



**ORDINANCE NO. 3720**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING CHAPTER 86, UTILITIES, ARTICLE VI, LIQUID WASTE, IN ITS ENTIRETY BY AMENDING SECTION 86-362, DEFINITIONS BY AMENDING DEFINITIONS OF “ADMINISTRATIVE AUTHORITY” AND “PERSON”, AND BY ADDING DEFINITION OF “APPROVED REGULATORY AUTHORITY”; BY AMENDING SECTION 86-363 TO ADD REQUIREMENT FOR NEW PERMIT ON CHANGE OF OWNERSHIP OF GENERATOR PER TCEQ; BY AMENDING SECTION 86-364 (c) (4) AND TO ADD SUBSECTION (c)(19) REGARDING ACCEPTANCE OF INSPECTION REPORTS; BY AMENDING SECTION 86-365 TO ADD LATE APPLICATION FEE TO REVISE THE TERM OF PERMIT; TO AMEND SECTION 86-375 BY AMENDING SUBSECTION (i)(8)(9) AND TO ADD SUBSECTION (I) TO CHANGE RECORD KEEPING TIME TO THREE YEARS PER TCEQ; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending Chapter 86, Utilities, Article VI, Liquid Waste, to read as follows:

**“CHAPTER 86 – UTILITIES**

**ARTICLE VI. LIQUID WASTE**

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 86-360.-Purpose and policy.**

The purpose of this article is to regulate 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 wastes.

**Sec. 86-361.-Administration.**

Except as otherwise provided in this article, the administrative authority shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the administrative authority may be delegated by the administrative authority to other city personnel.

**Sec. 86-362.-Definitions.**

Unless the context clearly indicates otherwise, the following terms and phrases shall have the following meanings as used in this article:

*Administrative authority.* The city manager or duly authorized representative.

*Approval authority.* The regional administrator of the EPA or the executive director of the TCEQ as the context indicates.

*Approved.* Accepted as satisfactory under the provisions of this article and given formal and official sanction by the approving authority.

*Approved Regulatory Authority.* Regulatory agencies with enforcing body to oversee and enforce regulations regarding liquid waste hauler transportation and disposal.

*Disposal.* 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 groundwater.

*Disposal site.* 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 at which will remain after closure.

*Disposer.* A person who receives, stores, retains, processes, or disposes of liquid waste.

*Generator.* A person who causes, creates, generates, or otherwise produces liquid waste.

*Grease trap.* A watertight 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.

*Grease trap waste.* Greasy, fatty liquid, semi-liquid and/or solid wastes removed from commercial operations by a grease trap.

*Grit trap.* A watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oils, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

*Grit trap waste.* Petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.

*Hazardous waste.* Any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quality, concentration, physical, chemical or infectious characteristics may:

- (1) 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; or
- (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 or by 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.* 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.* The person conducting, supervising, managing, or representing the activities of a generator, transporter or disposer.

*Manifest system.* The system consisting of a five-part trip ticket used to document the generation, transportation, and disposal of liquid.

*Owner.* The person who owns a facility or part of a facility.

*Permit.* The formal written document issued to a person by the approving authority authorizing collection of grease trap waste, grit trap waste and septage.

*Permittee or permit holder.* A person granted a permit under this article.

*Person.* Any individual, partnership, copartner ship, company, firm, corporation, association, organization, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

*POTW.* Publicly-owned treatment works.

*Sanitary sewer.* A sewer which carries sewage and to which storm, surface, and groundwaters are not normally admitted.

*Septage.* Wastes removed from a portable toilet, chemical or septic tank.

*Special wastes.* Any solid waste or combination of solid wastes that, because of its quality, concentration, physical or chemical characteristics or biological properties, require special handling and disposal to protect the human health or the environment.

*Spill.* The accidental or intentional loss or unauthorized discharge of grease trap waste, grit trap waste, and septage.

*TCEQ.* Texas Commission on Environmental Quality.

*Tank.* A device, designed to contain an accumulation of grease trap waste, grit trap waste, and septage which is constructed primarily of non-earthen materials (e.g., concrete, steel, plastic) to provide structural support for the containment.

*Toxic waste.* Any liquid, semi-liquid, or solid waste material which has the ability to chemically produce injury once it reached a susceptible site in or on the body.

*Transporter.* A person who operates a vehicle for the purpose of transporting liquid waste.

