

ORDINANCE NO. 2974

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16, WATER AND LIQUID WASTE, OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW ARTICLE VI, ENTITLED "BIOLOGICAL TREATMENT OF GREASE AND GRIT TRAP/INTERCEPTOR WASTES"; PROVIDING FOR RESPONSIBILITIES OF GREASE AND GRIT TRAP/INTERCEPTOR OWNERS, OPERATORS, AND PERMIT HOLDERS; PROVIDING FOR PERMITS AND FEES FOR PERMIT HOLDERS; PROVIDING FOR THE DENIAL, SUSPENSION OR REVOCATION OF PERMITS; PROVIDING PERSONS, CORPORATIONS AND/OR ASSOCIATIONS ARE SUBJECT TO THIS REGULATORY ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite finds that the unregulated biological treatment of grease and grit trap/interceptor waste presents a hazard to the environment and to the City of Mesquite Publicly Owned Treatment Works (POTW); and

WHEREAS, the City Council of the City of Mesquite finds that effective biological treatment of grease and grit trap/interceptor waste is an environmentally sound alternative to traditional disposal methods; 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 biological treatment of grease and grit trap/interceptor wastes; 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:

Division 1. General Provisions

Any person who utilizes microorganisms in any grease interceptor within the City of Mesquite, in conjunction with or as an alternative to pumping and cleaning of said interceptor, shall first obtain a permit from the Regulatory Authority and shall comply with the requirements of this article. The article shall be liberally construed and applied to promote its underlying purpose of protecting public health.

Sec. 16-198. Definitions.

For the purpose of this ordinance:

APPROVED - means accepted as satisfactory under the terms of this article and given formal and official sanction by the Regulatory Authority.

GENERATOR - means a person who causes, creates, generates, or otherwise produces liquid waste at any facility other than at a private residence.

GREASE TRAP/INTERCEPTOR - 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.

GREASE TRAP WASTE - means greasy, fatty liquid, semi-liquid, and/or solid wastes removed from commercial operations by a grease trap.

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.

GRIT TRAP WASTE - means petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.

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.

OPERATOR - means the person in charge of the facility generating liquid waste.

OWNER - means the person who owns a facility or part of a facility.

PERMIT - means the formal written document issued to a person by the Regulatory Authority authorizing treatment of grease interceptors under provisions of this article.

PERMITTEE - means a person granted a permit under this article.

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.

REGULATORY AUTHORITY - shall mean the Public and Environmental Health Manager of the City of Mesquite or his designated representative.

SANITARY SEWER - means a sewer which carries sewage and to which storm, surface, and ground waters are not normally admitted.

SHALL - the word "shall" wherever used in this article will be interpreted in its mandatory sense; "may" is permissive.

SERVICE TICKET - means the document originated and signed by the permit holder at the time of service which contains the information required by the Regulatory Authority.

Sec. 16-199. Permits.

- (a) A person commits an offense if he installs or utilizes any system, process, or pretreatment involving the use of bacteria in any grease interceptor within the City of Mesquite without an applicable permit.
- (b) A person who desires to obtain a permit must make application on a form provided by the Regulatory authority and must meet the requirements of this article.
- (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 ownership and/or manager employment changes during the permit period and shall be provided a copy of the new manager's drivers license.
- (d) A permit issued by the Regulatory authority excludes the use of any material containing enzymes, emulsifiers or any other additives, which upon introduction result in dissolution of accumulated fats, oils or solids.
- (e) The Regulatory authority shall not issue a permit unless the applicant submits a detailed description of the compound to be utilized in the treatment process, and said compound is determined to be environmentally safe and in full compliance with the provisions of this article.
- (f) A person shall not be issued a permit until it has been clearly demonstrated that the bacterial mixture, and the process by which it is utilized, is effective in controlling the accumulation of fats, oils, and solids in grease interceptors without adversely affecting the quality of the interceptor effluent. This shall be documented by laboratory analysis of interceptor effluent.
- (g) A permit is not transferable.

- (h) 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.

Sec. 16-200. Fee and Display of Permit.

- (a) A permit shall not be issued to an applicant until the appropriate established fee is paid. The fee for said permit shall be \$250.00.
- (b) In addition to said permit fee a permittee shall pay an inspection and monitoring fee of \$25.00 per year for each interceptor under his service. Said fee shall be paid within 30 days of the beginning of service date for each interceptor. A list of all interceptors under the service of a permittee shall be provided to the Regulatory Authority and shall be updated by the permittee on a monthly basis.
- (c) The Regulatory Authority shall number permits consecutively and each permit holder shall cause to be in the possession of any individual in his employment, while engaged in the service of any interceptor in the City of Mesquite, a copy of a current and valid permit. A person shall not be engaged in said service while not in the possession of such permit.

Sec. 16-201. Responsibilities of Permittee.

