

ORDINANCE NO. 2020-____ - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE MCKINNEY CITY CODE, AS AMENDED, TO ENACT CHAPTER 84, "LIQUID WASTE," BY PROVIDING REGULATIONS GOVERNING LIQUID WASTE ACCUMULATION, PRODUCTION, TRANSPORT, AND DISPOSAL; PROVIDING REGULATIONS GOVERNING DISCHARGES INTO THE WASTEWATER SYSTEM TO COMPLY WITH STANDARDS PROMULGATED BY THE EPA AND TCEQ; DEFINING TERMS; PROVIDING FOR ENFORCEMENT; PROVIDING A PENALTY; AUTHORIZING THE COLLECTION OF RELATED FEES; AMENDING APPENDIX A – SCHEDULE OF FEES BY ADOPTING NEW FEES APPLICABLE TO LIQUID WASTE TRANSPORTERS IN ACCORDANCE WITH ARTICLE IV; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of McKinney, Texas, (the "City") is a Home-Rule City possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, Section 552.001 of the Local Government Code authorizes the City to regulate its utility system outside the municipal boundaries, including the City's extra-territorial jurisdiction (ETJ), in a way that protects the interests of the City; and

WHEREAS, the City must adopt uniform requirements for liquid waste generators and liquid waste haulers operating in the City to comply with all State and Federal laws, including the federal Clean Water Act found in 33 U.S. Code § 1251, *et seq.*, and applicable administrative regulations; and

WHEREAS, the City of McKinney entered into an agreement with North Texas Municipal Water District (NTMWD) to work together in good faith to establish a model written Regional Capacity, Management, Operations, and Maintenance (CMOM) program related to aspects of NTMWD's and Communities' practices, assets, and programs including a comprehensive Fats, Roots, Oil, and Grease (FROG) program; and

WHEREAS, the City Council of the City of McKinney (the "City Council") has determined that it is in the best interest of human health, the environment, and general welfare of the public to amend the City of McKinney Code of Ordinances to adopt uniform requirements for liquid waste generators and liquid waste haulers and enable the City to enforce such requirements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT;

Section 1. FINDINGS

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if set forth in their entirety.

Section 2. ENFORCEMENT CLAUSE

The City Council hereby authorizes the City Manager or his or her designee to enforce the regulations adopted under this Ordinance.

Section 3. THE MCKINNEY CITY CODE IS HEREBY AMENDED TO ENACT CHAPTER 84, "LIQUID WASTE," BY PROVIDING REGULATIONS GOVERNING LIQUID WASTE ACCUMULATION, PRODUCTION, TRANSPORT, AND DISPOSAL; PROVIDING REGULATIONS GOVERNING DISCHARGES INTO THE WASTEWATER SYSTEM TO COMPLY WITH STANDARDS PROMULGATED BY THE EPA AND TCEQ; DEFINING TERMS; PROVIDING A PENALTY; AUTHORIZING THE COLLECTION OF RELATED FEES

From and after the effective date of this Ordinance, the City of McKinney Code of Ordinances, as amended, is hereby amended by enacting Chapter 84 entitled "Liquid Waste," that reads as follows:

"Chapter 84 – LIQUID WASTE

ARTICLE I. – PURPOSE AND DEFINITIONS

Sec. 84-1. – Purpose and Jurisdiction.

This Chapter sets forth uniform requirements for liquid waste generators and liquid waste haulers operating within the corporate limits of the City of McKinney, Texas as well as the City's extraterritorial jurisdiction (ETJ) to the extent that such operations within the City's ETJ impact the City's utility system. Said requirements are to protect human health and the environment, and enable the City to comply with all applicable State and federal laws, including the Clean Water Act (33 U.S. Code § 1251, *et seq.*).

The objectives of this Chapter are: (1) to aid in the prevention of sanitary sewer overflows resulting from blockages and obstructions due to the accumulation of fats, oils and greases from commercial and industrial facilities; (2) to promote the proper maintenance of grease traps and grit

traps; and, (3) to ensure the proper handling, disposal, transport and tracking of trap waste and other liquid waste.