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

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

## **DIVISION 2. LIQUID WASTE PERMITS**

### **Sec. 86-363.-Permit required.**

- (a) *Permit required.* A person shall obtain a permit issued by the administrative authority pursuant to this division prior to collecting or transporting liquid waste generated by a generator located in the city. In the event the person desires to operate a business using more than one vehicle for the collection and transportation of liquid waste, the person shall obtain from the administrative authority a permit for each vehicle.
- (b) A new permit is required upon change of ownership of the generator operating entity.
- (c) *Offense.* A person commits an offense if the person collects or transports liquid waste without a valid permit issued by the administrative authority pursuant to this division.
- (d) *Affirmative defense.* It is an affirmative defense to a violation of subsection (c) that:
  - (1) The person was disposing of the person's own waste from the person's own recreational vehicle, boat, travel trailer; or
  - (2) The person was transporting liquid waste through the city that was collected outside of the city and which was disposed of outside of the city.

### **Sec. 86-364.-Permit application procedures.**

- (a) *Application information.* A person required by section 86-363 to have a permit shall complete and file a permit application on a form prescribed by the administrative authority; and submit with the application the following:
  - (1) A photocopy of applicant's driver's license. If the applicant is a person other than an individual, the driver's license shall be that of the applicant's chief operating officer or manager;
  - (2) A copy of the applicant's current registration issued by the TCEQ, pursuant to 30 T.A.C. sec. 312.142, to collect and transport liquid wastes;
  - (3) A copy of the state registration license receipt issued to each vehicle the applicant elects to register under the permit;
  - (4) A list of all disposers the applicant proposes to use;

- (5) Proof that the applicant's vehicles which will be registered under the permit are insured in at least the minimum amounts as required by state law, or are self-insured as provided by state law, to secure payment of all lawful and proper claims arising out of the operation of each vehicle. A written statement from an authorized agent of the applicant's insurance carrier verifying the issuance of such insurance shall be filed with the administrative authority before a permit is issued. All such verifications of insurance shall provide for 30-day cancellation notice to the administrative authority; and
  - (6) Such additional information requested by the administrative authority.
- (b) *Demonstration of knowledge.* The applicant shall demonstrate to the administrative authority that the applicant and applicant's drivers have sufficient knowledge of the vehicles they will be operating and the liquid waste facilities they will be servicing to collect and transport liquid waste in a safe and competent manner.
- (c) *Vehicle inspection.* The applicant must submit for inspection by the administrative authority each vehicle for which the applicant proposes to obtain a permit. Each vehicle shall meet the following requirements:
- (1) The business name, telephone number, and address of the applicant shall be permanently displayed on both sides of the vehicle in letters of a minimum height of three (3) inches, in a color contrasting to their background. An address is sufficient if it includes the applicable city and state. If the applicant's business is not within a municipality, the name of the county and state will be sufficient;
  - (2) The vehicle shall display current state vehicle registration tags and inspection certificate;
  - (3) The vehicle shall display the TCEQ-assigned registration number in accordance with state regulations;
  - (4) Portable tanks or other containers temporarily installed in a vehicle are prohibited. This paragraph does not apply to vehicles used to transport chemical toilet wastes;
  - (5) The vehicle's engine which powers its movement, drive train, and emissions system shall not be modified for the purpose of creating a vacuum to empty liquid waste facilities;
  - (6) The vehicle shall have a power take off (PTO) unit to create vacuum sufficient to remove the entire contents of the liquid waste facilities it services;
  - (7) The vehicle shall be clean and odor free;
  - (8) All piping, valves and connectors shall be permanently attached to the tank or vehicle;
  - (9) The tank shall be liquid tight;
  - (10) The tank shall be constructed so that every interior and exterior portion can be easily cleaned;
  - (11) All piping, valves, and connections shall be accessible and easy to clean;
  - (12) Any inlet or opening of the tank shall be constructed so that collected waste will not spill during filling, transfer, or during transport;

