

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS
AMENDING CHAPTER 51, SECTIONS 51.073, 51.075,
51.076, 51.079, and 51.083 OF THE CODE OF
ORDINANCES, CITY OF MANSFIELD, TEXAS; SO AS TO
REVISE SECTIONS OF THE CHAPTER, AS
ESTABLISHED BY ORDINANCE 763, WHICH DO NOT
CORRESPOND TO HOUSE BILL 1979 MODEL
STANDARDS FOR A GREASE ORDINANCE; PROVIDING
A SEVERABILITY CLAUSE; AND PROVIDING FOR
PUBLICATION THEREOF AND AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS;
THAT:

SECTION 1

Chapter 51 of the Code of Ordinances of the City of Mansfield, Texas be amended by amending Sections 51.073, 51.075, 51.076, 51.079, and 51.083 and after such amendment said section shall be and read as follows:

SECTION 51.073 MAINTENANCE OF VEHICLES TRANSPORTING LIQUID WASTE.

(A) A liquid waste transporter shall do the following.

(1) Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections and other appurtenances on a vehicle in good repair and free from leaks.

(2) Provide a safety plug or cap for each valve of a tank.

(3) Cause a vehicle exterior to be clean and the vehicle odor-free at the beginning of each workday.

(4) Maintain current vehicle registration and state inspection.

(B) The approving authority may cause to be impounded a vehicle which is being operated in violation of this subchapter, and he/she may authorize the holding of the vehicle until the violation is corrected. The approving authority may also revoke the 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 § 51.082

§ 51.075 RESPONSIBILITIES OF 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 his/her equipment is sufficient to properly handle the job without spillage, leaks or release of toxic or harmful gases, 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 transporter with a city liquid waste transporter permit shall not transport materials that are hazardous as defined in § 51.070 in vehicles permitted by the city for transporting liquid waste.

(C) A transporter holding a city permit must use a disposal site permitted and approved by the city or the state or the federal government.

(D) Manifest Requirements

(1) Manifest books shall be purchased at the City of Mansfield Utility Field Operations Department.

(2) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.

(3) Persons who generate, collect and transport grease 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 commission registration number of transporter;

- (b) Name, signature, address, and phone number 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 facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 - (h) The volume of the grease waste received; and
 - (i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- (4) Manifests shall be divided into five parts and records shall be maintained as follows.
- (a) One part of the manifest (green copy) 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.
 - (c) One part of the manifest (yellow copy) shall go to the receiving facility / disposal site..
 - (d) One part of the manifest (pink copy) shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
 - (e) One copy of the manifest (gold copy) shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
 - (f) One part of the manifest (white copy) shall go to the City of Mansfield Utility Field Operation Department.
- (5) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

(E) Alternative Treatment

- (1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and solvents.
- (2) The use of surfactants or soaps which are incidental to normal kitchen hygiene operations is an affirmative defense to enforcement of this section.

§ 51.076 RESPONSIBILITIES OF LIQUID WASTE GENERATOR.

- (A) A generator of liquid waste shall have all liquid waste material picked up from his/her 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. This shall include residential sewage.
- (B) A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his/her premises by a liquid waste hauler operating under a city permit.
- (C) A generator shall sign the trip ticket from the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets for a period of five years. The approving authority may inspect these records during normal business hours.
- (D) A generator shall do the following.
 - (1) Install or provide a collection device of size and type specified by approving authority.
 - (2) Maintain the collection device in continuous, proper operation.
 - (3) Supervise proper cleaning of the collection device.
 - (4) Report spills and accidents involving the collection device to approving authority within 24-hours.
 - (5) Clean up all spills and accidents immediately and have material disposed of by permitted transporter by proper means.

(6) Commit an offense if he/she allows accumulation of liquid waste on his/her premises so that rainfall could carry the material to storm sewers or adjacent property or create a noxious odor or health hazard.

(7) Each grease trap 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 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.

(E) Cleaning Schedules

(1) Grease traps and 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 trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every one hundred eighty (180) days, or more frequently when:

(a) Twenty-five (25) percent 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; or

(b) The discharge exceeds BOD, COD, TSS, O&G, pH, or other pollutant levels established by the POTW; or

(c) If there is a history of non-compliance.

(3) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

§ 51.079 IMPROPER DISPOSAL.

(A) A person commits an offense if he/she unloads or offers for sale or exchanges liquid waste, except at a place permitted by the city, the state or the federal government.

(B) A person commits an offense if he/she deposits or discharges liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

(C) A person commits an offense if he/she fails to have a grease, sand/grit trap cleaned a minimum of once every six months, or more frequently as determined by the City of Mansfield Utility Field Operations Department.

§ 51.083 LEGAL RESPONSIBILITIES; VIOLATIONS.

(A) In addition to prohibiting certain conduct by natural persons, it is the intent of this subchapter to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his/her office of employment.

(B) Any person or establishment found to be in violation of any provision of this subchapter shall become liable to the city for any expense, loss or damage occasioned by the city for reason of appropriate cleanup and proper disposal of the waste materials. Additionally, an administrative fee equal to one-half of assessed cleanup costs shall be levied by the city against the guilty person.

SECTION 2

City of Mansfield, Texas Ordinance No. 763 and all other ordinances or portions thereof that are in conflict with this Ordinance are hereby repealed.

SECTION 3

If any section, sub-section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and such remainder of this Ordinance not so declared invalid shall continue in full force and effect.

SECTION 4

The ordinance shall be published in the Mansfield News Mirror in the City of Mansfield, Texas and shall be in effect no sooner than ten (10) days after the date of such publication.

SECTION 5

This Ordinance and the terms thereof shall become effective immediately following the third and final reading and subsequent passage by the City Council of the City of Mansfield, Texas this 14th, day of December, 2009.

First Reading held on the 9th day of November, 2009

Second Reading held on the 23rd day of November, 2009

Third Reading held on the 14th day of December, 2009

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____, day of _____, 2009

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:
