

AN ORDINANCE AMENDING CHAPTER 41 "WATER AND SEWER SYSTEMS" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, BY RENAMING ARTICLE VIII TO READ "LIQUID WASTE TRANSPORT AND MANAGEMENT"; PROVIDING FOR A MANIFEST SYSTEM; PROVIDING RESPONSIBILITIES FOR LIQUID WASTE GENERATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR DENIAL, REVOCATION, AND EXPIRATION OF PERMITS; PROVIDING FOR APPEALS OF PERMIT REVOCATION AND SUSPENSION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING A PENALTY CLAUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Article VIII "Liquid Waste Transporters" of Chapter 41 "Water And Sewer Systems" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby renamed to read "Liquid Waste Transport And Management."

SECTION 2. That subsection (d) of Section 41-47 "Responsibilities of a liquid waste transporter" of Chapter 41 "Water And Sewer Systems" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

(d) *Manifest system.* A transporter shall use a manifest system, consisting of a five-part trip ticket, to document the generation site, transportation, and disposal of all applicable liquid waste generated in the city as follows:

- (1) The transporter shall purchase the trip ticket books from water utilities for a fee determined annually by the director and adopted in the budget;
- (2) A transporter shall legibly complete one (1) trip ticket for each location serviced. Portable toilet companies servicing their own units may submit a quarterly report indicating the total volume disposed, location of job sites serviced, and location of disposal sites to the director in lieu of using trip tickets;
- (3) The transporter and Generator shall sign the city copy of each trip ticket at the time of waste collection, and the Generator shall retain the Generator copy;
- (4) The disposal site operator shall sign the city copy of each trip ticket at the time of disposal and retain the disposal site copy;
- (5) The transporter shall retain the transporter copy of each trip ticket;
- (6) The transporter shall deliver the completely filled out return to Generator copy to the Generator and the city copy back to water utilities within ten (10) working days of delivering the waste to the disposal facility;

- (7) All of the parties receiving copies of trip tickets as outlined in this subsection shall retain them on file and on site for inspection by the city and/or other regulatory agencies for a period of at least three (3) years from the date the waste was delivered to the disposal facility; and
- (8) A person commits an offense if he or she does not properly and legibly complete an applicable trip ticket. The transporter is responsible for ensuring that all trip tickets are completely and accurately filled out, including obtaining the signature of the Generator and disposal site operator. The Generator or disposal site operator commits an offense if he or she refuses to sign a trip ticket. If a Generator has a city permit, the city may revoke that permit for any violation of this chapter. In addition, the director may revoke a disposal site's authority to receive all waste regulated by this chapter for any violation of this chapter.

SECTION 3. That Section 41-50 of Chapter 41 "Water And Sewer Systems" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended in its entirety to read as follows:

Sec. 41-50. Responsibilities of liquid waste generator.

(a) *Waste disposal.* A Generator of liquid waste shall have all liquid waste material picked up from his or her premises only by a liquid waste transporter who holds a valid permit from the city and who shall transport it to an approved site for disposal.

(b) *Hazardous waste.* A Generator shall not permit or allow hazardous waste to be removed from the Generator's premises except by an operator and vehicle permitted by the appropriate state and/or federal agency for removal of hazardous waste.

(c) *Signature required.* A Generator shall legibly sign the trip ticket provided by the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets for a period of at least three (3) years. The Generator shall keep completed trip tickets on site and available for inspection during normal operating hours.

(d) A Generator shall:

- (1) Install or provide collection devices of the size and type specified by the director;
- (2) Maintain collection devices in continuous, proper repair and operation including, but not limited to, pumping and cleaning them at a minimum frequency of every ninety (90) days, or more often, to ensure proper function. A variance to the pumping and cleaning frequency may be granted at the discretion of the director if a suitable sampling port, of the size and type specified by the director, downstream of the grease trap, interceptor, or separator and before the sanitary sewer connection into the sewer line is installed and it is demonstrated through monitoring that a reduced frequency can be justified;

