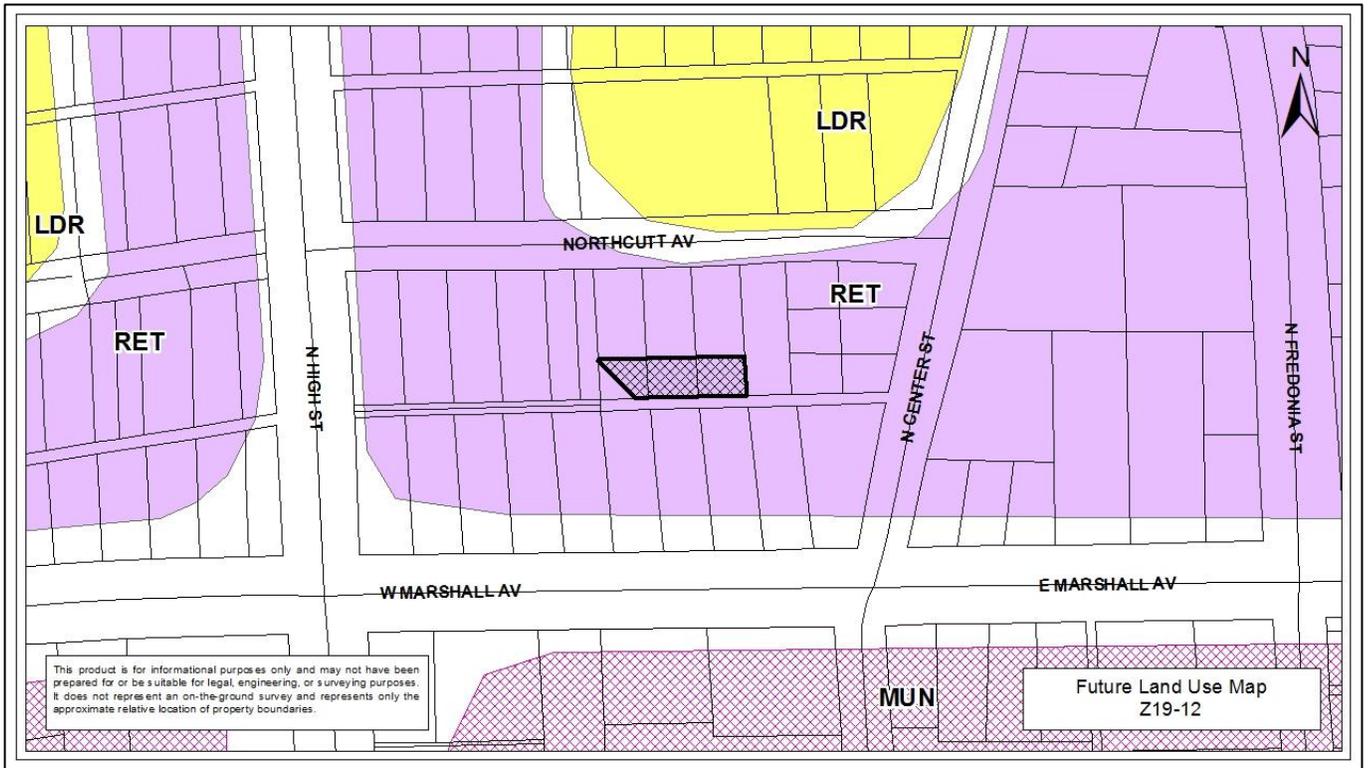
REMSD: 10/23/2010 - DASH LINE ADDED TO SHOW LOCATION OF LINE STAKING 40' FROM THE SBL OF LOTS - EAST TO WEST.

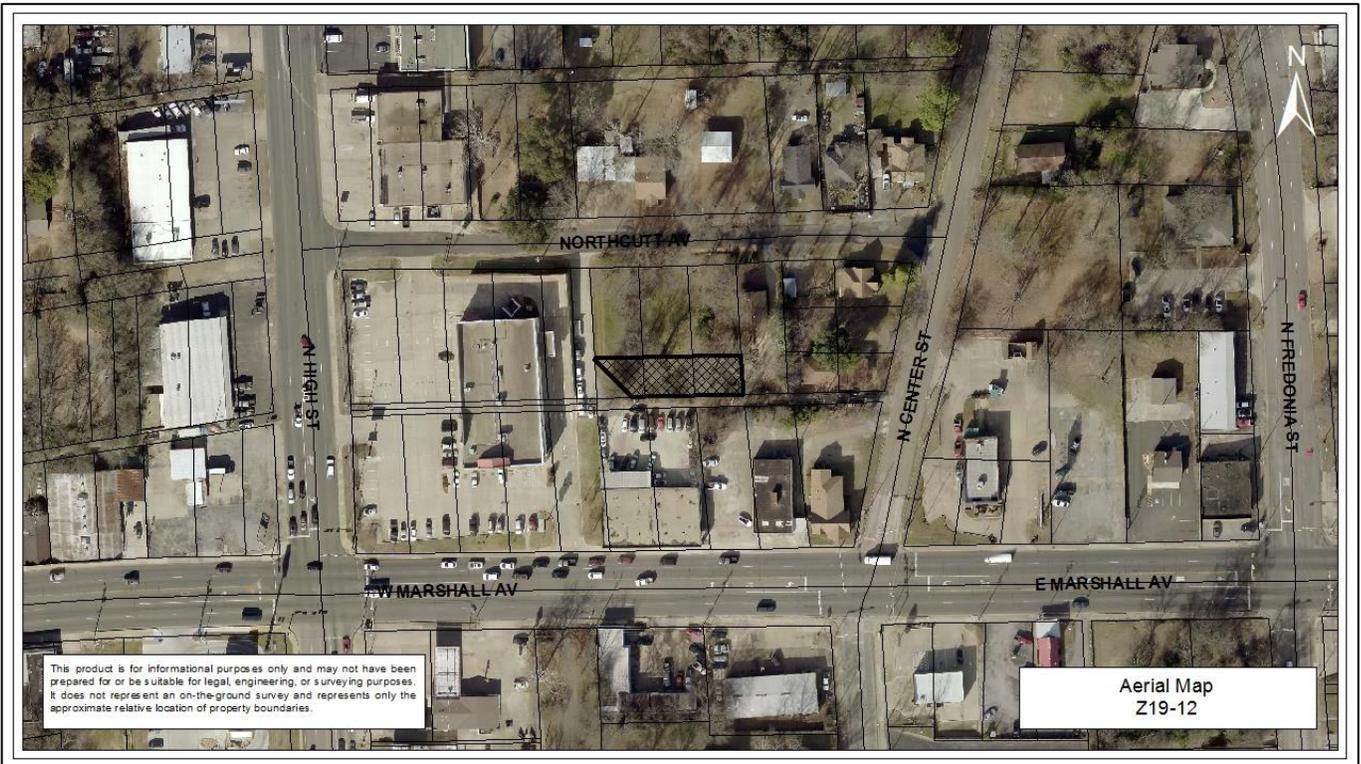
**GRIFFITH SURVEYING CO., LLC**  
605 AVENUE B - SUITE 115  
LONGVIEW, TEXAS 75604  
PH (903)295-1560 FAX (903)295-1570

**SURVEY  
PREPARED FOR  
MAHAN SHABANI**

JOB NO: 15-081-10



















ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT THE SOUTH 40 FEET OF LOTS 16, 17, AND 18, BLOCK 28, NORTHCUTT HEIGHTS BE REZONE FROM SINGLE FAMILY (SF-5) TO HEAVY COMMERCIAL (C-2) ZONING DISTRICT LOCATED ON THE SOUTH SIDE OF NORTHCUTT AVENUE EAST OF HIGH STREET WITH THE STIPULATION THAT A MINIMUM 8 FOOT FENCE BE BUILT INSTEAD OF THE REQUIRED 6 FOOT FENCE PER THE BUFFER YARD SCREENING REQUIREMENTS ALONG THE PROPERTY LINES BETWEEN THE ADJACENT RESIDENTIAL PROPERTIES AND THE SUBJECT PROPERTIES; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all

property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the opinion that the zoning changes should be made as set forth herein; NOW, THEREFORE,

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

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that the south 40 feet of Lots 16, 17, and 18, Block 28, Northcutt Heights be rezone from Single Family (SF-5) to Heavy Commercial (C-2) Zoning District located on the south side of Northcutt Avenue east of High Street with a stipulation that a minimum 8 foot fence be built instead of the required 6 foot fence per the buffer yard screening requirements along the property lines between the adjacent residential properties and the subject properties.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning

Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or

any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z Z19-12 2-13-20

#ABD19-04

**STAFF REPORT**  
**February 13, 2020**

**APPLICANT:** R&K Distributors, Inc  
**LOCATION:** 1302 E. Whaley Street  
**REQUEST:** To abandon a 0.093 acre sanitary sewer easement.

