

ARTICLE XI. TRANSPORTATION AND TREATMENT OF CERTAIN WASTES

DIVISION 1. GENERALLY

Sec. 47-411. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biological pretreatment service means the application of any additive or enzyme, including approved bioremediation media, or the use of any other biological means to digest waste in a grit trap/lint trap or grease trap that discharges into a public sewer system within the city.

Biological pretreatment service permit means a current and valid permit issued pursuant to this article authorizing the performance of biological pretreatment service.

Bioremediation media means enzymes or microbes injected into an interceptor for the purpose of biodegrading fat, oil, and grease. This term does not include any additives that will saponify or emulsify fat, oil and grease.

City official means the director of the department of health and human services or the director of the department of public works and engineering or their designees.

City-regulated waste means liquid, semi-liquid and solid wastes and wastewater removed from septic tanks used by single-family or multiple residential units, institutions or commercial establishments that primarily generate waste of a type associated with domestic use. It includes oily water, FOG, grease trap waste, sewage sludge, and portable toilet waste; as well as any materials collected in a septic tank, grit trap, lint trap, retention pond, utility service vault or any similar device, which materials result from or are incidental to any process of industrial, manufacturing, institutional or commercial operations including, but not limited to, mobile or stationary car or truck washing, pavement washing, environmental testing facilities and commercial laundries or laundromats.

Container means any portable device in which material is stored, transported, processed, disposed of or otherwise handled.

Department or *HDHHS* means the department of health and human services.

Discharge or *indirect discharge* means the introduction of pollutants into the sanitary sewer system.

Disposal means the act of disposing.

Disposal site means a state-permitted or state-registered fixed facility to which waste is delivered for disposal.

Dispose means deposit, release, inject, dump, spill, leak or place any waste (whether or not contained) into or on any land or water so that the waste or any constituent thereof may enter the environment, including disposal into the air or discharge into any waters, including groundwater or sanitary or storm sewer systems.

Disposer means a person who operates a disposal site.

Drying bed means a structure intended for the drying of grit trap waste.

EPA means the United States Environmental Protection Agency.

Fats, oils and greases (FOG) means petroleum-based or mineral-based oils and greases or animal and vegetable-based fats. All are sometimes referred to herein as "grease" or "greases." These substances are detectable and measurable using analytical procedures established in 40 CFR 136, as may be amended from time to time.

Food service establishment has the meaning ascribed in section 20-18 of this Code, but shall not include mobile food units.

Generator means any person whose activities or process generate city-regulated waste within the city or who stores city-regulated waste within the city.

Generator permit means a current and valid permit issued pursuant to this article.

Generator permit number means the unique identification number on the generator permit.

Generator registration certificate means a current and valid certificate issued to a food service establishment pursuant to division 2 of this article.

Grease trap waste means that material accumulated in an interceptor in the sewer system at a food service establishment or any operation requiring a food dealer's permit pursuant to section 20-36 of this Code.

Grit trap/lint trap waste means waste collected in an interceptor at any maintenance and repair shop, automobile service station, car wash, laundry, beauty salon or other similar establishment.

Incompatible wastes means wastes that have different processing, storage or disposal requirements, or wastes that if mixed may cause a dangerous chemical or physical reaction.

Interceptor means a device designed to use differences in specific gravities to separate and retain FOG and settleable solids prior to the wastewater entering the sanitary sewer system. Interceptors may also be referred to as "grease traps".

Interference means a discharge that alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the sanitary sewer system, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of any city TPDES permit, as defined in Article XII.

Manifest means a form approved by the health officer to document the collection, transportation and disposal of city-regulated waste.

Permit year means a permit period which runs from the 1st of February through the 31st of January of the following year.

Registered vehicle means a vehicle that is in compliance with all the requirements of division 4 of this article.

Sample well means a physical connection on a generator's sewer that is constructed to allow access for sampling and inspection of its interceptor.

Sanitary sewer system means the city's devices and systems used in the storage,

recycling, and reclamation of municipal sewage or industrial wastes of a liquid or semi-liquid nature, including all sewers, pipes and other conveyances that convey wastewater to a sewage treatment plant. For purposes of this article, the terms public sewer system, "sewer system" and "POTW" as defined in Article XII, may be construed to have the same meaning as "sanitary sewer system" .

Sewage sludge means the residual material generated from the treatment of wastewater by a sewage treatment plant or pretreatment plant or material resulting from the cleaning of sanitary sewer lines.

Site means a contiguous tract or parcel of land under common ownership.

Spill means the loss or unauthorized release of waste.

Temporary transporter permit means a one month permit issued pursuant to division 3 of this article.

Transporter (primary or secondary) means a person who accepts waste that originates from a location within the city and who uses public rights-of-way for transportation of the waste. A generator or disposer who transfers its own waste over city streets for off-site disposal is also a transporter.

Transporter's manager means the individual having the primary responsibility for compliance with this article as identified on the transporter permit application form.

Transporter permit means a permit other than a temporary transporter permit issued pursuant to division 3 of this article.

Vehicle registration certificate means a certificate issued pursuant to division 4 of this article.

Waste means any type of city-regulated waste or any mixture thereof.

Waste load means the volume of waste that is transported from any specific site.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 04-1089, § 2, 10-20-04; Ord. No. 07-544, §§ 2--4, 5-9-07; Ord. No. 08-1229, §§ 2--4, 12-30-08)

Sec. 47-412. Scope; interceptor requirement.

The purpose of this article is to protect the citizens and the environment from the potential hazard that may result from unauthorized waste releases and to deter illegal introduction of pollutants into the sanitary sewer system, storm sewers, street rights-of-way and other unauthorized places. It is not the intent of this article to address transportation of hazardous material in commerce or to regulate hazardous wastes that are subject to federal manifest requirements.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 5, 5-9-07)

Sec. 47-413. Defenses.

(a) It is a defense to prosecution under this article that:

(1) The act or action complained of was the subject of regulation by the United States Secretary of Transportation under Chapter 51 of Title 49 of the United States Code; or

(2) The act or action complained of related to the generation, transportation, or disposal of waste that was subject to federal manifest requirements.

(b) With respect to sewage sludge, it is an affirmative defense to prosecution under this article that the sewage sludge meets the requirements of state regulations for land application for beneficial use.

(Ord. No. 07-544, § 6, 5-9-07)

Sec. 47-414. Mixing of wastes prohibited.

(a) No person shall mix incompatible wastes in the same container. It is a defense to prosecution under this section that a transporter mixed wastes as authorized in section 47-544 of this Code.

(b) No city-regulated waste may be directly disposed into the sanitary sewer.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, §§ 6, 7, 5-9-07; Ord. No. 08-1229, § 5, 12-30-08)

Note: Formerly § 47-413.

Sec. 47-415. Penalty.

Except as may otherwise be provided, whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine of not less than \$250.00 nor more than \$2,000.00. Each day that any violation continues shall constitute and be punishable as a separate offense. Any offense under this article that also constitutes a violation of any state penal law shall be punishable as provided in the applicable state law.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, §§ 6, 8, 5-9-07)

Note: Formerly § 47-414.

Sec. 47-416. Enforcement; legal actions.

(a) Any or all of the following remedies may be employed by the city to abate and prevent further violations of the provisions of this article:

(1) The department may discontinue city water service.

(2) The department may disconnect and seal the sanitary sewer connection.

(b) The city official is authorized to issue citations charging the violation of any of the provisions of this article.

