

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, TO REGULATE LIQUID WASTE TRANSPORTATION AND DISPOSAL; PROVIDING FOR RESPONSIBILITIES OF LIQUID WASTE PRODUCERS, TRANSPORTERS, AND DISPOSERS; PROVIDING FOR PERMITS AND FEES FOR LIQUID WASTE TRANSPORTERS; PROVIDING FOR MAINTENANCE AND INSPECTION OF LIQUID WASTE VEHICLES; PROVIDING FOR THE DENIAL, SUSPENSION, OR REVOCATION OF PERMITS; PROVIDING FOR APPEAL FROM THE DENIAL, SUSPENSION, OR REVOCATION OF A PERMIT; PROVIDING PERSONS, CORPORATIONS AND/OR ASSOCIATIONS ARE SUBJECT TO THIS REGULATORY ORDINANCE; PROVIDING A PENALTY CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite finds that the unregulated transportation and discharge of liquid waste presents a hazard to the public health, safety, and welfare of the citizens of the City of Mesquite; and

WHEREAS, the City Council of the City of Mesquite finds that unregulated transportation of liquid waste facilitates the unauthorized discharge of liquid waste on the land and into streams, creeks and sanitary sewer systems located in the territorial and extraterritorial limits of the City of Mesquite; and

WHEREAS, it is the intention of the City of Mesquite, Texas, to enact an ordinance designed to protect and enhance the public health, safety, and welfare of our citizens by regulating the generators and transporters of grease trap wastes, grit trap wastes, and septage; and

WHEREAS, government is established to protect and enhance the public health, safety, and welfare.

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

### Section 1

#### General Provisions

1. Any person who transports grease trap wastes, grit trap wastes, and/or septage within the City of Mesquite shall first obtain a permit from the Health Authority and shall comply with the requirements of this ordinance. The ordinance shall be liberally construed and applied to promote its underlying purpose of protecting public health.

II. DEFINITIONS.

A. For the purpose of this ordinance:

1. APPROVED - means accepted as satisfactory under the terms of this article and given formal and official sanction by the approving authority.
2. DIRECTOR - means the director of the department designated by the City Manager to enforce and administer this article.
3. DISPOSAL - means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semi-solid grease trap waste, grit trap waste, and/or septage into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
4. DISPOSAL SITE - means a permitted site or part of a site at which grease trap waste, grit trap waste, or septage is processed, treated and/or intentionally placed into or on any land and at which said waste will remain after closure.
5. DISPOSER - means a person who receives, stores, retains, processes, or disposes of liquid waste.
6. GENERATOR - means a person who causes, creates, generates, or otherwise produces liquid waste at any facility other than at a private residence.
7. GREASE TRAP - means a water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes generated from commercial operations into the sanitary sewer system to which the receptacle is directly or indirectly connected.
8. GREASE TRAP WASTE - means greasy, fatty liquid, semi-liquid, and/or solid wastes removed from commercial operations by a grease trap.
9. GRIT TRAP - means a water-tight 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.
10. GRIT TRAP WASTE - means petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.
11. 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 Disposal Act or the Administrator, U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act," as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

12. **HEALTH AUTHORITY** - shall mean the Health Official of the City of Mesquite or his designated representative.
13. **LIQUID WASTE** - means water-borne solids, liquids, and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank and described as a grease trap waste, grit trap waste or septage.
14. **MANAGER** - means the person conducting, supervising, managing or representing the activities of a generator, transporter or disposer.
15. **MANIFEST SYSTEM** - means a system consisting of a four-part trip ticket used to document the generation, transportation and disposal of liquid waste.
16. **OWNER** - means the person who owns a facility or part of a facility.
17. **PERMIT** - means the formal written document issued to a person by the approving authority authorizing collection of grease trap waste, grit trap waste and septage.
18. **PERMITTEE** - means a person granted a permit under this article.
19. **PERSON** - means an individual, corporation (including a government corporation) organization, government, governmental subdivision or agency, federal agency, state, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity.
20. **REGULATORY AUTHORITY** - means the Health Official of the City of Mesquite or his designated representative.
21. **POTW** - means Publicly Owned Treatment Works
22. **SANITARY SEWER** - means a sewer which carries sewage and to which storm, surface, and ground waters are not normally admitted.
23. **SEPTAGE** - means wastes removed from a portable toilet, chemical toilet or septic tank.
24. **SHALL** - means the word "shall" wherever used in this article will be interpreted in its mandatory sense; "may" is permissive.
25. **SPECIAL WASTES** - any solid waste or combination of solid wastes that, because of its quantity, concentration, physical or chemical characteristics or biological properties, require special handling and disposal to protect the human health or the environment.

