

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, CHAPTER 12.5 “ENVIRONMENTAL PROTECTION AND COMPLIANCE”; BY AMENDING ARTICLE 1, “ADMINISTRATION AND ENFORCEMENT”: SECTION 12.5-103 “DEFINITIONS”; AND AMENDING ARTICLE VI “INDUSTRIAL WASTEWATER”: SECTION 12.5-600 “DEFINITIONS”; SECTION 12.5-604 “INCORPORATION OF EPA OR TCEQ STANDARDS”; SECTION 12.5-610 “DISCHARGES TO THE CITY OF FORT WORTH VILLAGE CREEK WASTEWATER TREATMENT FACILITY”; SECTION 12.5-610.1 “DISCHARGES TO THE TRINITY RIVER AUTHORITY CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY”; SECTION 12.5-610.2 “DISCHARGES TO THE TRINITY RIVER AUTHORITY-DENTON CREEK WASTEWATER TREATMENT FACILITY”; SECTION 12.5-613 “UPSET”; SECTION 12.5-622 “ACCIDENTIAL DISCHARGE/SLUG CONTROL”; AMENDING DIVISION 4 “WASTEWATER DISCHARGE PERMIT APPLICATION”, SECTIONS 12.5-630 THROUGH 12.5-633; AMENDING DIVISION 5 “WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS”, SECTIONS 12.5-641, 12.5-643 AND 12.5-645; AMENDING DIVISION 6 “REPORTING REQUIREMENTS”, SECTION 12.5-651(b) SUBSECTIONS (5) AND (7), AND SECTIONS 12.5-654, 12.5-654.1, 12.5-655, 12.5-658, 12.5-660, 12.5-661 AND 12.5-663(a); AMENDING DIVISION 7 “COMPLIANCE MONITORING AND ENFORCEMENT”, SECTIONS 12.5-670, 12.5-671, 12.5-671.1, 12.5-677, 12.5-677.1 AND 12.5-677.2; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$2,000.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pretreatment Division of the Fort Worth Water Department operates a program designed to prevent the introduction of pollutants into the City’s wastewater system that will interfere with its operation;

WHEREAS, the purposes of the pretreatment program include protecting the health and safety of City personnel and the general public, protecting the Publicly Owned Treatment Works, promoting the reuse and recycling of industrial wastewater and sludge, and enabling the City to comply with federal and state regulations;

WHEREAS, pursuant to Section 12.5-610, 610.1 and 610.2 of the City Code, local pollutant limits on industrial discharge are established and permits for certain significant discharges are required to protect the health and safety of the City’s wastewater and system;

WHEREAS, the United States Environmental Protection Agency adopted the Pretreatment Streamlining Rules to reduce the burden of complying with regulations without compromising environmental protection;

WHEREAS, to remain compliant with the City’s Texas Pollutant Elimination System permit, as administered by the TCEQ, the City must incorporate these streamlined rules into its City Code of Ordinances; and

WHEREAS, the Texas Commission on Environmental Quality required much of the specific wording in this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

Section 1.

Chapter 12.5 “Environmental Protection and Compliance”, Article I “Administration and Enforcement”, Division 1 “General Provisions”, Section 12.5-103 “Definitions” shall be amended to delete the terms *Upset* and *User* from this Article, and to add and revise the following terms as follows:

Act of God shall mean war, strike, riot, or other catastrophe completely outside the User’s control.

Authorized Representative of the User shall have the following meaning:

(1) If the user is a corporation:

- a. 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; or
- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit or any control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3), above, may designate another authorized representative if: the authorization is in writing, specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and such authorization is submitted to the city.

Best management practices (BMP) shall mean the schedules of activities, prohibitions of practices, maintenance procedures, and/or other management practices to implement the prohibitions listed in Section 12.5-610, 12.5-610.1 and 12.5-610.2 of Article VI this Code and to prevent or reduce the pollution of the MS4 and waters of the United States. BMPs shall include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials.