Sec. 84-2. – Administration.

As designated by the City Manager, the Director will administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the City Manager or the Director under this Chapter may be delegated to other city personnel.

Sec. 84-3 – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City. The City of McKinney, Texas.

Director. The director of the public works department or the city official or employee designated by the city manager to enforce and administer this Chapter.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking or placing of grease trap waste, grit trap waste, or waste oil into or onto any premises or into the air.

Disposal facility. A facility that is permitted to operate by the state at which liquid waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain for final disposal.

EPA. The United States Environmental Protection Agency or, where appropriate, the regional administrator or other duly authorized official of the agency.

Fat, oil, and grease (FOG). A substance derived from an animal and/or plant source that is used in, or is a by-product of, the cooking or food preparation process. All are sometimes referred to herein as “grease” or “greases”.

Food establishment. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

Grease. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules, such as oils, fats, cellulose, starch, proteins, wax, or other types of grease regardless of origin and whether or not emulsified. This substance is

detectable and measurable using analytical test procedures established in 40CFR 136, as may be amended from time to time.

Grease trap/interceptor. A device designed and constructed to:

- (1) Use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases to prevent the passage of greasy, fatty, liquid, semi-liquid and/or solid waste prior to the wastewater entering the wastewater system; and
- (2) Serves to collect settleable solids, generated by and from food preparation, cosmetic processing or manufacturing activities prior to the water exiting the trap/interceptor and entering the wastewater system, to which the device is directly or indirectly connected.

Grease trap self-cleaning operator. A person who operates, maintains and cleans a grease trap using the methods outlined in Section 84-16(h) herein.

Grease trap waste. Substance removed from a grease trap, including, but not limited to, grease, light density liquids, fatty liquids, semi-liquid substances, waterborne fats, oils and solids.

Grit/sand trap. A receptacle designed or constructed to intercept or prevent the passage of petroleum-based oil, grease wastes and solids into the sanitary sewer.

Grit/sand trap waste. The liquids or solids removed from a grit/sand trap.

Hazardous waste material. Any liquid, semi-liquid or solid (or combination thereof), which because of its quantity, 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, illness or damage to sewer systems; and
- (2) Pose a 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, the U.S. Environmental Protection Agency (EPA), the Federal "Solid Waste Disposal Act" as amended by the federal Resource Conservation and Recovery Act of

1976," which may be amended from time to time; or the Texas Solid Waste Disposal Act, as amended, or 40 CFR Part 261.3, as amended.

Industrial user. A source of indirect discharge.

Industrial waste material. Liquid waste resulting from or incidental to industry, manufacturing, mining, or agriculture.

Liquid waste. Water-borne solids, liquids, and gaseous substances derived from certain sources, including, but not limited to, grease trap waste, septic tank waste, chemical toilet waste, sand trap waste, and used oils, but not including hazardous waste.

Liquid waste disposer or disposer. A person who receives and processes or disposes of liquid waste of a producer. The terms processing and disposal are as defined in the Texas Solid Waste Disposal Act.

Liquid waste producer or producer. A person who causes, creates, generates, or otherwise produces liquid waste.

Liquid waste transporter or transporter. A person who operates a vehicle for the purpose of transporting liquid waste.

Manifest system. A system of documents, commonly known as "trip tickets", issued by the Director that are used to track generation, transportation or disposal of waste products.

Municipal separate storm sewer system or MS4. The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Permit holder. A person issued a liquid waste transport permit under Article II of this Chapter or a trap/interceptor permit under Article III of this Chapter, whichever applies.

Person. An individual, corporation (including a government corporation), organization, government, governmental subdivision or agency, federal or state agency, 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, or their legal representatives, agents or assigns.

