

ARTICLE XIII. - LIQUID WASTE TRANSPORT AND DISPOSAL

FOOTNOTE(S):

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**Editor's note**—Ord. No. 23418, § 1, adopted Aug. 18, 1998, amended Art. XIII, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. XIII pertained to similar subject matter. See the Code Comparative Table.

Sec. 55-160. - General provisions.

(a) Purpose and policy.

- (1) This article is known as the liquid waste transport and disposal ordinance.
- (2) This article establishes uniform requirements for the collection, transport, and disposal of liquid wastes that are removed from septic tanks, portable toilets, chemical toilets, grit traps, and grease traps. Other non-domestic wastes, approved by the superintendent, may be disposed under this article.
- (3) This article enables the city to comply with all applicable federal and state laws. This article does not relieve the generator, transporter, or disposal facility operator of any waste from complying with other applicable federal, state, and local requirements.
- (4) This article applies to all persons engaged in the generation, pickup, disposal, and transport of non-hazardous domestic liquid waste in or through the city.
- (5) This article authorizes the issuance of liquid waste transport and disposal permits; establishes permit requirements; establishes requirements for vehicle specifications and maintenance; establishes responsibilities of liquid waste transporters; establishes a manifest system; establishes disposal site procedures; establishes disposal facility operator responsibilities; and authorizes compliance and enforcement activities.

(b) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the following meanings:

"Disposal facility" means a facility at which liquid waste, including but not limited to, grease trap waste, grit trap waste, and septage is received, processed, or treated.

"Disposal facility operator" means a individual who is authorized to accept or reject liquid waste at a disposal facility, and who is authorized to sign a manifest.

"EPA" means the United States Environmental Protection Agency.

"Generator" mean a person who causes, creates, generates, stores, or otherwise produces liquid waste, including but not limited to grease trap waste, grit trap waste and septage whether domestically or commercially generated.

"Grease trap" means a water-tight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the passage of fats, oils, or greases of animal or vegetable origin, into both public and private sanitary sewers.

"Grease trap waste" means any fats, oils, or greases of animal or vegetable origin, and solid wastes collected and intercepted by a grease trap for further disposal.

"Grit trap" means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the discharge of petroleum based oil and grease wastes or other solids into both private and public sanitary sewers.

"Grit trap waste" means petroleum based oil and grease wastes or other solids generated by, but not limited to, commercial, industrial, automotive or heavy machinery repair, washing and laundry facilities which are intercepted and collected by a grit trap for further disposal.

"Hazardous waste" means a solid or liquid waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. (This definition includes, but is not limited to any waste identified as a hazardous waste by the EPA administrator under the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.) For purposes of this article, any mixture of hazardous waste and any other substance is a hazardous waste.

"Liquid waste" means non-hazardous water-borne solids and liquids containing dissolved or suspended waste materials, including, but not limited to, septage and wastes from grease traps and grit traps.

"Manifest" means the written, multi-part form used by a transporter to document the generation, receipt, transportation, and disposal of grit trap waste, grease trap waste, septage, and other liquid wastes.

"Manifest system" means a record keeping and accounting system consisting of a multi-paged manifest booklet used to document the point of generation of liquid wastes; the identity of the generator, transporter, and disposal facility operator of liquid wastes; the volume of grit trap waste, grease trap waste, septage, and other liquid wastes disposed.

"May" is permissive or discretionary.

"May not" prohibits.

"Nondomestic wastes" means any waste solids and or liquids not originating as human wastes from a residential source.

"Permit" means the formal written document required and issued by the city to a person, which authorizes the person to collect and transport, or transport and dispose, of grease trap waste, grit trap waste, septage, and other liquid wastes.

"Permittee" means a person issued a permit under this article, including any agent, servant, or employee of the permittee.

"Person" means an 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, servants, or assigns. This definition includes all federal, state or local governmental entities.

"Publicly owned treatment works" or "POTW" means a "treatment works" as defined in the Federal Clean Water Act, which is owned by a state or municipality. This definition includes any devices or systems used to collect, store, treat, recycle and reclaim sewage or industrial wastes and any conveyances that convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

"Septage" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

"Septic tank waste" means septage.