26. **SPILL** - means the accidental or intentional loss or unauthorized discharge of grease trap waste, grit trap waste, and septage.
27. **TANK** - means a device, designed to contain an accumulation of grease trap waste, grit trap waste and septage which is constructed primarily of non-carthen materials (e.g., concrete, steel, plastic) to provide structural support for the containment.
28. **TDH** - means Texas Department of Health.
29. **TWC** - means Texas Water Commission.
30. **TOXIC WASTE** - means any liquid, semi-liquid, or solid waste material which has the ability to chemically produce injury once it reaches a susceptible site in or on the body.
31. **TRANSPORTER** - means a person who operates a vehicle for the purpose of transporting liquid waste.
32. **TRIP TICKET** - means the shipping document originated and signed by the transporter which contains the information required by the regulatory authority.
33. **VEHICLE** - means a mobile device in which or by which liquid waste may be transported upon a public street or highway.

### III. PERMIT REQUIRED.

- A. A person commits an offense if he operates or causes to be operated a vehicle for the purpose of transporting liquid waste without an applicable permit. A permit shall be issued for transportation of liquid waste and the regulatory authority shall designate on the permit the liquid waste authorized for transportation in the vehicle. A separate vehicle permit number is issued for each vehicle operated.
- B. A person who desires to obtain a permit must make application on a form provided by the regulatory authority.
- C. A person who desires to obtain a permit must submit to the regulatory authority at the time of application a photocopy of the manager's drivers license. The regulatory authority shall be notified of manager employment changes during the permit period and shall be provided a copy of the new manager's drivers license.
- D. The regulatory authority shall not issue a permit unless the applicant submits for inspection the vehicle the applicant proposes to use to transport liquid waste and the vehicle is found by the regulatory authority to be constructed and equipped in accordance with the provisions of this article.
- E. A permit is not transferable.
- F. A permit issued by the City of Mesquite excludes the hauling of materials that are hazardous in nature.

- G. Transporters transporting hazardous wastes must have the applicable Texas Water Commission and U.S. Environmental Protection Agency (EPA) registration number and use the appropriate EPA manifest system.
- H. Each applicant must specify the disposal site or sites to be used for the authorized disposal of liquid wastes. The regulatory authority shall be immediately notified of additional disposal sites used during the permit period.
- I. Duration. Permits granted under the provision of this article, unless otherwise specified, shall remain in force for one year from date of issuance unless suspended or revoked for cause. Permits shall remain the property of the City of Mesquite.

#### IV. FEE AND DISPLAY OF PERMIT.

- A. The regulatory authority shall not issue a permit to an applicant until the appropriate established fee is paid. A person shall pay a fee of \$150.00 for the first vehicle and \$75.00 for each additional vehicle operated by the person.
- B. The regulatory authority shall number permits consecutively, and each permit holder shall cause to be displayed on each side of each vehicle in a color contrasting with the background in three inch letters or larger the business name, TDH registration number and the following:

MES \_\_\_\_\_

The first three letters (MES) shall represent the city issuing the permit. The blank space shall contain the permit number. The permit holder shall place business name, TDH registration number and the vehicle permit number on each vehicle before the vehicle is operated. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

#### V. LIQUID WASTE VEHICLES: MAINTENANCE.

- A. A liquid waste transporter shall:
1. Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
  2. Provide a safety plug or cap for each valve of a tank;
  3. Cause a vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.
- B. The regulatory authority may cause to be impounded a vehicle which is being operated in violation of this article, and he may authorize the holding of the vehicle until the violation is corrected. The regulatory authority may also revoke the permit for the improperly operated vehicle. If a vehicle is impounded or if a permit is revoked, a hearing before the Health Committee may be requested pursuant to Section 5 of this ordinance.