**COUNCIL DISTRICT:**  
District 3 – Council Member Wray Wade

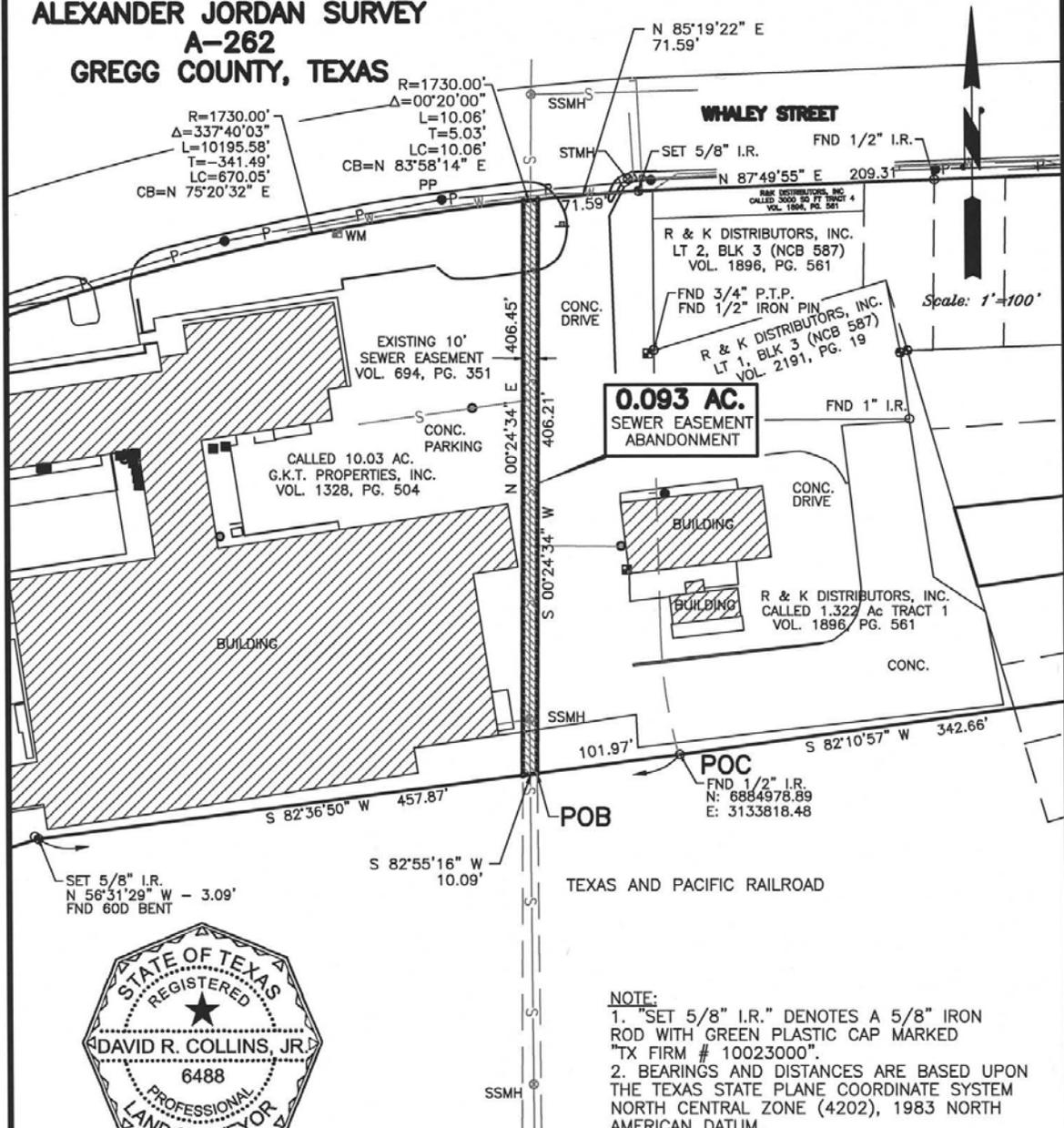
**ZONING DISTRICT:**  
Heavy Commercial (C-2)

**STAFF COMMENTS:**  
The applicant is requesting to abandon a portion of a 10 foot wide sanitary sewer easement located on 1302 E. Whaley Street. The applicant has relocated the sanitary sewer line and is dedicating a new sewer line to the east of the current easement. The reason for the relocation is to accommodate an addition to the facility.

All public utility companies and city staff have reviewed and have signed off on the proposed abandonment.

**STAFF RECOMMENDATION:**  
Staff recommends approval of this request.

**ALEXANDER JORDAN SURVEY  
A-262  
GREGG COUNTY, TEXAS**



I, David R. Collins, Jr., Reg. Professional Land Surveyor, do hereby certify that this Plat is true and correct according to a survey made upon the ground January 21, 2020.

David R. Collins, Jr. R.P.L.S. #6488  
Firm License #10023000

**NOTE:**

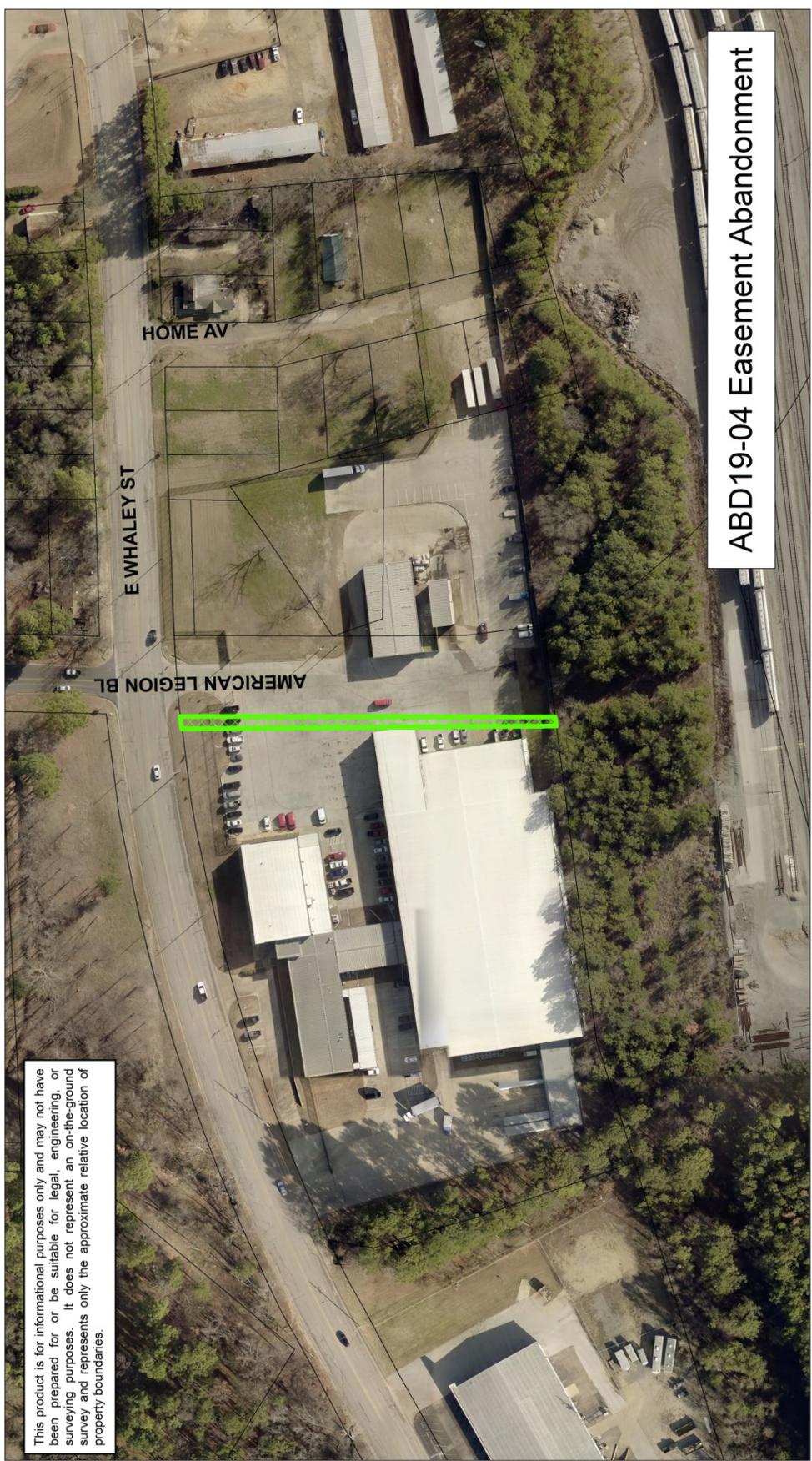
1. "SET 5/8" I.R." DENOTES A 5/8" IRON ROD WITH GREEN PLASTIC CAP MARKED "TX FIRM # 10023000".
2. BEARINGS AND DISTANCES ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE (4202), 1983 NORTH AMERICAN DATUM.

**CITY OF LONGVIEW  
SEWER EASEMENT ABANDONMENT  
LONGVIEW, TEXAS**

COLLINS SURVEYING & MAPPING, INC.  
910 Judson Road  
Longview, Texas, Ph. 903 234-8051

Job Number: RKD4578-EXHIBIT

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



ABD19-04 Easement Abandonment

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A PORTION OF A 0.093 ACRE SEWER EASEMENT, EXTENDING SOUTH FROM E. WHALEY ST, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, ALEXANDER JORDAN SURVEY, A-262; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID EASEMENT AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AND HOLDING THE CITY HARMLESS AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview has received a request from the owner of a 10.03 acre tract of land located in the Alexander Jordan Survey, A-262, City of Longview, Gregg County, Texas, that the City's interest, in a 10 foot wide (0.093 acre) easement located within said property and extending south of E. Whaley Street; and,

WHEREAS, the aforesaid easement consists of one parcel of land described in the attached Exhibit A and shown on the attached Exhibit B; and,

WHEREAS, R&K Distributors, Inc wishes to relocate sewer and rededicate an easement; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the

conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public easements; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the attached Exhibit A and Exhibit B are made a part of this ordinance for all purposes.

Section 3. That the City hereby abandons the City's interest in the easement described in the attached Exhibit A.

Section 4. That the City Manager is hereby authorized to execute and the City Secretary to attest to one or more Deeds to Evidence Abandonment of Easement or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City and holding the City harmless as a consequence of said abandonment, otherwise

this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) located within said easement, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O PLANNING ABANDON R&K SEWER EASEMENT 2-13-20

# Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



910 A Judson Road  
Longview, Texas 75801  
903/234-8051  
Fax 903/234-1932  
Firm License  
# 10023000

**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA

City of Longview  
Sewer Easement Abandonment

Field Notes On 0.093 AC. Tract  
Alexander Jordan Survey, Abstract 262  
Gregg County, Texas

All that certain 0.093 ac. of land being a 10 feet wide sewer easement recorded in Volume 694, Page 351, of the Deed Records of Gregg County, Texas in the Alexander Jordan Survey, A-262, in Gregg County, Texas, being a part of the called 10.03 acre tract of land conveyed from Robert Cargill to G.K.T. Properties, Inc. by Warranty Deed dated November 9, 1988, and recorded in Volume 1328, Page 504, of the Deed Records of Gregg County, Texas, said 0.093 acre tract being more particularly described as follows:

- Note: 1. All Set Iron Rods herein are 5/8" rebar with green cap marked "TX FIRM # 10023000".  
Zone (4202), 1983 North American Datum.  
2. Bearings and Distances are based upon the Texas State Plane Coordinate System, North Central.