"Sewage" means human excrement and gray water (household showers, dish washing operations, etc.).

"Shall" is mandatory.

"Should" recommends, but does not require, an action.

"Spill" means the unpermitted, accidental, or intentional loss or discharge of grease trap waste, grit trap waste, septage, or other liquid waste, in such a manner that the waste is not duly and legally disposed.

"Superintendent" means the wastewater superintendent or the wastewater superintendent's authorized representative.

"Tank" means a receptacle, device, or structure designed to contain an accumulation of liquid waste, including, but not limited to, grease trap waste, grit trap waste, and septage, which tank is constructed of materials (e.g., concrete, steel, alloy, fiberglass, plastic, etc.) appropriate to provide structural support for the containment.

"Territorial jurisdiction" means the territory within the city limits and the portion of the city's extraterritorial jurisdiction that is not more than five thousand (5,000) feet from the city limits.

"TNRCC" means Texas Natural Resource Conservation Commission or successor agency delegated authority under the Texas Water Code.

"Transporter" means a person who utilizes a vehicle to transport liquid waste that is:

- (1) Collected from a generator within the territorial jurisdiction of the city.
- (2) disposed of within the territorial jurisdiction of the city.
- (3) Transferred from one tank to another tank within the territorial jurisdiction of the city.
- (4) Transported within the territorial jurisdiction of the city.

"Vehicle" means a mobile tank in which liquid waste may be transported upon a public street or highway.

"Wastewater division" means a division of the City of Corpus Christi Public Utilities Department that operates various POTWs.

"Wastewater superintendent" means the person designated by the city manager to supervise the operation of the city's POTWs and the administration of the liquid waste transport and disposal ordinance.

- (c) Administration. Except as otherwise provided in this article, the wastewater superintendent administers, implements, and enforces the provisions of this article. Any powers granted to or duties imposed upon the superintendent may be redelegated by the superintendent to other city personnel.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-161. - Permit requirements and issuance process.

(a) Permit required.

- (1) A person may not operate or cause the operation of a vehicle on the city streets or public rights-of-way for the purpose of collecting and transporting, or transporting and disposing, of liquid wastes without a permit from the superintendent.
- (2) Each instance of the unpermitted collection and transport, or transport and disposal, of liquid wastes is a separate violation.

(b) Strict liability. The strict liability imposed by this paragraph is based on the high degree of duty owed by the permittee to safeguard the public health, safety, and welfare arising from the permittee's handling of liquid wastes, which pose a threat to health if improperly handled. The discharge of some liquid wastes or hazardous substances into the city's POTW can interfere with the proper operation of the POTW, and cause the city to violate its NPDES permits and threaten the quality of the receiving waters.

- (1) In cases where an act, omission, or violation of this article occurs under the apparent authority of a person who has a permit, the permittee is strictly liable and accountable for the acts, omissions, or violations of the permittee's employee, servant, or agent.
  - (2) The registered owner of a vehicle used to collect and transport, or transport and dispose, of liquid waste in violation of this article is presumed to have operated or caused the operation of the vehicle in violation of this article.
- (c) Permit application. In addition to complying with any requirements imposed by the TNRCC, a person seeking a permit, under this article from the superintendent, shall provide the following information on forms provided by the superintendent:
- (1) Name, business address, and telephone number of the applicant.
  - (2) The trade name under which the applicant conducts business.
  - (3) The types of liquid waste that applicant intends to transport.
  - (4) The number of vehicles that will be operated under the permit and a description of each vehicle that will be used to transport liquid wastes, including:
    - a. The motor vehicle identification number for each vehicle.
    - b. A description of each vehicle.
    - c. The capacity of each tank.
    - d. The TNRCC registration number for each vehicle.
    - e. Certification that each vehicle meets specification and maintenance requirements in section 55-162 of this article.
  - (5) Documentation verifying that the applicant has been authorized and registered by the TNRCC to transport and dispose of liquid wastes.
  - (6) Documentation in the form of a certificate of insurance or declaration of insurance coverage issued by the insurance company verifying that the applicant has obtained the necessary insurance required under section 17-19.
  - (7) Any other information which may be deemed necessary by the superintendent to evaluate the permit application. The superintendent shall approve a form to be used as a permit application.
- (d) Insurance requirements. The issuance and continuance of any permit under this article is conditioned upon the permittee obtaining and maintaining commercial liability insurance and statutory workers' compensation insurance required by the director of safety and risk management under section 17-19.
- (e) Permit fees. To help defray the administrative and treatment expenses incurred by acceptance of approved liquid wastes, the superintendent will collect the following fees:
- (1) Permit application fee—Fifty dollars (\$50.00) for each permit application.
  - (2) Permit renewal fee—Fifty dollars (\$50.00) for each renewal.
  - (3) Vehicle registration fee—Fifty dollars (\$50.00) for each vehicle registered under this article.
  - (4) Disposal fee—A disposal fee will be collected for any liquid wastes disposed at a city facility. The disposal fee is based on the volume of liquid wastes reported on the manifest required by section 55-164. Disposal fees will be payable on or before the tenth day of each month. For liquid waste collected inside the city limits or its extraterritorial jurisdiction, the fee will be thirty-five dollars (\$35.00) for each one thousand (1,000) gallons or any portion thereof.
- (f) Evaluation of application information. The superintendent may conduct an investigation to determine the accuracy of information supplied by the applicant prior to the issuance of a permit. Supplying false information is grounds for refusal to issue a permit or revoke a permit already issued.