(c) Consistent with applicable provisions of state and federal laws and regulations, the city attorney is hereby authorized to file and maintain civil legal actions to:

(1) Enjoin any violations of this article; and

(2) Enforce the state solid waste and water quality laws relating to matters

addressed by this article.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, §§ 6, 9, 5-9-07)

Note: Formerly § 47-415.

Sec. 47-417. Responsibilities of agents and employees.

The responsibilities created under this article for biological pretreatment service providers, disposers, generators and transporters shall extend to the owners and other persons having possession and control of the site, facilities or equipment as well as to their officers, agents and employees having responsibilities for their operations.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 6, 5-9-07; Ord. No. 08-1229, § 6, 12-30-08)

Note: Formerly § 47-416.

Sec. 47-418. Hearings.

Applicants for permits or registrations under this article who are denied original or renewal permits or registrations or who are subject to revocation or suspension proceedings shall be afforded a right to a hearing. The hearings shall be conducted by a person designated by the director of the department in accordance with regulations issued for that purpose by the director. The regulations shall be submitted to the city attorney for approval prior to promulgation. If any of the grounds relate to section 1-10 of this Code, then a hearing shall be conducted under section 1-9 of this Code regarding those grounds.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 6, 5-9-07)

Note: Formerly § 47-417.

Sec. 47-419. Regulations.

The health officer is authorized to promulgate such regulations as are necessary to implement the provisions of this article. a copy of the regulations shall be maintained in the HDHHS offices for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.

(Ord. No. 07-544, § 10, 5-9-07)

Sec. 47-420. Reserved.

DIVISION 2. PERMITTING AND REGISTRATION OF GENERATORS*

***Editor's note:** Ord. No. 07-544, § 11, adopted May 9, 2007, amended the title of Division 2 to read as herein set out. Formerly said division was entitled registration of generators.

Sec. 47-421. Permit or registration required.

(a) It shall be unlawful for any person, other than one operating a food service establishment, to act as a generator at any site for which a current and valid generator permit has not been issued under this division.

(b) It shall be unlawful for any person operating a food service establishment to act as a generator at any site for which a current and valid generator registration certificate has not been issued under this division.

(c) It is an affirmative defense to prosecution under this section that the waste generated at the site contains no city-regulated waste.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 12, 5-9-07; Ord. No. 08-1229, § 7, 12-30-08)

Sec. 47-422. Application.

In order to obtain a generator permit, a person shall complete a form provided by the health officer and pay the applicable fee. The applicant shall certify the holding capacity of the interceptor and provide evidence of any waste permits issued by the state to the applicant. If a site has more than one interceptor, a separate application must be completed for each interceptor.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 13, 5-9-07)

Sec. 47-423. Fees; issuance of permit or registration certificate.

(a) The applicant shall submit a nonrefundable annual fee of \$50.00 for each interceptor with each original and renewal application for a generator permit or registration certificate. The fee shall be payable in the form prescribed in the application. There shall be no fee to amend a generator permit or registration certificate; provided, however, that a fee of \$25.00 shall be required to reissue a lost generator permit or registration certificate.

(b) The health officer shall either issue or deny the generator permit or registration certificate within 30 days after receipt of a completed application. If the generator permit or registration certificate is denied, the health officer shall provide written notice of the reasons to applicant, and the applicant shall be afforded opportunity to respond. The health officer shall issue the generator permit or registration certificate unless:

- (1) The applicant provided incomplete or inaccurate information; or
- (2) The applicant did not file an affidavit certifying the holding capacity of the interceptor; or
- (3) The applicant did not pay any required fee.

(c) The health officer shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid by an applicant for a permit or a registration certificate. Payment of any applicable fees when due is a condition of the processing of any application under this article.

(d) All fees collected pursuant to this division shall be deposited in the special waste transportation and inspection fund account established by the city council. Funds from this account may be expended only for the costs of permitting, inspecting, monitoring, controlling, educating and enforcing any violation pertaining to the management and disposal of city-regulated waste.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 14, 5-9-07; Ord. No. 08-1229, §§ 8, 9, 12-30-08)

Sec. 47-424. Term; revocation.

(a) Subject to continuing compliance with applicable provisions of this article, a generator permit or registration certificate shall be valid for a period of 12 months from the date it is issued.

(b) Following notice of the grounds and an opportunity for a hearing, the health officer may revoke a generator permit or registration certificate.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 15, 5-9-07)

Sec. 47-425. Amendment.

A holder of a generator permit or registration certificate shall have a continuing duty to apply for an amended permit or registration certificate within 15 days after the occurrence of an event that causes a change in any information for which a representation was made in its application. Failure to timely submit an application for an amendment shall cause the generator permit or registration certificate to become void. Applications for amendments shall be processed, and amended permits and registration certificates shall be issued, subject to the same criteria as original applications, no later than 15 days following the occurrence of the event making the amendment necessary.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 16, 5-9-07)

Sec. 47-426. Assignment or transfer prohibited.

A generator permit or registration certificate is personal to the holder to whom it is issued and is valid only for the site and interceptor specified on the permit or certificate. A generator permit or registration certificate may not be conveyed or assigned to another person.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, §§ 17, 18, 5-9-07)

Note: Formerly § 47-427.

Sec. 47-427. Posting required; fee for lost permit or certificate.

Each generator shall cause its generator permit or registration certificate to be conspicuously posted at the site for which it is issued. Upon request of a transporter or the health officer, the generator shall specify the location at which the generator permit or registration certificate is posted and shall make the generator permit or registration certificate available for inspection. If upon inspection the health officer cannot readily determine that the generator permit or registration certificate is available for inspection, the permit or certificate will be deemed lost. A fee shall be

imposed for reissuing a lost generator permit or registration certificate.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, §§ 17, 19, 5-9-07; Ord. No. 08-1229, § 10, 12-30-08)

Note: Formerly § 47-428.

Secs. 47-428--47-430. Reserved.

DIVISION 3. PERMITTING OF TRANSPORTERS*

***Editor's note:** Ord. No. 04-1089, § 3, amended Ch. 47, Art. XI, Div. 3, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter and derived from Ord. No. 97-196, § 4, 2-19-97.

Sec. 47-431. Permit required.

It shall be unlawful for any person to act as a transporter unless the person holds a current and valid transporter permit or temporary transporter permit or is acting as the agent or employee of a person who holds a current and valid transporter permit or temporary transporter permit.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-432. Types of waste covered.

Each transporter permit or temporary transporter permit shall specify the type or types of waste for which it is applicable. A transporter permit or temporary transporter permit is valid only for the classification or classifications of waste specified thereon.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-433. Application.

The health officer shall promulgate forms for original and renewal transporter permit or temporary transporter permit applications, which shall request the following information:

- (1) Name, street address, mailing address and telephone number of the applicant. The "applicant" shall be deemed to include the proprietorship, each partner if a partnership and each officer, director or holder of ten percent or more of the outstanding shares if a corporation.
- (2) Name, street address and mailing address of the applicant's manager.
- (3) A photocopy of the driver's license of each person, including the applicant's transporter manager, who will be authorized to operate any of the applicant's vehicles

for the transportation of wastes under the permit.

(4) The nature and classification of any waste that originates within the city that the applicant intends to transport.

(5) For each motor vehicle and motor vehicle trailer that the applicant desires to register under division 4 of this article, the following information:

- a. The make, model and year of manufacture.
- b. The current state vehicle license plate number.
- c. The vehicle identification number.
- d. The vehicle's waste hauling capacity certification.
- e. A photocopy of the vehicle's registration papers.

(6) Whether the applicant or the applicant's manager or any vehicle driver has been convicted of any violation for which a transporter permit or temporary transporter permit is subject to denial, refusal to renew, or revocation under section 1-10 of this Code.

