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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS REPEALING CHAPTER 172 IN ITS ENTIRETY AND CREATING IN ITS PLACE A CHAPTER 172 **ENTITLED "LIQUID** WASTE" TO SUBSTITUTED THERFOR, IN CONTINUATION OF THE EXISTING WASTE PROGRAM: **ESTABLISHING** REGULATIONS LIQUID GOVERNING LIQUID WASTE GENERATORS AND LIQUID WASTE HAULERS OPERATING IN CARROLLTON; PROVIDING FOR A PENALTY; AND PROVIDING FOR A SAVING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

SECTION 1

That Chapter 172, <u>Liquid Waste</u>, of Title XVII, <u>Environmental</u> <u>Regulations</u>, of the Carrollton Code of Ordinances is repealed in its entirety.

SECTION 2

That a new Chapter 172 of the Carrollton Code of Ordinances is hereby created, which shall read as follows:

CHAPTER 172: LIQUID WASTE

GENERAL PROVISIONS

Sec. 172.00 Purpose and Policy

To protect human health and the environment, this chapter sets forth uniform requirements for liquid waste generators and liquid waste haulers operating in the City of Carrollton and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) This ordinance chapter continues, with some revisions, the liquid waste program established by the City in Ordinance No. 1751, passed on 11-15-91.

The objectives of this chapter are:

- (A) To aid in the prevention of sanitary sewer overflows resulting from blockages and obstructions due to the accumulation of fats, oils and greases from commercial and industrial facilities;
- (B) To promote the proper maintenance of grease traps and grit traps; and,
- (C) To ensure the proper handling, disposal, transport and tracking of trap waste and other liquid waste.

Sec. 172.01 Administration

The City Manager or his Designated City Official will administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed in this Ordinance upon the City Manager may be delegated to other City Personnel.

Sec. 172.02 <u>Definitions</u>

Unless a provision explicitly states otherwise, the following abbreviations, terms and phrases used in this Ordinance shall have the definitions herein stated.

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et. seq.

Approved. Accepted as satisfactory under the terms and intent of this or related provisions and given formal and official sanction by the City Manager.

DCO (Designated City Official). The City Manager or his duly authorized representative.

Disposal. The discharge, deposit, release, injection, dumping, spilling, leaking or placing of any liquid waste into or on any land or water so that such waste or any constitute thereof may enter the environment, be emitted into the air or discharged to any sewers or waters, including ground waters.

Disposal site. A permitted site or part of a site at which liquid waste is processed, treated and/or intentionally placed into or on any land and at which the waste will remain after site closure.

Disposer. A person who receives, stores, retains, processes or disposes of liquid waste.

Fats, oils, and grease (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease".

Generator. Any person who causes, creates, generates or otherwise produces liquid waste, or a person who for any other reason has a liquid waste removed from his property by a transporter of liquid waste.

Grease trap or interceptor. A water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty, liquid, semi-liquid

and/or solid waste generated from operations, such as, but not limited to food establishments or cosmetic processing or manufacturing, into the sanitary sewer system, to which the receptacle is directly or indirectly connected.

Grease trap waste. Material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional or industrial establishment, including the solids resulting from de-watering processes.

Grit trap/Oil Separator. A water-tight receptacle designed and constructed to intercept and prevent the passage of solids and/or petroleum based products, such as oil, grease or fuels, into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit trap waste. Material collected in and from a grit trap, such as, but not limited to those traps at commercial automotive or heavy machinery repair and/or washing facilities.

Hazardous waste. Any liquid, semi-liquid or solid (or combination thereof), which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- (A) Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing personal injury, illness or damage or sewer systems;
- (B) Pose a hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise improperly managed; or,
- (C) Is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or the Administrator, the U.S. Environmental Protection Agency (EPA), the Federal "Solid Waste Disposal Act" as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

Liquid waste. Water-borne solids, liquids, gaseous substances derived from sources, such as, but not limited to grease traps, grit traps, chemical/portable toilets, septic tanks and/or washwater operations and is described as a grease trap waste, grit trap waste, septage, washwater or other liquid waste.

Manager. The person conducting, supervising, managing or representing the activities of a generator, transporter or disposer.

Manifest system. A paper trail system consisting of a five part trip ticket used to clearly and accurately document the generation, transportation and disposal of a liquid waste, according to requirements established by the DCO.