- (13) All outlet connections shall be constructed so that no waste will leak, run, or spill out of the vehicle;
- (14) All outlets shall be of a design and type suitable for the waste handled and capable of controlling flow or discharge without spillage or undue spray on or flooding of immediate surroundings while in use;
- (15) All pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the type of waste handled, be capable of being easily disassembled for cleaning, and operate without spillage, spray, or leakage;
- (16) All tank valves shall have a safety plug or cap;
- (17) All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this article shall have sight gauges installed and maintained in such a manner that they can be used to determine whether a vehicle is loaded and the approximate capacity of the load. Gauges are not required to read in gallons or liters but shall show what percentage of the tank capacity is filled. An alternate method to measure actual volumes may be utilized if the transporter has received prior written approval from the TCEQ's executive director and has provided a copy of that approval to the administrative authority; and
- (18) All discharge valves and ports shall be prominently marked. All discharge ports shall be visible and readily accessible.
- (19) The administrative authority may accept an inspection report issued by an approved regulatory authority in lieu of an onsite inspection to issue a permit.

**Sec. 86-365. Permit Fee, Issuance, and display of permit.**

- (a) *Permit issued.* Upon approval of the application by the administrative authority and payment of the appropriate fee as determined under subsection (b), the administrative authority will issue a permit authorizing the applicant to collect or transport liquid waste within the city with the vehicle identified in the permit application.
- (b) *Permit fee.* At the time of application, an applicant shall pay to the city a fee of \$200.00 for each vehicle operated by the permittee. Such fee shall be paid prior to the issuance of the permit and upon renewal of such permit each year thereafter. *Late Fee.* A late fee of \$50.00 shall be paid by the applicant if an application for a renewal permit is submitted to the City more than fifteen (15) days after the date the previous permit expired.
- (c) *Term of permit.* A permit is valid for a period of one year. All permits issued under this Article expire on December 31<sup>st</sup> of each year, unless suspended or revoked.
- (d) *Transferability.* A permit shall not be transferable.
- (e) *Vehicle registration number.* The administrative authority shall issue a vehicle registration number to each vehicle registered under a permit and shall list this number on the permit. A vehicle registration number is not transferable.
- (f) *Display of permit numbers.* The administrative 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 and in three-inch letters or larger, the business name, TCEQ registration number and the following:

FB (CITY OF FARMERS BRANCH)

The first two letters (FB) shall represent the city issuing the permit, followed by the assigned permit number. The permit holder shall place business name, TCEQ registration number and the vehicle permit number on each vehicle before the vehicle is operated.

- (g) *Copy of permit in vehicle; presentation.* The permit holder shall cause a copy of the permit to be kept in each vehicle at all times and presented to the administrative authority or any peace officer upon demand. A copy of the permit holder's transporter registration issued by the TCEQ shall be kept in each vehicle at all times and presented to the administrative authority or any peace officer upon demand.
- (h) *Offenses.* A person commits an offense if:
  - (1) The person operates or causes to be operated a vehicle without the vehicle registration number assigned to that vehicle by the administrative authority displayed as required by subsection (g); or
  - (2) The person operates or causes to be operated a vehicle which is not permitted by the city in accordance with subsection (a); or
  - (3) The person operates a liquid waste transportation vehicle and fails to display to the administrative authority or any peace officer upon demand a copy of a valid city permit in accordance with subsection (g); or
  - (4) The person operates a liquid waste transportation vehicle and fails to display to the administrative authority or any peace officer upon demand, a copy of a valid liquid waste transporter registration issued by the TCEQ in accordance with subsection (g); or
  - (5) If upon the sale of the permitted business, cessation of operation of the permitted business, or the sale or cessation of operation by a permit holder of a vehicle registered under a permit issued pursuant to this article, the person fails to comply with any provision of this article.

**Sec. 86-366. Grounds for permit denial.**

- (a) *Grounds.* The administrative authority may deny an application for a permit under this article if:
  - (1) The applicant, a partner of the applicant, a principal in the applicant's business, or applicant's manager or operator has:
    - a Within the five years preceding the date of the application been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$500.00, and which relates directly to the duty or responsibility in operating a liquid waste transportation business; or
    - b Been convicted of a felony which relates directly to the duty or responsibility in operating a liquid waste transportation business;

- (2) The applicant fails to provide evidence of liability insurance or self-insurance as required by this section;
  - (3) The applicant had a permit, that was issued under this article or its predecessor, suspended or revoked within the 12 months preceding the date of the application;
  - (4) The application contains a false statement of material fact;
  - (5) The application or any other required information is incomplete;
  - (6) The applicant's vehicle submitted for inspection does not meet the criteria of section 86-364(c); provided, however, the administrative authority may issue a permit but exclude from registration those vehicles not meeting said criteria;
  - (7) The applicant has not shown proof that the applicant and the applicant's drivers are qualified under section 86-364(b);
  - (8) The applicant has violated a provision of this article within the preceding 12 months; or
  - (9) The applicant does not have a valid liquid waste transporter registration issued by the TCEQ.
- (b) *Notice of denial.* An applicant whose permit is denied will be notified by the administrative authority in writing of the denial and the grounds therefor. Such notice will be sent certified mail, return receipt requested, to the mailing address listed on the application.

