

ORDINANCE NO. 2012-176

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REVISING THE FATS, OILS AND GREASE CONTROL PROVISIONS CONTAINED IN CHAPTER 26 OF THE DENTON CODE OF ORDINANCES, RELATING TO "UTILITIES," AND HEREBY REPEALING SECTIONS 26-190 AND 26-191 OF THE DENTON CODE OF ORDINANCES; AND HEREBY ADOPTING ARTICLE XII – LIQUID WASTE, DIVISIONS 1, 2, 3 AND 4; PROVIDING FOR THE PURPOSE AND POLICY OF THE ORDINANCE; PROVIDING FOR THE INCORPORATION BY REFERENCE OF THE PROVISIONS AND RECITATIONS CONTAINED IN THE PREAMBLE OF THE ORDINANCE INTO THE ORDINANCE; PROVIDING FOR THE APPLICABILITY AND PROHIBITIONS OF THE ORDINANCE; PROVIDING FOR DEFINITIONS PROMULGATED IN SECTION 26-153 OF THIS CHAPTER; PROVIDING FOR OTHER DEFINITIONS; PROVIDING FOR INSTALLATIONS OF GREASE TRAPS FOR NEW FACILITIES AND EXISTING FACILITIES; PROVIDING FOR RESPONSIBILITIES OF PERSONS SUBJECT TO THE ORDINANCE; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR MANIFEST REQUIREMENTS FOR PERSONS WHO GENERATE, COLLECT, AND TRANSPORT GREASE INTERCEPTOR AND GRIT TRAP/OIL WASTE; PROVIDING FOR RESPONSIBILITIES FOR EACH GREASE INTERCEPTOR OR GRIT-TRAP/OIL SEPARATOR THAT IS PUMPED; PROVIDING FOR ABATEMENT OF VIOLATIONS; PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE MAY SEEK ANY AND ALL ENFORCEMENT REMEDIES NECESSARY TO ENSURE CONTINUED COMPLIANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A MISDEMEANOR PUNISHMENT OF NOT-TO-EXCEED \$2,000 PER DAY FOR VIOLATIONS OF THIS ORDINANCE FOR ANY PROVISION OF THE ORDINANCE THAT GOVERNS THE PUBLIC HEALTH AND SANITATION, OR FAILS TO COMPLY THEREWITH OR WITH ANY REQUIREMENTS THEREOF, OR A PERMIT OR CERTIFICATE ISSUED THEREUNDER; PROVIDING A CIVIL PENALTY NOT-TO-EXCEED \$5,000 PER DAY FOR VIOLATIONS OF THIS ORDINANCE THAT RELATES TO POINT SOURCE EFFLUENT LIMITATIONS, OR THE DISCHARGE OF POLLUTANT, OTHER THAN A NON-POINT SOURCE, INTO A SEWER SYSTEM, INCLUDING A SANITARY OR STORM WATER SEWER SYSTEM OWNED BY THE CITY; PROVIDING THAT ANY PERSON OR ENTITY VIOLATING THIS ORDINANCE SHALL BE DEEMED GUILTY OF A SEPARATE OFFENSE FOR EACH AND EVERY DAY OR PORTION THEREOF DURING WHICH ANY VIOLATION OF THIS ORDINANCE IS COMMITTED, OR CONTINUED; TOGETHER WITH OTHER DESIGNATED LEGAL AND EQUITABLE REMEDIES THAT ARE AVAILABLE TO THE CITY; PROVIDING FOR PUBLICATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council heretofore recently enacted Ordinance No. 2011-103 on the 21st day of June, 2011 relating to the discharge of wastewater to the publicly-owned treatment works as prescribed in Article V of Chapter 26 of the Denton Code of Ordinances; and the City Council, by this ordinance, is revising the Fats, Oil and Grease control provisions which

are included in the Denton Code of Ordinances to create a "Fats, Oil and Grease ("FOG") Control Program," and

