

ORDINANCE NO. 086-060

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO ADD ARTICLE IV, LIQUID WASTE, PRODUCTION, TRANSPORTATION AND DISPOSAL, PROHIBITING LIQUID WASTE TRANSPORTERS FROM HAULING HAZARDOUS WASTE WITHOUT CITY PERMIT; PROVIDING NEW LICENSING REQUIREMENTS; PROVIDING APPEALS FROM LICENSING DECISIONS; PROHIBITING DISPOSAL IN A SANITARY SEWER; ADDRESSING MOBILE TREATMENT; PROVIDING FOR ADDITIONAL RECORD KEEPING BY LIQUID WASTE TRANSPORTERS; PROVIDING ADDITIONAL REQUIREMENTS FOR LIQUID WASTE PRODUCERS; PROVIDING FOR PENALTY NOT TO EXCEED \$1,000.00; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Chapter 18 of Code of Ordinances of the Town of Addison is hereby amended to add Article IV to read as follows:

ARTICLE IV. LIQUID WASTE-PRODUCTION, TRANSPORTATION, AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 18-180. Definitions.

- a. APPROVING AUTHORITY means the director of the department designated by the City Manager to enforce and administer this article or the director's designated representative.
- b. HAZARDOUS WASTE MATERIAL means liquid waste which may have any of the following characteristics;
 1. toxic
 2. corrosive,

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3. an irritant,
- 4, a strong sensitizer,
5. flammable or combustible,
6. explosive, or
7. otherwise capable of causing substantial injury or illness.

and is hazardous as defined by the Texas Solid Waste Disposal Act or the federal Resource Conservation and Recovery Act.

- c. INDUSTRIAL WASTE means the liquid wastes from industrial processes, as distinct from sanitary sewage.
- d. LIQUID WASTE means water-borne solids, liquids, and gaseous substances derived from certain sources.
- e. GREASE INTERCEPTOR means a device to skim, settle, or otherwise remove grease, oil, sand, grit, flammable wastes or other harmful substances from wastewater.
- f. LIQUID WASTE PRODUCER or PRODUCER means a person who receives and processes, or disposes of liquid waste of a producer. The terms processing and disposal shall be the same as defined in the Texas Waste Disposal Act.
- g. LIQUID WASTE PRODUCER or PRODUCER means a person who causes, creates, generates, or otherwise produces liquid waste.
- h. PERSON means any individual, corporation, non-profit corporation, organization, partnership, association, or governmental entity.
- i. SPILL means any unplanned and illegal discharge of 10 gallons or more of liquid waste.
- j. DOMESTIC SEWAGE means sewage discharge from the sanitary conveniences of dwellings or other buildings.
- k. WASTEWATER means water carried waste as in sewage.
- l. WASTE VEHICLE means a mobile device in which or by which liquid waste may be transported upon a public street or highway.
- m. MOBILE TREATMENT means use of a mobile processing unit specifically designed and capable of treating grease

interceptor wastes on-site by separating grease, grit, particulates, and other contaminants from water to the extent that the finished water conforms to all requirements of the industrial waste ordinance for dischargeable liquids.

n. CITY means the Town of Addison.

DIVISION 2. LIQUID WASTE TRANSPORTATION

Sec. 18-181. Permit Required.

1. A person commits an offense if he operates or causes to be operated a waste vehicle within the City for the purpose of transporting liquid waste without an applicable city permit. A separate permit is issued for each waste vehicle operated. Excluded from this paragraph are waste vehicles which operate within the City solely for the purpose of transporting liquid waste through the City and where no waste is received, unloaded, stored, or parked within the City.
2. A person who desires to obtain a permit must submit an application form provided by the approving authority.
3. The approving authority shall not issue a permit unless the applicant submits for inspection by the approving authority each waste vehicle he proposes to use to transport liquid waste and each waste vehicle is found by the approving authority to be constructed and equipped in accordance with the provisions of this article.
4. A permit is not transferable.
5. A permit issued by the City prohibits the commingling of hazardous and non-hazardous materials.
6. Transporters transporting hazardous wastes must meet the applicable Texas Department of Health or Texas Department of Water Resources requirements.
7. Each applicant must specify which approved and permitted disposal site or sites will be utilized.