**Sec. 86-367. Permit conditions.**

A person who has been issued a permit by the administrative authority shall comply with the following:

- (1) A permit holder shall immediately notify the administrative authority of any management changes in the business during the time the permit is in effect, and shall provide the administrative authority with a photocopy of the new manager's or chief operating officer's driver's license;
- (2) The permit holder shall notify the administrative authority of all changes in disposal sites it wants to utilize during the permit periods, and shall use only those disposal sites permitted or approved by the TCEQ and the administrative authority;
- (3) The permit holder shall maintain insurance required by section 86-364(a)(5) and immediately notify the administrative authority of any changes in its insurance carrier or policy, and insured status or self-insured status;
- (4) The permit holder shall maintain all vehicles registered under the permit in compliance with the requirements of section 86-364(e);
- (5) The permit holder shall immediately notify the administrative authority when it sells or otherwise disposes of vehicle registered under the permit;
- (6) The permit holder shall maintain vehicle registration numbering in compliance with section 86-365(f);

- (7) The permit holder shall immediately notify the administrative authority when the permit holder's waste transporter registration issued by the TCEQ expires or is suspended or revoked;
- (8) A permit holder shall ensure that all of the permit holder's employees collecting and transporting liquid waste in vehicles registered under the permit remain sufficiently knowledgeable of such vehicles and of liquid waste facilities they service, so that they are able to collect and transport liquid waste in a safe and competent manner; and
- (9) The permit holder shall ensure that none of the vehicles registered under a permit exceeds state weight limits while transporting liquid waste.

**Sec. 86-368. Suspension or revocation of permit.**

After notice and hearing, the administrative authority may suspend for up to six (6) months or may revoke a permit if the administrative authority determines that:

- (1) The permit holder, a partner of the permit holder, a principal in the permit holder's business, a permit holder's manager or operator, or an officer of the permit holder:
  - a. Has within the five years preceding the date of the hearing been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$500.00, and which relates directly to the duty or responsibility in operating a liquid waste transportation business; or
  - b. Has been convicted of a felony which relates to the duty or responsibility in operating a liquid waste transportation business;
- (2) The permit holder failed to comply with any of the permit conditions stated in section 86-367;
- (3) The permit holder or an employee failed to:
  - a. Use the manifest system book in compliance with this article; or
  - b. Maintain manifests for five years; or
  - c. Allow the administrative authority to inspect the manifest;
- (4) The permit holder or an employee improperly disposed of liquid waste;
- (5) The permit holder or an employee commingled liquid waste with hazardous waste or class 1 nonhazardous industrial solid waste in a city-permitted vehicle;
- (6) The permit holder or an employee refused to allow the administrative authority or a peace officer to inspect a liquid waste transportation vehicle or obtain liquid waste samples from such vehicle;
- (7) The permit holder or any employee thereof, within the 12 months preceding the hearing, was convicted of violating this article; or
- (8) The permit holder's liquid waste transporter registration issued by the TCEQ expired, or was suspended or revoked.

**Sec. 86-369. Additional permit holder responsibilities.**

- (a) *Sale or cessation of business.* A permit holder shall immediately notify the administrative authority in writing when the liquid waste transportation business is sold or ceases to operate.
- (b) *Delivery of records.* In addition to the written notification required in subsection (a), above, the permit holder shall immediately deliver to the administrative authority:
  - (1) All completed original trip tickets in the permit holder's possession;
  - (2) All unused trip tickets in the permit holder's possession; and
  - (3) The permit holder's permit.
- (c) *Removal of registration numbers.* The permit holder shall remove the city registration number from all liquid waste transportation vehicles upon the sale or cessation of operation of the liquid waste transportation business.
- (d) *Sale or cessation invalidates permit.* A permit shall be invalid upon the sale or cessation of operation of a liquid waste transportation business.