- (3) All new Generators and Generators replacing existing collection devices shall install and maintain a suitable sampling port, of the size and type specified by the director, downstream of the grease trap, interceptor, or separator and before the sanitary sewer connection into the sewer line to facilitate observation, sampling, and measurement of the wastes and flows. Sampling ports shall be readily accessible for inspection at all times. At the discretion of the director, sampling ports may also be required for Generators responsible for introducing excess grease into the collection system;
- (4) Supervise regular and proper cleaning of collection devices;
- (5) Report spills and accidents involving collection to director by the first city business day following the spill or accident;
- (6) Clean up all spills and accidents immediately and have material disposed of by a permitted transporter by proper means; and
- (7) Ensure that wastewater discharge meets all the standards and requirements of this chapter.

SECTION 4. That Section 41-52 of Chapter 41 “Water And Sewer Systems” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended in its entirety to read as follows:

Sec. 41-52. Enforcement rules and regulations.

The director 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 director may undertake immediate actions as may be necessary to protect the public from health and safety hazards. Violations of any provision of this chapter may result in enforcement action as deemed necessary by the director, including, but not limited to, monetary fines or citations. The director may at any time amend any permit he or she issues to ensure compliance with this chapter, applicable laws, and regulations.

SECTION 5. That Section 41-53 of Chapter 41 “Water And Sewer Systems” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended in its entirety to read as follows:

Sec. 41-53. Enforcement—denial, suspension, revocation, or expiration of permit.

(a) *Permit denied.* The director may deny, suspend, or revoke a permit if he or she determines that an applicant or permittee:

- (1) Is not qualified under this article;
- (2) Has violated a provision of this chapter;
- (3) Has failed to pay a required fee;

- (4) Has failed to comply with maintenance or inspection requirements;
- (5) Has failed to deliver completed trip tickets as required to the director; or
- (6) Has failed to properly fill out all required forms including, but not limited to, trip tickets.

(b) *Reinstatement.* A permittee may file a request for reinstatement of his or her suspended permit. The director may reinstate it if he or she determines:

- (1) That the permittee is again qualified;
- (2) All violations have been corrected;
- (3) Precautions have been taken to prevent future violations; and
- (4) All required fees have been paid.

(c) *Permit suspension.* The director may suspend, for a period of no less than six (6) months, a permit or any or all permits held by a permittee if the permittee or an employee of the permittee violates a provision of this chapter or any applicable law.

(d) *Permit revoked.* The director may revoke a permit or any or all permits held by a permittee for violations of this chapter or any applicable law which, in the opinion of the director, pose a serious risk to the public health or safety or for repeated suspensions. A permittee whose permit is expired, suspended, or revoked shall not collect, transport, dispose of, or accept any waste materials within the jurisdiction of the city.

SECTION 6. That Section 41-54 of Chapter 41 “Water And Sewer Systems” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended in its entirety to read as follows:

Sec. 41-54. Appeal of suspension or revocation.

If the director denies the issuance of a permit, suspends a permit for longer than six (6) months, or revokes a permit, he or she may send to the applicant or permit holder by certified mail return receipt requested, written notice of his or her action. Upon receiving notice of suspension or revocation, the applicant, or permit holder, may appeal the decision to the director within thirty (30) days. The decision of the director shall be effective unless and until it is reversed through the appeal process.

SECTION 7. That save and except as amended by this ordinance, Chapter 41 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, shall remain in full force and effect. That it is the intent of the Irving City Council that pending prosecutions, brought under the previous code, which this ordinance replaces, should continue under the terms and penalties of said code and be saved from dismissal as if said prior ordinances had not been amended.

SECTION 8. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 9. That this ordinance shall become effective from and after the date of its passage as provided by the Charter of the City of Irving, and the caption hereof shall be published in the official newspaper within the City and it is accordingly so ordained.

SECTION 10. Any person violating or failing to comply with any provision of this ordinance shall be fined upon conviction pursuant to Article XI of Chapter 41 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, as amended. Each day any violation of any provision of this ordinance continues constitutes a separate offense.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING,
TEXAS, this 19th day of July, A.D. 2007.