WHEREAS, the main focus of a FOG Control Program is to prevent the pollutants from entering the sanitary sewer, thereby reducing the need to employ costly reactive approaches; said program is designed to control commercial sources, such as food service establishments, track all disposals by liquid waste hauling companies, and conduct outreach for citizens and commercial facilities; and

WHEREAS, effectively identifying and characterizing the major sources of fats, oil and grease in the City will result in a more effective utilization of municipal resources; and help diminish the likelihood of Sanitary Sewer Overflows ("SSO"); and

WHEREAS, this ordinance provides for the "25% rule" which is the industry consensus; said 25% rule is also found in the Texas Commission on Environmental Quality - Model Ordinance as well as the Plumbing and Drainage Institute's Model Ordinance; said 25% rule states that a trap or interceptor works efficiently to control grease discharges to the sanitary sewer until the effluent side of the trap contains 25% or more solids of the wetted height of the trap; if a trap contains more than 25% solids in the effluent chamber, efficiency is greatly decreased, thus allowing for increased FOG discharges into the sewer; and

WHEREAS, the Texas Water Code, Section 26.176(a) provides that cities owning a disposal system are empowered, and shall, enact and enforce rules, ordinances, orders, or regulations to control and regulate the type, character, and quality of waste to be discharged into the sewer disposal system, in order to protect the health and safety of personnel who maintain and operate the disposal system, and to prevent unreasonable adverse effects on the disposal system; and

WHEREAS, the Public Utilities Board of the City of Denton, Texas has considered this proposed ordinance at an open meeting on the 11th day of June, 2012 and recommended approval of the ordinance by a vote of five members for approval, and none against; and

WHEREAS, the Staff has previously conducted a public meeting on this proposed ordinance on the 22nd day of March, 2012 to obtain the input of residents and to answer any questions or concerns about said proposed ordinance, after notice was duly posted for the same; and

WHEREAS, the City Council hereby finds that this ordinance provides for reasonable measures which prevent or minimize sanitary sewer overflows, and is necessary and appropriate for the public health and welfare; and

WHEREAS, the City Council of the City of Denton, Texas finds that the proposed amendments to Article XII. of Chapter 26, of the Code of Ordinances to be in the best interest of the residents of the City of Denton, Texas; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The provisions and recitations stated in the preamble herein are incorporated by reference herewith as a part of this ordinance.

SECTION 2. Section 26-190 “Wastewater discharges requiring traps” and Section 26-191, “Wastewater discharge from transport trucks” of Division 3, Use of Public Sewers, Article V, “Indirect Discharge Into Sanitary Wastewater System,” Chapter 26 “Utilities”, of the Code of Ordinances, City of Denton, Texas, are hereby repealed.

SECTION 3. Article XII, entitled “Liquid Waste” of Chapter 26, “Utilities,” of the Denton Code of Ordinances, is hereby enacted by the Denton City Council, which provisions provide for the following:

Article XII. LIQUID WASTE

DIVISION I. GENERALLY

26-304 Purpose and Policy.

- 1) This ordinance sets forth uniform requirements for liquid waste generators and liquid waste transporters operating in the City of Denton, Texas and enables the city to comply with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 et seq.)
- 2) The objectives of this Article are:
 - a) 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,
 - b) To promote the proper maintenance of grease interceptors and grit traps; and,
 - c) To ensure the proper handling, disposal, transport and tracking of trap waste and other liquid waste.

26-305. Applicability and Prohibitions.

- 1) This ordinance shall apply to all Users of the Publicly Owned Treatment Works (POTW), as defined in Section 26-153 of this Chapter.
- 2) Grease traps or grease interceptors shall not be required for residential users.
- 3) Facilities generating fats, oils, or grease as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps as required in Section 26-307 of this Chapter. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels, motels, schools, nursing

homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

- 4) It shall be unlawful for a user to intentionally or unintentionally allow the discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or grease of animal or vegetable origin into the POTW in concentrations greater than those promulgated in Article V, Chapter 26, of the City of Denton Code of Ordinances.
- 5) It shall be unlawful to discharge trucked or hauled pollutants, except as deemed suitable and at discharge points designated by the City Manager.
- 6) It shall be unlawful for a person to create a public nuisance.