**Sec. 86-370. City vehicles exempt.**

Vehicles owned and/or operated by the city that transport liquid waste shall be exempt from this article.

**Secs. 86-371—86-374. Reserved.**

**DIVISION 3. TRANSPORTERS, GENERATORS AND DISPOSERS**

**Sec. 86-375. Transporter responsibilities.**

- (a) *Knowledge of waste content.* Before accepting a load of liquid waste, a transporter shall determine the nature of the liquid waste and whether the transporter's equipment is sufficient to properly handle the transportation without spillage, leaks, or release of toxic, odorous or harmful gasses. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- (b) *Removal of contents.* A transporter pumping waste from a liquid waste facility shall remove 100 percent of the contents of such facility; provided, however, in the case of septic tanks, a small residual of sludge may be left for seeding purposes.
- (c) *No hazardous waste.* A transporter operating a vehicle permit issued pursuant to this article shall not transport hazardous waste or class 1 nonhazardous industrial solid waste in said vehicle.
- (d) *Commingling waste prohibit.* A transporter operating a vehicle under a permit issued pursuant to this article shall not:
  - (1) Comingle hazardous waste or class 1 nonhazardous industrial solid waste with liquid waste in the vehicle; or

- (2) Mix incompatible wastes within the same container; or
  - (3) Use the same container or pumping equipment to collect or transport liquid waste which is incompatible with previously handled waste without first emptying and cleaning the container and equipment; provided, however, a transporter may mix wastes with different characteristics if the disposer to which the waste is being transported is authorized to store, process, or dispose of such mixed wastes.
- (e) *Authorized disposal sites.* A transporter shall handle and dispose of greasetrap wastes or grit trap wastes commingled with septage only at an authorized, licensed, disposal site that is not a POTW.
- (f) *Only inspected vehicles used.* A transporter shall not operate a vehicle that fails to meet the requirements of section 86-364(c).
- (g) *Random inspections.* A transporter shall allow the administrative authority or any peace officer upon request to:
- (1) Inspect vehicles registered under a permit issued pursuant to this article; and
  - (2) Obtain samples of liquid waste from the transporter's vehicle.
- (h) *Use of solid waste receptacles prohibited.* A transporter shall not place liquid waste into a generator's solid waste receptacles.
- (i) *Manifest system.* A transporter operating under a permit issued pursuant to this article shall use, in the following manner, a manifest system book consisting of five-part trip tickets purchased from the administrative authority in packs of 25 for \$60.00 per packet:
- (1) Each manifest system book shall be used exclusively for a single vehicle.
  - (2) A transporter will complete one trip ticket for each individual collection.
  - (3) Before leaving the generator's site with the collected liquid waste, the transporter shall:
    - a. Sign the original part of a trip ticket;
    - b. Obtain the signature of an authorized representative of the generator on the trip ticket; and
    - c. Leave the first copy (yellow) of the trip ticket with the generator or generator's authorized representative.
  - (4) Upon completion of delivery of liquid waste to the disposer, the transporter shall:
    - a. Have the disposer sign the original part of the trip ticket; and
    - b. Leave the second (pink) copy of the trip ticket with the disposer.
  - (5) The transporter shall retain the third copy (green) of the trip ticket for the transporter's own records.
  - (6) The transporter shall return the fourth copy (orange) of the trip ticket to the generator not later than the 15th day after the waste is received at the disposal facility.

- (7) The transporter shall deliver to the administrative authority all completed original trip tickets no later than the tenth day of the month following the month in which the trip tickets are completed.
- (8) The transporter shall retain its copies of all trip tickets for a period of three (3) years and, upon request, shall make such copies available to the administrative authority for inspection at all reasonable times.
- (9) When servicing a grease trap or interceptor in the City of Farmers Branch, the transporter shall only use City issued trip tickets. A trip ticket of another agency or entity shall not be accepted.
- (j) *Exception to use of manifest: Chemical toilet companies.* Chemical toilet companies servicing their own units shall be exempt from, and may elect not to comply with, the requirements of subsection (i); provided, however, no later than the tenth day of the month following the month in which the disposal occurred, the owner or operator of a chemical toilet company that elects not to comply with subsection (i) must submit to the administrative authority:
  - (1) A monthly total of the volume of liquid waste collected from its toilet units that has been disposed by said company; and
  - (2) The locations of such disposal.
- (k) *Transporter offense.* A transporter commits an offense if the person engages in the transportation of liquid waste and fails to comply with any provision of this section.
- (l) On a case-by-case basis, the City may impose additional requirements in addition to or more stringent than the requirements in this Article when necessary to protect human health or the environment from any adverse effect.

**Sec. 86-376. Generator responsibilities.**

- (a) *Use of permitted transporters required.* A generator shall not allow the removal of liquid waste generated by the generator to be performed by any person other than a transporter holding:
  - (1) A valid permit issued by the administrative authority pursuant to this article; and
  - (2) A valid permit issued by TCEQ, if one is required by law or regulation,
- (b) *Contents of liquid waste; mixing with other waste types prohibited.* A generator:
  - (1) Shall determine whether liquid waste that it generates contains hazardous waste or class 1 nonhazardous industrial solid waste; and
  - (2) Shall not present to a transporter operating pursuant to a permit issued under this article:
    - a. Hazardous wastes;
    - b. Class 1 nonhazardous industrial solid waste; or
    - c. Hazardous wastes or class 1 nonhazardous industrial solid wastes combined with liquid wastes.

- (c) *Signing trip ticket.* A generator shall sign the original of a trip ticket prepared and presented by the transporter prior to a transporter leaving a generator's premises with a load of liquid waste.
- (d) *Retention of trip tickets.* A generator shall keep a copy of all trip tickets for liquid waste collected from its premises by transporters holding permits pursuant to this article for a period of three (3) years from the date of delivery of the liquid waste to the transporter and shall make such trip ticket copies available to the administrative authority for inspection at all reasonable times.
- (e) *Liquid waste collection facilities.* A generator shall install or provide liquid waste collection facilities on its premises of such type and size as required by applicable provisions of this Code and as otherwise specified and/or approved by the administrative authority.
- (f) *Maintenance of liquid waste collection facilities.* A generator shall install, repair, replace, and maintain apparatus and equipment as necessary to ensure the continuous and proper operation and function of the generator's liquid waste collection facilities.
- (g) *Pumping out wastes.* A generator shall:
  - (1) Have its liquid waste collection facilities pumped out as follows:
    - a. Grease traps located upon the premises of food establishments shall be pumped out 100 percent as necessary to maintain their effectiveness, but in no case less than once every 90 days, or as determined by the administrative authority;
    - b. Grit traps shall be 100 percent pumped out as necessary to maintain their effectiveness, but in no case less than once per each 12 months, or as determined by the administrative authority; and
    - c. Septic tanks shall be pumped out 100 percent except for a small residual of sludge left for seeding purposes, said pumping to occur as often as necessary to maintain the effectiveness of the tanks;
  - (2) Supervise the servicing of the generator's liquid waste collection facilities; and
  - (3) Ensure that the generator's liquid waste collection facilities are completely emptied by the transporter during such servicing.
- (h) *Ordering pumping.* If the administrative authority determines that liquid waste from a liquid waste collection facility is overflowing or otherwise escaping from the facility such that suspended solids contained in the liquid waste are entering the sanitary sewer system, the administrative authority may order a generator to have its grease trap and/or grit trap pumped as necessary for the protection of the sanitary sewer more often than required by subsection (g).
- (i) *Leak inspection.* The generator shall regularly inspect its liquid waste collection facilities for seepage into the surrounding media whenever the facility has been pumped.
- (j) *Inspection records.* A generator shall maintain records of liquid waste collection facility inspections for three years from the date of inspection and shall make such records available for inspection to the administrative authority at all reasonable times.

- (k) *Spills*. A generator shall:
- (1) Not later than 24 hours after the occurrence of the spill, report to the administrative authority that a spill occurred from the generator's liquid waste collection facility; and
  - (2) Immediately clean up or cause to be cleaned up all spills of liquid waste occurring during the operation of generator's liquid waste collection facility or the collection of the generator's liquid waste and have a transporter properly dispose of such waste.
- (l) *Generator offenses*. It shall be an offense under this article if a generator:
- (1) Fails to comply with any provision of this section; or
  - (2) Fails to comply with any order of the administrative authority authorized by this article; or
  - (3) Allows upon any premises under the generator's control the accumulation of liquid waste that:
    - a. Emits noxious or offensive odors; or
    - b. Creates an unsanitary condition; or
    - c. Is injurious to the public health.
- (n) On a case-by-case basis, the city may impose additional requirements in addition to or more stringent than the requirements in this Article when necessary to protect human health or the environment from any adverse effect.

**Sec. 86-377. Disposer responsibilities.**

- (a) *Signing trip tickets; discrepancies*. A disposer shall:
- (1) Sign the original of a trip ticket prepared by a transporter operating under a permit issued pursuant to this article for all liquid waste received on the disposer's premises from such transporter; and
  - (2) Note on each copy of the trip ticket any significant discrepancies between:
    - a. The quantity of liquid waste designated on the trip ticket and the quantity or liquid waste the disposer actually receives; and
    - b. The type of liquid waste described on the trip ticket and the type of liquid waste the disposer actually receives.
- (b) *Significant discrepancies defined*. For purposes of this section:
- (1) Significant discrepancies in quantity are:
    - a. In the case of discrepancies in bulk weight, variations greater than ten percent in weight between the weight shown on the trip ticket and the weight actually delivered to the disposer; and

- b. In the case of liquid waste, any variation in volume in gallons greater than 15 percent between the volume shown on the trip ticket and the volume actually delivered to the disposer; and
  - (2) Significant discrepancies in type of waste are obvious differences in the type of waste described on the trip ticket and the type of waste actually delivered to the disposer which can be discovered by inspection or waste analysis.
- (c) *Retaining approval of disposal sites.* In order to retain city approval of its disposal site, a disposer shall comply with subsections (a) and (b) of this section, and shall:
  - (1) Maintain in effect all valid federal, state, and local permits required to operate a disposal site for liquid waste;
  - (2) Comply with all federal, state, and local laws pertaining to the operations of the disposal site;
  - (3) Accept only those classes of liquid waste authorized under federal, state, and local laws; and
  - (4) Dispose of liquid waste in accordance with federal, state, and local laws.
- (d) *Disposer offense.* A disposer commits an offense if the disposer accepts liquid waste for disposal or disposes of liquid waste and fails to comply with subsection (a).

**Secs. 86-378—86-380. Reserved.**

#### **DIVISION 4. MISCELLANEOUS OFFENSES**

**Sec. 86-381. Interference with grease trap, grit trap or sanitary sewer.**

A person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference with, a grease trap, grit trap, or the sanitary sewer.

**Sec. 86-382. Bioremediation of grease traps.**

- (a) *Bioremediation of grease traps prohibited.* A person commits an offense if the person introduces, causes, permits, or suffers the introduction of any bioremediation media into a grease trap.
- (b) *Affirmative defense.* It is an affirmative defense to an enforcement of subsection (a) that:
  - (1) The administrative authority has approved the use of the bioremediation media; and
  - (2) The use of the media complies with subsection (c).
- (c) *Approved bioremediation media.* Bioremediation media may be used with the administrative authority's approval if the person has proved, to the satisfaction of the administrative authority, that laboratory testing which is valid for the type of grease trap to be used has verified that:

- (1) The media is a pure live bacterial product and contains no surfactants, emulsifiers, or substances which act as solvents for fat;
- (2) The total mass of oil and grease discharge to the sanitary sewer after the use of the media will not exceed the discharge limits for oil and grease established in the industrial waste regulations contained in section 86-121;
- (3) The pH of the discharge is not less than 5.5 nor greater than 11;
- (4) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential of oil and grease to be discharged to the sanitary sewer;
- (5) The media is not destroyed by the use of domestic or commercial disinfectants and detergents or by hot water;
- (6) Any waste pumped from the grease trap after use of the media is acceptable at disposal sites for grease trap waste; and
- (7) The use of the bioremediation media does not cause foaming or obstruction in the sanitary sewer.

**Secs. 86-383—86-500. Reserved.”**

**SECTION 2.** All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 3.** Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed or the application was submitted, as applicable, and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This Ordinance shall take effect from and after its passage and the publication of the caption of said Ordinance as the law and the City Charter in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 1ST DAY OF FEBRUARY 2022.**

**APPROVED:**

Robert C. Dye, Mayor

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**ATTEST:**

Amy Piukana, City Secretary

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**APPROVED AS TO FORM:**

*Peter G. Smith*

Peter G. Smith, City Attorney

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(PGS 1-24-22 TM 127075)