Combined Wastestream Formula (CWF) means a procedure found in 40 CFR 403.6(e) for calculating fixed alternative discharge limits at industrial facilities applicable when regulated process wastewater, subject to a categorical pretreatment standard, is mixed with non-regulated wastewaters prior to sampling.

Composite Sample means a sample that is collected over time and formed either by continuous sampling or by mixing of discrete sampling aliquots. Composites formed by mixing discrete sampling aliquots may be collected on a flow or time proportional basis as follows:

(1) Flow proportional composite:

- a. Composed of sampling aliquots collected at consistent time intervals and proportioned in volume according to stream flow; or
- b. Composed of sampling aliquots of consistent volume that are collected at time intervals proportioned according to stream flow.
- c. Flow proportional composite will be used only in locations that has the capability to measure flow during the sampling period.

(2) Time proportional composite:

Composed of discrete sampling aliquots of representative volume collected at consistent time intervals regardless of stream flow.

Contaminated means a harmful quantity of any substance, or as otherwise defined by law.

Control Authority means the City of Fort Worth.

Daily Composite Sample means the concentration of discharge of a pollutant measured during a calendar day or any twenty-four (24) hour period that reasonably represents the calendar day for purposes of sampling.

Discharge means to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or introduce any thing into the POTW from any nondomestic source.

Governing Entity means a lawful governmental entity that has the having jurisdiction over disposal of sewage, industrial wastes, or other wastes and/or jurisdiction over indirect discharges to and discharges from such a treatment works.

Grab sample means an individual sample which is collected without regard to the flow in the wastestream over a period of time not to exceed fifteen (15) minutes.

Maximum daily average means the maximum concentration of a substance allowed in a discharge as determined from a laboratory test of a Daily Composite Sample.

Monthly Average Limit means 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.

Non-significant Categorical Industrial User means an industrial user that discharges to into the Village Creek Wastewater Treatment Facility and who is subject to categorical Pretreatment Standards and meets the criteria, as determined solely by the Director:

- (a) has consistently complied with all applicable categorical Pretreatment standards and requirements;
- (b) annually submits the certification statement required in Section 12.5-633(B) together with any additional information necessary to support the certification statement; and
- (c) never discharges any categorical process wastewater into the sanitary sewer(excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard).

North American Industry Classification System (NAICS) is a system (updated every five years) used by the federal government for collecting and organizing industry-related statistics.

POTW (publicly owned treatment works) means a treatment works, as defined by Section 212 of the Federal Water Pollution Control Act, as amended by the Clean Water Act, as amended, (33 U.S.C. § 1292) as amended, owned by the City or Governing Entity, including any devices or systems used in the collection, storage, treatment, recycling, and

reclamation of sewage or industrial wastes of a liquid nature and any sewers, pipes, and other conveyances which convey wastewater to a treatment plant.

Pretreatment standards or standards means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Federal Water Pollution Control Act, as amended by the Clean Water Act, as amended (33 U.S.C. §§1251 et seq.), which applies to industrial users of the POTW. It includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5, Section 12.610(c) of the City Code and categorical Pretreatment standards and local limits.

Process wastewater means water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater.

Significant Industrial User (SIU):

(1) Except as provided in Section (2) of this definition, Significant Industrial Users means:

- (a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N; and
- (b) Any other Industrial User that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

(2) Upon a finding by the Director that an Industrial User who meets the definition of Non-significant Categorical Industrial User but has no reasonable potential for adversely affecting the POTW's operation by violating any pretreatment standard or requirement, the director may at any time, on his own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR § 403.8 (f)(6), determine that such industrial user is not a Significant Industrial User.

Slug Load or Slug Discharge means:

- (1) any discharge at a flow rate or concentration, which could cause a violation of the discharge standards prescribed by law.;
- (2) any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through; or
- (3) any discharge which or in any other way violates the POTW's regulations, local limits or permit conditions.

Standard Industrial Classification Code (SIC) means a 4 digit number used by the Bureau of Census as part of a system to categorize and track the types of business activities conducted in the United States. The first two digits of the code represent the major industry group and the second two digits represent the specific subset of that group.