**VI. LIQUID WASTE VEHICLES: INSPECTION.**

- A. A liquid waste transporter's vehicle shall be inspected by the regulatory authority prior to the issuance of a vehicle permit with qualifications as follows:
1. Use a vehicle with a single tank as an integral portion of vehicle to transport liquid wastes; portable tanks or other containers temporarily installed in vehicles are prohibited.
  2. Piping, valves and connectors shall be permanently attached to tank and/or vehicle;
  3. Tank to be liquid tight;
  4. Tank to be constructed so that every interior and exterior portion can be easily cleaned;
  5. Piping, valves, and connections shall be accessible and easy to clean;
  6. Inlet, or opening of tank to be constructed so that collected waste will not spill during filling, transfer, or during transport;
  7. Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;
  8. Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage or undue spray on or flooding of immediate surroundings while in use;
  9. Pumps, valves, cylinders, diaphragms and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

**VII. RESPONSIBILITIES OF A LIQUID WASTE TRANSPORTER.**

- A. Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine the nature of the material to be transported and that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gasses, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- B. A transporter with a City of Mesquite liquid waste transporter permit shall not transport materials that are hazardous as defined in Section 1, II. A-11 in vehicles permitted by the city for transporting liquid waste.
- C. A transporter holding a City of Mesquite permit must use a disposal site permitted and approved by the city, or the state, or the federal government.

- D. A manifest system, consisting of a four-part trip ticket, is used to document the generation, transportation and disposal of all applicable liquid waste generated in the City of Mesquite and shall be used as follows:
1. The trip ticket books are purchased by the transporter from the City of Mesquite, Department of Environmental Health for an established fee;
  2. A transporter will complete one trip ticket for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemical/portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and location of disposal to the regulatory authority;
  3. White copy of trip ticket signed by transporter and generator at time of waste collection and Yellow copy maintained by generator;
  4. White copy of trip ticket signed by disposer at time of disposal and Pink copy maintained by disposer;
  5. Green copy of trip ticket maintained by transporter;
  6. All completed trip ticket books containing the White copy of the trip ticket will be delivered at least monthly by the transporter to the City of Mesquite, Department of Environmental Health;
  7. A copy of all trip tickets shall be maintained for a period of two years.

#### VIII. ACCUMULATION OF LIQUID WASTE.

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

#### IX. DISPOSAL OF LIQUID WASTE.

- A. A person commits an offense if he unloads or offers for sale or exchanges liquid waste, except at a place permitted by the city or the state, or the federal government.
- B. A person commits an offense if he deposits or discharges liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

**X. RESPONSIBILITIES OF LIQUID WASTE GENERATOR.**

- A. A generator of liquid waste shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the city and the liquid waste shall be transported to an approved site for disposal.
- B. A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his premises by a liquid waste hauler operating under a city permit.
- C. A generator shall sign the trip ticket from the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets for a period of two years.
- D. A generator shall:
1. Install or provide collection device of size and type specified by the regulatory authority;
  2. Maintain collection device in continuous, proper operation;
  3. Have grease interceptor serviced by a city permitted liquid waste transporter at a frequency and with an effectiveness to eliminate drain blockages and subsequent overflows to insure that concentrations of contaminants in wastewater do not exceed discharge limits. To satisfy this requirement, grease interceptors must be completely evacuated of ALL water and materials each time they are serviced;
  4. Supervise proper cleaning of collection device;
  5. Report spills and accidents involving collection device to regulatory authority within 24 hours;
  6. Clean up all spills and accidents immediately and have material disposed of by permitted transporter by proper means;
  7. Not install or utilize any system, process, or pretreatment involving the use of enzymes, bacteria, or other additives, nor alter the design or function of the grease interceptor without specific written approval of the City of Mesquite.

**XI. RESPONSIBILITIES OF LIQUID WASTE DISPOSERS.**

- A. A liquid waste disposer commits an offense if he allows accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or adjacent property or create a noxious odor or health hazard.
- B. A liquid waste disposer shall:
1. Obtain and maintain compliance with all licenses and/or permits required by local, state, or federal law;



2. Accept waste only from a permitted transporter;
3. Maintain trip ticket copies for a period of two years;
4. Accept only those classes of wastes authorized by license or permit;
5. Make available all records required to be kept for inspection by the regulatory authority during normal business hours.

