

ORDINANCE NO. 09-2922

AN ORDINANCE AMENDING CHAPTER 118 UTILITIES OF THE CITY OF BEDFORD CODE OF ORDINANCES, AS AMENDED, BY THE ADDITION OF ARTICLE IX , "LIQUID WASTE," PROVIDING FINDINGS AND DEFINITIONS; PROVIDING FOR THE PERMITTING OF ALL LIQUID WASTE HAULERS; PROVIDING FOR THE MAINTENANCE AND INSPECTION OF LIQUID WASTE VEHICLES; PROVIDING FOR THE LIMIT OF ACCUMULATION OF LIQUID WASTE; PROVIDING FOR THE PERMITTING OF ALL GREASE TRAP OWNERS; PROVIDING FOR THE DISPOSAL OF LIQUID WASTE; PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS FOUND IN THE STATED ORDINANCE; PROVIDING A FINE OF UP TO \$2,000.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Commission on Environmental Quality has mandated the City of Bedford's participation in the Sanitary Sewer Outflow Initiative; and,

WHEREAS, the permitting and inspection of liquid waste producers will help to improve and protect the integrity of the City sanitary sewer and storm sewer systems; and,

WHEREAS, the City Council determines that the passage of this ordinance is in the best interests of the health, safety, and welfare of the public.

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

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2. That Chapter 118 of the City of Bedford Code of Ordinances is hereby amended by the addition of the following Article VIII "Liquid Waste":

DIVISION 1. GENERAL PROVISIONS

Section 118-300. Definitions

Approved means accepted as satisfactory under the terms of this article and given formal and official sanction by the approving authority.

Director means the Public Works Director or the Director's authorized representative.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semisolid 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.

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.

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

Generator means a person who causes, creates, generates, or otherwise produces liquid

Grease trap means a unit designed to remove grease, fat and solids from commercial operations.

Grease trap waste means greasy, fatty liquid, semi liquid, and/or solid waste removed from commercial operations by a grease trap.

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

Grit trap waste means petroleum based oil, grease wastes and solid waste from commercial automotive or heavy machinery repair and/or washing facilities.

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:

(1) Have any of the following characteristics: toxic, corrosive, and irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;

(2) 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 (V.T.C.A., Health and Safety Code Ch. 361) 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.

Liquid waste means waterborne 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.

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

Manifest system means a system consisting of a four-part trip ticket used to document the generation, transportation and disposal of 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 approving authority authorizing collection of grease trap waste, grit trap waste and septage.

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.

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

Septage means wastes removed from a portable toilet, chemical toilet or septic tank.

Shall, wherever used in this article, will be interpreted in its mandatory sense;"may" is permissive.

Special wastes means 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 the human health or the environment.

Spill means the accidental or intentional loss of grease trap waste, grit trap waste, and septage.

Tank means a device, designed to contain an accumulation of grease trap waste, grit trap waste and septage which is constructed primarily of no earthen materials (e.g., wood, concrete steel, plastic) to provide structural support for the containment.

TDH means Texas Department of Health.

TDWR means Texas Department of Water Resources.

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.

Transporter means a person who operates a vehicle for the purpose of transporting liquid

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

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

Section 118-301. Administration.

The director of the public works department and the director's approving authority are authorized to administer, implement, and enforce the provisions of this article. Additionally, the director and the director's approving authority are authorized to make inspections pursuant to this article and to take enforcement actions against violators.

Section 118-302. Purpose.

The purpose of this article is the regulation of the generation, transportation and disposal of grease trap waste, grit trap waste, and septage, for the protection of the sanitary sewer system and the environment. The wastes regulated by this article do not include hazardous wastes or class 1 nonhazardous industrial solid waste.

Section 118-303. Disposal fee.

City Council shall set fees for the disposal of liquid waste.

DIVISION 2. LIQUID WASTE TRANSPORTATION.

Section 118-304. Permit required.