Sec. 18-182. Fee and Display of Permit.

1. The approving authority shall not issue a permit

to an applicant until the appropriate fee is paid. A person shall pay a fee of \$40.00 for the first waste vehicle and \$25.00 for each additional waste vehicle operated by the person. Each permit must be renewed annually.

2. The approving authority shall number permits consecutively, and each permit holder shall cause to be displayed on each side of each waste vehicle in a color contrasting with the background in three-inch letters or larger the company name and the following:

ADD. _____

The blank space shall contain the permit number. The permit holder shall place company name and the number on each waste vehicle before the waste vehicle is operated. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

Sec. 18-183. Liquid Waste Vehicles; Impoundment.

1. A liquid waste transporter shall:
 - a. maintain hoses, tanks, and valves on a waste vehicle in good repair and free from leaks;
 - b. provide a safety plug or cap for each valve or a tank;
 - c. use a waste vehicle with a single tank capacity of not less than 1000 gallons to transport septic tank, grease trap liquid waste, or sand trap liquid waste, except when operating a waste vehicle for portable toilet cleaning;
 - d. cause a waste vehicle exterior to be clean and the waste vehicle odor free at the beginning of each work day.

2. The approving authority may cause to be impounded a waste vehicle which is being operated in violation of this article, and he may authorize the detainment of the waste vehicle until the violation is corrected. The approving authority may also revoke the permit for an improperly operated waste vehicle. If a waste vehicle is impounded or if a permit is revoked, an appeal may be filed by the transporter pursuant to appeal section (18-187) provided below.

Sec. 18-184. Responsibilities of a Liquid Waste Transporter.

1. Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine the nature of the material to be transported and that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the waste.
2. A transporter with a City liquid waste transporter permit shall not transport materials that are hazardous as previously defined in waste vehicles permitted by the City for transporting liquid waste.
3. A transporter holding a City permit must use a disposal site permitted or approved by the State of Texas.
4. A manifest system, consisting of a four-part trip ticket, is used to control the transporting and disposal of all applicable liquid waste generated in the City and shall be used as follows:
 - a. The trip ticket books, which shall be used exclusively for a single waste vehicle, are purchased by the transporter from the City for ~~an~~ ~~established fee~~ \$10.00 (Ord. No. 086-070).
 - b. a transporter will complete one trip ticket for each location serviced, with the exception of chemical toilet companies servicing their own units

- who will complete one trip ticket for each load transported;
- c. first copy of manifest form signed by transporter and producer at time of waste collection shall be left with producer for their files;
 - d. second copy of manifest form (which has the transporter and producer's signatures) signed by disposer at time of disposal shall be maintained by disposer;
 - e. third copy of manifest form (which has the signatures of transporter, producer, and disposer) shall be maintained by transporter;
 - f. all completed trip ticket books containing the original manifest form with all signatures will be sent monthly by the transporter to the City;
 - g. a copy of all manifests shall be maintained for a period of three years, and
 - h. all records required shall be made available for inspection by the approving authority at any reasonable time.

Sec. 18-185. Rules and Regulations.

The approving authority may promulgate reasonable rules and regulations as may be necessary to carry out the provisions of this article and protect the public from health and safe hazards.

Sec. 18-186. Revocation of Permit.

The approving authority may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or an employee of the transporter violates any of the provisions of this article, any rule or regulation promulgated by the approving authority, or applicable provisions of the City Code or state law.

Sec. 18-187. Appeal.

If the approving authority denies the issuance of a permit, or revokes a permit, he shall send to the applicant, or permit holder, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The applicant, or permit holder, may appeal the decision of the approving authority to the City Manager or his designated person to hear such appeal. The filing of a request for an appeal hearing with the City Manager stays an action of the approving authority revoking a permit until the City Manager makes a final decision.