## Section 2

### Enforcement

#### I. RULES AND REGULATIONS.

- A. The regulatory authority may promulgate rules and regulations as may be necessary to carry out the provisions of this article and protect the public from health and safety hazards. The regulatory authority may undertake immediate actions as may be necessary to protect the public from health and safety hazards. The regulatory authority may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.
- B. It shall be unlawful for any person to violate any of the provisions of this ordinance, or for any person who owns, operates or is in charge of any facility which generates liquid wastes, to allow any person employed at said facility to violate any provisions of this ordinance.
- C. It shall be unlawful for any person owning, operating or in charge of any vehicle transporting liquid wastes within the City of Mesquite to violate any provisions of this ordinance.
- D. It shall be unlawful for any person to interfere with the regulatory authority or his designated representative in the performance of their duties as prescribed by this ordinance.
- E. The provisions of this ordinance shall be enforced by the Environmental Health Official. His designated representatives shall have the authority to issue citations to persons violating provisions of this ordinance.
- F. In addition to prohibiting certain conduct by individuals, it is the intent of this ordinance to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.

### Section 3

#### Penalties

- I. Any person, operator, or owner who shall violate any provisions of this ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00), for each violation, and each day a violation continues shall constitute a separate offense and shall be punished accordingly.
- II. Any person found to be guilty of violating provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned by the city for reasons of appropriate clean-up and proper disposal of said waste materials. Additionally, an administrative fee equal to one-half (1/2) of assessed clean-up costs shall be levied by the city against the guilty person.

### Section 4

#### Inspections and Access

- I. The regulatory authority, after proper identification, shall be permitted to inspect at any reasonable time, any facility or the records of any facility generating grease trap waste, grit trap waste or septage to determine compliance with this ordinance.
- II. The regulatory authority, after proper identification, shall be allowed to inspect any liquid waste transport vehicle, or the records of any liquid waste transport vehicle operating in the City of Mesquite to determine compliance with this ordinance.

### Section 5

#### Denial, Suspension, Revocation of Permits

#### I. DENIAL OF PERMIT.

- A. The regulatory authority may deny a permit to an applicant if it is determined that said applicant is not qualified under provisions of this ordinance, or if said applicant is determined to be in violation of any provisions of this ordinance.

#### II. SUSPENSION OF PERMIT.

Permits may be suspended temporarily by the Health Authority for repeated failure of the permit holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to correct a violation after receiving two written notices for the violation, the Health Authority may suspend the permit. The permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written

request for a hearing is filed with the Health Authority by the permit holder. Notwithstanding the other provisions of this ordinance, whenever the operation or maintenance of any liquid waste transport vehicle which constitutes a substantial hazard to the public health, a written notice may be issued to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, such order may state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written request to the Health Authority, shall be afforded a hearing before the Health Committee as soon as possible.

III. REINSTATEMENT OF SUSPENDED PERMITS.

Any person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within 10 days following the receipt of a request, which shall include a statement signed by the applicant that in his or her opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If upon reinspection, the applicant is complying with the requirements of this ordinance, then the permit shall be reinstated.

IV. REVOCATION OF PERMITS.

For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Authority in the performance of his or her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the permit holder, within such 5-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

V. HEARINGS.

The hearings provided for in this section shall be conducted by the Health Committee at a time and place designated by them. Based upon the record of such hearing, the Health Committee shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.

Section 6

Severability Clause

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence or section of this ordinance shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or phrase of this ordinance.

**Section 7****Emergency Clause**


The fact that the present code of ordinances of the City of Mesquite is inadequate for control and regulation of liquid waste generation, transportation, and disposal, creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately and after publication of the caption of said ordinance, as the law in such cases provides, it is accordingly so ordained.

**Section 8****Effective Date**

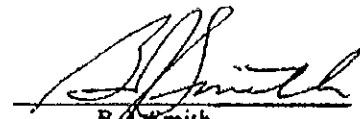
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of August, A.D., 1989.

  
George A. Venner, Sr.  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

APPROVED AS TO FORM:

  
B.J. Smith  
City Attorney