(7) The address of the physical location where each vehicle will be parked or garaged when not in use, if different from the addresses identified in items (1) and (2).

(8) Evidence of financial responsibility for each vehicle and trailer in amounts of not less than the minimum required by the state financial responsibility law. If the proof of financial responsibility is in the form of an insurance policy, then the insurance policy must contain an endorsement requiring 30 days' advance written notice of cancellation to the health officer.

(9) Texas Commission on Environmental Quality transportation registration number.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-434. Fee.

A nonrefundable permit application review fee shall be submitted with each original and renewal application for a transporter permit. A nonrefundable permit application fee shall be submitted with each original and renewal application for a temporary transporter permit. The fee shall be payable in such form as specified by the health officer on the application. There shall be no application review fee payable for the filing of an application for an amendment.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 07-544, § 20, 5-9-07; Ord. No. 08-1229, § 11, 12-30-08)

Sec. 47-435. Review.

(a) Unless a hearing is required under section 1-9 of this Code, the health officer shall either grant or deny the permit within five days following the receipt of a completed application for a temporary transporter permit or within 30 days following the receipt of a completed application for a transporter permit. If the transporter permit or temporary transporter permit is denied, written notice of the reasons shall be provided to applicant, and the applicant shall be afforded an opportunity for a hearing. The health officer shall grant the transporter permit or temporary transporter permit unless one or more of the following applies:

- (1) The applicant provided incomplete or inaccurate information in the application.
- (2) The applicant did not file any required bond or pay any required fee.
- (3) A transporter permit or temporary transporter permit held by the applicant is currently under suspension.
- (4) A transporter permit or temporary transporter permit held by the applicant has been revoked or refused for renewal for cause within one calendar year of the date of filing of an application form.
- (5) The applicant failed to submit any required information or documents regarding any vehicle to be registered under the permit.
- (6) The applicant failed to submit proof that it holds any required state registration, license or permit for the services to be provided.

(b) If it appears that the applicant, the applicant's manager, or any vehicle driver has been convicted of any violation for which a transporter permit or temporary transporter permit is subject to denial, refusal to renew, or revocation under section 1-10 of this Code, then the permit application may also be denied on that grounds, provided that the applicant shall be given notice and an opportunity for a hearing under section 1-9 of this Code.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-436. Permit bond.

The applicant shall submit a City of Houston waste transportation permit bond to the department prior to the being issued a transporter permit or temporary transporter permit. For a transporter permit, the aggregate penal amount of the bond shall not be less than \$150,000.00. For a temporary transporter permit, the aggregate penal amount of the bond shall not be less \$30,000.00. The bond shall be issued by the applicant as principal and a corporate surety authorized to transact business in Texas as surety upon the penal condition that the principal and surety will reimburse the city for the cleanup costs of any spill that may arise as a result of operations conducted under the permit within 30 days following demand. The bond shall expressly waive any requirement of notice to the principal or surety prior to the commencement of cleanup operations or the incurring of costs therefor. The bond shall be in a form approved by the city attorney. The bond shall be in effect at all times during the transporter permit or temporary transporter permit term and shall not be subject to cancellation.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 08-1229, § 12, 12-30-08)

Sec. 47-437. Term; renewal.

A transporter permit shall expire on January 31 of the year following the calendar year during which it was issued. A temporary transporter permit shall expire on the date specified on the registration certificate. A transporter may not be issued more than three one-month permits during any permit year.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-438. Assignment or transfer prohibited.

(a) A transporter permit or temporary transporter permit is personal to the holder to whom it is issued and is valid only for the transporter named on the permit. A transporter permit or temporary transporter permit may not be conveyed or assigned to another person.

(b) Each transporter permit or temporary transporter permit shall specify the names of the transporter's manager and each vehicle driver authorized thereunder. The permit shall not authorize any person not designated as the transporter's manager thereon to act as the transporter's manager, nor shall it authorize any person not designated as a driver thereon to operate any vehicle for the transportation of waste under the permit.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 07-544, § 21, 5-9-07)

Sec. 47-439. Amendment.

(a) The holder of a transporter permit or temporary transporter permit shall have a continuing duty to apply for an amended permit within 15 days after the occurrence of an event that causes a change in any information for which a representation or response was made in its permit application. Failure to timely submit an application for an amendment shall cause the transporter permit or temporary transporter permit to become void. Applications for permit amendments shall be processed and amended permits shall be issued subject to the same criteria as original applications.

(b) The 15-day period allowed in subsection (a) for the filing of an application for a permit amendment shall not apply to the addition of drivers or vehicles or to the changing of the transporter's manager. A person may not act as the transporter's manager or operate a vehicle for the transportation of waste under the transporter permit or temporary transporter permit unless and until so designated on such permit or an amendment thereto. Nor may a vehicle not designated on the transporter permit or temporary transporter permit be utilized under such permit unless and until so designated on such permit or an amendment thereto.

Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 07-544, § 22, 5-9-07)

Sec. 47-440. Revocation or suspension.

(a) The health officer may revoke or suspend a transporter permit or temporary transporter permit following written notice and an opportunity for a hearing, if one or more of the following apply:

- (1) The applicant provided incomplete or inaccurate information in the application;
- (2) The permit was issued in error;
- (3) The transporter or the transporter's manager or any of the transporter's drivers has been convicted of any offense or offenses that constitute grounds for denial, refusal to renew or revocation under section 1-10 of this Code;
- (4) The transporter has failed to timely pay a bill for disposal or clean-up services rendered by or for the city under this article or a claim against the transporter's bond has been dishonored;
- (5) The transporter or the transporter's manager or any of the transporter's drivers

has committed any violation of this article or of any city, state or federal law or regulation that applies to the rendition of services hereunder;

(6) The transporter has failed to maintain evidence of financial responsibility required hereunder and provide the required proof to the health officer; or

(7) The transporter or its manager or any of its drivers has failed to timely, completely and accurately provide any notice, report or other document that is required to be filed with the city under this article.

(b) The health officer shall consider the seriousness of the matter involved, whether the violation was intentional, whether effective measures have been taken to prevent recurrence of the violation and the likelihood of repeated violations of this article or any solid waste, hazardous waste, or water quality law by the transporter, the transporter's manager and/or the transporter's drivers when deciding whether to suspend or revoke a transporter permit or temporary transporter permit; however, revocation shall be mandatory and continue until the end of the permit term whenever the transporter permit or temporary transporter permit has already been suspended once during the transporter permit or temporary transporter permit term.

(c) Within seven days following the effective date of any revocation of a transporter permit or temporary transporter permit as authorized under this section, the transporter shall surrender all of its manifests and registration forms to the health officer. A holder of a transporter permit shall also produce its registered vehicles at a location designated by the health officer and allow the health officer to remove the registration decals, and a holder of a temporary transporter permit shall surrender all registration certificates to the health officer. Additionally, the transporter shall provide the health officer with an accounting of all manifests in its possession.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 08-1229, § 13, 12-30-08)

Secs. 47-441--47-450. Reserved.

DIVISION 4. TRANSPORTER VEHICLE REGISTRATION*

***Editor's note:** Ord. No. 04-1089, § 3, amended Ch. 47, Art. XI, Div. 4, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter and derived from Ord. No. 97-196, § 4, 2-19-97.

Sec. 47-451. Registration required.

It shall be unlawful for any person to utilize a motor vehicle or motor vehicle trailer for the transportation of waste originating within the city unless the driver of the vehicle has been designated on a current and valid transporter permit or temporary transporter permit and the vehicle or trailer has been designated on that permit.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-452. Decals and certificates.