COMMENCING at a 1/2" iron rod found in the south boundary line of the called 1.332 acre tract conveyed to R & K Distributors, Inc. by Warranty Deed recorded in Volume 1896, Page 561, of said Deed Records, said 1/2" iron rod found having the coordinates of N: 6884978.89 and E: 3133818.48;

THENCE: S 82°36'50" W with said south boundary line 101.97 feet to a point for the POINT OF BEGINNING for this herein described Sewer Easement Abandonment;

THENCE: S 82°36'50" W 10.09 feet to a point for the southwest corner of this tract;

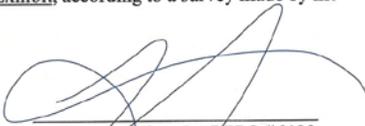
THENCE: N 00°24'34" E 406.45' feet to a point in the south right of way line of Whaley Street for the northwest corner of this tract and the start of a curve to the right;

THENCE: with said right of way line and said curve to the right having a radius of 1730.00', an arc length of 10.06', and a chord bearing and distance of N 83°58'14" E 10.06 feet to a point for the northeast corner of this tract, from which a 5/8" iron rod set for the end of said curve to the right bears N 85°19'22" E 71.59 feet;

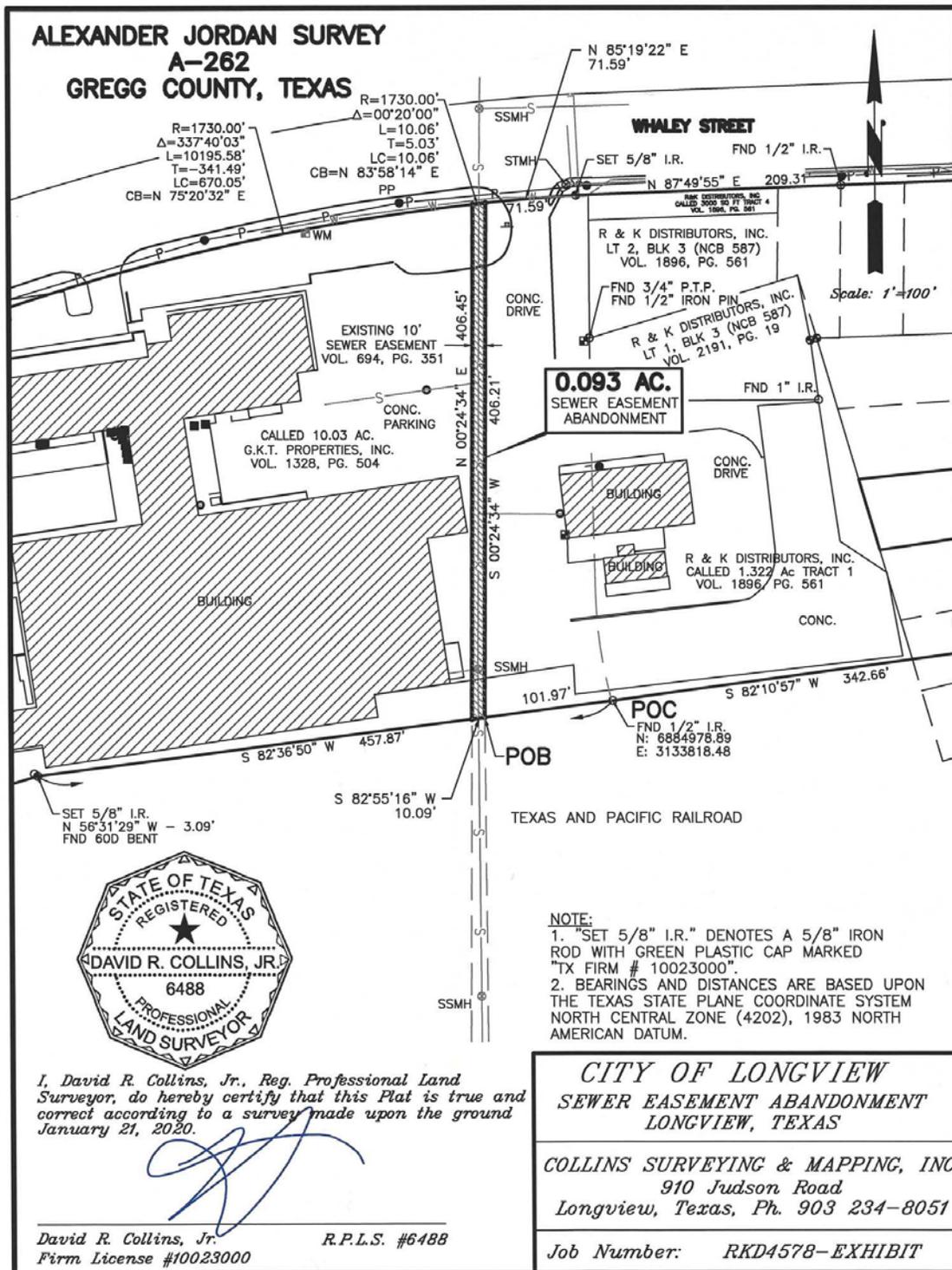
THENCE: S 00°24'34" W 406.21 feet to a point for the POINT OF BEGINNING of this herein described Sewer Easement Abandonment, containing 0.093 acres of land, more or less.

I, David R. Collins, Jr., Registered Professional Land Surveyor #6488, do hereby certify that the above field notes are true and correct as shown on the Plat RKD4578-Exhibit, according to a survey made by me upon the ground January 21, 2020.



  
David R. Collins, Jr., RPLS #6488  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

# Exhibit B



#ABD19-05

**STAFF REPORT**  
**February 13, 2020**

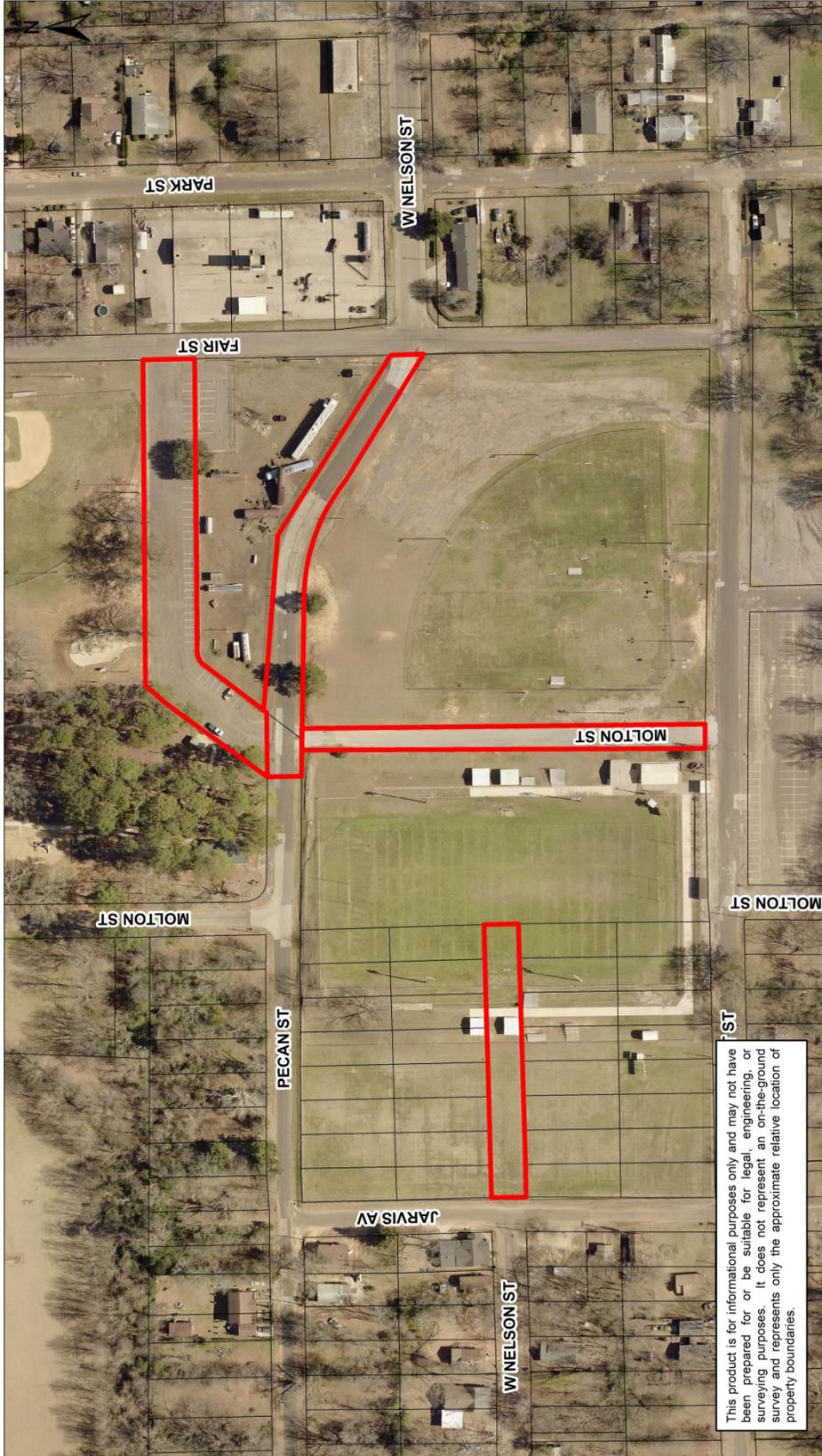
**APPLICANT:** City of Longview  
**LOCATION:** Stamper Park  
**REQUEST:** To abandon a portion of street right-of-way known as Molton Street, Nelson Street and Pecan Street located within Stamper Park.