Publicly-owned treatment works (POTW). That term as defined by Section 212 of the Federal Water Pollution Control Act, (33 U.S.C. 1251) and Title 40, Code of Federal Regulations, Part 403.3(q), as amended. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial sewage or industrial wastes of a liquid nature. It also includes lift stations, sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

Sample port. An area which is designed for the removal of effluent water from the discharge line of a grease trap, grit/sand trap, septage tank, or the effluent sewer line of a building that does not have a trap and is being tested to determine compliance of effluent water discharge standards.

Sanitary sewer. A public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted waters are not intentionally passed.

Spill. The accidental or intentional loss or unauthorized discharge of liquid waste.

Storm sewer or storm drain. A sewer which carries storm water, surface water and drainage, but excludes sewage and polluted industrial wastes and is not part of a POTW.

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

Trip ticket. A system of documents, commonly known as “manifest system”, issued by the Director that are used to track generation, transportation, or disposal of waste products.

TCEQ. The Texas Commission on Environmental Quality and its predecessors and successor agencies.

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

Wash water. Water-borne solids, liquids, gaseous substances or other residue and debris resulting from a washing or cleaning process.

Wastewater system.

- (1) all treatment plants, mains, conveyances, pumps, interceptors, lift stations, connections, meters, sludge storage

facilities, appurtenances, and other facilities of the city employed in the collection, treatment, and disposal of wastewater; or

- (2) the publicly-owned treatment works of the city and of a governmental entity receiving or treating wastewater of the city under a contract with the city.

ARTICLE II. – LIQUID WASTE PRODUCTION

Sec. 84-15 – Requirements for Producers of Waste in General.

- (a) A person who is an industrial waste material generator that transports or permits the transport of industrial waste material off the person's premises for disposal shall dispose, or direct disposal to be made, of the waste at a permitted facility conforming to the requirements of state, federal, and local laws and regulations.
- (b) A person who is a producer of grease or sand trap/interceptor waste shall comply with the city's manifest system for documentation of disposal as specified in Section 84-33. A copy of each manifest must be retained for three years on the premises where the waste is produced, in such a place and manner that a city inspector can inspect the manifest record at any reasonable time.

Sec. 84-16 – Grease Traps/Interceptors.

- (a) The owner or operator of premises from which industrial waste material is discharged shall provide grease traps/interceptors for the proper handling of liquid wastes.
- (b) Grease traps/interceptors must be of a type and capacity approved by the Director to be in compliance with all applicable local, state, and federal regulations, including the City's Plumbing Code, the Texas Administrative Code, and the 2018 International Plumbing Code so as to adequately handle grease trap waste and must be located so that they are easily accessible for cleaning, inspection, and monitoring. To the extent possible, grease traps should not be located in drive thru lanes. Sample ports should be installed on the grease traps and located in such a way as to be easily accessible.
- (c) Grease traps/interceptors must be cleaned in such a manner that the volume of grease trap waste removed from each grease trap/interceptor equals the nominal volume capacity of each respective grease trap/interceptor whenever it is cleaned. A grease

trap/interceptor located upon the premises of a food establishment must be 100 percent pumped out:

- (1) every 90 days;
 - (2) when at least 25 percent or more of the wetted height of the grease trap/interceptor, as measured from the bottom of the grease trap/interceptor to the invert of the outlet pipe, contains floating materials, sediment, oils, or grease;
 - (3) at a frequency specified by a variance granted by the director;
 - (4) when the discharge exceeds any local, state, or federal limit;
or
 - (5) if the Director determines more frequent service, a single event service or scheduled service is necessary due to a history of noncompliance or for the proper operation of the grease trap.
- (d) Each grease trap/interceptor shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so the trap is fully evacuated within a twenty-four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312.143, as amended.
- (e) If a person ceases operation of a grease trap/interceptor, the person is required to pump the trap before abandoning the operation. If the operator fails to empty a trap, the owner shall be held responsible for evacuation of the grease trap/interceptor.
- (f) If notified by the Director that a grease trap is not functioning properly in violation of federal, state, and/or local standards or regulations, the owner or operator of said grease trap shall install and maintain an approved grease trap and/or repair said grease trap as necessary.
- (g) Food establishments shall install and maintain a grease/trap interceptor in accordance with Chapter 46 of the Code of Ordinances, as amended.
- (h) *Self-Cleaning Provision.*
- (1) Grease trap self-cleaning operators must receive approval from the director to remove grease from their own grease

traps(s) located inside a building, and continue to do so until ownership change or upgrade facilities, provided:

- i. The grease trap is no more than fifteen (15) gallons in liquid/operating capacity;
 - ii. Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
 - iii. The local solid waste authority allows such practices;
 - iv. Grease trap waste is placed in a leak proof, sealable container(s) and placed in the trash; and
 - v. Detailed records on these activities are maintained.
- (2) Grease trap self-cleaning operators must submit a completed self-cleaning request to the director for approval. The written request shall include the following information:
- i. Business name and street address;
 - ii. Grease trap/interceptor operator name, title, and phone number;
 - iii. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
 - iv. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
- (3) Grease trap self-cleaning operators must adhere to all requirements, including those procedures and detailed record keeping requirements outlined in their application, to ensure compliance with this ordinance. A maintenance log shall be kept by grease trap self-cleaning operators that indicates, at minimum, the following information:
- i. Date the grease trap/interceptor was serviced;
 - ii. Name of the person servicing the grease trap/interceptor;
 - iii. Waste disposal method used;

- iv. Gallons of grease removed and disposed of;
- v. Waste oil added to grease trap/interceptor waste; and
- vi. Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

These records should be kept on-site for a minimum of three (3) years.

- (4) Self-cleaning operators who accrue violation(s) will be subject to enforcement action including fines and/or removal from the self-cleaning program described herein.

Sec. 84-17 – Grit/Sand Trap Evacuation

- (a) Grit/sand traps shall be evacuated and cleaned in accordance with this section so as not to impair the efficiency of the grit/sand trap.
- (b) A person shall have the grit/sand trap completely evacuated, including the cleaning of the trap sides and bottom, by a transporter permitted by the city when the discharge exceeds local regulations and at one of the following frequencies:
 - (1) At a frequency specified by a variance granted by the director;
 - (2) Every 180 days or more frequently if the director determines more frequent service, a single event service, or scheduled service is necessary for the proper operation of the grit/sand trap. Written notice will be given to the operator by the approval authority specifying the required frequency.
- (c) Each grit/sand trap shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so the trap is fully evacuated within a twenty-four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312.143, as amended.
- (d) If a person ceases operation of a grit/sand trap, the person is required to pump the trap before abandoning the operation. If the

operator fails to empty a trap, the owner shall be held responsible for evacuation of the grit/sand trap.

Sec. 84-18 – Responsibilities of Liquid Waste Producer.

- (a) A producer of liquid waste shall have all liquid waste material picked up from the producer's premises by a person holding a valid liquid waste transport permit issued by the City and transported to an approved site for disposal.
- (b) A producer of liquid waste shall determine if the liquid waste is hazardous and shall not have hazardous waste material, or liquid waste in combination with hazardous waste material, removed from the producer's premises by a liquid waste transporter operating under a city permit.
- (c) A producer shall sign the manifest from the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets at the producer's business office for three years. The Director may inspect these records at any reasonable time.
- (d) A producer shall:
 - (1) install or provide a grease, sand, or grit collection device of a size and type specified in accordance with the City's Plumbing Code;
 - (2) maintain a grease, sand, or grit collection device in continuous, proper operation;
 - (3) supervise proper cleaning of a grease, sand, or grit collection device;
 - (4) report any spill or accident involving a grease, sand, or grit collection device to the Director as soon as is practicable within 24 hours after the spill or accident occurred;
 - (5) clean up all spills and accidents immediately and have material disposed of using proper means by a transporter permitted by the City;
 - (6) abate unsanitary conditions immediately;
 - (7) comply with all city ordinances and state and federal laws applicable to liquid waste producers;

- (8) not install or use any system, process or pretreatment or alter the design or function of a grease trap, unless approved by the Director, including, but not limited to, the use of enzymes, bacteria or other additives; and
- (9) Protect the MS4 and the environment from discharges of liquid waste, wash water and other contaminants caused by spill, overflow or the remediation of spill or overflow.