Section 2.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 1 “General Provisions”, Section 12.5-600 “Definitions” shall be amended to add the terms *Upset* and *User* to this Article, to change the term *Discharge* to be *Indirect Discharge* and revise the term *Total toxic organics* as follows:

Indirect Discharge means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Total Toxic Organics (TTOs) means the specific list for each categorical industry of the sum of the masses or concentration of the toxic organic compounds listed in 40 CFR 122 Appendix D, Table II, excluding pesticides, found in industrial users' discharge at a concentration greater than 0.01 mg/l. Only those parameters reasonably suspected to be present, if any, shall be analyzed for non-categorical industries. TTOs are specific to each particular federal category.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An affirmative defense to Upset applies only in causes of action brought in federal court pursuant to Section 12.5-677.1 of this Code.

User means a person is a source of an indirect discharge.

Section 3.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 1, “General Provisions”, Section 12.5-604 “Incorporation of EPA or TCEQ Standards” shall be amended to be as follows:

Sec. 12.5-604. Incorporation of EPA or TCEQ standards.

All categorical pretreatment standards, sewage pretreatment rules, lists of toxic pollutants, industrial categories, record-keeping requirements, and other applicable regulations promulgated by the EPA or TCEQ, including all future amendments of same, are hereby incorporated into this Article.

Section 4.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 2, “Discharge Prohibitions and Limits”, Section 12.5-610 “Discharges to the City of Fort Worth Village Creek Wastewater Treatment Facility”, subsections (c) through subsection (e) shall be amended and shall now include subsection (f) as follows:

(c) Categorical pretreatment. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into this article. A user shall not discharge in violation of categorical pretreatment standards.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) 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).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can demonstrate, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net/ gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(d) Local limits. The following local pollutant limits are established to protect against pass through and interference. The limits apply at the point where the wastewater is discharged to the POTW. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations. All concentrations for metallic substances are for total metal unless indicated otherwise. No person shall discharge wastewater containing:

Pollutants in the form of compounds or elements with total concentrations exceeding the following:

POLLUTANT	MAXIMUM Allowable Discharge Limitmg/L
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Arsenic	0.25
Cadmium	0.15
Chromium	5.0
Copper	4.0
Lead	2.9
Mercury	0.01
Nickel	2.0
Silver	1.0
Zinc	5.0
Cyanide or cyanogens compounds (expressed as total CN-	1.0

(e) The Director may develop Best Management Practices by ordinance approved by the City Council, or in individual wastewater discharge permits to help implement local limits and other pretreatment standards and the requirements of Section 12.5 610.

(f) A person commits an offense if with criminal negligence the person processes or stores pollutants, substances, or wastewater prohibited by this section in such a manner that they could be discharged to the POTW.

Section 5.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 2, “Discharge Prohibitions and Limits”, Section 12.5-610.1 “Discharges to the Trinity River Authority Central Regional Wastewater Treatment Facility” shall be amended to change the term (in the table) *Allowable Discharge Limit mg/L* to *Instantaneous Maximum Allowable Discharge Limit mg/L*, and to replace the current subsection (e) and add subsection (f) as follows:

(e) The Director may develop Best Management Practices by ordinance approved by the City Council, or in individual wastewater discharge permits to help implement local limits and other pretreatment standards and the requirements of Section 12.5-610.1.

(f) A person commits an offense if with criminal negligence the person processes or stores pollutants, substances, or wastewater prohibited by this section in such a manner that they could be discharged to the POTW.

Section 6.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 2, “Discharge Prohibitions and Limits”, Section 12.5-610.2 “Discharges to the Trinity River Authority Denton Creek Wastewater Treatment Facility” shall be amended to change the term (in the table) *Allowable Discharge Limit mg/L* to *Instantaneous Maximum Allowable Discharge Limit mg/L*, and to replace the current subsection (e) and add subsection (f) as follows:

(e) The Director may develop Best Management Practices by ordinance approved by the City Council, or in individual wastewater discharge permits to help implement local limits and other pretreatment standards and the requirements of Section 12.5-610.2.