**COUNCIL DISTRICT:**  
District 2 – Council Member Nonna Snoddy

**ZONING DISTRICT:**  
Single Family (SF-5)

**STAFF COMMENTS:**  
The City of Longview is requesting to abandon a portion of street right-of-way known as Molton Street, Nelson Street and Pecan Street located within Stamper Park. Nelson Street is an unimproved right-of-way that has never been paved while the other two are paved right-of-ways and paved parking area. This abandonment is part of the Stamper Park renovation project that was approved by voters in the 2018 bond election.

**STAFF RECOMMENDATION:**  
Staff recommends approval of this request.



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

**KEY**

1. Existing trees
2. Existing football facilities
3. Existing baseball field
4. Existing splash pad
5. Existing restrooms
6. Proposed parking/improvements
7. Proposed gatehouse and concession
8. Proposed football field and fence
9. Proposed pavilions
10. Proposed basketball court
11. Proposed play equipment replacement
12. Proposed sidewalk
13. Proposed Pecan Street closure and dropoff area
14. Proposed field conversion to two youth fields
15. Proposed bleachers
16. Proposed restrooms
17. Future park expansion (former fire training area)
18. Future parking improvements



Prepared By:

# STAMPER/WOMACK IMPROVEMENTS

HUB CERTIFIED TYPE F-2016  
**JCR Engineers, LLC**  
 LONGVIEW



ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A STREET RIGHT-OF-WAY KNOWN AS NELSON STREET, MOLTON STREET AND PECAN STREET IN THE CITY OF LONGVIEW, GREGG COUNTY, TEXAS, AS SAID PARCELS IS FURTHER SHOWN IN THE ATTACHED EXHIBIT A; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID RIGHT-OF-WAY AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; ESTABLISHING OTHER CONDITIONS FOR SAID ABANDONMENT AND AUTHORIZATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview (the "City") is requesting to abandon four right-of-ways shown in Exhibit A and located in the City of Longview, Gregg County, Texas, that the City abandon the City's interest in a portion of an unimproved public street right-of-way known as Nelson Street located between Lots 1-8, Block 10 and Lots 9-16, Block 8 of the Lincoln Park Addition, extending east of Jarvis Avenue, to abandon the City's interest in a portion of a public street right-of-way known as Molton Street located north of Walnut Street and south of Pecan Street, to abandon the City's interest in a portion of a public street right-of-way known as Pecan Street located east of Molton

Street and extending west to Fair Street ; and,

WHEREAS, the aforesaid portion of street right-of-ways to be abandoned consists of one parcel of land shown in the attached Exhibit A; and,

WHEREAS, the City of Longview is the owner of all properties that are directly adjacent to the right-of-way to be abandoned; and,

WHEREAS, the City of Longview wishes to include part of the street right-of-way into its adjacent properties of Stamper Park; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, Section 272.001 (b)(3) authorizes the conveyance of real property interests originally acquired for streets or rights-of-way in exchange for other land to be used for public purposes; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public rights-of-way; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this ordinance are

hereby in all things approved and adopted.

Section 2. That the attached Exhibit A are made a part of this ordinance for all purposes.

Section 3. That, subject to the conditions set forth in this ordinance, the City hereby abandons the City's interest in the right-of-ways shown in the attached Exhibit A.

Section 4. That the City Manager is hereby authorized to execute and the City Secretary to attest to one or more Deeds to Evidence Abandonment of Public Right-of-Way or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City as a consequence of said abandonment, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) that are located within the right-of-way herein abandoned, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas

Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

---

Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

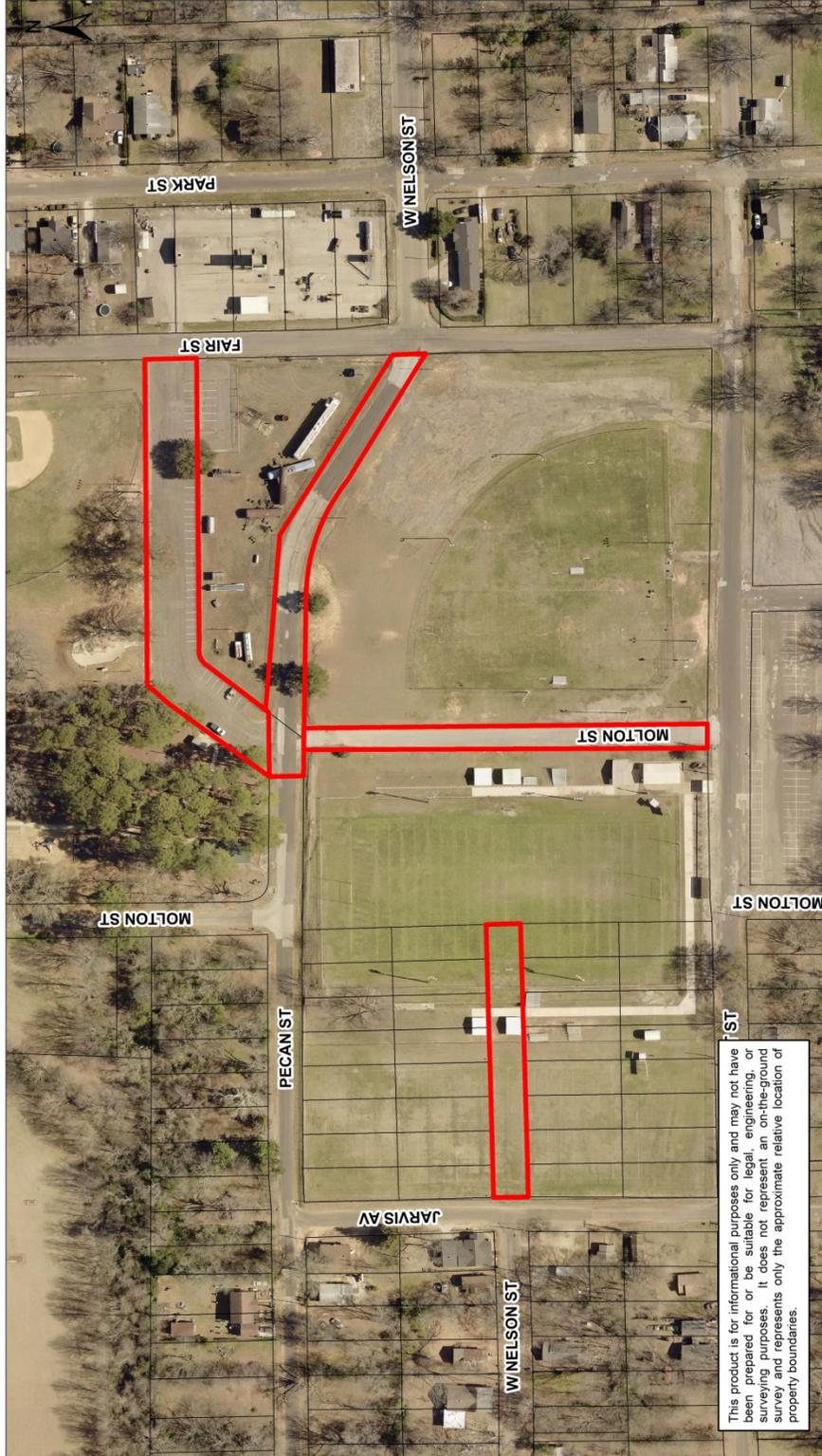
APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

O PLANNING ABANDON MOLTON, PECAN & NELSON 2-13-20

# Exhibit A



**APPLICATION #Z20-01**

**STAFF REPORT**  
**February 13, 2020**

**APPLICANT:** William K. Adkins  
**LOCATION:** Approximately 8.876 acres of AB 256 M Mann Survey Tract 14 Section 1, AB 77 S T Ford Survey Tract 7, and Lot 4 Southwest Industrial Park located at 400 Ambassador Row.  
**REQUEST:** Rezone from Agriculture (A) to Light Industrial (I-1).

	<b><u>ZONING</u></b>	<b><u>LAND USE</u></b>
SUBJECT PARCEL	A	Industrial (All Seasons Windows & Doors)
NORTH	A	Vacant
SOUTH	A & I-2	VFW & Ryder
WEST	Outside City Limits	Vacant
EAST	A	Oil & Gas Company

**COUNCIL DISTRICT:**  
District 2 – Council Member Nonna Snoddy

**FUTURE LAND USE:**  
The Comprehensive Plan designates this area for Commercial (COM).

**STAFF COMMENTS:**  
The applicant is requesting a rezone from Agriculture (A) to Light Industrial (I-1) to allow for the construction of building to manufacture windows and doors. The subject property was annexed in 2009 and this facility was located on the property at that time. When annexation occurs, the property that is annexed is automatically assigned an Agricultural (A) zoning designation and therefore needs to be rezoned. State Highway 31 is a principal arterial which is appropriate for industrial uses. Also, this property is located within the Southgate Industrial Park.

Staff finds the proposed zoning change is consistent with surrounding uses.