- (g) Amendment of permit application required. A permittee shall file an amended permit application to reflect any substantive changes in the information submitted in the transporter's initial application prior to making any operational changes.
- (h) Issuance/reissuance of permit.
  - (1) All permits terminate one (1) year from the date of issuance or reissuance.
  - (2) The superintendent may only issue or reissue a permit if the following requirements are satisfied:
    - a. Application for issuance is received prior to commencement of activity authorized under the permit, or application for reissuance is received prior to expiration of the current permit
    - b. Permit application or reapplication fees are paid in full in accordance with 55-161(e)(1), (2), and (3)
    - c. Disposal fees have been paid in accordance with 55-161(e)(4)
    - d. Applicant is able to demonstrate insurance required under 55-161(d)
    - e. Prior to the issuance of a permit, all vehicles used to transport liquid wastes may be inspected by the superintendent. A vehicle used to transport liquid wastes must meet the specifications and requirements in section 55-162. If a transport vehicle fails the inspection, the permittee may not transport liquid wastes in the vehicle within the territorial jurisdiction of the city until the vehicle is reinspected and approved by the superintendent.
- (i) Required terms and conditions of permits. A permit issued under this section is subject to the following terms and conditions:
  - (1) The transport and disposal of hazardous wastes is prohibited. (Transporters of hazardous waste from, within, or through the city must obtain the required tnrc or epa permit, and use the appropriate hazardous waste transportation and disposal manifest system required by these agencies.)
  - (2) Prior to the operation of any vehicle regulated by this article, the transporter shall prominently mark each registered vehicle with following:
    - a. Company name.
    - b. Telephone number.
    - c. The TNRC registration number on both sides of the vehicle. The registration number must be permanently affixed, a minimum of two inches in height, in block numbers. The registration number must be clearly visible at a distance of fifty (50) feet.
    - d. Display a valid TNRC authorization sticker (motorized vehicle only).
  - (3) A permit issued under this section is non-transferable.
  - (4) A permit may be revoked by the superintendent for any violation of the terms of the permit or of this article.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-162. - Vehicle specifications and maintenance requirements.

- (a) Vehicle specifications. A vehicle used to transport liquid wastes using city streets and public rights-of-way must conform to the following vehicle specifications and maintenance requirements:
  - (1) The vehicle must be constructed, operated, and maintained to prevent leakage of liquid wastes.
  - (2) Portable or removable tanks or containers that are not permanently bolted or welded to the chassis of the vehicle are prohibited.