(f) A person commits an offense if with criminal negligence the person processes or stores pollutants, substances, or wastewater prohibited by this section in such a manner that they could be discharged to the POTW.

Section 7.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 2 “Discharge Prohibitions and Limits”, Section 12.5-613 (a) “Upset” shall be amended as follows:

Section 12.5-613. Upset.

(a) When an Upset occurs, a 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 equipment until the equipment is restored or an alternative method of treatment is provided. The User must also report the Upset in accordance with 12.5-656. This requirement applies in the situation where, among other things, the primary source of power of the treatment equipment is reduced, lost, or fails. A User may have an affirmative defense to Upset under Section 12.5-677.1 of this Article only if the cause of action is brought in a federal court.

Section 8.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 3, “Pretreatment of Wastewater”, Section 12.5-622 “Accidental Discharge/Slug Control Plans” shall be amended as follows:

Section 12.5-622. Accidental Discharge/Slug Control Plan

The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges at the time of SIU determination, or at least by the first year. All the activities associated with slug control evaluation and results are to be kept in the Industrial User file. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall, at a minimum, include the:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 12.5-656 of this Article; and
- (d) Procedures as needed 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 containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 9.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 4, “Wastewater Discharge Permit Application”, Sections 12.5-631 through 12.5-633 shall be amended as follows:

Section 12.5-631. Wastewater discharge permit required.

- (a) All nondomestic users which discharge into the POTW shall be grouped according to the following definitions:
 - (1) Group I--Significant Industrial Users.
 - (2) Group II--Commercial facilities and Non-Significant Industrial Users (NSIU) Those commercial facilities and industrial users which are not included in Group I. Examples

include, but are not limited to, automotive service shops, car washes, small food processors, and photographic developing shops.

(3) Group III--Classed high strength users. Restaurants or other businesses which can be classed according to any average strength or abnormal strength of their wastewater.

(4) Group IV--Wastewater haulers. Septage and chemical toilet waste haulers desiring to discharge into the POTW. Waste must be generated within the city's service area.

(5) Group V--Ground water remediation dischargers. Dischargers who are retrieving contaminated underground water, pretreating such water, and then discharging into the POTW.

(6) Group VI-- Non-Significant Categorical Industrial User (NSCIU) facility that never discharges categorical wastewater even though categorical process(es) are located on-site.

(b) No Group I, Group IV or Group V or Group VI user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director.

(c) The Director may require any Group II or Group III User to obtain a wastewater discharge permit. Within thirty (30) days after being notified by the Director that a wastewater discharge permit is required, the User shall submit a completed application in compliance with this article. After sixty (60) days from the date a Group II or Group III User is notified by the Director that a permit is required, the User shall cease discharge to the POTW without a wastewater discharge permit.

(d) Any violation of the terms and/or conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in this chapter. Obtaining a 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.

Section 12.5-632. Permit application process.

(a) Any User required to obtain a wastewater discharge permit, who proposes to begin or recommence discharging into the POTW, shall obtain such permit prior to beginning or recommencing such discharge. For Significant Industrial Users (SIU), an application shall be filed with the director at least ninety (90) days prior to the date upon which any discharge will begin or recommence. Non-Significant Categorical Industrial Users (NSCIU) and Non-Significant Industrial Users (NSIU) shall be required to submit applications at dates specified by the Director. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(b) The Director may require all users to submit as part of an application the following information:

(1) All information required by Section 12.5-651 of this Article;

(2) Description of activities, structures, equipment and plant processes on the premises, including 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;

- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) 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;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

Sec. 12.5-633. Signatories and certification.

(a) All wastewater discharge permit applications and User reports shall 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 and imprisonment for knowing violations."

(b) A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Section 12.5 103 & 631 (a) (6); must annually submit any report required by the Director and the following statement signed in accordance with requirements in 40 CFR 403.120(1).

