

ORDINANCE NO. 3887

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING ARTICLE IV, "SANITARY SEWER SYSTEM," OF CHAPTER 78, "UTILITIES," OF THE CODE OF ORDINANCES, NORTH RICHLAND HILLS, TEXAS, BY ADDING A DEFINITION FOR PFAS; AMENDING THE DEFINITION OF TOTAL TOXIC ORGANICS (TTO); PROVIDING FOR THE MANAGEMENT OF THE DISCHARGE OF PFAS; REVISING THE INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE TO WASTEWATER; REVISING THE AMOUNT OF CYANIDE DISCHARGE TO TRA; 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 North Richland Hills, Texas (the "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 North Richland Hills 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 Trinity River Authority recently revised their maximum allowable limits of several heavy metals allowable; 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 NORTH RICHLAND HILLS, TEXAS, THAT:

SECTION 1. Section 78-211, "Definitions," of Article IV, "Sanitary Sewer System," of Chapter 78, "Utilities," of the North Richland Hills Code is hereby amended by adding a definition of "Per- and Poly-Fluoroalkyl Substances (PFAS)" and amending the definition of "Total Toxic Organics (TTO)" to read as follows and to be inserted alphabetically:

"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).

Total Toxic Organics (TTO) means the sum of masses or concentration of the toxic organic compounds listed in 40 CFR 122 Appendix D, Table II, excluding pesticides, found in Industrial Users' discharges at a concentration greater than 0.01 mg/L. With Categorical industries, the list of TTOs is specific for every applicable federal category. TTO's will be sampled for as stipulated in the particular category or those parameters reasonably suspected to be present, to be determined by the City, where not stipulated."

SECTION 2. Section 78-213, "Prohibited Discharges," of Article IV, "Sanitary Sewer System," of Chapter 78, "Utilities," of the North Richland Hills Code are hereby amended by revising Subsection (d)(19) and adding a new subsection (d)(28) to read as follows:

"(19) *Trucked or hauled pollutants.*

- a. Trucked or hauled industrial waste, except as approved in writing by the director; or
- b. Trucked or hauled waste from any industrial activities/processes regulated by any specific category listed in 40 Code of Federal Regulations (40 CFR) 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. Subsections (e)(2) and (e)(3) of Section 78-213, "Prohibited Discharges," of Article IV, "Sanitary Sewer System," of Chapter 78, "Utilities," of the North Richland Hills Code are hereby amended to read as follows:

“(2) *Local limits.* Metals in the form of compounds or elements with total concentrations exceeding the following:

INSTANTANEOUS
MAXIMUM ALLOWABLE
DISCHARGE LIMIT (mg/L)

	For Discharges to TRA	For Discharges to Fort Worth
Arsenic	0.2	0.25
Cadmium	0.1	0.15
Chromium	2.1	5.0
Copper	1.8	4.0
Lead	1.2	2.9
Mercury	0.06	0.01
Molybdenum	0.5	No Limit
Nickel	3.3	2.0
Selenium	0.2	No Limit
Silver	0.8	1.0
Zinc	6.1	5.0

(3) *Cyanide.* Cyanide or cyanogen compounds (expressed as total Cn) in excess of:

1. 1.0 mg/L for discharges to Fort Worth; and
2. 0.4 mg/L for discharges to TRA.”

SECTION 3. This Ordinance shall be cumulative of all provisions of ordinances and of the City Code of North Richland Hills, Texas, 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 Section 1-13 of the North Richland Hills 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 North Richland Hills are expressly saved as to any and all violations of the provisions of the North Richland Hills 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 of North Richland Hills is hereby directed to publish in the official newspaper of the City of North Richland Hills, the caption and penalty clause of this Ordinance as provided by law.

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 27th DAY OF JANUARY, 2025.

Jack McCarty, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

APPROVED AS TO LEGAL FORM

Bradley A. Anderle, City Attorney