Other liquid waste. Non-hazardous liquid, liquid-borne solids, gaseous substances and other residue and debris resulting from any municipal or industrial wastewater, process water, contaminated stormwater, contaminated groundwater, liquid chemical waste, slurry and/or sludge, which is not permitted to be discharged to the storm sewer and may require pretreatment before discharge to a sanitary sewer.

Owner. The person who owns the facility or part of a facility.

Permit. The formal written document issued by the DCO to a person authorizing the collection of liquid waste.

Permittee. A person granted a permit under this chapter.

Person. An individual, corporation (including a government corporation), organization, government, governmental subdivision or agency, federal or state agency, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission or any other legal entity.

Publicly-Owned Treatment Works (POTW). A treatment works as defined by Section 21.2 of the Act, (33 U.S.C. 1292). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial sewage or industrial wastes of a liquid nature. It also includes lift stations, sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

Sanitary. A condition of good order and cleanliness that precludes the probability of disease transmission, or characterizes by or readily kept in cleanliness, or free from contamination, unhealthy conditions or public health nuisances.

Sanitary sewer. The system of pipes, conduits and other conveyances which carry industrial waste and domestic sewage, or a combination of both, from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, to the sewage treatment plant utilized by the City and to which storm, surface and ground waters are not normally admitted.

Septage. Domestic waste removed from holding tanks such as vessels, chemical/portable toilets, campers, trailers or septic tanks.

Storm sewer. A drainage system that carries storm water and surface waters and into which domestic and industrial sewage or washwater is not permitted.

Tank. A receptacle constructed of a durable material, which is an integral portion of the waste hauling vehicle and is designed to contain an accumulation of liquid waste.

TCEQ. Texas Commission on Environmental, and its predecessors and successor agencies.

Transporter. Any person who is registered with and authorized by TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste or grease trap waste in accordance with 30 TAC §312.42.

Trap. A water-tight receptacle, collection device, interceptor or clarifier designed and installed so as to separate and retain deleterious or undesirable matter from normal discharge to the sanitary sewer.

Trip ticket. The shipping document originated by the transporter which contains the information required by the DCO to ensure proper handling, disposal, transport and tracking of trap waste and other liquid waste.

Washwater. The water-borne solids, liquids, gaseous substances or other residue and debris resulting from a washing or cleaning process. Washwater shall not be discharged to the storm sewer, and may require pretreatment before being discharged to the sanitary sewer.

Washwater operation. Any cleaning process generally conducted outdoors, such as washing vehicles, equipment, structures or paved surfaces for maintenance, safety, aesthetic or stormwater pollution prevention purposes, and which generates washwater. Examples would include cleaning of petroleum products from parking lots or service station drives, mobile washing operations or equipment/vehicle washing, which does not drain to a grit trap.

GENERAL PROHIBITIONS

Sec. 172.03 Accumulation of liquid waste prohibited

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

Sec. 172.04 Restricted disposal of liquid waste

(A) A person commits an offense if he unloads or offers for sale or exchange liquid waste, except at a place approved by the City and permitted by the state or federal government.

(B) A person commits an offense if he deposits or discharges liquid waste onto a street or into a storm or sanitary sewer or an area that drains into a storm sewer system.

Sec. 172.05 <u>Tampering with monitoring devices</u>

No person may falsify, tamper with or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter.

Secs. 172.06 - 172.14 Reserved

LIQUID WASTE TRANSPORTERS; PERMIT REQUIREMENTS

Sec. 172.15 Permit required

- (A) A person commits an offense if he operates or causes to be operated a vehicle for the purpose of transporting liquid waste without an applicable permit from the City. A permit shall be issued for transportation of liquid waste and the DCO shall designate on the permit the liquid waste authorized for transportation in the vehicle. A separate vehicle permit number shall be issued for each vehicle operated. Excluded from this requirement are vehicles which traverse through the City solely for the purpose of transporting liquid waste through the City and where no liquid waste is received, unloaded, stored, parked within the City are; and, vehicles owned or operated by the City or vehicles operated for the City with the permission of the DCO.
- (B) A person who desires to obtain a permit must make application by legibly completing a form provided by the DCO.
- (C) A person who desires to obtain a permit must submit to the DCO at the time of application a photocopy of the manager's driver's license. The DCO shall be notified of manager employment changes during the permit period and shall be provided a copy of the new manager's driver's license.
- (D) The DCO shall not issue a permit unless the applicant submits for inspection by the DCO the vehicle the applicant proposes to use to transport liquid waste and the vehicle is found by the DCO to be constructed, equipped and maintained in accordance with the provisions of this chapter.
- (E) A permit is not transferable.