- (a) Prior to treatment of any interceptor within the City of Mesquite with any microorganism, or compound containing microorganisms, a person shall secure a permit under the provisions of this article.
- (b) Interceptors being serviced under the provision of this article shall be serviced by the permittee at least two times each month.
- (c) Each time a trap is serviced or inspected, a two-part service ticket shall be completed, with one copy being left on site with the interceptor owner/operator, and the second copy being retained by the permittee. Service tickets shall be kept on file for a period of two years, and shall be available for review by the Regulatory Authority upon request. Service tickets shall contain the following information:
 - (1) Name and address of permittee, permit number, and name of technician.
 - (2) Location and name of facility.
 - (3) Date and time of service.
 - (4) Status of the trap at time of service to include at a minimum:

- (a) pH of trap - arrival and departure.
 - (b) Amount of microbe or compound introduced.
 - (c) I.D. number of microbe or compound.
 - (d) Thickness of grease and solids in both sides of trap.
 - (e) Presence or absence of food and/or trash.
 - (f) Temperature of solution in both sides of trap.
 - (g) Size of trap.
- (d) Service on interceptors shall not be performed except under the direct supervision of the owner/operator of said interceptor.
- (e) Permittee shall discontinue service on any interceptor documented to fail to properly respond to said service, and shall report said response failure to the Regulatory Authority.

Sec. 16-202. Responsibilities of Interceptor Owner/Operator.

- (a) It shall be the responsibility of the interceptor owner/operator to:
- (1) Allow only persons having a valid permit to perform service on any interceptor in the City of Mesquite.
 - (2) Provide direct supervision of persons servicing said interceptors.
 - (3) Retain copies of service tickets on site for a period of two years, and present said tickets upon request of the Regulatory Authority.
 - (4) Not allow continued service of any interceptor documented to fail to properly respond to service and treatment by a permittee.
 - (5) Not allow the introduction of any substance into an interceptor except as is provided under provision of this article.
 - (6) Give full cooperation with the Regulatory Authority in his efforts to determine compliance with this article.

Division 2. Enforcement

Sec. 16-203. 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 to interfere with the regulatory authority or his designated representative in the performance of their duties as prescribed by this ordinance.
- (d) The provisions of this ordinance shall be enforced by the Public and Environmental Health Manager. His designated representatives shall have the authority to issue citations to persons violating provisions of this ordinance.
- (e) 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.

Division 3. Penalties

Sec. 16-204. 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.

Sec. 16-205. 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 cleanup and proper disposal of 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.

Division 4. Inspections and Access

- (a) 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.
- (b) The regulatory authority, after proper identification, shall be allowed to inspect the records of, and base of operation of any permittee to determine compliance with this ordinance.
- (c) The Regulatory Authority shall have the authority to sample or require sampling and independent laboratory analysis of any material utilized by a permittee in the treatment of interceptors in the City of Mesquite to determine compliance with this ordinance.
- (d) The Regulatory Authority shall have the authority to sample or require sampling and analysis of the contents or effluent of any interceptor under treatment by a permittee to determine compliance with the provisions of this ordinance.
- (e) In the event that a permittee fails to perform said sampling and analysis as required by the Regulatory Authority, said sampling and analysis may be performed by the Regulatory Authority, and permittee shall become liable to the City for any expense occasioned by the City for said sampling and analysis. Additionally, an administrative fee equal to one-half (1/2) the assessed cost shall be levied by the City against said permittee.

Division 5. Denial, Suspension, Revocation of Permits

Sec. 16-206. 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.
- (b) Suspension of Permit.

Permits may be suspended temporarily by the Regulatory Authority for repeated failure of the permit holder to comply with the requirements of this ordinance. Whenever a permit holder has failed to correct a violation after receiving written notice for the violation, the Regulatory Authority may suspend the permit. The permit holder 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 Regulatory Authority by the permit holder. Notwithstanding the other provisions of this ordinance,

whenever the operations of a permit holder constitute a substantial hazard to the environmental or public health, a written notice may be issued to the permit holder 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 Regulatory Authority, shall be afforded a hearing before the Health Committee as soon as possible.

(c) 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 Regulatory Authority shall make a reinspection. If upon reinspection, the applicant is complying with the requirements of this ordinance, then the permit shall be reinstated.

(d) Revocation of Permits.

For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Regulatory 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 Regulatory Authority. Prior to such action, the Regulatory 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 Regulatory 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.

(e) 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 Regulatory Authority.

Division 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.

Division 7. Emergency Clause

The fact that the present code of ordinances of the City of Mesquite is inadequate for control and regulation of biological treatment of grease and grit trap wastes, 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.

Division 8. Effective Date

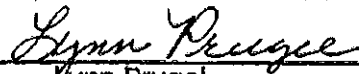
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of June, A.D., 1994.




Cathy Ray
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary



B. J. Smith
City Attorney

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