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (1) The facility described as _____ [facility name] met the definition and criteria of a Non-Significant Categorical Industrial User as described in Section 12.5-103 and 12.5-631 (a)(6) of this Article;
- (2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (3) the facility never discharged categorical process wastewater on any given day during this reporting period.”

Section 10.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 5, “Wastewater Discharge Permit Issuance Process”, Sections 12.5-641, 12.5-643 and 12.5-645 shall be amended as follows:

Section 12.5-641. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) A wastewater discharge permit shall contain:

- (1) A statement that indicates the permit's duration;
- (2) A statement that the permit is nontransferable without prior notification to the city in accordance with section 12.5-644 of this Article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits and Best Management Practices based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- (5) A statement of any civil and/or criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law; and
- (6) Requirements to control Slug Discharge, if determined by the Director to be necessary.

(b) Wastewater discharge permits may also contain the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection, flow, and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this Article, and state and federal laws, rules, and regulations.

Section 12.5-643. Permit modification.

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the city's POTW, the city's personnel, or the receiving waters;
- (e) To incorporate, revise, or revoke new or existing Best Management Practices;
- (f) A violation of any terms or conditions of the wastewater discharge permit;
- (g) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Section 12.5-645. Grounds for permit denial or revocation.

(a) The Director may deny or, after notice and hearing, revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the director of changed conditions pursuant to section 12.5-655 of this article;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the director timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;

- (8) Failure to meet Best Management Practices, based on applicable Pretreatment Standards;
- (9) Failure to pay fines;
- (10) Failure to pay sewer charges;
- (11) Failure to meet compliance schedules;
- (12) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (13) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (14) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit, this article, or Article VII.
- (15) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit.

(b) Petitions and hearings are subject to the requirements set forth in section 12.5-119 of this Chapter.

Section 11.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 6, “Reporting Requirements”, Sections 12.5-651(b) subsections(5) and (7), and Section 12.5-654, 12.5-654.1, 12.5-655, 12.5-658, 12.5-660, 12.5-661 and 12.6-663(a) shall be amended as follows:

Section 12.5-651(b). Baseline monitoring reports.

(5) Measurement of pollutants.

- a. The categorical pretreatment standards applicable to each regulated process.
- 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. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 12.5-660 of this article. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the City or the applicable standards to determine compliance with the standard.
- c. Sampling shall be performed in accordance with procedures set out in section 12.5-661 of this Article.
- d. The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph. However, the City 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. Historical data that can represent the current discharge only can be accepted as a baseline report.

e. 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.

and

(7) *Compliance schedule.* If additional pretreatment, Best Management Practices and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in section 12.5-652 of this Article.

Section 12.5-654. Periodic compliance reports for facilities discharging to the City of Fort Worth Village Creek Wastewater Treatment Facility.

(a) All Significant Industrial Users shall, at a frequency determined by the Director but in no case less than twice per year (once in July covering the six-month period December 1 through May 31 and once in January covering the six-month period June 1 through November 30), submit a report containing at a minimum:

(1) The nature and concentration of pollutants in the discharge which are limited by pretreatment standards;

(2) The measured or estimated average and maximum daily flows for the reporting period;

(3) In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by City or the Pretreatment Standard necessary to determine the compliance status of the User; and

(4) Contributing information as is determined necessary to account for water usage, materials recovery, or disposal practices.

(b) All Non-significant Categorical Industrial Users (NSCIU) shall submit a report annually in the month specified by the Director. The report shall be completed according to the City's current reporting requirements, including the submittal of any applicable certification statements.

(c) If the Director has determined that a Non-significant Industrial User (NSIU) needs a permit, then the NSIU shall submit a report annually in the month specified by the Director. The report shall be completed according to the City's current reporting requirements, including the submittal of any applicable certification statements.

(d) All periodic compliance reports shall be signed and certified in accordance with section 12.5-633 of this Article.

(e) All wastewater samples shall be representative of the User's discharge. wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its

monitoring equipment in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(f) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(g) If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in sections 12.5-610, 12.5-661, 12.5-641 and 12.5-663 of this Article, the results of this monitoring along with chain-of-custody forms shall be included in the report.

