

Ordinance # 89-102A

AN ORDER RELATING TO THE REGULATION AND ENFORCEMENT OF STATE LAW AND RULES FOR TRANSPORTERS OF LIQUID WASTE.

WHEREAS, Article 4477-7e, Vernon's Texas Civil Statutes provides the Commissioners' Court of each county authority to establish a regulatory program relating to transporters of grease, trap, sand trap, and septic waste; and

WHEREAS, counties may require permits, allow municipalities to participate, inspections, and develop a manifest system, and may deny, suspend, or revoke the permit if not in compliance with state laws or state rules; and

WHEREAS, counties may assess an inspection fee to cover the cost to the county of providing this service; and

THEREFORE BE it ordered by the City Council, Tom Bean, Texas:

SECTION 1. Enforcement of State Laws and Rules

The definitions and the enforcement of this order shall be regulated in accordance with Vernon's Texas Civil Statutes, Article 4477-7, Subchapter N, Management of Sludges and Similar Wastes, Sanitation and Health Protection Law, Article 4477-1, Texas Water Code, Chapter 26. The words "Regulatory Authority" shall be understood to refer to the Grayson County Health Department. The word "Department" shall refer to the Texas Department of Health or their authorized agents or employees.

SECTION 2. Issuance of Permits

(a) Any person desiring to operate as a transporter of grease or sand trap and septic waste shall make written application for a permit on forms provided by the Regulatory Authority. Such application shall include the name and address of each applicant, mailing address, telephone number, name of present

company, capacity of tank, TDH registration number, with a copy of state registration attached thereto, cities, state, and federal agencies providing collection and/or transportation of this waste using vehicles owned and operated by them are not required to register under this ordinance. Persons transporting wastewater treatment plant sludges are also not required to register under this order.

(b) Prior to approval of an application for a permit, the Regulatory Authority shall inspect each transporter unit to determine compliance with state laws and rules.

(c) The Regulatory Authority shall issue a permit to the applicant providing an inspection reveals that the waste transporter unit complies with the requirements of state laws and rules. All permits shall be renewed annually. Temporary permits shall be issued for no more than 4 consecutive days.

(d) A person may renew a permit by making written application on forms provided by the Regulatory Authority. Such application shall include the information described in subsection (c), paragraph (1) of this section, and shall include a renewal fee as established by the Commissioners' Court.

### SECTION 3. Denial, Suspension or Revocation of Permit

The Regulatory Authority may, after providing opportunity for a hearing, deny, suspend or revoke a permit for violations of any of the requirements of state laws or rules or for interference with the Regulatory Authority in the performance of official duties. Prior to denial, suspension or revocation, the Regulatory Authority shall notify the permit holder, or the person in charge in writing, of the reason for which the permit is subject to denial, suspension or revocation, and that the permit shall be denied, suspended or revoked at the end of ten days following service of such notice unless a written request for a hearing is filed with the Regulatory Authority by the permit holder. If no

request for hearing is filed within the ten day period, the denial, suspension or revocation of the permit becomes final.

SECTION 4. Service of Notices

A notice provided for in this order is properly served when it is delivered to the permit holder or the person in charge, or when it is by registered mail, return receipt requested, to the last known address of the permit holder. A copy of the notice shall be filed in the records of the Regulatory Authority.

SECTION 5. Hearings

The hearings provided for in this order shall be conducted by a Hearing Officer designated by the Regulatory Authority at a time and place designated by the Hearing Officer. Based on the evidence presented at such hearing, the Hearing Officer shall make a final finding, and shall sustain, modify or rescind any 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.

SECTION 6. Application after Denial or Revocation

Whenever a denial or revocation of a permit has become final, the permit holder may make written application for anew permit.

SECTION 7. Transporter Vehicle and Equipment

(a) Marking and Identification. Owners or operators of tanks or containers used for the collection and/or over-the-road transportation of wastes regulated under this ordinance shall prominently mark such tanks or containers to show the company name and the dpeartment-assigned registration number and a 2-digit number assigned by the Grayson County Health Department. The identification will be removed when it is no longer authorized by the State Health Department or leaves the possession of the person registered.

(b) Sanitation Standards. All vehicles and equipment used for the collection and transportation of sludges and similar wastes shall be constructed, operated, and maintained to prevent loss of liquid or solid waste materials and to prevent health nuisance and safety hazards to operating personnel and the public. Collection vehicles and equipment shall be maintained in a sanitary condition to preclude odors and insect breeding and receive an annual inspection by the Grayson County Health Department or at any other time deemed appropriate.

(c) Mixing of Incompatible Wastes. Mixing of incompatible wastes within the same container is prohibited. Transporters shall not use the same container or pumping equipment to collect or transport incompatible waste without first emptying and cleaning the container and equipment of all previously handled wastes. For purposes of this subsection, incompatible waste means wastes which have different processing, storage, or disposal requirements. However, transporters may mix wastes with different characteristics provided the facility to which the waste is being transported is authorized to receive of such a waste mixture.

#### SECTION 8. Waste Disposition Control

(a) Waste Control Record. Persons who collect and/or transport waste subject to control under this ordinance shall initiate and maintain a record of each individual collection and deposit. Such record shall be in the form of a manifest trip ticket or other similar documentation approved by the Grayson County Health Department. The waste control record shall include:

- (1) Name and Texas Department of Health registration number of transporter;
- (2) County Health Department assigned number;
- (3) Name and address of the person who generates the waste and date collected;

- (4) Type and amount of waste collected or transported;
- (5) Name of responsible person (driver) collecting, transporting, and depositing the waste;
- (6) Date and place where the waste was deposited;
- (7) Identification (permit application or site registration number, location, and operator) of the facility where the waste was deposited; and
- (8) Name and signature of facility representative acknowledging receipt of the waste and the amount of waste received.