(a) A person commits an offense if they operate or cause 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 approving authority shall designate on the permit the liquid waste authorized for transportation in the vehicle. A separate permit is issued for each vehicle operated.

(b) A person who desires to obtain a permit must make application on a form provided by the Director.

(c) The Director shall not issue a permit unless the applicant submits for inspection by the Director each vehicle the applicant proposes to use to transport liquid waste and each vehicle is found by the Director to be constructed and equipped in accordance with the provisions of this article.

(d) A permit is not transferable.

(e) A permit issued by the City of Bedford excludes the hauling of materials that are hazardous in nature.

(f) Transporters transporting hazardous wastes must have the applicable Texas Department of Health or Texas Department of Water Resources permit and use the appropriate manifest system.

(g) Each applicant must specify which disposal site or sites are proposed.

Section 118-305. Fee and display of permit.

(a) The Director shall not issue a permit to an applicant until the appropriate established fee is paid. A fee for each permit shall be paid as required, in accordance with The City of Bedford Code of Ordinances, Appendix A, Schedule of Fees. Each permit must be renewed annually.

(b) The Director 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:

BED _____

The first three letters (BED) 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.

Section 118-306. 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; and,

(3) Cause a vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.

(b) The Director 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 Director may also revoke the permit for the improperly operated vehicle. If a

vehicle is impounded or if a permit is revoked an appeal may be filed by the transporter pursuant to section 118-315.

Section 118-307. Same—Inspection.

A liquid waste transporter shall not require an inspection by the City if the transporter can submit current proof of inspection from the cities of Arlington, Fort Worth, Dallas, or Haltom City.

Without valid proof of inspection, a liquid waste transporter's vehicle shall be inspected by the Director prior to the issuance of a vehicle permit with qualifications as follows:

- (1) A vehicle with a single tank as an integral portion of vehicle to transport liquid wastes is required; 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 other than the point of discharge;
- (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; and,
- (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.

Section 118-308. Responsibilities of 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 their equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- (b) A transporter with a City of Bedford liquid waste transporter permit shall not transport materials that are hazardous as defined in Section 118-300 in vehicles permitted by the city for transporting liquid waste.
- (c) A transporter holding a City of Bedford 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 Bedford and shall be used as follows:

- (1) The trip ticket books are purchased by the transporter from the City of Bedford, Public Works Department for an established fee;
- (2) A transporter will complete one trip for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. They will complete one trip ticket for each vehicle load transported;
- (3) First copy of trip ticket signed by transporter and generator at time of waste collection and second copy left with generator for their files;
- (4) Third copy of trip ticket (with copy of transporter's and generator's signatures) signed by disposer at time of disposal and maintained by disposer;
- (5) Fourth copy of manifest form (with copy of signatures of transporter, generator and disposer) maintained by transporter; and,
- (6) All completed trip ticket books containing the first copy of the trip ticket will be delivered monthly by the transporter to the City of Bedford, Public Works Department;
- (7) A copy of all manifests shall be maintained for a period of two years.

DIVISION 3. ACCUMULATION, PRODUCTION, AND DISPOSAL

Section 118-309. Accumulation of liquid waste.

- (a) A person commits an offense if they allow liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under their control.
- (b) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge
- (c) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
 1. Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
 2. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the Director; or
 3. If there is a history of non-compliance.
- (d) Any person who owns or operates a grease trap/interceptor may submit to the Director a request in writing for an exception of the ninety (90) days pumping frequency of their grease trap/interceptor. The Director may grant an extension for required cleaning frequency on a case-by-case basis when:
 1. The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results,

in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the Director, or

2. Less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measure from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(e) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

Section 118-310. Disposal of liquid waste.

(a) A person commits an offense if they unload or offer for sale or exchange of liquid waste, except at a place permitted by the city, or the state, or the federal government.

(b) A person commits an offense if they deposit or discharge liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

Section 118-311. Responsibilities of liquid waste generators.