ARTICLE III. – LIQUID WASTE ACCUMULATION AND DISPOSAL

Sec. 84-30 – Accumulation of Liquid Waste.

A person commits an offense if he allows liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under the person's control.

Sec. 84-31 – Septage and Chemical Toilet Waste.

- (a) Transported septage and chemical toilet waste may not be discharged into the wastewater system.
- (b) The Director may collect samples of each transported load to ensure compliance with applicable standards.

Sec. 84-32 – Disposal of Liquid Waste.

- (a) A person commits an offense if he unloads or offers for sale or exchange any liquid waste, except at a place permitted or approved by the state.
- (b) A person commits an offense if he deposits or discharges any liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the wastewater or stormwater system.
- (c) A person commits an offense if:
 - (1) from a vehicle, portable tank, or other container used for transporting water, normal domestic wastewater, or industrial waste material, the person discharges or causes the discharge of water, normal domestic wastewater, or industrial waste material into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system;

- (2) by any means, the person discharges or causes the discharge of water, normal domestic wastewater, or industrial waste material into a part of the wastewater system generally used for maintenance or monitoring, including but not limited to manholes, cleanouts, or sampling chambers; or
- (3) by means of a mechanical device or extraneous water, the person forces normal domestic wastewater or industrial waste material collected in a grease trap/interceptor, sand trap/interceptor, or other waste collection device into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system.

Sec. 84-33 – Responsibilities of Liquid Waste Disposers.

- (a) A liquid waste disposer commits an offense if he allows accumulation of liquid waste on the disposer's 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) comply with all city ordinances and state and federal laws applicable to liquid waste disposers;
 - (2) accept liquid waste only from a transporter permitted by the city;
 - (3) maintain manifest copies for three years;
 - (4) accept only those classes of wastes authorized under city, state, or federal requirements; and
 - (5) make available all records required to be kept for inspection by the Director at any reasonable time.

Sec. 84-34 – Disposal Facilities.

- (a) A person operating a disposal facility shall not allow liquid waste on their premises to enter another premises or the MS4.
- (b) A person operating a disposal facility shall not store liquid waste in a manner that creates a noxious odor or in a manner that creates or may create a health hazard.
- (c) A person operating a disposal facility shall comply with the following:

- (1) Obtain and maintain compliance with all licenses and/or permits required by local, state and/or federal law;
- (2) Accept waste only from a transporter with a permit from the City to haul waste;
- (3) Maintain trip ticket copies for a period of three (3) years;
- (4) Accept only those classes of wastes authorized by license or permit; and
- (5) Make available all records requested by the Director.

ARTICLE IV. – LIQUID WASTE TRANSPORT

Sec. 84-45 – Permit Required.

- (a) A person commits an offense if he operates or causes to be operated a vehicle for the purpose of transporting liquid waste without a valid liquid waste transport permit issued under this Chapter. A separate liquid waste transport permit is required for each vehicle operated. A vehicle owned or operated by the City or vehicles operated on behalf of the City with the permission of the Director or his or her designee are exempt from the requirements of this section. It is a defense to prosecution under this subsection that the vehicle was operated within the City solely for the purpose of transporting liquid waste through the City and no waste was received, unloaded, stored, or parked within the City.
- (b) A person who desires to obtain a permit must make application on a form provided by the Director. The applicant must be the person who will own, control, or operate the liquid waste transport business.
- (c) The Director shall not issue a permit unless:
 - (1) the applicant submits proof of current registration as a transporter with the TCEQ or submits written documentation from the TCEQ that registration is not required for the type of liquid waste the applicant will be transporting;
 - (2) the applicant submits to the Director for inspection each vehicle to be used to transport liquid waste; and
 - (3) each vehicle is found by the Director to be constructed, equipped, and identified in accordance with this Chapter and all other applicable city ordinances and state and federal laws.
- (d) A liquid waste transport permit is non-transferable.