26-306. Definitions.

- 1) The definitions promulgated in Section 26-153 of this Chapter are hereto applicable.
- 2) **Approved** - means accepted as satisfactory under the terms of this article and given formal and official sanction by the City of Denton.

Assistant City Manager - Utilities - means the chief executive officer of the utility department of the City of Denton or his/her authorized deputy, agent or representative.

Car Wash – means establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers and are categorized by North American Industry Classification System number 811192 and by Standard Industrial Classification number 7542.

Chemical Oxygen Demand (COD) - means the value of the test for Chemical Oxygen Demand, as analyzed in accordance with 40 CFR §136.3.

City Manager – means the chief executive officer of the City of Denton, or his/her authorized assistant city manager, deputy, agent or representative.

Director - means the Director of Water Utilities of the City of Denton, which may include a person appointed by the Director of Water Utilities or his authorized deputy, agent or representative.

Disposal – The discharge, deposit, release, injection, dumping, spilling, leaking, or placing of any liquid waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or discharged to any sewers or waters, including ground waters.

Disposal Site – A permitted site or part of a site at which liquid waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain after site closure.

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

Fat, Oil, and Grease (FOG) - means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases.”

Food Service Facility - means every food preparation and food service establishment including, but not limited to bakeries, bars, butcher shops, cafes, clubhouses, delicatessens, ice cream parlors, hospitals, hotels, restaurants, schools, or similar places where meat, poultry, seafood, dairy products, or fried foods are prepared, served, or offered for sale, but shall not apply to any single-family residence or dwelling not used for the commercial preparation and sale of food items.

Generator - means any person who causes, creates, generates, or otherwise produces liquid waste, or a person who for any reason has a liquid waste removed from his property by a transporter of liquid waste.

Grease Interceptor (or “Grease Trap”) - means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system.

Grease Interceptor Waste - means any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and removed from a grease trap.

Grit Trap/Oil Separator (or “Grit Trap”) – means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit Trap Waste - means oil and grease waste, inorganic solids generated by a commercial facility that are collected by and removed from a grit trap.

Liquid Waste – means water-borne solids and liquids containing dissolved or suspended waste material including but not limited to septage and wastes from grease traps and grit traps.

Hazardous Waste – means any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics may:

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

- b. 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 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” (RCRA), and as it may be amended in the future.

Manifest – means the written multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site.

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

Person - means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

Public Nuisance - means the discharge or exposure of grease, sewage or other organic waste in such a way as to be a potential instrument or medium in disease transmission to a person or between persons.

Septage – means liquid waste and sludge containing sufficient liquid content, which is removed from a portable toilet, chemical toilet, septic tank, or cesspool. Septage does not include non-domestic wastes from commercial or industrial facilities.

TCEQ – means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Transporter – any person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code, Chapter 312, Subchapter G, Section 312.42.

Trip Ticket – means the shipping document originated and signed by the transporter that contains the information required by the approving authority.

Washwater – means the water-borne solids, liquids, gaseous substances or other residue and debris resulting from a washing or cleaning process. Washwater shall not be discharged to the storm sewer, and may require pretreatment before being discharged to the sanitary sewer.

Washwater operation – means any cleaning process generally conducted outdoors, such as washing vehicles, equipment, structures, or paved surfaces for maintenance, safety, aesthetic or stormwater pollution prevention purposes, and which generates washwater. Examples would include cleaning of petroleum products from parking lots or service station drives, mobile washing operations or equipment/vehicle washing, which does not drain to a grit trap.

DIVISION 2. LIQUID WASTE GENERATORS

26-307. Installations.

1) New Facilities.

- a) Food processing facilities or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps shall be installed and inspected prior to issuance of a certificate of occupancy.
- b) Facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment which are newly proposed or constructed with floor drains in areas of operation, shall be required to design, install, operate and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes or other applicable ordinances and guidelines as required by the City Manager. Grit traps/oil separators shall be installed and inspected prior to issuance of certificate of occupancy.

