

ORDINANCE NO. 2024-23

AN ORDINANCE AMENDING DIVISION 2, "INDUSTRIAL WASTE," OF ARTICLE II, "SEWAGE," OF CHAPTER 98 "UTILITIES" OF THE SAGINAW CITY CODE, BY ADDING A DEFINITION FOR PFAS; PROVIDING FOR THE MANAGEMENT OF THE DISCHARGE OF PFAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has previously adopted regulations for industrial waste; and

WHEREAS, the City of Saginaw is a wholesale customer of the City of Fort Worth and is responsible for complying with pretreatment obligations implemented by Fort Worth; and

WHEREAS, the City of Fort Worth recently implemented regulations to reduce or eliminate PFAS compounds discharged into the collection system and is requiring all wholesale customer cities to modify their regulations for cohesion; and

WHEREAS, the City Council has determined that the amendments in this ordinance promote the health, safety, and general welfare of its citizens.

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

SECTION 1.

Section 98-51, "Definitions," of Division 2, "Industrial Waste," of Article II, "Sewage," of Chapter 98, "Utilities," of the Saginaw City Code is hereby amended by adding the definition of "Per- and Poly-Fluoroalkyl Substances (PFAS)" to be inserted alphabetically and to read as follows:

"Per- and Poly-Fluoroalkyl Substances (PFAS). The following group of synthetic chemicals used in industrial and consumer products which do not degrade easily in the environment: Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonic Acid (PFOS), Perfluorononanoic Acid (PFNA), Perfluorohexane Sulfonate (PFHxS), Perfluorobutane Sulfonate (PFBS), and Perfluorohexanoic Acid (PFHxA)."

SECTION 2.

Subsection (d), "Specific Prohibited Wastewater Constituents" of Section 98-53, "Discharge prohibitions and limitations," of Division 2, "Industrial Waste," of Article II, "Sewage," of Chapter 98, "Utilities," of the Saginaw City Code, is hereby amended by revising subsection (19) and adding a new subsection (28) to read as follows:

"(19) Trucked or hauled industrial waste.

- a. Trucked or hauled pollutants, except at discharge points designated by the authority in accordance with subsection (c) of this section;
- b. Trucked or hauled industrial waste, except as approved in writing by the director; or
- c. Trucked or hauled waste from any industrial activities/processes regulated by any specific category listed in 40 Code of Federal Regulations (40CFR) Parts 405 – 471 with detectable quantities of PFAS;"

"(28) Any PFAS or PFAS-related substances above baseline collection system concentrations of 25 ng/L without an approved plan of correction, as defined in the dischargers permit, which employs "Best Management Practices" (BMPs) to reduce or eliminate the pollutants within one year of detection/notification."

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4.

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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

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 deemed guilty of a misdemeanor and shall be fined, upon conviction, in accordance with Chapter 1, Section 1-13, Saginaw City Code. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

SECTION 6.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of the Saginaw City Code, or any other ordinances regarding the matters regulated herein 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.

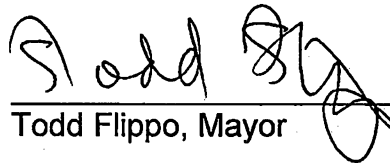
SECTION 7.

The City Secretary of the City is hereby directed to publish at least twice in the official newspaper of the City, the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

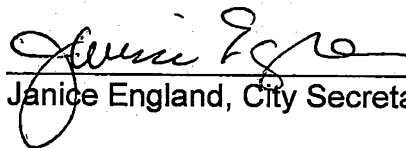
SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

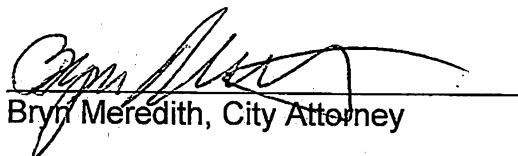
PASSED AND APPROVED ON this the 1st day of October, 2024.


Todd Flippo, Mayor

ATTEST:


Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Bryn Meredith, City Attorney