Sec. 18-188. Hearings.

The hearing provided for in this section shall be conducted by the City Manager or his designee, at a time and place designated by the City Manager. Based upon the record of such hearing, the City Manager or designee shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit/license holder by the regulatory authority.

Sec. 18-189. No Refund When License is Suspended or Revoked.

The applicant shall not be entitled refunding of a permit/license fee where a permit/license is revoked or suspended.

DIVISION 3. ACCUMULATION, PRODUCTION, AND DISPOSAL

Sec. 18-190. Accumulation of Liquid Waste.

A person commits an offense if he allows liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.

Sec. 18-191. Disposal of Liquid Waste.

- a. A person commits an offense if he deposits, discharges, unloads or offers for sale or exchange liquid waste except at a place permitted or approved by the State of Texas for treatment or disposal of liquid waste.
- b. A person commits an offense if he deposits or discharges liquid waste onto a street or into a storm sewer or an area that drains into the storm sewer system.
- c. A person commits an offense if he deposits or discharges liquid waste or treated liquid waste, into any portion of a private or public sewer collection system without specific written approval from the City. Such approval will only be granted by special discharge permit to mobile treatment units which have satisfied all criteria required by the City and completed a stringent testing period.

Sec. 18-192. Responsibility of Liquid Waste Producer.

1. A producer of liquid waste shall have all liquid waste material transporter who holds a valid permit from the City and transports to an approved site for disposal.
2. A producer of liquid waste shall determine if the liquid waste in combination with hazardous waste removed from his premises by a liquid waste hauler operating under a city permit.
3. A producer shall sign the manifest from the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets for a period of three years. The approving authority may inspect these records at any reasonable time.
4. A producer:
 - a. shall install or provide grease interceptor of a size and design in a location specified by approving authority.
 - b. shall have grease interceptor serviced by a city permitted liquid waste

transporter at a frequency and with an effectiveness to eliminate drain blockages and subsequent overflows and insure that concentrations of contaminants in wastewater do not exceed city requirements. To satisfy this requirement, grease interceptors must be completely evacuated of ALL water and materials each time they are serviced.

- c. shall supervise proper cleaning of grease interceptor.
- d. shall report spills and accidents involving grease interceptor to approving authority immediately.
- e. shall clean up all spills and accidents immediately and have material disposed by a permitted transporter utilizing approved means.
- f. shall not install or utilize any system, process, or pretreatment involving the use of enzymes, bacteria, or other additives, nor alter the design or function of the grease interceptor without specific written approval of the Town of Addison.

Sec. 18-193. Responsibility of Liquid Waste Disposer.

- 1. A liquid waste disposer commits an offense if he allows accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or adjacent property or create a noxious odor or health hazard.
- 2. A liquid waste disposer shall;
 - a. obtain and maintain compliance with all requirements of state and federal law;
 - b. accept waste only from a permitted transporter;

- c. maintain manifest copies for a period of three years;
- d. accept only those classes of wastes authorized under city, state, or federal requirements;
- e. make available all records required to be kept for inspection by the approving authority at any reasonable time.

Sec. 18-194. Criminal Responsibility of Corporations or Association.

In addition to prohibiting certain conduct by natural person, it is the intent of this article to hold a corporation or association criminally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.

SECTION 2.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged invalid, illegal, or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or any provision thereof other than the part so determined to be invalid, illegal, or unconstitutional.

SECTION 3. Any person, firm, or corporation violating any of the provisions of this Ordinance, shall be upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of One Thousand and no/100 Dollars (\$1,000.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 4. This ordinance shall take effect within sixty (60) days from and after its adoption.

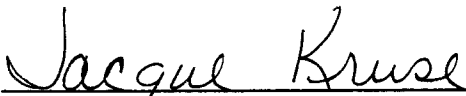
DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS,

this day 22nd, day of July, 1986.



MAYOR

ATTEST:



CITY SECRETARY