2) Existing Facilities.

- a) Existing grease traps or grit traps/oil separators must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these standards referenced herein, unless specified in writing and approved by the POTW. Other commercial users may be required by the City Manager to install an approved grease trap, grit trap/oil separator when the concentration of oil, grease waste or suspended solids is greater than concentrations promulgated in Article V, Chapter 26 of the City of Denton Code of Ordinances or when discharges may cause blockages in the wastewater collection system.
- b) Existing food processing or food service facilities that change in ownership, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist or where there is an inadequately sized grease interceptor, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes, or other applicable ordinances. Grease interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a health permit.
- c) Existing facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment with floor drains in the areas of operation that change in ownership, or are expanded or renovated to include floor drains in areas of operation shall be required to design, install, operate and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes, or other applicable ordinances. Grit traps/oil separators shall be installed and inspected prior to the issuance of a certificate of occupancy.

- 3) A generator shall install a sample port to allow access to sample the wastestream as close as possible to the connection with the city sanitary sewer main within the bounds of the facility property. The port shall be installed according to the specifications of the City Manager. The port shall be installed and maintained at the user's expense. The port shall be installed perpendicular to the effluent flow to allow visual observation and sampling.
- 4) Grease interceptors and grit traps/oil separators shall be installed pursuant to a single certificate of occupancy. No person or persons shall allow the use of a single interceptor or trap by more than one business as defined by a certificate of occupancy without prior written approval.

26-308. Responsibilities.

- 1) A generator of liquid waste shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the city, and the liquid waste shall be transported to an approved site for disposal.
- 2) Cleaning Schedule.
 - a) Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; that the discharge is in compliance with local wastewater discharge limits; and, to ensure that no visible grease is observed in the discharge.
 - b) Grease interceptors shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - i) Twenty-five percent (25%) or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
 - ii) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the City Manager; or,
 - iii) If there is a history of noncompliance.
- 3) Grit traps/oil separators shall be completely evacuated based on one of the two following schedules:
 - a) At a minimum of every 180 days, or
 - b) At a frequency determined by the owner/operator if all of the following best management practices are employed:
 - i) At a minimum of once per week, all facilities with a grit trap must routinely check and perform preventive maintenance as required on all connections, valves, hoses, chemical storage containers, drains, and other equipment necessary to prevent an accidental release or slug discharge of chemicals.

- ii) At a minimum of once per month, all facilities with a grit trap must routinely check the level of sediment in each grit trap in order to determine a maintenance schedule that will facilitate consistent compliance with all discharge limits and requirements.
 - iii) All self-service and coin-operated car wash facilities must post and maintain signs, in an area that is clearly visible to the public, directing customers not to dispose of oils or chemical wastes at the facility.
 - iv) All facilities must document the best management practices, including routine checks, preventive maintenance and repair logs, and maintain grit trap maintenance records for a minimum of three years.
 - v) If at any time, the above practices are not being employed or the required documentation is not available for review, the owner/operator will be required to perform maintenance on the grit trap(s) immediately and once every 180 days thereafter.
- 4) Any person who owns or operates a grease interceptor may submit to the City Manager a request in writing for an exception to the required pumping frequency of the grease interceptor. The City Manager may grant an extension for required cleaning frequency on a case-by-case basis when:
- a) The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent with no visible grease, and based on defensible analytical results, can demonstrate consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; and,
 - b) Less than 25 percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
- 5) The City Manager may also require traps to be serviced on a single-event basis or scheduled basis if deemed necessary for the proper operation of the grease interceptor or grit trap/oil separator.
- 6) In the event that the establishment ceases operation, the establishment is required to pump the interceptor or trap before abandoning the property. If the owner of the business fails to empty the interceptor or trap, it shall become the responsibility of the property owner.
- 7) A generator of liquid waste shall not have hazardous waste or liquid waste in combination with hazardous waste removed from his premises by a liquid waste hauler operating under a city permit.
- 8) A generator shall verify the accuracy of the trip ticket from the transporter and then legibly complete and sign the trip ticket, to certify the statements on the trip ticket, when a load is picked up by the transporter. The generator shall keep a copy of all trip tickets for a period of

three years at the site of generation, unless otherwise approved. The City Manager may inspect and copy these records at any time.