**STAFF RECOMMENDATION:**  
The Planning and Zoning Commission (9-0) and Staff recommend approval for this request.

**STAFF CONTACT:**  
Angela Choy, AICP, City Planner  
[achoy@longviewtexas.gov](mailto:achoy@longviewtexas.gov)  
903-237-1073



72019-11323

**APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP  
(REZONING)**

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT William K. Akins 400 Ambassador Row Longview, TX 75604  
(Name) (Mailing Address, City, and Zip)  
903-452-1511 or 903-753-1321 billa@aswmfg.com  
(Phone) (E-mail address)

LEGAL DESCRIPTION OF PROPERTY AB 256 M Mann Survey Tract 14 Sec 1; AB 77 S T Ford  
(Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

Sur Tr 7; LT 4 Southwest Industrial Park

STREET ADDRESS 400 Ambassador Row, Longview, TX 75604

WIDTH IN FEET \_\_\_\_\_ DEPTH IN FEET \_\_\_\_\_

APPLICANT'S INTEREST IN PROPERTY owner  
(Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM A DISTRICT TO Industrial (I-1) DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY light manufacturing

**RECEIVED**

DEC 12 2019

DEVELOPMENT SERVICES

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED?  YES  NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION?  YES  NO

12/12/19  
Date

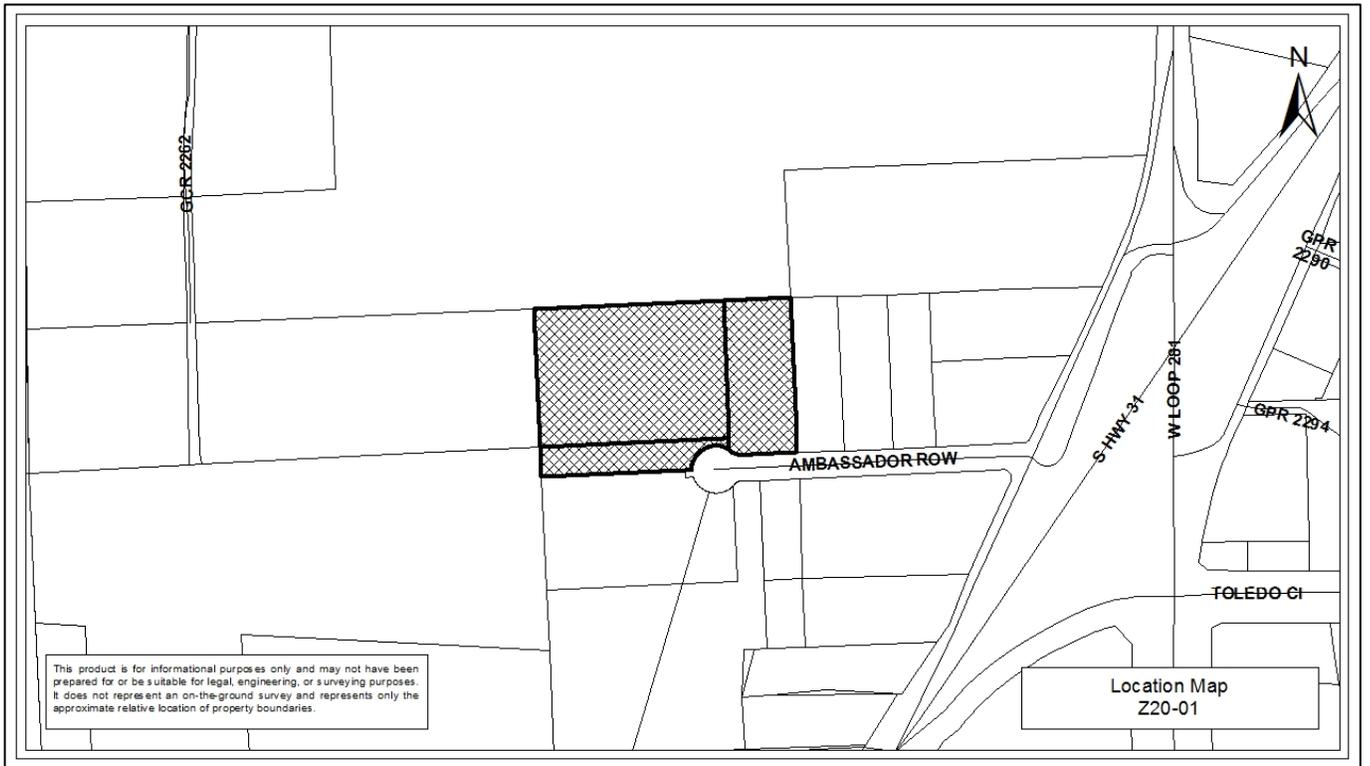
William K. Akins  
Signature of Property Owner (Bill)

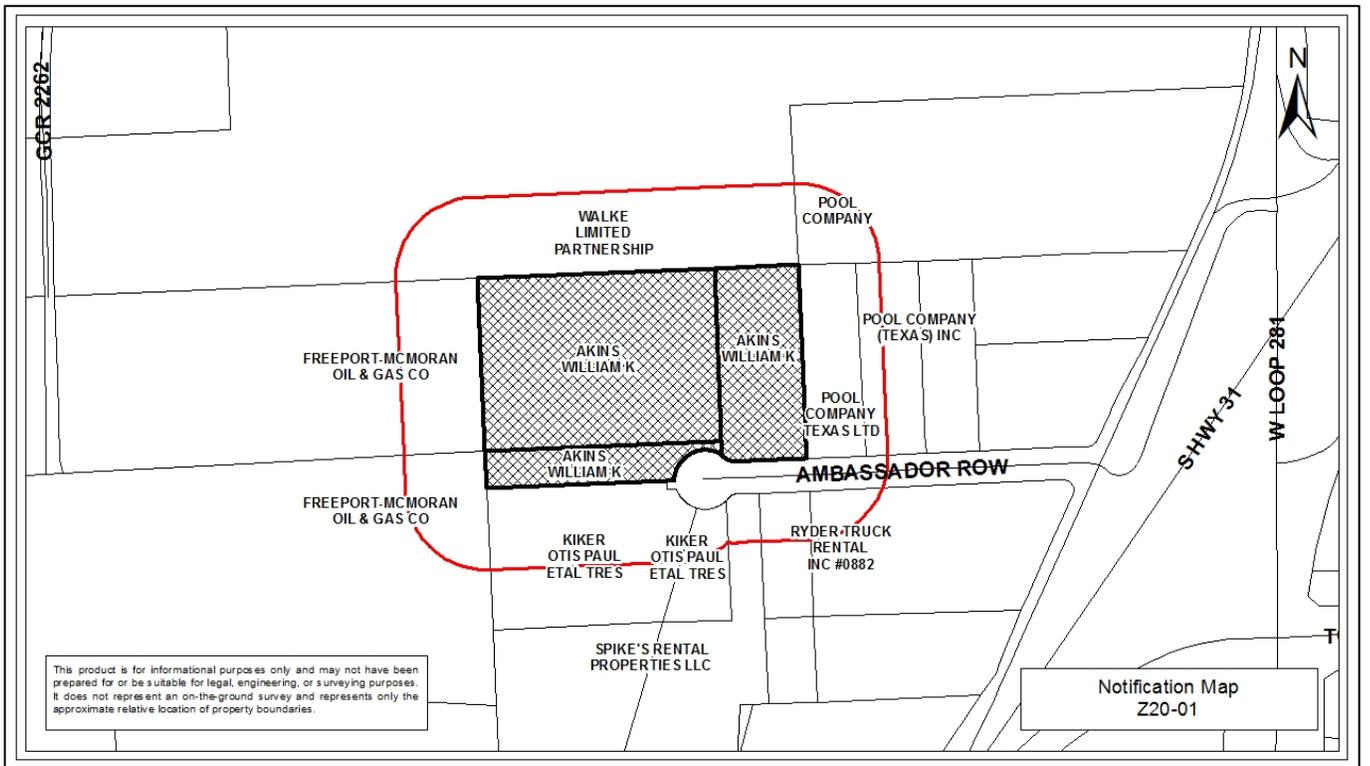
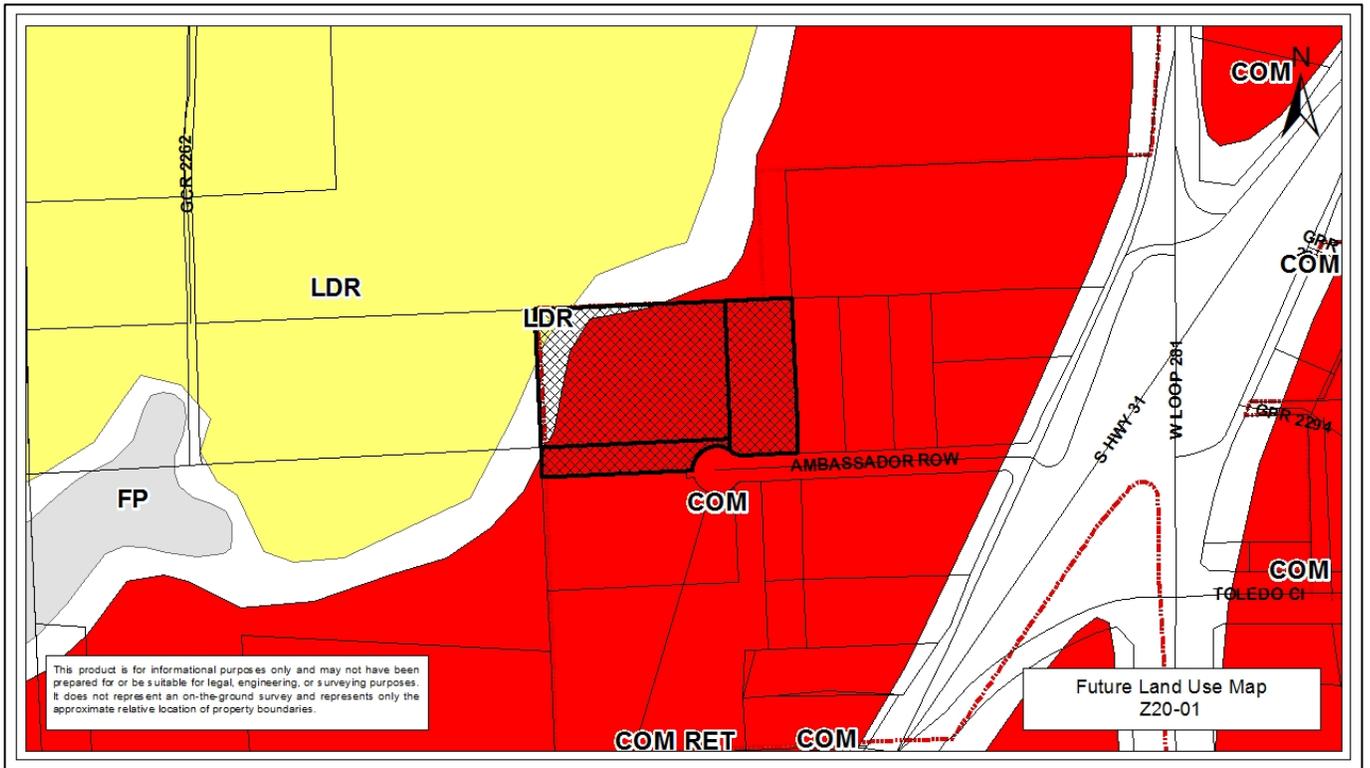
**THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.**

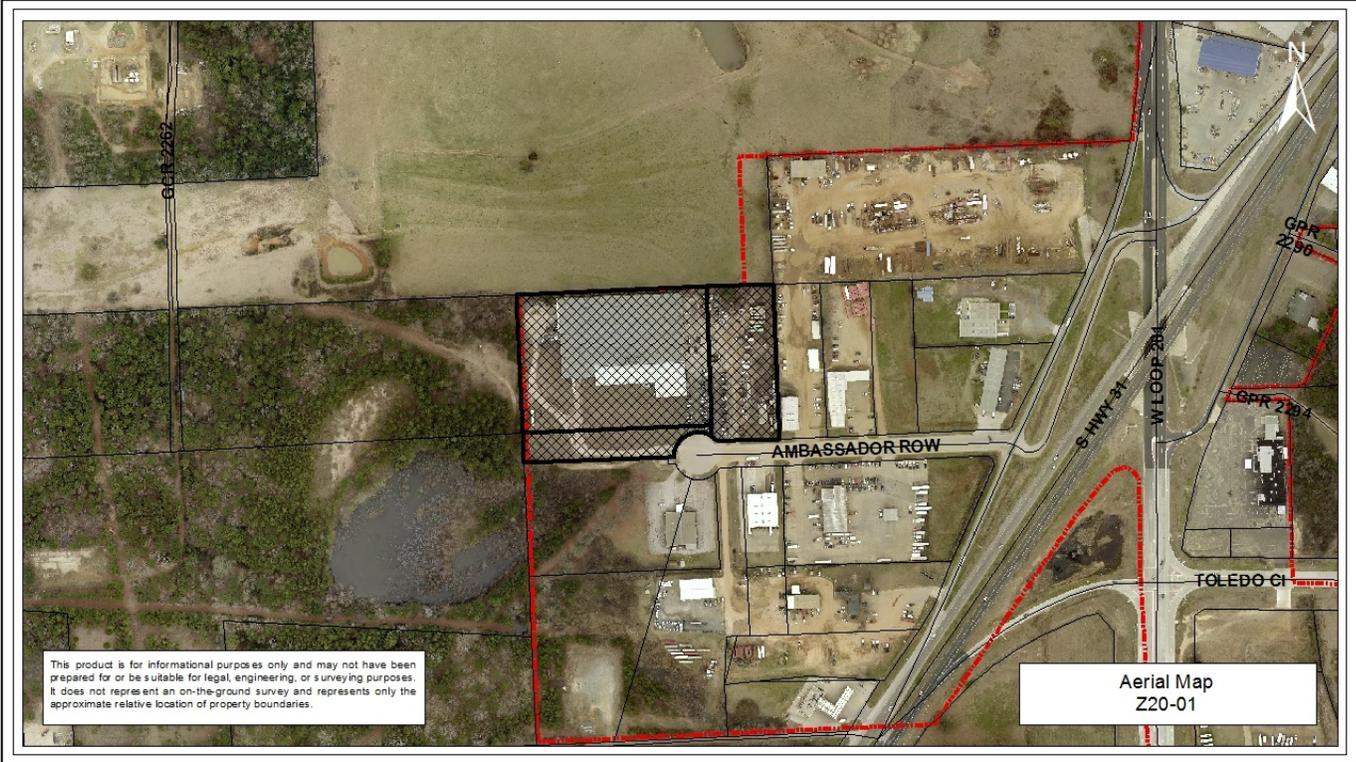
I, \_\_\_\_\_, do certify that I am authorized to act for \_\_\_\_\_, owner of the above property in making this zoning application.

\_\_\_\_\_  
Signature Date

FOR OFFICE USE ONLY	
APPLICATION FEE:	\$307.00
CASE NO:	<u>paid</u>
PERMIT NO:	<u>72019-11323</u>













ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 8.876 ACRES OF AB 256 M MANN SURVEY TRACT 14 SECTION 1, AB 77 S T FORD SURVEY TRACT 7, AND LOT 4 SOUTHWEST INDUSTRIAL PARK, BE REZONE FROM AGRICULTURE (A) TO LIGHT INDUSTRIAL (I-1) ZONING DISTRICT LOCATED AT 400 AMBASSADOR ROW; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the

opinion that the zoning changes should be made as set forth herein; NOW,  
THEREFORE,

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

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that approximately 8.876 acres of AB 256 M Mann Survey Tract 14 Section 1, AB 77 S T Ford Survey Tract 7, and Lot 4 Southwest Industrial Park, be rezone from Agriculture (A) to Light Industrial (I-1) Zoning District located at 400 Ambassador Row.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of

Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z Z20-01 2-13-20

**APPLICATION #PD20-01**

**STAFF REPORT**  
**February 13, 2020**

**APPLICANT:** RS Rental Properties  
**LOCATION:** 515 N. Court Street (Lot 1 Block 17 Lookout Hill)  
**REQUEST:** To amend Planned Development (PD18-08) to allow for an additional use of a daycare/school.

	<u><b>ZONING</b></u>	<u><b>LAND USE</b></u>
SUBJECT PARCEL	PD18-08	Vacant
NORTH	C-2 & SF-5	Self Storage & Single Family
SOUTH	C-2 & SF-5	Auto Sales & Repair
WEST	SF-5 & C-2	Single Family & Auto Repair
EAST	SF-5	Single Family

**COUNCIL DISTRICT:**  
District 3 – Council Member Wray Wade

**FUTURE LAND USE:**  
The Comprehensive Plan designates this area for Retail (RET).

**STAFF COMMENTS:**  
The applicant is requesting to amend PD18-08 to allow for an additional use of a daycare/school located at 515 N. Court Street.

The applicant previously rezoned this property from Single Family (SF-5) to Planned Development (PD18-08) in November 2018. The Planned Development allowed for an event center, offices and church uses only. In 2018, the original request was to rezone to Heavy Commercial (C-2) and there were concerns from the adjacent neighbors about the uses allowed in that zoning category. The applicant resubmitted for a Planned Development with limited uses.

The applicant has come back to amend the Planned Development to allow for an additional use that is appropriate for the site and has sufficient parking for the daycare/school use.

Staff finds the proposed zoning change is consistent with surrounding uses.

**STAFF RECOMMENDATION:**  
The Planning and Zoning Commission (9-0) and Staff recommend approval for this request.

**STAFF CONTACT:**  
Angela Choy, AICP, City Planner  
[achoy@longviewtexas.gov](mailto:achoy@longviewtexas.gov)  
903-237-1073

RECEIVED

DEC 30 2019

DEVELOPMENT SERVICES

**APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP  
 (REZONING)**

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT RS Rental Properties 2208 Judson Rd, Longview, TX 75605  
 (Name) (Mailing Address, City, and Zip)  
(903) 234-0744  
 (Phone) (E-mail address)

LEGAL DESCRIPTION OF PROPERTY LT 1 BLK 17 Lookout Hill  
 (Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

STREET ADDRESS 2208 Judson Rd 515 Court St  
 WIDTH IN FEET 150 165 DEPTH IN FEET 83 75

APPLICANT'S INTEREST IN PROPERTY Owner  
 (Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM PD18-08 DISTRICT TO PD DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY Daycare / school

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED?  YES  
 NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION?  
 YES  NO