- (e) A liquid waste transporter is prohibited from commingling hazardous and nonhazardous materials.
- (f) Any person transporting hazardous or nonhazardous liquid wastes within the city must comply with all applicable city ordinances and state and federal laws.
- (g) Each applicant must specify which disposal site or sites are proposed to be used.

Sec. 84-46 – Fee and Display of Permit.

- (a) The Director may not issue a liquid waste transport permit to an applicant until the appropriate fee is paid, as contained in the City's Schedule of Fees, as amended. Each permit must be renewed annually.
- (b) The Director shall number permits consecutively. Before operating any vehicle to transport liquid waste, a permit holder shall cause to be displayed on each side of the vehicle, in a color contrasting with the background and in letters at least three inches high, the company name and the following: Mck XXXX.

The blank space must contain the permit number. Whenever a liquid waste transport permit for a vehicle is revoked or otherwise becomes invalid, the permit holder shall immediately remove the permit number from the vehicle.

- (c) The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times and shall allow the Director to inspect it upon request.

Sec. 84-47 – Liquid Waste Vehicles; Impoundment.

- (a) A person operating a liquid waste transport vehicle shall comply with the following and provide documentation or otherwise demonstrate to the director that the following conditions have been met:
 - (1) Vehicle must be registered and authorized by TCEQ;
 - (2) Vehicle shall contain a single tank as an integral part of the vehicle used for transportation of liquid waste;
 - (3) Piping, valves and all connections shall be permanently attached to tank and/or vehicle;
 - (4) Tank shall be liquid tight;

- (5) Tank shall be constructed and mounted to allow proper cleaning of the exterior and interior;
- (6) Piping, valves and connections shall be accessible and easily cleaned;
- (7) Inlets (openings) of tank shall be constructed so waste will not spill or leak during transfer, filling or during transport;
- (8) Outlet connections shall be constructed and maintained so no liquid waste will seep, leak or spill from the openings during loading, transport or discharge;
- (9) A safety plug or cap is provided for each valve of a tank;
- (10) Outlets including pumps, valves, cylinders, diaphragms and other appurtenances shall be designed and maintained to control spillage, spray, leakage or seeps while in use or during transport;
- (11) Vehicle must be equipped with the necessary tools to clean a trap in accordance with this Article;
- (12) Vehicle must be equipped with a functional volume measuring or indicating device.

(b) Maintenance, Operation.

- (1) Persons operating a liquid waste transport vehicle shall perform the following maintenance:
 - i. Maintain vehicle in a clean condition so as not to create spray or emit obnoxious odors during operations;
 - ii. Maintain hoses, tanks, valves, pumps, cylinders, seals, diaphragms, pipes and other attached equipment in good repair;
 - iii. Provide plugs or caps for each valve to be used during transport; and
 - iv. Cause a vehicle exterior to be clean and odor free at the beginning of each work day.

(c) The Director may cause to be impounded any vehicle that is being operated in violation of this Chapter and may authorize the holding of the vehicle until the violation is corrected. The vehicle owner or operator shall pay all towing, storage, and other fees associated with the impoundment of the vehicle. The Director may also revoke the

liquid waste transport 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 84-51.