- 9) A generator shall:
 - a) Provide equipment and facilities of a type and capacity approved by the city;
 - b) Locate the interceptor or trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - c) Maintain the trap in effective operating condition.
 - d) Not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria, or other additives, nor alter the design or function of the grease interceptor or grit trap/oil separator unless approved in writing by the City Manager.
 - e) Supervise proper cleaning and complete removal of the contents of the trap.
- 10) A generator shall maintain the grease interceptor or grit trap/oil separator and its surrounding areas in sanitary conditions, free of litter and odors.
- 11) A generator shall immediately report spills and accidents involving liquid waste to the City Manager.
- 12) A generator shall clean up all spills and abate all unsanitary conditions immediately, and have material used for abatement, such as absorbent materials, disposed of by approved means and in a timely manner.
- 13) A generator of washwater or other liquid waste shall:
 - a) Contain, collect and dispose of liquid waste by approved means;
 - b) Protect the storm sewer system and the environment from discharges of liquid waste or other contaminants;
 - c) Use approved methods for on-site or mobile treatment of liquid waste; and,
 - d) Accurately measure, by approved means, the volume of liquid waste collected and disposed of by the transporter.
- 14) Rates for sampling and/or analysis. Should any sampling and/or analysis be required by City Staff pursuant to any provision in this ordinance provided for generators, then the published rate for "Sampling/Analysis Charges" that is contained in the annual City of Denton Wastewater Rate Ordinance, Schedule SEE ("Equipment Services Facilities and Restaurants & Food Services Establishments Wastewater Service") is applicable and will be charged and shall be paid by the generator.

DIVISION 3. LIQUID WASTE TRANSPORTERS

26-309. Permit Required.

- 1) Permit Required. All persons owning or operating a vacuum truck, cesspool pump truck, liquid waste transport truck or other vehicle shall not service any septic tank, seepage pit, grease interceptor, grit trap/oil separator, or cesspool without first having received a valid transport truck discharge (TTD) permit or as required in Section 24-69 of this Code, whichever is applicable.
- 2) Permit Fee. TTD permits shall be issued by the City Manager upon proper application and payment of a fee established by the city council and on file in the office of the City Secretary. All TTD permits shall be valid for one (1) year.
- 3) Unloading or discharge of waste or wastewater. It shall be unlawful for any person to unload or discharge waste or wastewater except in a manner and at a place as specified by the City Manager. Before discharging under a TTD permit, the City Manager may require the person holding such permit to furnish a sample of the contents of the material to be discharged as a prerequisite to discharging into the wastewater system. The City Manager may refuse permission to discharge abnormal strength wastewater into the wastewater system.
- 4) Rates for discharge. Any person discharging waste under a TTD permit under the provisions of this section or under section 24-69 of this Code, will be charged and shall pay disposal fees based on the applicable published rate for disposal contained in the current City of Denton Wastewater Rate Ordinance in Schedule SCH (Schedule for Septage & Chemical Toilet Disposal at the Pecan Creek Water Reclamation Plant Septage Transfer Facility), or under the current City of Denton Solid Waste Rate Ordinance in Schedule SWP (Collection and Transportation Services Permit).
- 5) Rates for sampling and/or analysis. Should any sampling and/or analysis be required by City Staff for any service provided for in a TTD permit, then the published rate for "Sampling/Analysis Charges" that is contained in the annual City of Denton Wastewater Rate Ordinance, Schedule SEE (Equipment Services Facilities and Restaurants & Food Services Establishments Wastewater Service") is applicable and will be charged and shall be paid by the holder of the TTD permit.

26-310. Manifest Requirements.