(a) It shall be unlawful for any person to utilize a motor vehicle or motor vehicle trailer for the transportation of waste originating within the city unless the vehicle or trailer has a registration decal affixed as provided in this division or a vehicle registration certificate issued as provided in this division.

(b) The health officer shall place a registration decal on each registered vehicle operated by a holder of a transporter permit. In the case of tractor-trailer combinations, either component may be the registered vehicle for registration decal placement. The design and form of the registration decal shall be as promulgated by the health officer and shall include the date of expiration, which shall be coterminous with the transporter permit expiration.

(c) The health officer shall issue a registration certificate for each registered vehicle operated by a holder of a temporary transporter permit.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 08-1229, §14, 12-30-08)

Sec. 47-453. Conditions for issuance.

(a) The health officer shall issue registration decals for a given vehicle only if each of the following conditions exists:

(1) The transporter holds a current and valid transporter permit and the information contained on the vehicle's registration or title corresponds to the information given on the transporter's permit application or an amendment thereto.

(2) The transporter has paid the applicable vehicle registration fee. Vehicle registration fees shall not be refundable and cannot be prorated.

(3) The transporter makes the vehicle available to the health officer at a reasonable time for verification of vehicle identification and placement of registration decals.

(4) The transporter is identified by placing the transporter's name or logo and telephone numbers on each side of either the tractor, trailer, or tank in letters that are at least three inches high having a brush stroke width of at least 3/8-inch. The information shall be affixed by painting, attaching a decal or using other permanent means.

(5) The vehicle has a current state inspection sticker.

(6) The vehicle has a current state license registration.

(7) The vehicle is equipped with discharge valve markings as required by applicable state regulations.

(8) The vehicle is equipped with site gauges or alternative measurement devices that comply with state requirements.

(b) The health officer shall issue registration certificates for a given vehicle only if each of the following conditions exists:

(1) The transporter holds a current and valid temporary transporter permit and the information contained on the vehicle's registration or title corresponds to the

information given on the transporter's permit application or an amendment thereto.

(2) The transporter has paid the applicable vehicle registration fee. Vehicle registration fees shall not be refundable and cannot be prorated.

(3) The transporter makes the vehicle available to the health officer at a reasonable time for verification of vehicle identification and placement of registration decals.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 08-1229, §§ 15--17, 12-30-08)

Sec. 47-454. Placement; visibility.

(a) The health officer shall determine the number of registration decals to be attached and their location on each vehicle based upon the configuration of the vehicle.

(b) It shall be the duty of the transporter permit holder and the driver of the vehicle to ensure that each registration decal is kept free of mud, dirt or any other obscuring material.

(c) It shall be the duty of the temporary transporter permit holder and the driver of the vehicle to ensure that each vehicle registration certificate is maintained in the vehicle while the vehicle is being operated under the permit. The driver of the vehicle shall display the registration certificate issued for the vehicle upon the demand of a health officer or peace officer.

(Ord. No. 04-1089, § 3, 10-20-04)

Sec. 47-455. Reserved.

Editor's note: Ord. No. 08-1229, § 18, adopted December 20, 2008, effective January 1, 2009, repealed § 47-455 in its entirety. Formerly said section pertained to change of waste classification and derived from Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 07-544, § 23, 5-9-07.

Sec. 47-456. Replacement; transfer.

(a) It shall be unlawful to remove any registration decal from a vehicle and place it on another vehicle. A registration decal shall automatically become void if it is attached to a vehicle other than the specific vehicle for which it was provided by the health officer.

(b) In the event a transporter desires replacement registration decals (as may be necessary if the vehicle is painted or repaired) or wishes to transfer waste decals to a replacement vehicle, the transporter shall surrender all registration decals for the vehicle and shall pay a registration decal replacement charge per vehicle. No registration decal shall be provided for a replacement vehicle until the transporter permit has been amended to include that vehicle. No replacement registration decal shall be provided unless the transporter surrenders the decals to be replaced or provides conclusive evidence that they have been destroyed. If the decals are not surrendered and the required proof is not provided, then the full vehicle registration fee applicable under this division shall be payable.

(Ord. No. 04-1089, § 3, 10-20-04; Ord. No. 08-1229, § 19, 12-30-08)

Secs. 47-457--47-460. Reserved.

DIVISION 5. DISPOSAL OF WASTE AT CITY FACILITIES

Secs. 47-461--47-463. Reserved.

Editor's note: Ord. No. 08-1229, § 20, adopted December 30, 2008, effective January 1, 2009, repealed §§ 47-461--47-463 in their entirety. Formerly said sections pertained to discharge at city sewage treatment facilities; grab samples; prohibited discharges and derived from Ord. No. 97-196, § 4, 2-19-97.

Sec. 47-464. Emergency disposal of portable toilet waste at city facilities.

(a) Upon the health officer's findings that conditions of force majeure exist, that there exist insufficient permitted disposal facilities within the area contiguous to the city for the disposal of portable toilet wastes and that a public health emergency exists or may exist, the utility official is authorized to declare a public health emergency and allow transporters to discharge portable toilet wastes into designated city sewage treatment facilities in accordance with the provisions of this division. To initiate emergency disposals, the health officer must file a declaration of public health emergency with the city secretary. The health officer shall specify the conditions or circumstances that cause or threaten to cause the public health emergency. A declaration of public health emergency shall end when the health officer files with the city secretary a written declaration finding that the conditions requiring the original certification of a public health emergency no longer exist.

(b) Transporters allowed to discharge portable toilet waste into designated city sewage treatment facilities shall:

- (1) Discharge portable toilet wastes only;
- (2) Discharge only from vehicles displaying registration decals authorizing transportation of city-regulated waste; and
- (3) Comply with all other applicable provision of this article and environmental laws.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 21, 12-30-08)

Sec. 47-465. Discharge fees.

The discharge of waste at a city sewage treatment facility shall be in accordance with the terms of section 47-464 of this Code and shall require payment of the discharge fee established by city council. The utility official is authorized to establish the method of payment for the discharge fee, as well as any additional regulations and procedures for the documentation of waste transfer and the orderly collection of fees required by this section. Without limitation, the regulations and procedures may provide for immediate suspension of discharge privileges following notice to any transporter who is delinquent in payment of fees or has otherwise violated city regulations in the discharge of waste at city sewage treatment facilities. Upon request, a suspended transporter shall be given a prompt hearing by the utility official or his designee.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 22, 12-30-08)

Secs. 47-466--47-470. Reserved.

DIVISION 6. BIOLOGICAL PRETREATMENT

Sec. 47-471. Permit required.

- (a) It shall be unlawful to perform any biological pretreatment service except pursuant to a current and valid permit issued pursuant to this division.
- (b) It shall be unlawful for any person whose name is not listed on a permit as provided in section 47-473(d) of this Code and acting on behalf of that permit holder to perform any biological pretreatment service function.
- (c) It shall be unlawful for a generator or Class A site operator to suffer or permit the performance of any biological pretreatment service on any site under his possession or control by any person who does not hold a current and valid permit issued under this division.
- (d) It shall be unlawful for any person to cause or allow bioremediation to be performed on an interceptor by a person that does not possess a current permit for biological pretreatment or approved bioremediation media.
- (e) It shall be unlawful for any person to cause or allow the introduction of any surfactant, solvent or emulsifier into an interceptor or similar device.
- (f) It is a defense to prosecution under this section that the use of surfactants, solvents or emulsifiers is incidental to normal personal hygiene.
- (g) It is a defense to prosecution under this section that the person is the owner or operator of the site where the interceptor is situated, or an employee or agent of the owner or operator, and that the biological pretreatment service is being performed under the direction of a biological pretreatment service permit holder, provided that all notices and reports provided for under this article have been timely filed. It is also a defense to prosecution under this section that the site is used exclusively for residential purposes.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 24, 5-9-07)

Sec. 47-472. Application; fees.