Section 12.5-654.1 Periodic compliance reports for facilities discharging to the Trinity River Authority Wastewater Treatment Facility.

(a) All Significant Industrial Users shall, at a frequency determined by the Director but in no case less than twice per year (once in July covering the six-month period December 1 through May 31 and once in January covering the six-month period June 1 through November 30), submit a report containing at a minimum:

(1) The nature and concentration of pollutants in the discharge which are limited by pretreatment standards;

(2) The measured or estimated average and maximum daily flows for the reporting period; and

(3) In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by City or the Pretreatment Standard necessary to determine the compliance status of the User;

(4) Contributing information as is determined necessary to account for water usage, materials recovery, or disposal practices.

(b) All periodic compliance reports shall be signed and certified in accordance with section 12.5-633 of this Article.

(c) All wastewater samples shall be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring equipment in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the director, using the procedures prescribed in sections 12.5-610.1, 12.5-610.2, 12.5-661, 12.5-641 and 12.5-663 of this Article, the results of this monitoring along with chain-of-custody forms shall be included in the report.

Section 12.5-655. Reports of changed conditions.

Each User shall notify the Director of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(a) 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 under section 12.5-632 of this Article.

(b) The Director may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of twenty percent (20%) or greater, the discharge of any previously unreported pollutants, and the deletion of any pollutant regulated by this Article or a permit issued pursuant to this Article.

(d) Significant Industrial users that discharge wastewater to treatment plants operated by the Trinity River Authority (TRA) shall provide prior written notification to the City and the TRA of changes to its wastewater discharges and any changes at its facility that affect the potential for a Slug Discharge.

(e) Significant Industrial users that discharge wastewater to treatment plant operated by the City shall provide prior written notification to the City of changes to its wastewater discharges and any changes at its facility that affect the potential for a Slug Discharge.

Section 12.5-658. Notification of violation based on self-monitoring.

If a User's monitoring and wastewater analysis indicates that a violation has occurred, the User shall:

(a) Inform the Director within twenty-four (24) hours of becoming aware of the violation;

(b) Within thirty (30) days submit to the Director a report which identifies:

(1) The time, date, location, processes, and operations associated with the violation, and the personnel assigned responsibility and/or present during the violation;

(2) The cause or probable cause of the noncompliance; and

(3) The actions taken and implemented to meet permit conditions; and

(c) Repeat the sampling and pollutant analysis and submit to the Director a written report of the results of this second analysis within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director monitors at the User's facility at least once a month, or if the Director samples between the User's initial sampling and when the User receives the results of this sampling.

Section 12.5-660. 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 40 CFR 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 City in accordance with procedures approved by EPA or TCEQ.

Section 12.5-661. Sample collection.

(a) Except as indicated in subsection (b) and (c), the User shall collect wastewater samples using twenty-four (24) hour flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (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 City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Sections 12.5-651 and 12.5-653 and 40 CFR 403.12(b) and (d), 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 City Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 12.5-654 and 12.5-654.1 and 40 CFR 403.12(e) and 403.12(h), 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.

(d) TTOs shall be sampled for as stipulated in each specific federal category. The Director may also sample any non-categorical user for TTOs and/or any other parameters reasonably suspected to be present.

Section 12.5-663(a). Record keeping.

(a) Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements including documentation associated with Best Management Practices established under Sec. 12.5-610(e), Sec. 12.5-610.1(e) and Sec. 12.5-610.2(e).

Section 12.

Chapter 12.5 “Environmental Protection and Compliance”, Article VI “Industrial Wastewater”, Division 7, “Compliance Monitoring and Enforcement”, Sections 12.5-670, 12.5-671, 12.5-671.1, 12.5-677, 12.5-677.1 and 12.5-677.2 shall be amended as follows:

Section 12.5-670. Inspection and sampling.