- 1) Persons who generate, collect, and transport grease interceptor and grit trap/oil separator waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - a) Name, address, telephone, and TCEQ registration number of transporter;
 - b) Name, signature, address, and telephone of the person who generated the waste and the date collected;
 - c) Type and amount(s) of waste collected or transported;

- d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - e) Date and place where the waste was deposited;
 - f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - g) Name and signature of the facility on-site representative acknowledging receipt of the waste;
 - h) The volume of the waste received;
 - i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- 2) Transporters shall obtain manifests from the City of Denton.
- 3) Manifests shall be divided into five parts and records shall be maintained as follows.
- a) One part of the manifest shall have the generator and transporter information completed and is given to the generator at the time of waste pickup.
 - b) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest. One part of the manifest shall go to the receiving facility. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste. One part of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) days after the waste is received at the disposal or processing facility. One part of the manifest shall go to the City of Denton Pollution Control Abatement Officer.
- 4) Copies of manifests returned to the waste generator shall be retained for three years and be readily available for review.

26-311. Responsibilities.

- 1) Each grease interceptor or grit trap/oil separator that is pumped 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 that the trap is fully evacuated within a twenty four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312.143.

DIVISION 4. Abatement of Violations

26-312. Enforcement actions.

- 1) Notice of Violation. When the City Manager finds that a generator or transporter has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City Manager may serve upon that generator or transporter a written notice of violation. Within the timeframe specified in this notice, which is usually but not always ten days, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City Manager. Submission of this plan in no way relieves the generator or transporter of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City Manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- 2) Administrative Orders.
 - a) Compliance Orders. When the City Manager finds that a generator or transporter has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City Manager may issue an order to the generator or transporter responsible for the discharge directing that the generator or transporter come into compliance within a specified time. If the generator or transporter does not come into compliance within the time provided, sewer service may be discontinued or a permit issued pursuant to this Chapter may be revoked. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the generator or transporter of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the generator or transporter.
 - b) Cease and Desist Orders. When the City Manager finds that a generator or transporter has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the generator's or transporter's past violations are likely to recur, the City Manager may issue an order to the generator or transporter directing it to cease and desist all such violations and:
 - i) Immediately comply with all requirements; and
 - ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- 3) Service of notice or order. Any notice or order issued under this article shall be in writing and served in person or by registered or certified mail on the generator or transporter of the liquid waste or other persons determined to be responsible for such violation. Issuance of a cease

and desist order shall not be a bar against, or a prerequisite for, taking any other action against the generator or transporter.

- 4) Appeals. Any person may appeal an order of the City Manager by filing a written notice of appeal with the City Manager on forms provided by the City of Denton Utilities Administration Office. Such notice of appeal shall be filed with the City Secretary within (10) days of service of the order.
- 5) Termination of service and revocation of permit. If no timely appeal is filed, the City Manager may, if a violation is continuing or reoccurring or may reoccur, terminate wastewater service or revoke the permit of the person ordered to correct or abate such violation if such violation has not been corrected or abated within the time specified in such order.
- 6) Emergency suspension of service.
 - a) Suspension. The City Manager may, without prior notice, suspend water service, sanitary sewer service and/or storm sewer access to a user or to a person discharging to the sanitary sewer or storm sewer when such suspension is necessary in the opinion of the City Manager to stop an actual or threatened discharge which:
 - i) Presents or may present imminent substantial danger to the environment or to provided by the health or welfare of persons;
 - ii) Presents or may present imminent substantial danger to the POTW, storm sewer or waters of the state; or
 - iii) Will cause pass through or interference of the POTW.
 - b) Notice of suspension. As soon as is practicable after the suspension of service, the City Manager shall notify the user or the person discharging to the wastewater or storm sewer of the suspension, and order such person to cease the discharge immediately.
 - c) Reinstating service. The City Manager shall reinstate suspended services to the wastewater user or to the person discharging to the storm sewer:
 - i) Upon proof by such person that the non-complying discharge has been eliminated;
 - ii) Upon payment by such person of its outstanding water, sewer and stormwater utility charges;
 - iii) Upon payment by such person of all costs incurred by the city in responding to the discharge or threatened discharge; and
 - iv) Upon payment by such person of all costs incurred by the city in reconnecting service.