- (a) The health officer shall promulgate forms for original and renewal biological pretreatment service permit applications, which shall request the following information:
 - (1) Name, street address, mailing address and telephone number of the applicant. The "applicant" shall be deemed to include the proprietorship, each partner if a partnership and each officer, director or holder of ten percent or more of the outstanding shares if a corporation.
 - (2) A copy of the material safety data sheet for each product that will be utilized to render the biological pretreatment service.
 - (3) A photocopy of the driver's license or Texas personal identification card of each person who will be authorized to perform biological pretreatment service functions on behalf of the applicant.

(4) Whether the applicant or any employee designated under item (3) of this subsection has been convicted of any violation for which a biological pretreatment service permit is subject to denial, refusal to renew or revocation under section 1-10 of this Code.

(5) Evidence of a comprehensive general liability insurance policy as required in section 47-475 of this Code.

(b) A non-refundable biological permit and registration fee shall be submitted with each original and renewal application.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 02-528, § 13h., 6-19-02; Ord. No. 08-1229, § 23, 12-30-08)

Sec. 47-473. Issuance; transfer; assignment.

(a) The health officer shall either grant or deny the biological pretreatment service permit within 30 days following the receipt of a completed application, unless a hearing is required under section 1-9 of this Code. If the biological pretreatment service permit is denied, written notice of the reasons shall be provided to applicant, and the applicant shall be afforded an opportunity for a hearing. The health officer shall grant the biological pretreatment service permit unless one or more of the following applies:

(1) The applicant provided incomplete or inaccurate information in the application.

(2) The applicant did not pay the required application processing fee.

(3) A biological pretreatment service permit held by the applicant is currently under suspension.

(4) A biological pretreatment service permit held by the applicant has been revoked or refused for renewal for cause within one calendar year from the date of filing of the application form.

(5) The applicant failed to provide proof of the liability insurance coverage required in section 47-475 of this Code. If it appears that the applicant or any employee designated under item (3) of section 47-472(a) has been convicted of any violation for which a biological pretreatment service permit is subject to denial, refusal to renew, or revocation under section 1-10 of this Code, then the permit application may also be denied on that grounds, provided that the applicant shall be given notice and an opportunity for a hearing under section 1-9 of this Code.

(b) *Reserved.*

(c) A biological pretreatment service permit is personal and is valid only for sites for which notice has been given as provided in section 47-478(a) of this Code. Any attempt to assign or transfer a biological pretreatment service permit to another person shall render it void.

(d) Each biological pretreatment service permit shall list the names of the persons authorized to perform biological pretreatment service functions under the permit. The permit shall not be valid for the performance of biological pretreatment service functions by any person not listed thereon.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 02-528, § 13i., 6-19-02)

Sec. 47-474. Term.

A biological pretreatment service permit shall expire on January 31 of the year following the calendar year during which it was issued.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-475. Liability insurance.

A biological pretreatment service permit holder shall at all times keep a policy of comprehensive general liability insurance in full force and effect. The policy shall insure the public against any loss or damage to any person or property resulting from the conduct of the biological pretreatment service. The policy shall provide a minimum coverage of \$250,000.00 per occurrence, with \$500,000.00 aggregate. The policy must be written by a carrier that holds a current and valid certificate of authority from the state of Texas for the type of policy issued. Additionally, each policy must contain an endorsement requiring 30 days' advance written notice of termination or cancellation to the health officer. Failure to maintain proof of the required with the health officer shall cause the permit to become void.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-476. Amendment.

(a) A biological pretreatment service permit holder shall have a continuing duty to amend its permit application whenever there is a change in any item for which a representation or response was made in its permit application. The biological pretreatment service permit holder shall submit the amendment in writing within 15 days following the occurrence of the event making the amendment necessary. Failure to timely submit an application for an amendment shall cause the permit to become void. Applications for permit amendments shall be processed and amended permits shall be issued subject to the same criteria as original applications.

(b) The 15-day period allowed in subsection (a) for the filing of an application for a permit amendment shall not apply to the addition of persons authorized to perform biological pretreatment service functions under the permit. A person may not perform biological pretreatment service functions under the permit unless and until so listed on the permit or an amendment thereto.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-477. Revocation; suspension.

A biological pretreatment service permit may be revoked or suspended in the same manner and for the same reasons as for a permit issued to a transporter under this article.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-478. Reports.

(a) Prior to the commencement of service at any site, a biological pretreatment service permit holder shall provide written notice to the health officer in a form prescribed by the health officer. Any such notice shall remain in effect until withdrawn in writing by the biological pretreatment service permit holder.

(b) On or before the fifteenth day of each calendar month, each biological pretreatment service permit holder shall provide a monthly report, accompanied by a processing fee, to the health officer, setting forth the name, address and telephone number of each site at which biological pretreatment service was performed, the dates on which the service was rendered during the preceding calendar month.

(c) Reports and notices under this section shall be made in or on a form promulgated by the health officer, shall be filed in such manner as the health officer may prescribe by regulations and shall be kept on site for at least five years after the date the biological pretreatment service was performed. The records shall be made available to the city official upon request. A copy of the regulations shall be maintained for inspection in the offices of the health officer, and copies shall be provided at the fees prescribed by law.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 25, 5-9-07; Ord. No. 08-1229, § 24, 12-30-08)

Secs. 47-479--47-480. Reserved.

DIVISION 7. CAR WASH DRYING BEDS

Sec. 47-481. Permit required.

It shall be unlawful for any person to operate or cause to be operated a drying bed for grit trap waste at any car wash premises for which a current and valid generator permit has not been issued under this article.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 26, 5-9-07)

Sec. 47-482. Application; standards.

In order to obtain a drying bed generator permit, a car wash operator shall make application on a form provided for that purpose by the health officer and shall demonstrate that the facility will, at a minimum, meet the following requirements:

- (1) The base of the drying bed shall be made of impervious material sufficient to prevent the release of any leachate;
- (2) The drying bed shall be surrounded by a berm made of impervious material sufficient to prevent the release of any leachate, be not less than two feet in height and provide at least one foot of freeboard at all times;
- (3) The drying bed shall be covered. The cover shall not be more than eight inches nor less than four inches in height above the wall of the drying bed and shall extend at least one foot beyond the outside of the berm;
- (4) The drying bed shall be adequately ventilated to prevent the accumulation of

emissions;

(5) All construction must comply with the Construction Code;

(6) All discharges from the drying bed shall be returned to a grit trap or back to the structure itself; and

(7) The drying bed must be at least ten feet from any property boundary.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 02-399, § 94, 5-15-02; Ord. No. 07-544, § 27, 5-9-07)

Sec. 47-483. Issuance; acceptance.

(a) Following receipt of a properly completed application, the health officer shall issue a generator permit to the applicant for the site designated on the application, unless it is determined that the facility will not comply with the criteria established in section 47-482 of this Code. If the application is denied, then the applicant shall be given written notice of the grounds and shall be afforded an opportunity for a hearing.

(b) Following receipt, the applicant shall review the generator permit for accuracy and sign it if it is correct. If the generator permit contains any inaccuracies, the applicant shall notify the department and return the generator permit for correction. The generator permit shall be valid only when signed by the car wash operator.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 28, 5-9-07)

Sec. 47-484. Term; cancellation.