- (F) Each applicant must specify the disposal site to be used for the authorized disposal of liquid waste. The DCO shall be immediately notified of additional disposal sites used during the permit period.
- (G) A permit issued by the City excludes the hauling of incompatible waste, hazardous waste material and prohibits the commingling of hazardous and nonhazardous waste.
- (H) Transporters of hazardous waste in or through the City must have the applicable Texas Environmental Quality Commission and U.S. Environmental Protection Agency (EPA) registration numbers and use the appropriate EPA/TCEQ uniform hazardous waste manifest system. In order to determine compliance with this requirement the DCO may review and copy records, inspect facilities and vehicles, and sample or require sampling of the material being transported.
- (I) Waste materials to be recycled for other commercial uses, such as, but not limited to waste motor oil and waste cooking oil, are not required to be manifested or permitted under this chapter, but shall be stored, collected and transported in and through the City in conditions that are sanitary, free from odors and which will not adversely affect the environment.
- Prior to the issuance of a permit, the applicant must provide to the DCO, (J) evidence of a policy of general and automobile liability insurance and thereafter keep the same in full force and effect with an insurance company authorized to do business in the state. The policy shall insure the public against any loss or damage that may result to any person or property from the operation of a defective vehicle or negligence of the owner, or any person in control of the transporter vehicle. The policy shall provide a minimum amount of coverage as to each and every transporter vehicle to be not less than one million dollars (\$1,000,000.00) for bodily injury or death of any one person, for bodily injury or death in any one accident, for the damage to, or destruction of, property in any one accident. Coverage is to include the pollution liability endorsement with limits not less than one million dollars (\$1,000,000.00). Such coverage shall be endorsed to cover the upset, overturn, and remediation of the load in transport. The policy shall be of the occurrence type and name the City as an additional insured. No deductible shall apply to the City. The certificate of insurance required by this subsection shall contain a provision requiring that the DCO be provided with thirty (30) days advance notice, in writing, of cancellation or material change in the policy. In the event of cancellation or material change in the transporter's policy, the permit shall be suspended until such time as the transporter can again secure appropriate coverage.

Sec. 172.16 Fee; display of permit

- (A) The DCO shall not issue a permit until the appropriate established fee is paid. Permit fees are established by Chapter 31. Such fee shall be paid prior to issuance of the initial permit and upon renewal of such license each year thereafter. A transporter operating in the City without a valid permit shall be required to pay the full annual fee plus any penalties deemed appropriate by the DCO.
- (B) Each permit holder shall cause to be displayed on each side of the vehicle, in a color contrasting with the background, in three-inch high letters or larger, the business name, TCEQ registration number and the permit number consisting of the City's first three letters "CAR" and numeric numbers. The permit holder shall place its business name, TCEQ registration number and vehicle permit number on each permitted vehicle before the vehicle is operated. The permit holder shall keep the permit, or a copy, in the vehicle at all times.

Sec. 172.17 <u>Liquid waste vehicle</u>; inspection and maintenance

- (A) A liquid waste transporter's vehicle shall be inspected by the DCO prior to the issuance of a vehicle permit with qualifications as follows:
 - (1) Tank shall be at 50% capacity upon inspection and have a functional volume measuring or an indicating device accessible during inspection of vehicle;
 - (2) Use a vehicle with a single tank capacity of not less than 500 gallons, except when approved for operating a vehicle for the purpose of cleaning chemical/portable toilets. The tank shall be an integral portion of the liquid waste transport vehicle; portable tanks or other containers temporarily installed in vehicles are prohibited;
 - (3) Piping, valves, and connectors shall be permanently attached to the tank and/or vehicle;
 - (4) Tank shall be liquid tight;
 - (5) Tank shall be constructed so that every interior and exterior portion can be easily cleaned;
 - (6) Piping, valves and connectors shall be accessible and easy to clean;
 - (7) Inlet or opening of tank shall be constructed so that collected waste will not spill during filling, transfer or transport;