- (3) Any closed vehicle, tank, or container used to transport liquid wastes must have a sight gauge, which can be used to determine approximate volume of the load in relationship to the tank capacity. Other measurement methods must be approved by the superintendent and TNRCC. TNRCC approval must be documented and submitted with permit application.
  - (4) All discharge valves and ports must be prominently marked.
  - (5) All discharge ports must be visible and readily accessible.
  - (6) The inlet or opening of the tank must be constructed and located so that collected liquid waste will not spill during loading, transportation, or off loading.
  - (7) Outlet connections must be constructed so that no liquid waste will discharge, leak, run, or spill out from the tank.
  - (8) Pumps, valves, cylinders, diaphragms, and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported, and removed, be capable of operation without discharge, spillage, spray or leakage and be easily disassembled for cleaning.
- (b) Maintenance and cleaning requirements. The transporter shall:
- (1) Maintain hoses, tanks, valves, pumps, cylinders, diaphragm, pipes, connections, and other appurtenances in good operation and free from leaks.
  - (2) Provide a safety plug or cap for each inlet and outlet tank valve.
  - (3) Keep the vehicle's exterior clean, vector free, and relatively odor free at the beginning of each working day.
  - (4) Wash vehicle's exterior and the interior of the tank, as necessary.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-163. - Responsibilities of transporters.

- (a) General.
- (1) All vehicles used to transport liquid waste must be permitted under this article.
  - (2) A transporter shall conform to the following terms and conditions in collecting and transporting, and transporting and disposing, of liquid waste.
  - (3) A transporter who fails to comply with the requirements of this article violates this article and the conditions of any permit issued under this article.
  - (4) A transporter, subject to this article, may only transport the liquid wastes specified in the transporter's permit.
- (b) Determine nature of material.
- (1) Prior to accepting a load of liquid wastes for transportation, a transporter shall determine the volume, nature and classification of the material to be transported, whether the transporter's permit authorizes the transport of the specific liquid waste, and whether the transporter's vehicle and equipment are capable of loading, transporting, and disposing of the load without spillage or leakage of the material and without release of noxious odors.
  - (2) Upon delivery of the liquid waste to the disposal facility, the transporter shall inform the disposal facility operator of the content of the liquid waste.
  - (3) The superintendent or the disposal facility operator may sample and test any liquid waste prior to accepting the liquid waste for disposal to verify the classification, quality, concentration, character, or volume of the liquid waste.

- (4) The costs for conducting any tests, which identify a prohibited waste, shall be paid by the transporter.
- (c) Prohibited wastes.
- (1) Prohibited wastes are those wastes that cannot properly or legally be accepted for disposal by the city's POTW.
  - (2) Prohibited wastes will not be accepted at the city's POTW.
  - (3) Following rejection by a city POTW, prohibited wastes shall be properly disposed of at a legal site authorized to accept such wastes from the transporter. The records showing the disposal site shall be furnished to the city.
  - (4) Any transporter, who presents prohibited waste to the superintendent for disposal, shall be denied further service from the city until proof of proper, legal disposal of the subject load has been presented to the superintendent.
- (d) Grit traps and grease traps evacuation.
- (1) Each grit trap and 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 twenty-four-hour period.
  - (2) If a transporter cannot fully evacuate a grit trap or grease trap because the trap volume is greater than the tank capacity on the truck, the transporter shall arrange for additional transportation capacity to ensure the trap is fully evacuated within the twenty-four-hour period following the transporter's inability to fully evacuate the trap.
- (e) Incompatible wastes.
- (1) Mixing of incompatible wastes within the same container is prohibited.
  - (2) Transporters may not use the same container or pumping equipment to collect or transport incompatible wastes without first cleaning the containers and equipment of all previously handled wastes.
  - (3) For purposes of this section, incompatible wastes are wastes which have different processing, storage, or disposal requirements.
  - (4) Grease trap wastes, grit trap waste, septage, and other liquid wastes may not be mixed.
- (f) Temporary storage of liquid wastes.
- (1) A transporter, who stores liquid wastes in a mobile closed container (e.g., a container on wheels), may not store the liquid wastes for more than four (4) days.
  - (2) A transporter, who temporarily store liquid wastes at a fixed or permanent site, shall obtain approval in writing from the TNRCC prior to engaging in temporary storage of liquid wastes. The storage site shall comply with TNRCC standards.
  - (3) The liquid wastes must be stored by a method and under conditions that prevents any runoff and protects the quality of the surface water, ground water, and storm drain systems.
- (g) Utilize appropriate disposal facility.
- (1) A transporter may only dispose of liquid wastes at a disposal facility approved, designated, or permitted, by the appropriate regulatory agency, to receive the particular classification of waste being transported.
  - (2) The facility permit number issued by the TNRCC must be entered on the five-part manifest required by section 55-164.