(a) Subject to continuing compliance with applicable provisions of this article, a registration certificate shall be of perpetual duration.

(b) Following notice of the grounds and an opportunity for a hearing, the health officer may cancel a registration certificate.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-485. Amendment.

A generator permit holder shall have a continuing duty to request amendment of its generator permit whenever there is a change in any item for which a representation or response was made in its application. The generator permit holder shall submit an application for the amendment in writing within 15 days following the occurrence of the event making the amendment necessary. Failure to timely submit an application for amendment shall cause the generator permit to become void.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 29, 5-9-07)

Sec. 47-486. Fees; lost generator permits.

There shall be no fee for the filing of an original application or amendment application under this division or for the issuance of an original generator permit or an amendment thereto. However, a

fee shall be imposed for reissuance of a lost or missing generator permit.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 30, 5-9-07; Ord. No. 08-1229, § 25, 12-30-08)

Sec. 47-487. Assignment or transfer prohibited.

A generator permit is personal to the holder to whom it is issued and is valid only for the site specified thereon. Any attempt to assign or transfer a generator permit to another person or site shall render it void.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 31, 5-9-07)

Sec. 47-488. Posting required.

Each generator permit holder shall cause its generator permit to be conspicuously posted at the site to which it pertains. Upon request of a transporter or the health officer, the generator permit holder shall specify the location at which the generator permit is posted and shall make the generator permit available for verification and inspection.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 32, 5-9-07)

Sec. 47-489. Reserved.

Editor's note: Ord. No. 08-1229, § 26, adopted December 20, 2008, effective January 1, 2009, repealed § 47-489 in its entirety. Formerly said section pertained to transportation of grit trap waste and derived from Ord. No. 97-196, § 4, 2-19-97.

Secs. 47-490--47-500. Reserved.

DIVISION 8. DOCUMENTS*

***Editor's note:** Ord. No. 08-1229, § 27, adopted December 30, 2008, effective January 1, 2009, amended the title of Ch. 47, Art. XI, Div. 8, to read as herein set out. Formerly Division 8 was entitled Manifest/Septic Tank Control Ticket Documents.

Sec. 47-501. Manifests.

- (a) The department shall promulgate a multiple-copy form for manifests to be used by generators, transporters and disposers to document the transfer of waste.
- (b) The manifest copies shall be designated as follows:
 - (1) Generator copy (white).

- (2) Generator return copy (yellow).
- (3) HDHHS copy/transporter copy.
- (4) HDHHS copy/secondary transporter copy. If a secondary transporter is not used, this copy may be retained by the primary transporter.
- (5) Disposal site copy.

(c) *Reserved.*

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 33, 5-9-07; Ord. No. 08-1229, §§ 28, 29, 12-30-08)

Sec. 47-502. Manifest requirements.

- (a) It shall be unlawful for any reason to allow waste to be removed from a septic tank, trap, interceptor or other device without first obtaining a completed manifest.
- (b) The generator's portion of the manifest shall be completed with the following information:
 - (1) Name of generator;
 - (2) Generator address, including zip code;
 - (3) Generator permit or registration certificate number;
 - (4) Generator telephone number, including cellular phone number, if available, of generator's contact person;
 - (5) Holding capacity of trap or interceptor or similar device;
 - (6) Date waste was collected;
 - (7) Name of transporter and its permit number;
 - (8) Transporter vehicle registration number, decal or certificate information, vehicle license plate number and tank capacity;
 - (9) Name and signature of transporter vehicle operator;
 - (10) Transporter mailing address and telephone number;
 - (11) Type and quantity (in gallons or pounds) of waste removed; and
 - (12) Name and address of intended disposal site.
- (c) The transporter shall detach the generator's copy of the manifest and leave it with the generator.
- (d) The remainder of the manifest shall be completed with the following information:
 - (1) Secondary transporter's name, address, telephone number and permit number, if a secondary transporter is used;
 - (2) Name and signature of secondary transporter's vehicle operator, if a secondary transporter is used;
 - (3) Location at which the waste was transferred to the secondary transporter, if applicable;

- (4) Name, address and telephone number of disposer;
- (5) Quantity (in gallons or pounds) of waste received and date;
- (6) Name of manager/operator of disposer;
- (7) Dated signature of disposer's manager/operator; and
- (8) Any other relevant information reasonably required by the health officer.

(e) The transporter shall return the generator return copy to the generator within 15 days after the interceptor has been cleaned.

(f) The generator shall retain all white and yellow copies of manifests on the site where the waste originated for at least five years after the waste was removed.

(g) Upon request by a health officer, the generator shall produce all originals of manifests for inspection and verification.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 34, 5-9-07; Ord. No. 08-1229, § 30, 12-30-08)

Sec. 47-503. Reserved.

Editor's note: Ord. No. 08-1229, § 31, adopted December 30, 2008, effective January 1, 2009, repealed § 47-503 in its entirety. Formerly said section pertained to septic tank control tickets for Class A waste and derived from Ord. No. 97-196, § 4, 2-19-97.

Sec. 47-504. Forms supplied to transporters.

(a) The health officer shall supply manifests and other forms to transporters for their use under this article. The health officer may impose a fee that is based upon the city's production cost for the forms.

(b) It shall be the duty of each transporter to maintain a supply of manifests and other forms in each vehicle that is being utilized for the transportation of waste in the city and to make the forms available to generators whose sites are serviced by its vehicles in order to timely and properly complete the documentation requirements of this article.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 32, 12-30-08)

Secs. 47-505--47-510. Reserved.

DIVISION 9. GENERATION, TRANSFER AND DISPOSAL OF WASTE

Subdivision 1. Generator Responsibilities*

***Editor's note:** Ord. No. 08-1229, § 33, adopted December 30, 2008, effective January 1, 2009, amended Ch. 47, Art. XI, Div. 9, Subdiv. 1 title to read as herein set out. Formerly said subdivision was entitled Generator and Class A Site Operator Responsibilities.

Sec. 47-511. Verification of transporter registration.

No generator shall allow a transporter to remove waste from a site under the person's control unless the transporter's vehicle displays current and valid registration decals.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 34, 12-30-08)

Sec. 47-512. Cleaning and maintenance requirements.

(a) Except as specifically provided herein, generators shall clean, or cause to be cleaned, each interceptor and holding tank as often as necessary to comply with the effluent discharge parameters in this article to ensure that sediment and floating materials do not impair the efficiency of the interceptor, and to ensure that no visible fat, oil or grease (FOG) is observed in the sample well. The requirements of this section shall not apply to generators whose city-regulated waste consists solely of residential septic tank waste.

(b) Each interceptor or holding tank shall be fully evacuated at least once every 90 days.

(c) Each interceptor or holding tank shall be fully evacuated more frequently than once every 90 days when:

- (1) Twenty-five percent or more of the wetted height of the grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
- (2) The discharge exceeds the discharge parameter set in this article; or
- (3) There is history of non-compliance.

(d) If the volume of the interceptor is greater than the tank capacity of the transporter's vehicle, then the generator or transporter shall arrange for additional transportation capacity so that the interceptor is fully evacuated within 24 hours after the time the generator notifies the transporter, or the transporter becomes aware, that the tank capacity of the transporter vehicle is insufficient.