- (8) Outlet connections shall be constructed so that no liquid waste will leak, run or spill out from the vehicle;
- (9) Outlets shall be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage or undue spray on or flooding of immediate surroundings while in use;
- (10) Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray or leakage and capable of being easily disassembled for cleaning; and
- (11) The DCO may require marking or labeling of equipment or the addition of volume measuring or indicating devices.
- (B) A liquid waste transporter shall:
 - (1) Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections and other appurtenances on a vehicle in good repair and free from leaks;
 - (2) Provide a safety plug or cap for each valve of a tank; and,
 - (3) Cause a vehicle exterior to be clean and odor-free at the beginning of each work day.
- (C) The DCO may cause to be impounded a vehicle which is being operated in violation of this chapter, and to authorize the holding of the vehicle until the violation is corrected. The DCO may also revoke the permit for an improperly operated vehicle. If a vehicle is impounded or a permit is revoked an appeal may be filed by the transporter pursuant to the appeals section of section 172.19.

Sec. 172.18 Responsibilities of liquid waste transporters

- (A) 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 gasses, fumes, liquids or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- (B) Hazardous waste or hazardous waste in conjunction with a nonhazardous waste shall not be transported in any vehicle permitted by this chapter.

- (C) At no time shall a transporter commingle incompatible wastes in any transport vehicle.
- (D) A transporter holding a City permit must use a disposal site approved by the City and permitted by the state or federal government for disposal of nonhazardous liquid waste.
- (E) A manifest system, consisting of a five-part trip ticket is used to document the generation, transportation and disposal of all applicable liquid waste generated in the City and shall be used as follows:
 - (1) City of Carrollton trip ticket books, which will be used exclusively for individual vehicles, are purchased from the City Environmental Services Department, for a fee adopted in Chapter 31 of the Carrollton Code of Ordinances.
 - (2) A transporter will legibly complete one trip ticket for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemical/portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and locations of disposal to the DCO.
 - (3) The original top copy of a trip ticket shall be legibly signed by the transporter and the generator at the time of waste collection and the second copy maintained by the generator.
 - (4) The original top copy of a trip ticket shall be legibly signed by the disposer at the time of disposal and the third copy maintained by the disposer.
 - (5) The fourth copy of a trip ticket shall be maintained by the transporter.
 - (6) The fifth copy of a completed trip ticket shall be delivered to the generator.
 - (7) The original top copy of the completed trip ticket shall be delivered, at least monthly, by the transporter to the DCO.
 - (8) All voided trip tickets must be returned within one month of voiding to the DCO and missing tickets shall be explained in writing.

- (9) A legible copy of all trip tickets shall be maintained for a period of three years and shall be made available to the DCO for inspection and copying during normal business hours.
- (F) A transporter or any person servicing a grease or grit trap shall remove the entire contents of the collection device unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period. Skimming the surface layer of waste material, partial cleaning of the trap or use of any method which does not remove the entire contents of the trap is prohibited.
- (G) Any treatment process or an on-site process used to clean or service grease or grit traps shall be demonstrated to the satisfaction of the DCO. Included with the demonstration shall be a written explanation of the treatment process. Any costs to the City associated with the demonstration, such as, but not limited to sampling and analysis, shall be reimbursed with applicable administrative fees to the City.

(H) A transporter shall:

- (1) Maintain sanitary conditions in area where picking up liquid waste and assure that area is free of litter and odor free;
- (2) Report spills of liquid waste to the DCO immediately; and,
- (3) Clean up all spills and abate unsanitary conditions immediately, and have all materials used to mitigate the spill disposed of by approved means.
- (I) For compliance and tracking purposes, a transporter shall, upon request, provide to the DCO:
 - (1) Past or current routes or schedules of a vehicle's full daily operation; and.
 - (2) Notice, prior to operation in the City, of the time and location of the vehicle's operation.

Sec. 172.19 Denial, suspension and revocation of permit

(A) The DCO may deny a permit if it is determined that an applicant for a liquid waste hauler's permit is not qualified under any section of this chapter and may suspend or revoke a permit if it is determined that a Permittee:

- (1) Is not qualified under any section of this chapter;
- (2) Has violated or failed to comply with a provision of this chapter; or
- (3) Has failed to maintain a vehicle in safe working order as evidenced by conviction or statutory violations.
- (B) The DCO 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 chapter, any rule or regulation promulgated by the DCO, or applicable provisions of the City code or state law.
- (C) A Permittee whose permit is suspended or revoked shall not collect, transport or dispose of any waste material within the jurisdiction of the DCO.
- (D) After suspension under this section, a Permittee may file a request for reinstatement of the permit. When the DCO determines that the Permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, the permit may be reinstated.
- (E) After denial of a permit application, suspension or revocation of a permit, the applicant or permit holder shall not be entitled to any refund of fees.