- d) Written statement. Within five (5) days of the day of suspension of services, the wastewater user or the person discharging to the storm sewer shall submit to the City Manager a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence.
- 7) Right to hearing. A person whose service has been suspended under this section may apply to the department which suspended service for a hearing on the issue of the suspension. The hearing shall be conducted in accordance with subsection (9) of this section.
- 8) Other steps. If a person fails to comply with a notice or order issued under this section, the City Manager shall take such steps as it deems necessary to prevent or minimize damage to the storm sewer, POTW or waters of the state, or to minimize danger to persons. Such steps may include immediate severance of a person's sanitary sewer connection.
- 9) Hearing and determination.
 - a) An environmental appeals committee is hereby established and authorized to hear and decide appeals from any order issued by the City Manager pursuant to this article. The committee shall be composed of three (3) members appointed by the City Manager. No individual appointed to the committee shall be employed in the chain of command of the Assistant City Manager - Utilities.
 - b) The committee may call and hold hearings, administer oaths, receive evidence at the hearing, and make findings of fact and decisions with respect to administering its powers in this chapter.
 - c) Upon the hearing, the committee shall determine if there is substantial evidence to support the City Manager's determination and order. The decision of the committee shall be in writing and contain findings of fact. If the committee, determines that there is substantial evidence to support the determination and order of the City Manager, the committee shall, in addition to its decision, issue an order:
 - i) Requiring discontinuance of such violation or condition;
 - ii) Requiring compliance with any requirement to correct or prevent any condition or violation; or
 - iii) Suspending or revoking any permit issued under this article.
 - iv) In any decision and order issued by the committee, the order shall specify the time in which the compliance with the order must be taken. A copy of the decision and order shall be delivered to the appellant or person to whom the order is directed in person or sent to him by registered or certified mail.
 - d) Should the appellant fail to comply with the order of the committee within the time specified therein, if any, the City Manager, in addition to any other remedy provided for in this article, may terminate sewer service to the appellant.

26-313. Penalties.

- 1) A person who violates any provision of this article shall, upon conviction by the municipal court, be punished as provided in section 1-12 of the "General Provisions" chapter of this Code.
- 2) The City Attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include, without limitation:
 - a) An injunction to prevent a violation of this chapter;
 - b) Recovery for damages to the POTW or storm sewer resulting from a violation of this chapter;
 - c) Recovery for expenses incurred by the city in responding to a violation of this chapter;
 - d) A daily civil fine of up to the maximum provided by Texas Local Government Code 54.017(b) for a violation of sections 26-304 through 26-311; and all other damages, costs and remedies to which the city may be entitled.

SECTION 4. It is hereby declared to be the intention of the City Council of the City of Denton, Texas, that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable. If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portion despite any such invalidity.

SECTION 5. Any person or entity who shall violate any provision of this ordinance that governs the public health and sanitation, or fails to comply therewith or with any requirements thereof, or a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a daily fine of not-to-exceed two thousand dollars (\$2,000) per day, as provided by Section 54.001(b) of the Texas Local Government Code; and

SECTION 6. Any person or entity who shall violate any provision of this ordinance that relates to point source effluent limitations, or the discharge of a pollutant, other than from a non-point source, into a sewer system, including a sanitary or storm sewer system owned by the City, shall be guilty of and subject to a daily civil penalty not to exceed the sum of five thousand dollars (\$5,000) per day, as provided by Section 54.017(b) of the Texas Local Government Code; and

SECTION 7. Each such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed, or continued, and upon conviction or adjudication of any such violations such person shall be punished within the limits provided for herein.

SECTION 8. This ordinance shall become effective fourteen (14) days from the date of its passage. The City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this 21st day of August, 2012.



MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: Jennifer Walters

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

By: Anita Burgess