(e) The health officer shall waive compliance with the requirements of subsection (b) of this section if the generator submits to the health officer a completed Notice of Waiver (NOW) (form as provided by the health officer, which may be in an electronic format, unless the NOW is denied within 30 days of receipt by the health officer. If the health officer denies the notice of waiver of the requirements of subsection (b) of this section, the NOW shall be returned to the generator and the health officer shall state the reasons for the denial, which shall be consistent with this article. An approved NOW shall remain in effect until revoked by the health officer. Revocation of the NOW must be based on violation of this article. A generator may not resubmit a NOW form until six months from the date of revocation. The NOW form shall recite the elements of this subsection (e) and will include the following certifications:

- (1) The generator section of the form shall require the generator to certify that it has not had any overflow or discharge at the site during the previous 12-month period; and

(2) The generator's transporter section of the form shall require the transporter to certify that, based on the transporter's judgment, at the generator's site, the frequency of cleaning is sufficient to:

- a. Produce an effluent in consistent compliance with the discharge parameters in this article, or
- b. Demonstrate that less than 25 percent of the wetted height of the entire grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(f) In any event, a grease trap or holding tank shall be fully evacuated, cleaned, inspected, and, if needed, repaired or otherwise maintained, at least once every 180 days.

(g) All grease trap or interceptor waste shall be properly disposed of in accordance with federal, state or local regulation.

(h) No generator shall remove or cause or allow any person to remove waste from an interceptor on the site, unless the entire contents of the interceptor are removed from the site. It is the express intent of this section to prohibit the use of mobile processors and other devices that purport to separate waste or de-water the contents of an interceptor and leave a portion of the materials at the site.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 35, 5-9-07; Ord. No. 08-1229, §§ 35, 36, 12-30-08)

Sec. 47-513. Interceptor requirement.

(a) Commercial, institutional, and industrial facilities, including, but not limited to, restaurants, cafeterias, bars, hotels and motels, hospitals, sanitariums, manufacturing facilities, nursing homes, prisons, private and public schools, car washes, truck washes or other establishments where FOG, grit, silt or clay may be generated for which an application for a building permit is submitted after August 31, 2006, shall be required to design, install, operate and maintain an interceptor complying with the City of Houston Plumbing Code and install a sample well to allow access for inspection and sampling by the health officer.

(b) Each interceptor must be operated and maintained in accordance with this article, and must provide a sample well to allow access for inspection and sampling by the health officer.

(c) Except as may otherwise be provided, an interceptor shall not be required for single family or multi-family residential units.

(d) Interceptors shall be operated and maintained in accordance with the manufacturer's recommendations and this article including, but not limited to, periodic removal of the accumulated waste.

(Ord. No. 07-544, § 36, 5-9-07; Ord. No. 08-1229, § 37, 12-30-08)

Sec. 47-514. Discharge parameters.

Except as may otherwise be provided, it shall be unlawful for a generator to discharge into the sanitary sewer:

- (1) FOG, if such materials:

- a. Exceed on analysis an average of 400 milligrams per liter (mg/l) of free or emulsified fats, oils or grease;
 - b. Form a discernible floating layer on the surface of the receiving waters;
 - c. Overload the generator's interceptor; or
 - d. Deposit FOG in the lines of the sanitary sewer in such a manner as to obstruct it.
- (2) City-regulated waste that exerts or causes:
- a. Unusual biological oxygen demand or an immediate oxygen demand; or
 - b. Unusual concentrations or composition of solids in total suspended solids or total dissolved solids; or
 - c. Unusual flow or concentration in the sanitary sewer.
- (3) City-regulated waste in such amounts as to cause interference with the sanitary sewer system, or as to cause pollutants to pass through the sewer system into the environment.

(Ord. No. 07-544, § 36, 5-9-07; Ord. No. 08-1229, §§ 38, 39, 12-30-08)

Sec. 47-515. Penalty.

(a) It shall be unlawful for:

- (1) Any generator who is required by this article to obtain a generator permit or registration certificate to connect or to be connected to the sewer system, unless that generator has obtained a generator permit or registration certificate for that connection.
- (2) Any generator to violate any provision of this article that applies to generators.
- (3) Any person to violate any condition of a permit or registration certificate required by this article.

(b) If the health officer determines that a generator is responsible for a blockage of a sanitary sewer system line, the health officer may issue a citation with a minimum fine of \$1,000.00 for the first violation and \$1,500.00 for a second violation that occurs within the same 12-month period. Each subsequent violation within a 12-month period shall result in a fine of not more than \$2,000.00 for each violation, and the city may take other enforcement action as provided in section 47-416 of this Code. Each day that any violation continues shall constitute a separate offense. Violation of any provision of this division shall be a Class C misdemeanor.

(Ord. No. 07-544, § 36, 5-9-07)

Secs. 47-516--47-520. Reserved.

Subdivision 2. Documentation Responsibilities

Sec. 47-521. Signature and accuracy.

Each generator shall complete and sign the generator's portion of the manifest prior to allowing removal of waste from the generator's site. The generator shall ensure that the generator's portion of the manifest is complete and accurate.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 40, 12-30-08)

Sec. 47-522. Retention.

Each generator shall retain, on site, the completed generator copy until it receives the completed generator return copy from the transporter. The generator shall retain the generator return copy of the manifest on site for a period of five years from the date the waste is transported from the generator site as specified on the manifest. The documents shall be retained at a location that is situated within the county and shall be made available for inspection and copying by the health officer at the generator's place of business during regular working hours, immediately upon request. It is a defense to prosecution under this section that the waste removed consisted exclusively of portable toilet waste from portable toilets provided by the transporter.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-523. Report to health officer.

If the generator return copy is not received from the transporter within 15 days after the date the waste was picked up from the generator's site as shown on the manifest, the generator shall file with the department a copy of the generator copy of the manifest together with a signed affidavit in a form specified by the health officer stating that the generator return copy was not received within the 15-day period required. The generator copy and affidavit shall be filed at an office specified by the health officer within ten business days after the expiration of 15 days after the waste was transported from the generator's site as specified on the manifest.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-524--47-530. Reserved.

Subdivision 3. Transporters' Duties**Sec. 47-531. Manifest completion.**

It shall be unlawful for a transporter to:

(1) Remove or receive city-regulated waste from the site of a generator unless the generator's portion of the manifest has been completed, the transporter has signed the manifest and the generator's copy of the manifest has been left with the generator.

(2) Remove or receive waste from another transporter unless both transporters

complete and sign the manifest.

(3) Transport a waste load without having, at all times in the vehicle transporting the waste, a copy of the manifest(s) for all waste being carried.

(4) Discharge any waste at a lawful disposal site without entering the name of the disposal site and the date the waste is delivered to the disposal site for final disposal, obtaining the signature of the disposer and tendering to the disposer the disposal site copy of the manifest signed and completed by both the generator and the transporter(s).

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 41, 12-30-08)

Sec. 47-532. Verification of registration.

It shall be unlawful for any transporter to remove or receive city-regulated waste from any site that has never been issued an original permit or registration certificate to the current generator as provided in Division 2 of this article. It is an affirmative defense to prosecution under this section that the waste consists exclusively of portable toilet waste.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 37, 5-9-07; Ord. No. 08-1229, § 42, 12-30-08)

Sec. 47-533. Return of manifests.

Each transporter of city-regulated waste shall ensure that the completed generator return copy of the manifest is delivered to the generator within 15 calendar days after the date the waste was picked up from the generator's site. If the waste load is transferred to another transporter, the secondary transporter shall send the completed generator return copy to the generator within 15 days after the date the waste was picked up from the generator's site.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 43, 12-30-08)

Sec. 47-534. Monthly report; review; retention.