(b) Maintenance of Records and Reporting. The transporter provides the person who generates the waste a copy of the waste control record or other document showing receipt of waste and provides the facility operator a copy of all control records of wastes deposited. The transporter retains a copy of all records showing the collection and disposition of waste. Such copies shall be retained for 12 months and made available upon request. This is in addition to reporting requirements to the Texas Department of Health.

#### SECTION 9. Discharge or Spills

In the event of a discharge of waste during collection or transportation, the collector or transporter must take appropriate action to protect human health and the environment, e.g., notify local law enforcement and county health department; dike the discharge area; clean up any waste discharge that occurs during transportation; or take such action as may be required or approved by federal, state, or local officials having jurisdiction so that the waste discharge no longer presents a public health or environmental problem. Transporters are responsible for reporting certain spills in accordance with requirements of the State of Texas Oil and Hazardous Substance Spill Contingency Plan.

**SECTION 10. Interstate Transportation**

Persons who engage in the transportation of wastes (subject to regulation under this ordinance) from Grayson County to other states or from other states to Grayson County, or persons who collect or transport such waste in Grayson County but have their place of business in another state, shall comply with all the requirements for transporters contained in Solid Waste Management Regulations and this ordinance. If such persons also engage in any activity of managing such wastes in Texas by storage, processing, or disposal, they shall follow the applicable requirements for site operators of such activities.

**SECTION 11. Transporter Licensing Fees**

(a) Applicability. Transporters of grease trap, grit trap, and septic waste who are registered or who are required to register with the Texas Department of Health are also required to register with the Grayson County Health Department. This fee shall not apply to cities, counties, municipal utility districts, and state and federal agencies which are transporting their own wastes and which are not required to be registered with the State Health Department.

(b) Fee Schedule/Amount. All waste transporter of grease trap, grit trap, and septic operating in Grayson County shall pay a \$25.00 annual fee for each vehicle.

(c) Fee Due Date. The payment of a transporter registration fee to the Regulatory Authority shall be due on January 1, of each year.

**REMEDIES**

Any person who violates any provision of these rules and any person who is a permit holder of or otherwise operates a waste transporter that does not comply with the requirements of these rules and any responsible officer of that permit

holder or those persons shall be charged with a misdemeanor and shall be fined not more than two hundred dollars (\$200.00).

If it is shown in the trial of the defendant that the defendant has previously been convicted of an offense under this ordinance, he shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), by confinement in jail for more than one year or by both. Each and every violation of the provisions of this law, each day that such offense continues, shall constitute a separate offense whether or not such act or omission was knowingly or willfully done or omitted.

The Regulatory Authority and/or county attorney may seek to enjoin violations of these rules.

That all ordinances or parts of ordinances in conflict with the provisions of these rules.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional for any reason, the remainder of said ordinance shall not be affected thereby.

Duly passed and approved by the council of the City of Tom Bean, Texas, on this the 5<sup>th</sup> day of June, A.D., 1989.

Billy W. Jones  
MAYOR

ATTEST:

Dinger Neal  
CITY SECRETARY

HEALTH-PUBLIC

ART. 4477-7E

Transporters of liquid waste

HEALTH-PUBLIC

ART. 4477-7E

Transporters of liquid waste

ART. 4477-7E

Sec. 1. In this article "person" has the meaning assigned to that term by Section 211.05(2) of the Government Code.

Program Established

Sec. 2. The commissioners court of each county may establish a regulatory program relating to transporters of grease trap, sand trap, and septic waste.

Scope of Program

Sec. 3. As part of the regulatory program established under this article, the commissioners court of each county may:

(1) require a permit for trucks that transport grease trap, sand trap, and septic waste, including trucks serving unincorporated areas;

(2) issue a single permit number that allows a municipality that participates in the county regulatory program the option to add to that permit number a suffix unique to the municipality;

(3) coordinate with municipalities inspections of trucks that transport grease trap, sand trap, and septic waste; and

(4) develop a single manifest form with a uniform manifest registration and numbering system to be used by the county and by each participating municipality.

Powers

Sec. 4. The commissioners court of each county may:

(1) by order establish guidelines and procedures for the issuance of permits to trucks that transport grease trap, sand trap, and septic waste and for the coordination of truck inspections;

(2) enter into a contract with a person to provide any of the services that are part of the regulatory program established by the county under this article;

(3) enter into a contract with a municipality that provides the terms and conditions under which the municipality may participate in the regulatory program established by the county under this article; and

(4) assess an inspection fee sufficient to cover the cost to the county of providing this service.

Act 1987, 70th Leg., ch. 810, § 1, eff. Sept. 1, 1987.

For text of articles as added by Act 1987, 70th Leg., ch. 187 and 106, see art. 4477-7c, etc.

Title of Act

An Act relating to the regulation by counties of transporters of liquid waste. Acts 1987, 70th Leg., ch. 810.

Art. 4477-7f. On-site wastewater treatment research council

Definition

Sec. 101. In this article:

(1) "Council" means the On-site Wastewater Treatment Research Council.

(2) "Account" means the on-site wastewater treatment research account.

(3) "On-site wastewater treatment system" means a single system or systems of treatment devices or devices used for the on-site disposal of domestic sewage, exclusive of industrial waste, producing wastes not to exceed 5,000 gallons per day.

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ART. 4477-7E

Transporters of liquid waste

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