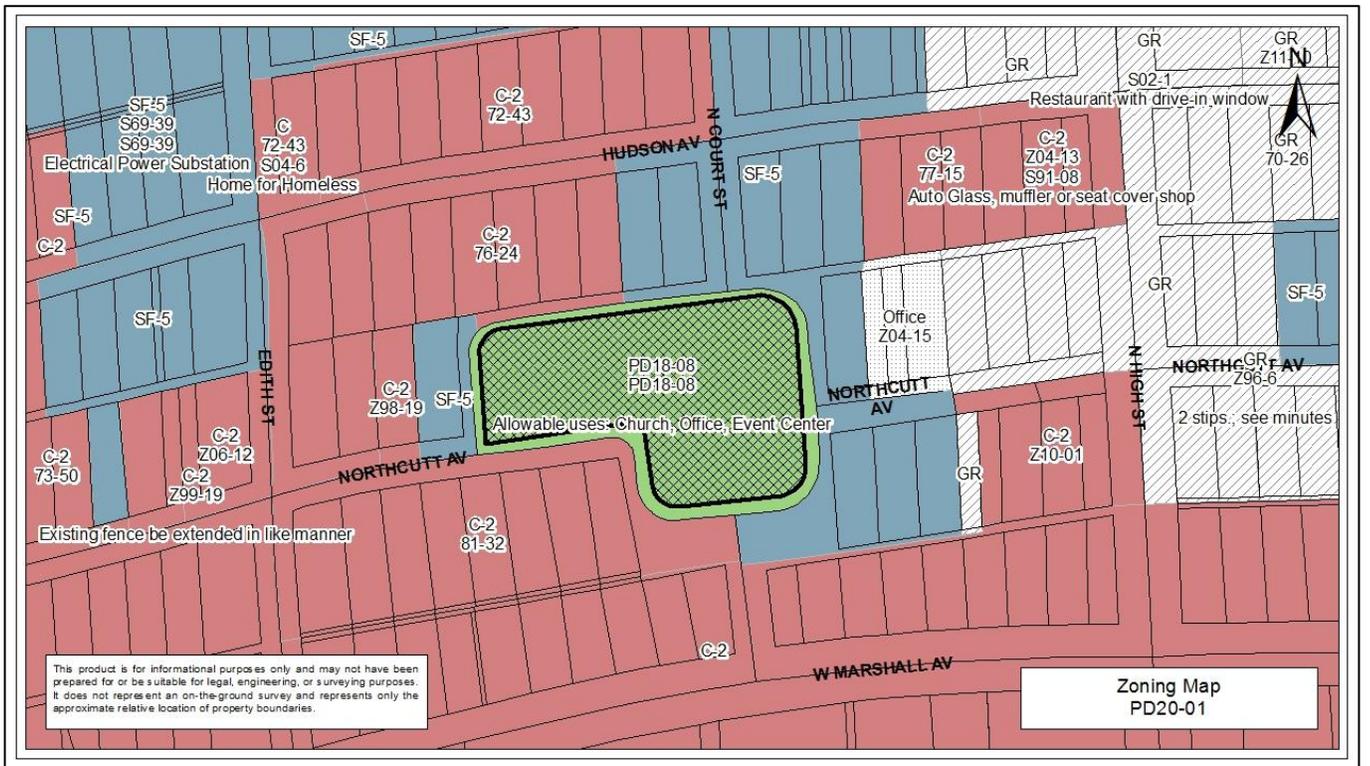
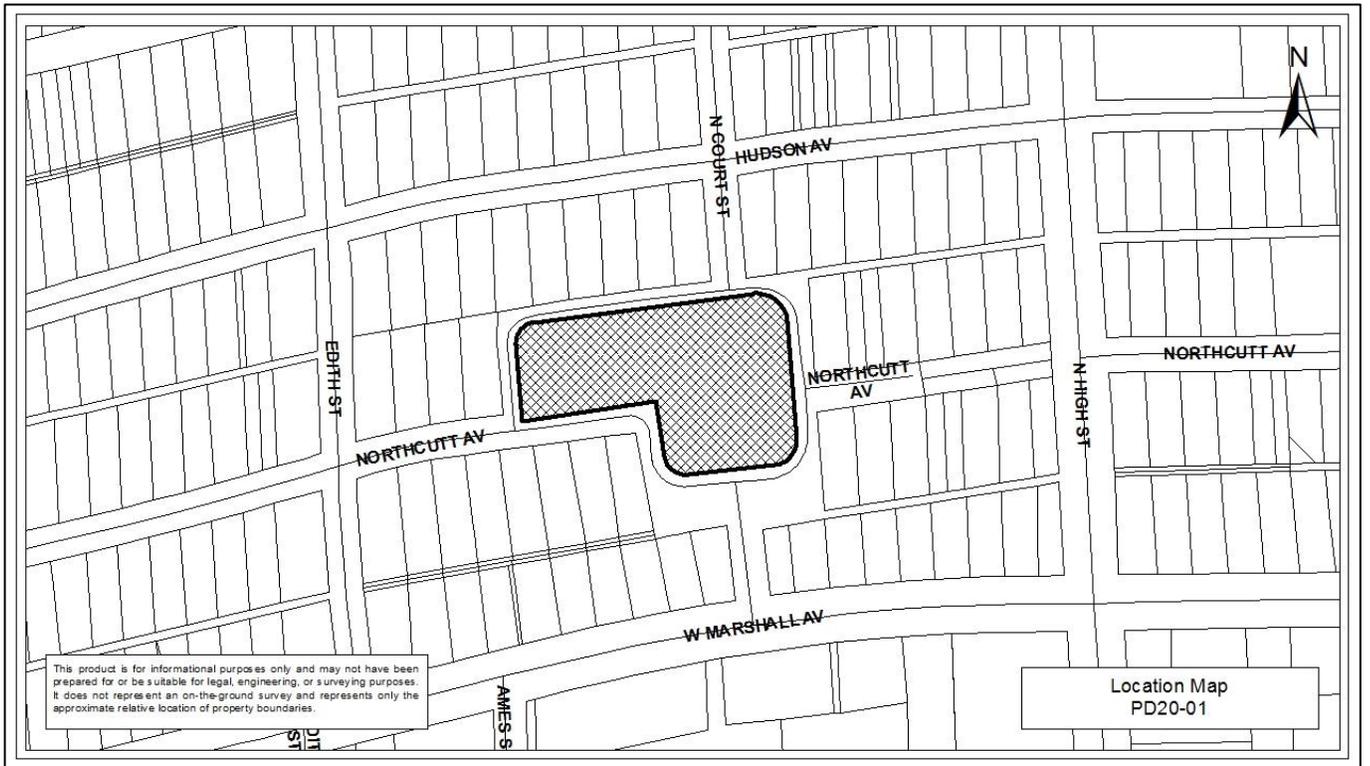
12/30/19 [Signature]  
 Date Signature of Property Owner

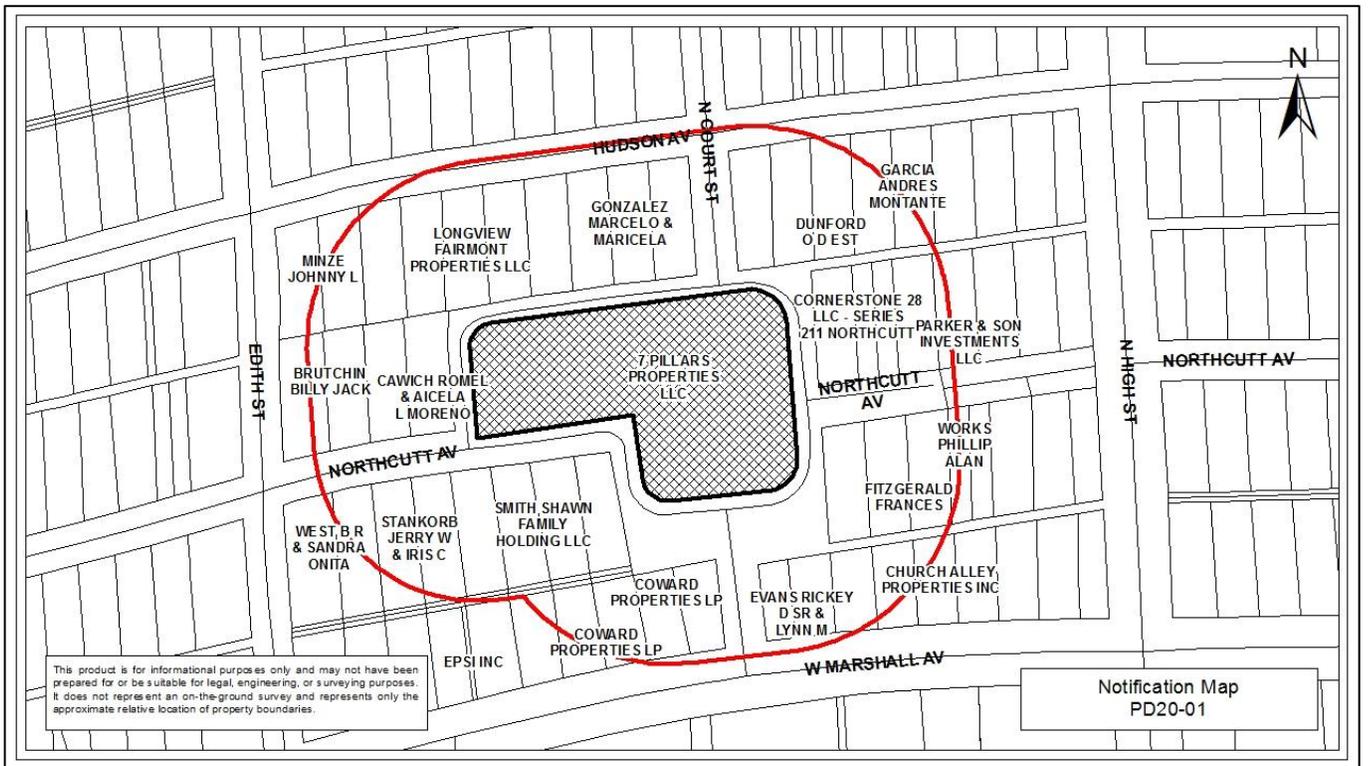
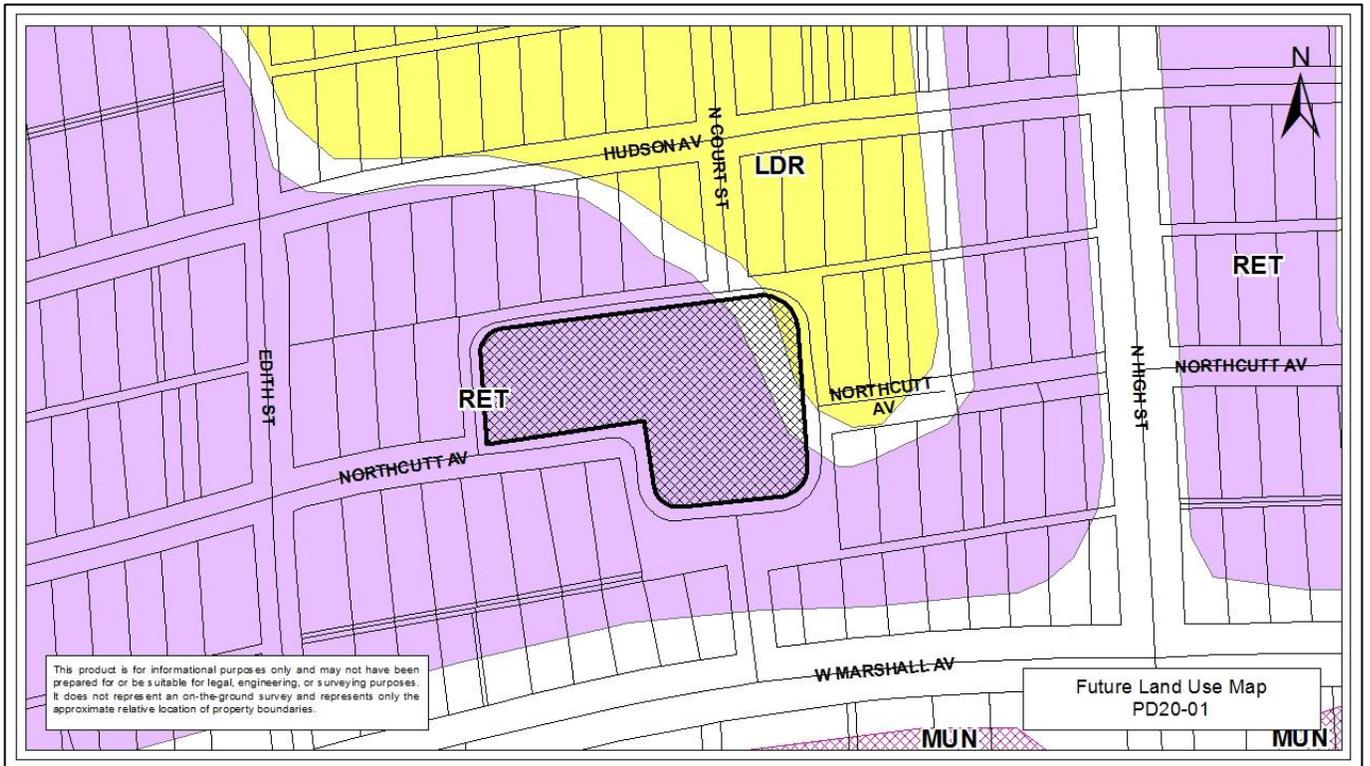
**THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.**