Sec. 84-48 – Responsibilities of a 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 the equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gasses, 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 permit holder may not transport any hazardous waste material in any vehicle permitted by the City for transporting liquid waste.
- (c) A permit holder must use a disposal facility permitted or approved by the State of Texas.
- (d) A permit holder must ensure that when pumping out a grease trap or interceptor, the grease trap or interceptor is completely emptied within 24 hours.
- (e) A permit holder shall not store liquid waste for more than four days in a mobile closed container. An example of a "mobile closed container" is a vehicle's holding tank.
- (f) A manifest system, consisting of a five-part trip ticket, is used to control the transporting and disposal of all applicable liquid waste generated in the city and must be used and maintained by the transporter as follows:
 - (1) The trip ticket books, which must be used exclusively for a single vehicle, are purchased by the transporter from the director for an established fee, in conformance with the Schedule of Fees, as amended.
 - (2) A transporter must complete one trip ticket for each location serviced, except that a chemical toilet company servicing its own units must complete one trip ticket for each vehicle load transported.
 - (3) The first copy of the manifest form must be signed by the transporter and producer at the time of waste collection and left with the producer for its files.

- (4) The second copy of the manifest form (which has the transporter and producer's signatures) must be signed by the disposer at the time of disposal and maintained by the disposer.
- (5) The third copy of the manifest form (which has the signatures of the transporter, producer, and disposer) must be maintained by the transporter.
- (6) The fourth copy of the manifest form (which is in a form approved by the Director and has the signatures of the transporter, producer, and disposer) must be returned by the transporter to the producer within 15 days after the waste is received by the disposer.
- (7) The transporter shall deliver to the Director all completed trip ticket books containing the original manifest form with all required signatures no later than the 10th day of the month following the month in which the trip ticket books were completed.
- (8) A copy of all manifests must be maintained by the transporter at its business office for five years.
- (9) A transporter shall make all records required to be kept available for inspection by the Director at any reasonable time.

Sec. 84-49 – Rules and Regulations.

The Director may promulgate reasonable rules and regulations as may be necessary to carry out the provisions of this Chapter and protect the public from health and safety hazards.

Sec. 84-50 – Suspension or Revocation of Permit.

- (a) The Director may suspend or revoke one or more liquid waste transport permits held by a liquid waste transporter if the Director determines that the transporter or an employee of the transporter:
 - (1) violated any provision of this Chapter, any rule or regulation promulgated by the Director under this Chapter, or any other applicable city ordinance or state or federal law;
 - (2) failed to comply with procedures for developing, maintaining, or delivering manifest records required to be developed, maintained, or delivered pursuant to this Chapter, the other provisions of the City's Code of Ordinances, or state or federal

laws or regulations for the transfer, transportation, or disposal of industrial waste material; or

- (3) falsified or improperly altered manifest records required to be developed, maintained, or delivered pursuant to this Chapter, the other provisions of the City's Code of Ordinances, or state or federal laws or regulations for the transfer, transportation, or disposal of industrial waste material.
- (b) Reinstatement. After suspension under this section, a permit holder may file a request for reinstatement of the permit. The Director shall reinstate the permit if the Director determines that:
- (1) the permit holder is again qualified;
 - (2) all violations of this Chapter, and applicable federal pretreatment standards and requirements have been corrected;
 - (3) precautions have been taken by the permit holder to prevent future violations; and
 - (4) all fees required by this Chapter have been paid.
- (c) New permit after revocation. If the Director revokes a permit, the permit holder may not apply for or be issued a new permit for the same vehicle earlier than 180 days after the date of revocation of the old permit, except that, if, subsequent to the revocation, the Director determines that all of the conditions prescribed are completely satisfied, the permit holder may apply for and the Director may issue a new permit before the 180-day period expires.

Sec. 84-51 – Appeal.

If the Director denies the issuance or renewal of a liquid waste transport permit or suspends or revokes a liquid waste transport permit, the director shall send to the applicant or permit holder, by certified mail, return receipt requested, written notice of the action and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to the permit and license appeal board. The filing of a request for an appeal hearing with the permit and license appeal board stays an action of the director revoking a permit until the permit and license appeal board makes a final decision.