(a) Any establishment where food is manufactured, packaged, produced, processed, transported, stored, sold, commercially prepared, vended, or otherwise handled must obtain a grease trap/interceptor permit per Section 118-305(a).

(b) A producer 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.

(c) A producer of liquid wastes shall determine if the liquid waste is hazardous and shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from their premises by liquid waste hauler operating under a city permit.

(d) A producer 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. The Director may inspect these records at any reasonable time.

(e) A producer shall:

(1) Install or provide grease collection device of calculated size and type to comply with the currently adopted International Plumbing Code;

(2) Maintain grease collection device in continuous, proper operation;

(3) Supervise proper cleaning of grease collection device;

(4) Report spills and accidents involving grease collection device to the Director within 24 hours; and,

(5) Clean up all spills and accidents immediately and have material disposed of by permitted transporter by proper means.

Section 118-312. Responsibilities of liquid waste disposers.

(a) A liquid waste disposer commits an offense if they allow accumulation of liquid waste on their 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 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; and,
- (5) Make available all records required to be kept for inspection by the approving authority at any reasonable time.

DIVISION 4. ENFORCEMENT

Section 118-313. Rules and regulations.

The approving authority may promulgate reasonable 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 Director may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.

Section 118-314. Denial, suspension, revocation of permit.

(a) The Director may deny a permit if they determine that an applicant is not qualified under Division 2 of this article and may suspend a permit he determines that a permittee:

- (1) Is not qualified under division 2 of this article;
- (2) Has violated a provision of this article;
- (3) Has failed to pay a required fee; or,
- (4) Has failed to comply with maintenance or inspection requirements.

(b) After suspension under this section, a permittee may file a request for reinstatement of the permit. When the Director determines that the permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, they shall reinstate the permit.

(c) The Director may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or an employee of the transporter violates any of the provisions of this article, any rules or regulation promulgated by the Director, or applicable provisions of the city ordinance or state law.

(d) A permittee whose permit is suspended or removed shall not collect, transport, or dispose of any waste materials within the jurisdiction of the Director.

Section 118-315. Appeal.

If the Director denies the issuance of a permit, or revokes a permit, he shall send to the applicant, or permit holder, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The applicant, or permit holder, may appeal the decision of the Director to the

Deputy City Manager. The filing of a request for an appeal hearing with the Deputy City Manager stays an action of the Director revoking a permit until the Deputy City Manager makes a final decision.

Section 118-316. Criminal responsibility of corporations or associations.

(a) In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association criminally 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.

(b) Any person, operator, or owner who shall violate any provision of this article, 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 \$2,000.00, and each occurrence of the violation shall constitute a separate offense and shall be punished accordingly.

(c) Any person found to be guilty of violating provisions of this article by improper disposal of otherwise allowable waste materials shall become liable to the city for any expenses, loss, or damage occasioned by the city for reason of appropriate cleanup and proper disposal of said waste materials. Additionally, an administrative fee equal to one-half of assessed cleanup costs shall be levied by the city against the guilty person.

SECTION 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

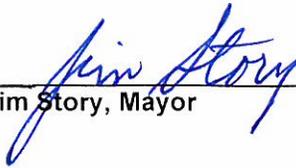
SECTION 4. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That the fact that the present ordinances and regulations of the City of Bedford, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency, which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

SECTION 7. That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED on this 10th day of March 2009, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.



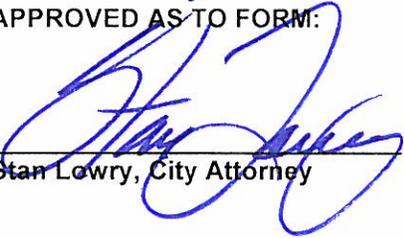
Jim Story, Mayor

ATTEST:



Shanae Jennings, City Secretary

APPROVED AS TO FORM:



Stan Lowry, City Attorney