Sec. 172.20 Appeal

If the DCO denies the issuance of 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 DCO to the City Council. Any appeal must be filed with the DCO, in writing, within ten days of notice of the action taken.

Secs. 172.21 - 172.29 <u>Reserved</u>

LIQUID WASTE GENERATORS

Sec 172.30 General

(A) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors. These facilities include, but are not limited, to restaurants, food manufacturers, food

- processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (B) Facilities generating motor oil, grease, sand, washwater, and other substances harmful or hazardous as a result of service and manufacturing businesses shall install, use and maintain appropriate grit traps or interceptors. These facilities include, but are not limited to car washes, auto repair, fueling stations, laundries and various manufacturing facilities.
- (C) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

Sec. 172.31 Installations

(A) New Facilities.

- (1) Food processing or food service facilities which are newly proposed or constructed, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes, the Carrollton Restaurants and Food Establishments code, the Carrollton Food Establishment Policy or other applicable ordinances and guidelines as required by the DCO. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy and a health permit.
- (2) Auto repair shops which are newly proposed or constructed with floor drain in areas of operation, shall be required to design, install, operate and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes or other applicable ordinances and guidelines as required by the DCO. Grit traps/oil separators shall be installed and inspected prior to issuance of a certificate of occupancy

(B) Existing Facilities.

(1) Existing food processing or service facilities that change in ownership, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist or where there is an inadequately sized grease trap/interceptor, shall be required to design, install, and operate a

grease trap/interceptor in accordance with locally adopted plumbing codes, the Carrollton Restaurants and Food Establishments code, the Carrollton Food Establishment Policy or other applicable ordinances and guidelines as required by the DCO. Grease traps/interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a health permit.

(2) Existing auto repair shops with floor drains in the areas of operation that change in ownership, or expanded or renovated to include floor drains in areas of operation shall be required to design, install, and operate a grit trap/oil separator in accordance with locally adopted plumbing codes, or other applicable ordinances and guidelines as required by the DCO. Grit traps/oil separators shall be installed and inspected prior to the issuance of a certificate of occupancy.

Sec. 172.32 Responsibilities

- (A) A generator of liquid waste shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the City and the liquid waste shall be transported to an approved site for disposal.
- (B) Cleaning Schedule.
 - (1) Grease traps/interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; that the discharge is in compliance with local wastewater discharge limits; and, to ensure that no visible grease is observed in the discharge.
 - (2) Grease traps/interceptors shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - (a) Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
 - (b) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the DCO; or,
 - (c) If there is a history of non-compliance.

- (3) Grit traps and oil separators shall be completely evacuated at a minimum of every 180 days, except for a grit trap located at a car wash which shall be completely evacuated at a minimum of every 90 days.
- (C) Any person who owns or operates a grease trap/interceptor may submit to the DCO a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The DCO may grant an extension for required cleaning frequency on a case-by-case basis when:
 - (1) The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, demonstrating consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; or,
 - (2) Less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
- (D) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days. The DCO may also require traps to be serviced on a single event basis or schedule basis if the DCO deems it necessary for proper operation of the trap.
- (E) In the event that the establishment ceases operation, the establishment is required to pump the trap before abandoning the property. If the owner of the business fails to empty the trap, it shall become the responsibility of the property owner.
- (F) A generator of liquid waste shall not have hazardous waste or liquid waste in combination with hazardous waste removed from his premises by a liquid waste hauler operating under a City permit.
- (G) A generator shall verify the accuracy of the trip ticket from the transporter and then legibly complete and sign the trip ticket, to certify the statements on the trip ticket, when a load is picked up by the transporter. The generator shall keep a copy of all trip tickets for a period of three years at the site of generation, unless otherwise approved by the City. The DCO may inspect and copy these records at any time.
- (H) A generator of grease or grit trap waste shall:

- (1) Install or provide a trap of a size and type specified or approved by the DCO;
- (2) Maintain the trap in effective operating and sanitary conditions;
- (3) 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 trap without specific written approval of the City. Any costs to the City associated with a demonstration, such as, but not limited to sampling and analysis, shall be reimbursed to the City with applicable administrative fees; and.
- (4) Supervise proper cleaning and complete removal of the contents of the trap.
- (I) A generator shall maintain the grease trap/interceptor and its surrounding areas in sanitary conditions, free of litter and odors.
- (J) A generator shall immediately report spills and accidents involving liquid waste to the DCO.
- (K) A generator shall clean up all spills and abate all unsanitary conditions immediately, and have material used for abatement, such as absorbent materials, disposed of by approved means and in a timely manner.
- (L) A generator of washwater or other liquid waste shall:
 - (1) Contain, collect and dispose of liquid waste by approved means;
 - (2) Protect the storm sewer system and the environment from discharges of liquid waste or other contaminates;
 - (3) Use approved methods for on-site or mobile treatment of liquid water; and,
 - (4) Accurately measure, by approved means, the volume of liquid waste collected and disposed of by the transporter.

Secs. 172.33 - 172.39 Reserved

LIQUID WASTE DISPOSERS

Sec. 172.40 Responsibilities

(A) A liquid waste disposer commits an offense if he allows accumulation of a liquid waste on his premises so that rainfall could carry the material to

storm sewers or adjacent proper or if the accumulation creates a noxious odor, unsanitary condition or health hazard.

(B) A liquid waste disposer shall:

- (1) Obtain and maintain compliance with all licenses and/or permits required by local, state or federal law;
- (2) Accept liquid waste only from a permitted transporter;
- (3) Legibly complete the disposer's section of the trip ticket, retain the pink copy and maintain this copy in the disposer's records for a period of three years;
- (4) Accept only those classes of waste authorized by license or permit; and,
- (5) Make available all records required to be kept for inspection and copying by the DCO during normal business hours.
- (C) Failure of the disposer to comply with the provision of this chapter may result in the disposal site being dropped from the list of approved disposal sites for City permitted transporters.

Secs. 172.41 - 172.49 <u>Reserved</u>

ADMINISTRATION AND ENFORCEMENT

Sec. 172.50 Powers of the Designated City Official

- (A) The DCO may promulgate procedures as may be necessary to carry out the provisions of this chapter, protect the public from health and safety hazards or to prevent environmental degradation.
- (B) The DCO may undertake immediate actions as may be necessary to protect the public from health and safety hazards or to prevent environmental degradation.
- (C) The DCO may amend any permit issued hereunder to ensure compliance with applicable laws and regulations, or to accommodate special or uncommon circumstances, while maintaining the purpose of this chapter.

Sec. 172.51 Responsibility and liability of violator

- (A) In addition to prohibiting certain conduct, it is the intent of this chapter to hold a person responsible for prohibited conduct performed by an agent acting in behalf of person and within the scope of the agent's office or employment.
- (B) Any person found to be guilty of violating provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City for reason of appropriate clean-up and proper disposal of those waste materials. Additionally, an administrative fee equal to one-half of assessed clean-up costs shall be levied by the City against the guilty person.

Sec. 172.52 City to be reimbursed for expenses or damages

The City shall be reimbursed for any expense, loss or damage by the responsible persons for any incident involving liquid wastes, hazardous waste or other waste material that requires the City to become involved for the purpose of spill mitigation, protection of the public health and safety or protection of the environment.

Sec. 172.53 False or misleading statements prohibited

Any false or misleading statement, representation or certification made verbally or in writing to the DCO shall be a violation, and may result in the denial, suspension or revocation of a permit, and/or civil or criminal penalties.

Secs. 172.54 - 172.89 Reserved

Sec. 172.90 Proof of culpable mental state not required

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this chapter.

Secs. 172.91 - 172.98 Reserved

Sec. 172.99 Penalty

A person, owner or operator who violates any provisions of this chapter, or fails to comply with any provisions hereof, is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99, for each act of violation and for each day or part of a day during which the violation is committed, continued or permitted.

The City may invoke any remedy available under common law or statute. All remedies provided herein shall be cumulative.

SECTION 3

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 4

That this ordinance repeals Chapter 172 of the Carrollton City Code in its entirety and its repeal is in accordance with Section 10.16 of the Carrollton City Code.

SECTION 5

That this ordinance shall become and be effective on and after its adoption and publication.

DULY PASSED AND APPROVED b Fexas, this day of, 2	by the City Council of the City of Carrollton 2008.
	Ronald F. Branson, Mayor
ATTEST:	
Ashley D. Mitchell, City Secretary	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
R. Clayton Hutchins	Scott Hudson
Tity Attorney	Director of Environmental Services