ARTICLE V. – ENFORCEMENT

Sec. 84-60 – Criminal Responsibility of Corporations or Associations.

In addition to prohibiting certain conduct by individuals, it is the intent of this Chapter 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 the agent's office or employment.

Sec. 84-61 – Right of Entry of City Employees.

The Director or another duly authorized employee of the City and bearing proper credentials and identification, shall be permitted access to all such properties regulated by this Chapter as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter.

Sec. 84-62 – Enforcement.

- (a) The Director shall have the power to enforce the provisions of this Chapter. For purposes of this Chapter, state law, and federal law, the wastewater system is a publicly-owned treatment works.
- (b) The City of McKinney Municipal Court shall have the power to issue to the Director or their designee search warrants, or other process allowed by law, where necessary to aid in enforcing this Chapter.
- (c) A person who violates any provision of this Chapter or any term or condition of permit granted pursuant to this Chapter is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of no more than \$2,000.
- (d) A person is criminally responsible for a violation of this Chapter if the person knowingly, recklessly, intentionally, or with criminal negligence:
 - (1) commits or assists in the commission of a violation, or causes or permits another person to commit a violation; or
 - (2) owns or manages the property or facilities determined to be the cause of the illegal discharge under this Chapter.
- (e) This Chapter or the terms and conditions of a permit granted pursuant to this Chapter may be enforced by civil court action as provided by state or federal law.

- (f) In addition to the criminal offenses and penalties prescribed in this Chapter, the City may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits. Any person found guilty of violating provisions of this article shall become liable to the City for any expense, loss, or damage incurred by the City for reason of appropriate clean-up and disposal of said waste materials.
- (g) If the Director finds a condition constituting an imminent health or environmental hazard as defined by local, state, or federal law, the Director may issue an emergency suspension of said permit without prior warning, notice, or hearing.”

Section 4. **AMENDMENT OF APPENDIX A – SCHEDULE OF FEES BY ADOPTING NEW FEES APPLICABLE TO LIQUID WASTE TRANSPORTERS IN ACCORDANCE WITH ARTICLE IV**

A. From and after the effective date of this Ordinance, Appendix A – Schedule of Fees of the McKinney Code is hereby amended by adding Chapter 84, “Liquid Waste,” and those fees associated with Chapter 84.

B. From and after the effective date of this Ordinance, Appendix A – Schedule of Fees of the McKinney Code is hereby amended by adding a new section to Chapter 84, “Liquid Waste,” of the Schedule of Fees related to permit fees for liquid waste transport identified as “Section 84-46, “Fee and Display of Permit” to read in its entirety as follows

“Sec. 84-46. Fee and Display of Permit.

Payment of not less than an annual \$200 fee to the City for a liquid waste transport permit”

C. From and after the effective date of this Ordinance, Appendix A – Schedule of Fees of the McKinney Code is hereby amended by adding a new section to Chapter 84, “Liquid Waste,” of the Schedule of Fees related to trip ticket book fees identified as “Section 84-48(f)(1), Responsibilities of a Liquid Waste Transporter” to read in its entirety as follows

“Sec. 84-48. Responsibilities of a Liquid Waste Transporter.

Payment of not less than \$25 one-time fee to the City per trip ticket book.”

Section 5. **REPEALER CLAUSE**

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, conflict with this Ordinance.

Section 6. **SAVINGS CLAUSE**

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 7. **PUBLICATION OF CAPTION**

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law

Section 8. **SEVERABILITY CLAUSE**

If any section, subsection, clause, phrase or provision of this ordinance is for any reason held unconstitutional or void by a court of competent jurisdiction, such holding shall not affect any valid portion of this or any other ordinance of the City of McKinney, Texas.

Section 9. **EFFECTIVE DATE**

This Ordinance shall take effect and be in full force from and after its passage and publication, in accordance with law.

[Remainder of page intentionally left blank.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THE ____ DAY OF _____, 2020.

CITY OF McKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney