

ORDINANCE NO. 5327

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 26 "UTILITIES" BY ADDING ARTICLE IX "LIQUID WASTE" TO REGULATE THE OPERATION OF LIQUID WASTE GENERATORS AND LIQUID WASTE TRANSPORTERS; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Denison, Texas (the "**City**") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Denison (the "**City Council**") adopted Chapter 26 "Utilities" of its Code of Ordinances, which governs utility regulations, including water, sewer and waste, in the City; and

WHEREAS, the City Council now wishes to make amendments to this chapter of the code to add regulations in the operation of liquid waste generators and liquid waste transporters to enable the City to comply with applicable state and federal laws, and to better align health and safety standards of the City; and

WHEREAS, the City Council does hereby find that the amendments to Chapter 26 hereby accomplishes such objectives.

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

SECTION 1: INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2: AMENDMENT. Chapter 26, "Utilities" is hereby amended to add Article IX "Liquid Waste" as provided in Exhibit A, attached hereto and incorporated herein.

SECTION 3. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

SECTION 5. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance, as may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption and publication as required by law.

SECTION 7. OPEN MEETING. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

AND IT IS SO ORDERED.

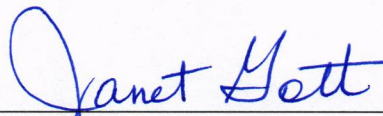
On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the above and foregoing ordinance was passed and approved on this the 1st day of December 2023, by the following vote:

Ayes: Hander, Courtright, Thorne, Gott, Massey, Crawley and Thomas

Abstentions:

Nays:

At regular meeting December 18, 2023.



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT A

ARTICLE IX. LIQUID WASTE

DIVISION I. GENERALLY

Sec. 26-822. Purpose and policy.

- (1) This article sets forth uniform requirements for liquid waste generators and liquid waste transporters operating in the City of Denison, Texas and enables the city to comply with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 et seq.)
- (2) The objectives of this article 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 interceptors and grit traps; and
 - (c) To ensure the proper handling, disposal, transport and tracking of trap waste, septic, and other liquid waste.

Sec. 26-823. Applicability and prohibitions.

- (1) This article shall apply to all users of the publicly owned treatment works ("POTW"), as defined in section 26-26 of this chapter.
- (2) Grease traps or grease interceptors shall not be required for residential users.
- (3) Facilities generating fats, oils, or grease as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps as required in section 26-825 of this chapter. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels, motels, schools, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (4) It shall be unlawful for any person or user to, intentionally or unintentionally, allow the discharge of any pollutant or liquid waste, including but not limited to fats, oils, and grease into the POTW in concentrations greater than those established in article II, chapter 26, of the City of Denison Code of Ordinances.
- (5) It shall be unlawful for any person or user to, intentionally or unintentionally, discharge any pollutant or liquid waste into any natural waterway, surface drainage within the city, any area under jurisdiction of the city, the POTW, wastewater system tributary thereto, which may cause endangerment to the health or welfare of the community or endangerment to the environmental or the POTW as defined in 26-46 26 of this chapter.
- (6) It shall be unlawful to discharge trucked or hauled pollutants, except as deemed suitable and at discharge points designated by the city manager.
- (7) It shall be unlawful for a person to create a public nuisance as defined in section 26-824 of this article.

Sec. 26-824. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.

Approved means accepted as satisfactory under the terms of this article and given formal and official sanction by the City of Denison. *Car wash* means establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers and are categorized by North American Industry Classification System number 811192 and by Standard Industrial Classification number 7542.

Chemical oxygen demand (COD) means the value of the test for chemical oxygen demand, as analyzed in accordance with 40 CFR § 136.3.

City manager means the Chief Executive Officer of the City of Denison, or his/her authorized assistant city manager, deputy, agent or representative.

City means the City of Denison, Texas.

Department means the Texas Department of State Health Services or its authorized agents or employees.

Director means the Director of Public Works of the City of Denison, which may include a person appointed by the director or his/her authorized deputy, agent or representative.

Disposal means 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 constituent thereof may enter the environment, be emitted into the air or discharged to any sewers or waters, including ground waters.

Disposal site means 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.

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

Food service facility means every food preparation and food service establishment including, but not limited to bakeries, bars, butcher shops, cafes, clubhouses, delicatessens, ice cream parlors, hospitals, hotels, restaurants, schools, or similar places where meat, poultry, seafood, dairy products, or fried foods are prepared, served, or offered for sale, but shall not apply to any single-family residence or dwelling not used for the commercial preparation and sale of food items.

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

Grease interceptor (or "grease trap") means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the

wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities.

Grease interceptor waste means any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and removed from a grease trap.

Grit trap/oil separator means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit trap waste means oil and grease waste, inorganic solids generated by a commercial facility that are collected by and removed from a grit trap.

Hazardous waste means any liquid, semi-liquid or solid waste (or combination of wastes), 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 substantial personal injury or illness;
- (b) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Chapter 361, H & S Disposal Act, U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act", as it may be amended in the future, or the Director.

Liquid waste disposer or disposer means a person who receives and processes or disposes of liquid waste from a producer. The terms processing and disposal are as defined in the Texas Solid Waste Disposal Act.

Liquid waste transporter or transporter means 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 Texas Administrative Code, Chapter 312, Subchapter G,

Liquid waste means water-borne solids and liquids containing dissolved or suspended waste material including but not limited to septage and wastes from grease traps and grit traps.

Manifest means the written multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site.

Manifest system means a system consisting of a five-part trip ticket used to control the generation, transportation, and disposal of liquid waste.

Permit holder means a person issued a liquid waste transport permit by the City of Denison, Texas.

Public nuisance means the discharge or exposure of grease, sewage, or other organic waste in such a way as to be a potential instrument or medium in disease transmission to a person or between persons.

Regulatory authority means the Grayson County Health Department. Where inspections or enforcement activities are herein provided, such activities may be conducted by the regulatory authority or the City of Denison.

Septage means liquid waste and sludge containing sufficient liquid content, which is removed from a portable toilet, chemical toilet, septic tank, or cesspool. Septage does not include non-domestic wastes from commercial or industrial facilities.

Spill means any unplanned discharge of liquid waste.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Trip ticket means the shipping document originated and signed by the transporter that contains the information required by the approving authority.

Vehicle means a mobile device in which or by which liquid waste may be transported upon a public street or highway.

Washwater means 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.

Wastewater system means all treatment plants, mains, conveyances, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances, and other facilities of the city employed in the collection, treatment, and disposal of wastewater; or the publicly owned treatment works of the city and of a governmental entity receiving or treating wastewater of the city under a contract with the city.

DIVISION 2. LIQUID WASTE GENERATORS

Sec. 26-825. Installations.

(1) *New facilities.*

- (a) Food processing facilities or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate, and maintain a grease trap in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps shall be installed and inspected prior to issuance of a certificate of occupancy.
- (b) Facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment which are newly proposed or constructed, or existing facilities which will be expanded or renovated, with floor drains 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 city manager. Grit traps/oil separators shall be installed and inspected prior to issuance of certificate of occupancy.

(2) *Existing facilities.*

- (a) Existing grease traps or grit traps/oil separators must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these standards referenced herein, unless specified in writing and approved by the POTW. Other commercial users may be required by the city manager to install an approved grease trap, grit trap/oil separator when the concentration of oil, grease waste or suspended solids is greater than concentrations as established herein, article IX, chapter 26 of the City of Denison Code of Ordinances or when discharges may cause blockages in the wastewater collection system.
 - (b) Existing food processing or food 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 interceptor, shall be required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes, or other applicable ordinances. Grease interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a health permit.
 - (c) Existing facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment with floor drains in the areas of operation that change in ownership or are expanded or renovated to include floor drains 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. Grit traps/oil separators shall be installed and inspected prior to the issuance of a certificate of occupancy.
- (3) A generator shall install a sample port to allow access to sample the waste stream as close as possible to the connection with the city sanitary sewer main within the bounds of the facility property. The port shall be installed according to the specifications of the city manager. The port shall be installed and maintained at the user's expense. The port shall be installed perpendicular to the effluent flow to allow visual observation and sampling.
 - (4) Grease interceptors and grit traps/oil separators shall be installed pursuant to a single certificate of occupancy. No person or persons shall allow the use of a single interceptor or trap by more than one business as defined by a certificate of occupancy without prior written approval.
 - (5) Grease interceptors must be sized according to current International Plumbing Code, but never less than 250 gallons, and shall be upgraded to a more appropriate size if sewer blockages, leaks, overflows, dangers to public health or environmental health, or other public nuisances occur.
 - (6) Deviations in size of grease interceptors may be made with approval by the director.
 - (7) Grease traps of any size or specification may be subject to a sampling schedule.

Sec. 26-826. Responsibilities.

- (1) A generator of liquid waste shall have all liquid waste material picked up from his/her premises by a liquid waste transporter who holds a valid permit from the Regulatory Authority and the City, in accordance with section 26-827 of this article. The liquid waste

shall be transported to a disposal site approved by the Regulatory Authority and/or the City during the permitting process.

- (2) Cleaning schedule.
 - (a) Grease 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 interceptor; that the discharge is in compliance with local wastewater discharge limits; and, to ensure that no visible grease is observed in the discharge.
 - (b) Grease interceptors shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - i. 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;
 - ii. The discharge exceeds biochemical oxygen demand ("BOD"), chemical oxygen demand ("COD"), total suspended solids ("TSS"), FOG, pH, or other pollutant levels established by the city manager; or,
- (3) Grit traps/oil separators shall be completely evacuated based on one (1) of the two (2) following schedules:
 - (a) At a minimum of every one hundred eighty (180) days, or
 - (b) At a frequency determined by the owner/operator if all of the following best management practices are employed:
 - i. At a minimum of once per week, all facilities with a grit trap must routinely check and perform preventive maintenance as required on all connections, valves, hoses, chemical storage containers, drains, and other equipment necessary to prevent an accidental release or slug discharge of chemicals.
 - ii. At a minimum of once per month, all facilities with a grit trap must routinely check the level of sediment in each grit trap in order to determine a maintenance schedule that will facilitate consistent compliance with all discharge limits and requirements.
 - iii. All self-service and coin-operated car wash facilities must post and maintain signs, in an area that is clearly visible to the public, directing customers not to dispose of oils or chemical wastes at the facility.
 - iv. All facilities must document the best management practices, including routine checks, preventive maintenance and repair logs, and maintain grit trap maintenance records for a minimum of three years.
 - v. If at any time, the above practices are not being employed or the required documentation is not available for review, the owner/operator will be required to perform maintenance on the grit trap(s) immediately and once every one hundred eighty (180) days thereafter.
- (4) Any person who owns or operates a grease interceptor may submit to the city manager a request in writing for an exception to the required pumping frequency of the grease interceptor. The city manager may grant an extension for required cleaning frequency on a case-by-case basis when:

- (a) The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent with no visible grease, and based on defensible analytical results, can demonstrate consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; and
 - (b) Less than twenty-five (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
- (5) The city manager may also require traps to be serviced on a single-event basis or scheduled basis if deemed necessary for the proper operation of the grease interceptor or grit trap/oil separator.
- (6) In the event that the establishment ceases operation, the establishment is required to pump the interceptor or trap before abandoning the property. If the owner of the business fails to empty the interceptor or trap, it shall become the responsibility of the property owner.
- (7) 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 regulatory authority permit.
- (8) 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. The city manager may inspect and copy these records at any time.
- (9) A generator shall:
 - (a) Provide equipment and facilities of a type and capacity approved by the city; Minimum capacity shall not be less than 500 gallons on all newly installed grease interceptors;
 - (b) Locate the interceptor or trap in a manner that provides ready and easy accessibility for cleaning and inspection;
 - (c) Maintain the trap in effective operating condition;
 - (d) 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 or grit trap/oil separator unless approved in writing by the city manager; and
 - (e) Supervise proper cleaning and complete removal of the contents of the trap.
- (10) A generator shall maintain the grease interceptor or grit trap/oil separator and its surrounding areas in sanitary conditions, free of litter and odors.
- (11) A generator shall immediately report spills and accidents involving liquid waste to the city manager.
- (12) 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.
- (13) A generator of washwater or other liquid waste shall:
 - (a) Contain, collect and dispose of liquid waste by approved means;

- (b) Protect the storm sewer system and the environment from discharges of liquid waste or other contaminants;
 - (c) Use approved methods for on-site or mobile treatment of liquid waste; and
 - (d) Accurately measure, by approved means, the volume of liquid waste collected and disposed of by the transporter.
- (13) The city may place facilities with grease or grit traps and interceptors on a sampling schedule at the cost of the owner or operator, to determine compliance with technically based local limits and other pollutants of concern.
- (14) ; Should any sampling and/or analysis be required by city staff pursuant to any provision in this Article provided for generators, then the published rate for "sampling/analysis charges" that is contained in the annual City of Denison Schedule of Fees is applicable and will be charged and shall be paid by the generator.

DIVISION 3. LIQUID WASTE TRANSPORTERS

Sec. 26-827. Permit required.

- (1) A person commits an offense if they operate or cause to be operated a vehicle for the purpose of transporting liquid waste without a valid liquid waste transport permit issued under this article. A separate permit is required for each vehicle operated.
- (2) The applicant must be the person who will own, control, or operate the liquid waste transport business and must submit a complete application to the city for review. Transport or other permitted handling may not be done until an approved permit is issued.
- (3) Any person transporting liquid waste within the city must comply with all applicable city ordinances and state and federal laws.
- (4) Each permit applicant must specify which disposal site or sites are proposed to be used.

Sec. 26-828. Fees and display of permit.

- (1) A liquid waste transport permit may not be issued until the appropriate fee is paid. The permit fee for each vehicle operated by the applicant shall be established by the city's comprehensive fee schedule. Permit(s) must be renewed annually.
- (2) Any person willfully or negligently violating the permit conditions is subject to a fine as established in section 26-833 "Penalties" of this article. Each day that a violation is permitted to exist shall constitute a separate offense.
- (3) In cases of a transporter acting without a permit, all fines are doubled.
- (4) Permits will be numbered consecutively. Before operating any vehicle to transport liquid waste, permit holders must display on each side of the vehicle, in a color contrasting with the background and in letters at least three inches high, the company name and the following: DEN_____. The blank space must contain the permit number. Whenever a liquid waste transport permit for a vehicle is revoked or otherwise becomes invalid, the permit holder shall immediately remove the permit number from the vehicle.

Sec. 26-829. Liquid waste vehicles; impoundment

- (1) Liquid waste transporters shall:
 - (a) Maintain hoses, tanks, and valves on a vehicle in good repair and free from leaks;
 - (b) Provide a safety plug or cap for each tank valve;
 - (c) Use a vehicle with a single tank capacity of at least five hundred (500) gallons to transport septic tank, grease trap, or sand trap liquid waste, except when operating a vehicle for portable toilet cleaning; and
 - (d) Ensure vehicle exterior(s) are clean and free of odor at the beginning of each workday.
- (2) Any vehicle that is being operated in violation of this article may be impounded and may authorize the holding of the vehicle until the violation is corrected. The vehicle owner or operator shall pay all towing, storage, and other fees associated with the impoundment of the vehicle. The city may also revoke the liquid waste transport permit for improperly operated vehicles. If a vehicle is impounded or if a permit is revoked, an appeal may be filed by the transporter.

Sec. 26-830. Manifest requirements.

- (1) Persons who generate, collect, and transport grease interceptor and grit trap/oil separator waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest is to be provided by the transporter. The manifest shall include:
 - (a) Name, address, telephone, and TCEQ registration number of transporter;
 - (b) Name, signature, address, and telephone of the person who generated the waste and the date collected;
 - (c) Type and amount(s) of waste collected or transported;
 - (d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - (e) Date and place where the waste was deposited;
 - (f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - (g) Name and signature of the facility on-site representative acknowledging receipt of the waste;
 - (h) The volume of the waste received; and
 - (i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- (2) Manifests shall be divided into five (5) parts and records shall be maintained as follows.
 - (a) One part of the manifest shall have the generator and transporter information completed and is given to the generator at the time of waste pickup.
 - (b) The remaining four (4) parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the

manifest. One part of the manifest shall go to the receiving facility. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste. One part of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) days after the waste is received at the disposal or processing facility. One part of the manifest shall go to the director which contains the original manifest form with all required signatures no later than the 10th day of the month following the month in which the trip ticket books were completed.

- (3) Copies of manifests returned to the waste generator shall be retained for three (3) years and be readily available for review.

Below is a sample trip ticket.

Sec. 26-831. Responsibilities.

- (1) Each grease interceptor or grit trap/oil separator that is pumped shall be fully evacuated 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 twenty-four-hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312.143.
- (2) Prior to accepting a load of liquid waste for transportation, the transporter shall determine the nature of the material to be transported and that the equipment is sufficient to properly handle the material 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 nature of the waste.
- (3) Provisions for grease receptacles provided by the hauler must comply with general health and safety practices and all stormwater regulations.
- (4) Transporters may not move any hazardous waste material in any vehicle permitted by the city for transporting liquid waste.
- (5) A disposal site permitted or approved by the State of Texas must be used when disposing of waste.
- (6) Transporters must not store waste for more than four days in a closed, mobile container (vehicle holding tank).
- (7) A manifest system, consisting of a five-part trip ticket, is to be used to control the transportation and disposal of all applicable liquid waste generated in the city and must be used and maintained by the transporter.

DIVISION 4. ABATEMENT OF VIOLATIONS

Sec. 26-832. Enforcement actions.

- (1) All enforcement actions outlined in Chapter 26 and in the City of Denison's Approved Pretreatment Program Enforcement Response Plan shall be applicable to liquid waste generators and liquid waste transporters, including but not limited to the following:
- (2) *Notice of violation.* When the city manager finds that a generator or transporter has violated, or continues to violate, any provision of this article, a wastewater discharge permit, wastewater transport permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may serve upon that generator or transporter a written notice of violation. Within the timeframe specified in this notice, which is usually but not always ten (10) days, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the city manager. Submission of this plan in no way relieves the generator or transporter of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (3) *Administrative orders.*
 - (a) *Compliance orders.* When the city manager finds that a generator or transporter has violated, or continues to violate, any provision of this chapter, a wastewater

discharge permit, wastewater transport permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may issue an order to the generator or transporter responsible for the discharge directing that the generator or transporter come into compliance within a specified time. If the generator or transporter does not come into compliance within the time provided, sewer service and/or water service may be discontinued, or a permit issued pursuant to this chapter may be revoked. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the generator or transporter of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the generator or transporter.

- (b) *Cease and desist orders.* When the city manager finds that a generator or transporter has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the generator's or transporter's past violations are likely to recur, the city manager may issue an order to the generator or transporter directing it to cease and desist all such violations and:
 - i. Immediately comply with all requirements; and
 - ii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (4) *Service of notice or order.* Any notice or order issued under this article shall be in writing and served in person or by registered or certified mail on the generator or transporter of the liquid waste or other persons determined to be responsible for such violation. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the generator or transporter.
- (5) *Emergency suspension of service.*
 - (a) *Suspension.* The city manager or director may, without prior notice, suspend water service, sanitary sewer service and/or storm sewer access to a user or to a person discharging to the sanitary sewer or storm sewer when such suspension is necessary in the opinion of the city manager to stop an actual or threatened discharge which:
 - i. Presents or may present imminent substantial danger to the environment or to the health or welfare of persons;
 - ii. Presents or may present imminent substantial danger to the POTW, storm sewer or waters of the state; or
 - iii. Will cause pass through or interference of the POTW.
 - (b) *Notice of suspension.* As soon as is practicable after the suspension of service, the city manager shall notify the user, or the person discharging to the wastewater or storm sewer of the suspension and order such person to cease the discharge immediately.
 - (c) *Reinstating service.* The city manager shall reinstate suspended services to the wastewater user, transporter or to the person discharging to the storm sewer:

- i. Upon proof by such person that the non-complying offense has been eliminated;
 - ii. Upon payment by such person of its outstanding water, sewer and stormwater utility charges;
 - iii. Upon payment by such person of all costs incurred by the city in responding to the discharge or threatened discharge; and
 - iv. Upon payment by such person of all costs incurred by the city in reconnecting service.
- (d) *Written statement.* Within five (5) days of the day of suspension of services, the wastewater user, transporter or the person discharging to the storm sewer shall submit to the city manager a detailed written statement describing the cause and the measures taken to prevent any future occurrence.
- (6) *Other steps.* If a person fails to comply with a notice or order issued under this section, the city manager shall take such steps as it deems necessary to prevent or minimize damage to the storm sewer, POTW or waters of the state, or to minimize danger to persons. Such steps may include immediate severance of a person's sanitary sewer connection.

Sec. 26-833. Penalties.

- (1) A person who violates any provision of this article shall, upon conviction by the municipal court, be punished as provided in the "general provisions" chapter of this Code.
- (2) Notwithstanding the foregoing, the city attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include, without limitation:
 - (a) An injunction to prevent a violation of this article;
 - (b) Recovery for damages to the POTW or storm sewer resulting from a violation of this article;
 - (c) Recovery for expenses incurred by the city in responding to a violation of this article; and
 - (d) A daily civil fine of up to the maximum provided by Texas Local Government Code 54.017(b) for a violation of sections 26-822 through 26-832; and all other damages, costs and remedies to which the city may be entitled.

Sec. 26-834. Appeal.

- (1) If the director denies the issuance or renewal of a liquid waste transport permit or suspends or revokes a liquid waste transport permit, or any other permit relating to wastewater discussed in this chapter issued by the city, the director shall send to the applicant or permit holder, by certified mail, return receipt requested, written notice of the action and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to the city manager. Such appeal shall be taken by filing with the city manager, within fourteen (14) days after notice of the action complained of has been delivered in person or mailed to such person's address given in the application, a written statement setting forth fully the grounds for the appeal. The filing of a request for an appeal hearing with the city manager stays an action of the director revoking a permit until the city manager makes a final decision. The decision of the city manager on such appeal shall be final and conclusive.