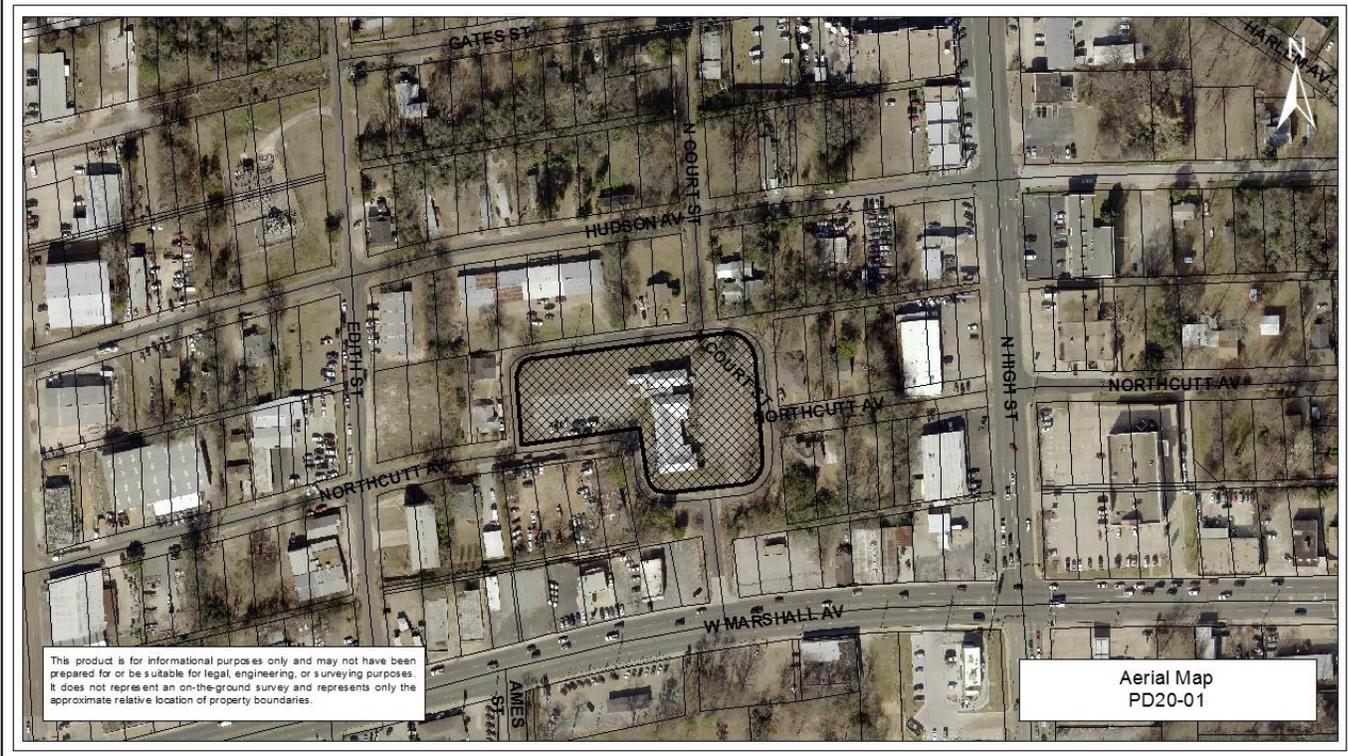
I, \_\_\_\_\_, do certify that I am authorized to act for \_\_\_\_\_, owner of the above property in making this zoning application.

\_\_\_\_\_  
 Signature Date

FOR OFFICE USE ONLY	
APPLICATION FEE:	\$307.00
CASE NO:	_____
PERMIT NO:	<u>22019-11979</u>















ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT LOT 1, BLOCK 17, LOOKOUT HILL PLANNED DEVELOPMENT (PD18-08) BE AMENDED TO ALLOW FOR THE ADDITIONAL USE OF A DAYCARE/SCHOOL TO THE ALLOWABLE USES OF AN EVENT CENTER, OFFICE, AND/OR CHURCH LOCATED AT 515 NORTH COURT STREET; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETING ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the

opinion that the zoning changes should be made as set forth herein; NOW,  
THEREFORE,

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

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city is hereby amended and corrected so that the following described real property, to-wit: that Lot 1, Block 17, Lookout Hill Planned Development (PD18-08) be amended to allow for the additional use of a daycare/school to the allowable uses of an event center, office, and/or church located at 515 North Court Street.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the

title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z PD20-01 2-13-20

**ADOPTION OF THE REGIONAL THOROUGHFARE PLAN ORDINANCE**

<b>DESCRIPTION:</b>	A PUBLIC HEARING will be held to consider an ordinance adopting the Regional Thoroughfare Plan (RTP) as an update to Chapter 4 of the Comprehensive Plan. The RTP is a long-range plan that identifies the location and type of roadway facilities that are needed to meet the projected long-term growth within the area. In addition, the RTP encourages the preservation of transportation corridors, guides future development, promotes connectivity and design uniformity, and informs the public of future roadway needs. The RTP serves as a tool to preserve needed transportation corridors so that as development occurs in the future, the City will have the ability to develop appropriately sized transportation facilities to serve the needs at that time. Development of the RTP relied on updated socioeconomic and demographic data from 2013 to forecast transportation needs over the next 25 years.
<b>RECOMMENDED ACTION:</b>	Staff recommends approval. The Regional Thoroughfare Plan Steering Committee, Longview MPO Technical Committee, and Longview MPO Transportation Policy Board recommends approval.
<b>STAFF CONTACT:</b>	Macie Wyers, Transportation Planning Manager, Longview Metropolitan Planning Organization 903-237-1062 <a href="mailto:mwyers@LongviewTexas.gov">mwyers@LongviewTexas.gov</a>
<b>COUNCIL DATE:</b>	February 13, 2020

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ADOPTING THE REGIONAL THOROUGHFARE PLAN; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; AND ESTABLISHING AN EFFECTIVE DATE .**

WHEREAS, the City Council of the City of Longview retained a professional planning consultant to assist in the preparation of a Regional Thoroughfare Plan for the City; and,

WHEREAS, the Longview Metropolitan Planning Organization Technical Committee appointed a Regional Thoroughfare Plan Steering Committee to guide in the preparation of a workable Regional Thoroughfare Plan for the City of Longview; and,

WHEREAS, the Regional Thoroughfare Plan Steering Committee reviewed and studied recommendations made by the planning consultant for the Regional Thoroughfare Plan; and,

WHEREAS, the Longview Metropolitan Planning Organization Technical Committee reviewed and studied recommendations made by the planning consultant for the Regional Thoroughfare Plan; and,

WHEREAS, the Longview Metropolitan Planning Organization Technical Committee recommended the Regional Thoroughfare Plan to the Transportation Policy Board on September 16, 2019; and,

WHEREAS, the Transportation Policy Board approved the Regional Thoroughfare Plan on October 30, 2019; and,

WHEREAS, the City Council conducted a public hearing held on February 13, 2020, in which notice of the meeting was posted, where major issues about the

Regional Thoroughfare Plan were presented and all persons were given the opportunity to present verbal and written testimony; and,

WHEREAS, the City Council considered this testimony and, the City Council approved the Regional Thoroughfare Plan; NOW, THEREFORE,

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

Section 1. That the Regional Thoroughfare Plan, including maps, which are attached hereto and incorporated herein for all purposes is hereby adopted by the City Council as a guide and public policy.

Section 2. That this Plan is intended to enhance and expand upon the Comprehensive Plan of the City of Longview, Texas, having been adopted on March 12, 2015, by providing an updated overall strategy and guidelines for future implementation of transportation infrastructure within the City of Longview, including but not limited to the recommendation of policies and programs, infrastructure network, design and development standards, and implementation strategies.

Section 3. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was properly noticed and open to the public as required by law.

Section 4. That this ordinance is not intended to and does not repeal any of the provisions of the Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended) or of the Subdivision Ordinance (Chapter 92 of the Longview City Code, as amended) and that any amendments necessary to make either of said ordinances consistent with the Regional Thoroughfare Plan adopted hereunder shall be separately enacted by the City Council of the City of Longview, Texas, at said City Council's discretion.

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent<sup>150</sup> of such conflict only.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Longview that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective immediately on and after the date of its passage and publication as provided by law.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2020.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O PW REGIONAL THOROUGHFARE PLAN 2-13-20