(a) On or before the fifteenth day of each calendar month, each transporter shall submit to the health officer the documents specified to be submitted below which shall document all of its waste transportation originating within the city during the preceding calendar month. Delivery shall be made in person, by courier, or by certified mail, return receipt requested. Transporters shall obtain from the health officer a receipt for all hand-delivered documents. All manifests and other documents submitted under this section shall be true, accurate and complete. The documents to be submitted are:

(1) All HDHHS/transporter copies or HDHHS/secondary transporter copies of the manifests except manifests for portable toilet waste;

(2) Monthly fee;

(3) A monthly waste summary for portable toilet waste in the form prescribed by the health officer; or

(4) A written statement signed by the transporter's manager stating that the transporter did not transport any waste from a site within the city during the preceding

calendar month.

(b) The health officer shall review the reports submitted under subsection (a) and return any manifests submitted therewith to the submitting transporter within 60 days following receipt of the report. Following receipt of the returned documents, the transporter shall retain them for a period of five years from the date of disposal as reflected on the manifest. The documents shall be retained at a location that is situated within the county and shall be made available for inspection and copying by the health officer at the transporter's place of business during regular working hours, immediately upon request.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 45, 12-30-08)

Secs. 47-535--47-540. Reserved.

Subdivision 4. Transportation Requirements

Sec. 47-541. Vehicle maintenance.

(a) Each transporter shall maintain each vehicle used by him for the transportation of waste in good working order. Without limitation, the transporter shall ensure that all hoses, tanks, pumps, pipes, valves and gauges shall be in good repair and free of any leaks that could cause a spill or discharge of waste from the vehicle.

(b) Each transporter shall ensure that the name and telephone numbers that are required to be affixed under item (4) of subsection (a) of section 47-453 are maintained and are legible at all times and that the discharge valves are marked as required by state regulation.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 38, 5-9-07)

Sec. 47-542. Spill remediation.

(a) Each transporter shall be responsible for the clean-up of any spills from its registered vehicles. In the event the city or the city's contractor provides the service of cleaning up the transporter's spill, the transporter shall pay the city's or its contractor's reasonable costs for clean-up as determined by the city official and as provided by the terms of the transporter's bond. Payment shall be made within 30 days after the date of written notice from the city official.

(b) In the event of any spill of waste, the transporter shall take appropriate remedial action, including removing or causing removal of the spill in compliance with all applicable environmental laws and regulations and issuing any notices to regulatory agencies as required under state or federal law or regulations.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-543. Storage of waste.

A transporter shall store waste only in a mobile closed container (container on wheels) and

shall not store waste for more than four days. A transporter who temporarily stores waste at a fixed or permanent site shall comply with all applicable state regulations.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-544. Mixing wastes.

(a) A transporter shall not collect or transport incompatible wastes in the same container. Nor shall a transporter utilize the same pumping equipment for incompatible wastes without first cleaning the equipment between batches to prevent the mixing of incompatible wastes.

(b) It is an affirmative defense to prosecution under subsection (a) that each of the following requirements was met:

- (1) The mixing of the wastes did not cause a dangerous chemical or physical reaction;
- (2) The facility to which the mixed wastes were being transported was then authorized to store, process, or dispose of the mixed wastes;
- (3) The transporter was then authorized to transport each of the wastes being mixed; and
- (4) The vehicle in which the wastes were being transported then met the requirements to transport each of the wastes being carried therein.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-545. Complete removal required.

No transporter shall remove waste from any interceptor, utility vault, septic tank or similar device unless its entire contents are removed from the site. It is the express intent of this section to prohibit the use of "mobile processors" and other devices that purport to separate waste or de-water the contents of an interceptor and leave a portion of the materials at the site.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 45, 12-30-08)

Secs. 47-546--47-550. Reserved.

Subdivision 5. Responsibilities of Disposers

Sec. 47-551. Compliance.

It shall be unlawful for a disposer to accept waste originating within the city from a transporter unless:

- (1) The transporter's manifest accurately identifies the amount and type of waste contained in the vehicle at the time of disposal;
- (2) The transporter's vehicle displays current and valid registration decals or

complies with appropriate state and federal identification and placarding requirements for the wastes being carried; and

(3) The transporter tenders to the disposer the manifest that has been completed and signed by both the generator and the transporter(s).

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 46, 12-30-08)

Sec. 47-552. Handling of documentation.

(a) After acceptance of a waste load originating within the city from a transporter, a disposer shall sign and date the manifest tendered by the transporter and shall return all copies of the manifest, except the disposal site copy, to the transporter.

(b) The disposer shall maintain the disposal site copy of each manifest delivered to him for five years after the date of receipt of waste as reflected on the manifest.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 08-1229, § 47, 12-30-08)

Sec. 47-553--47-560. Reserved.

Subdivision 6. Inspections

Sec. 47-561. Generator inspections.

(a) The health officer shall conduct inspections of generators as often as needed but not less than once a year to assure compliance with the requirements of this article and other rules and regulations relating to the handling and disposal of city-regulated waste.

(b) Inspections shall include, but are not limited to, verification of cleaning frequency and compliance with this article and other applicable laws regarding generation, transportation and disposal of waste. City officials shall observe the establishment's rules and regulations concerning safety, internal security and fire protection. If the establishment has management in residence, the city official shall notify management or the person in charge of the city official's presence and shall exhibit proper credentials; provided, however, if refused entry onto the premises, the city official shall procure a search warrant to inspect the facilities or records.

(Ord. No. 97-196, § 4, 2-19-97; Ord. No. 07-544, § 39, 5-9-07; Ord. No. 08-1229, § 48, 12-30-08)

Sec. 47-562. Vehicle inspection at designated place.

Upon notice by the health officer, each transporter shall deliver one or more registered vehicles as designated by the health officer to the location designated by the health officer for inspection and/or compliance testing by the health officer. The notice shall designate the time and place for delivery of the vehicle(s) and shall give the transporter reasonable notice for the delivery. The health officer shall release each vehicle no later than the close of business on the same day on which it is received, unless retention of the vehicle for a longer period is agreed upon in writing

between the health officer and the transporter. Delivery for inspection and testing of a registered vehicle shall be demanded pursuant to an administrative procedure established by the health officer.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-563. Vehicle spot inspection.

Transporters' registered vehicles traveling city streets are subject to stops and inspections by peace officers as provided by law. A peace officer may call upon a health officer for technical assistance in conducting the inspection. Transporters shall so advise their drivers. Unless a truck is out of compliance, it shall not be detained longer than one hour by the peace officer.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-564. Inspections of vehicles.

The health officer shall conduct inspections of transporters' vehicles and required documentation when observed to be in the receipt or disposal of waste.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-565. Vehicle inspections.

Vehicle inspections that are conducted on a spot basis shall include:

- (1) Identification check of the driver.
- (2) Registration and title check of the vehicle.
- (3) Review of manifests as required by local, state or federal law.
- (4) Sampling of the contents of the registered vehicle if the health officer or police officer has the ability to properly sample the contents. Samples shall be taken by trained personnel. Split samples may be taken if the driver supplies a sample bottle for the driver's portion.

(Ord. No. 97-196, § 4, 2-19-97)

Sec. 47-566. Procedures.

The director of the department shall establish procedures for inspections to be conducted by health officers under this subdivision. Copies of the procedure shall be available for public inspection in the offices of the director of the department and may be purchased at the fees prescribed by law. To the extent practicable, the health officer shall notify affected persons of the adoption or amendment of the procedures.

(Ord. No. 97-196, § 4, 2-19-97)

Secs. 47-567--47-600. Reserved.