(a) At least once a year, the Director shall inspect and sample each Significant Industrial User. However, the Director may inspect and sample each SIU as frequently as needed during the pretreatment year. The Director shall evaluate and determine whether each SIU needs a plan to control slug discharges. The Director shall make the determination within a year from the evaluation.

(b) Users must allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Users shall also comply with all applicable provisions of federal and state law allowing authorized representatives of the EPA and TCEQ access to all parts of the premises and records for the purposes of inspection, sampling, records examination and copying, and the performance of other authorized functions.

(c) User shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City’s requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

(d) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(e) The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the User’s expense. All devices used to measure wastewater flow and quality shall be calibrated as determined by the Director to ensure their accuracy.

(f) 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 born by the User.

(g) Unreasonable delays in allowing the Director, or authorized representatives of the EPA and TCEQ, access to the User's premises shall be a violation of a wastewater discharge permit and of this article.

Section 12.5-671. Publication of Users in significant noncompliance for facilities discharging to the City of Fort Worth Village Creek Wastewater Treatment Facility.

(a) The Director shall publish annually, in_a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City a list of the users which, during the previous twelve (12) months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. Significant Industrial Users are subject to the SNC criteria listed in paragraphs (1) through (8) below. Group II non-significant industrial users that have been issued a permit shall be subject to SNC criteria listed in paragraphs (3) through (8) below. Group VI non-significant categorical industrial users shall be subject to SNC criteria listed in paragraphs (3) through (8) below. All other industrial users are subject to the SNC criteria listed in paragraphs (3), (4) and (8) of this Section.

(b) Significant non-compliance shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken for the same pollutant parameter during a six-month period exceed a numeric pretreatment standard or requirement, including instantaneous limits for the same pollutant parameter by any amount;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (Daily Maximum, long-term average, or a 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;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic reports (such as self-monitoring reports), and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Section 12.5-671.1. Publication of Users in significant noncompliance for facilities discharging to the Trinity River Authority Wastewater Treatment Facility.

The Director shall have published annually, in the largest daily newspaper published in the city, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other discharge violation that the director believes 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of his emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Section. 12.5-677. Affirmative defenses to discharge violations for action in municipal or state court.

(a) A person shall be entitled to an affirmative defense to violation of a pretreatment standards or a permit under this Article if a cause of action is brought in municipal or state court and that person can establish that an event that would otherwise be a violation of a pretreatment ordinance or a permit issued under Article was caused solely by an Act of God.

(b) To claim an Act of God, a User must control production of all discharges to the extent possible until such time as the reduction, loss, or failure of it's treatment facility is restored or an alternative method of treatment is provided.

Section. 12.5-677.1. Affirmative defenses to Upset only in federal court.

(a) A person shall be entitled to an affirmative defenses for a violation caused by an Upset only if a cause of action is brought in federal court and the User demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) The User's facility was at the time of the Upset being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(2) The User has submitted written notice with the information listed below to the Director within twenty-four (24) hours of becoming aware of the Upset. If this notice is provided orally, a written notice must be provided within five (5) days. The written notice must state:

- 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.

Section. 12.5-677.2. Other Affirmative defenses to specific prohibited discharge standards only in federal court.

A person shall be entitled to an affirmative defenses for a cause of action brought only in federal court for noncompliance with the general prohibition of section 12.5-610(a), 12.5-610.1(a) or 12.5-610.2(a) or a specific prohibition of section 12.5-610(b)(3), (5), (6), (7), or (8), 12.5-610.1(b)(3), (4), (5), (6), or (7) or 12.5-610.2(b)(3), (4), (5), (6), or (7); or if the User can show that the User did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Section 13.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provision of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 14.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 15.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 16.

All rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the provisions of the ordinances amended and repealed in Section 1, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 17.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and Section 5 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 2, Chapter XXV, of the Charter of the City of Fort Worth, Texas and by Section 52.013, Texas Local Government Code.

Section 18.

This ordinance will take effect _____.

APPROVED AS TO FORM AND LEGALITY:

Christa R. Reynolds
Sr. Assistant City Attorney

Adopted: _____