- (3) Disposal of liquid waste into the mains, trunks, interceptors, laterals, manholes, clean-outs or other units of the POTW by transporters is not permitted unless authorized in writing by the superintendent.
- (4) Disposal of liquid waste into storm drain systems is prohibited.
- (h) Utilization of manifest system by transporters.
  - (1) A transporter, holding a city permit for transporting grease trap waste, grit trap waste, septage, and other liquid wastes, shall utilize the manifest system set out in section 55-164.
  - (2) The permittee shall ensure that all manifests are completely and accurately filled out and distributed in a timely manner.
- (i) Spills.
  - (1) In the event of a liquid waste spill during collection, transport, or disposal, the transporter shall immediately notify the superintendent, in person or at the telephone number listed in the permit.
  - (2) Notifications made under this section shall, at a minimum, provide the following:
    - a. The time the spill occurred.
    - b. The location of the spill.
    - c. The type of liquid waste spilled.
    - d. Any corrective actions taken by the transporter.
    - e. Any other conditions, factors, or circumstances that would indicate need for expeditious, specialized, or unique response to the spill.
  - (3) The transporter shall take any action required by state, federal, or local officials having jurisdiction, so that the spill will not present a public health or environmental hazard. Such action may include, but not be limited to, containing, vacuuming, flushing, and applying chemical agents.
  - (4) Failure to promptly and properly notify the appropriate authorities of a spill constitutes a violation of this article.
  - (5) Failure to take any necessary remedial action (clean-up) constitutes a violation of this article.
- (j) Compliance with numerical limitations.
  - (1) No transporter may introduce wastes into the potw that contain pollutants in excess of the following limits:

Arsenic	0.634 mg/l
Cadmium	0.018 mg/l
Chromium (T)	6.452 mg/l
Chromium (Hexavalent)	0.235 mg/l
Copper	0.350 mg/l
Cyanide	0.364 mg/l

Lead	0.511 mg/l
Mercury	0.053 mg/l
Nickel	1.466 mg/l
Silver	0.072 mg/l
Zinc	1.476 mg/l

- (2) A transporter shall ensure that all wastes discharged to the city meet these limitations.
- (3) Any discharge of any liquid wastes in excess of these limits is a violation of this article.
- (4) The superintendent may take random samples of liquid wastes for analysis to ensure compliance with this article.
- (5) If the results of analyses are within the limitations, the city will pay for the sampling and analysis.
- (6) If a sample shows a violation of a numerical limit the transporter shall pay the costs of sampling and analysis.
  - a. Each parameter that exceeds the limit will be billed as separate test.
  - b. Violations of the limits may result in permit suspension or revocation.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-164. - Manifest system.

(a) Manifest requirements.

- (1) Persons who collect and transport, or transport and dispose, liquid waste subject to this article shall maintain a record of each individual collection, transportation, and disposal transaction.
- (2) The records of each transaction shall be maintained in the form of a manifest.
- (3) The manifest forms used must be purchased from the city, in accordance with the fee schedules currently in effect. (The fee schedules are periodically adjusted or amended by the city.)
- (4) A manifest must be used for the disposal of grit trap wastes, grease trap waste, and septage.
- (5) The superintendent may approve the further use of the manifest for other authorized waste transport and disposal.
- (6) The superintendent promulgates the form of the manifest.
- (7) The superintendent may make administrative modifications of the manifest form used in individual cases.

(b) Manifest contents. The manifest must include, at a minimum, the following information:

- (1) Liquid waste generator information.

- a. Name of generator.
  - b. Generator's address and telephone number.
  - c. Tank or trap capacity.
  - d. Date and time of generator's transfer of liquid waste to transporter.
  - e. Date of last tank or trap maintenance;
  - f. Generator representative's name and signature.
- (2) Transporter information.
- a. Name of transporter.
  - b. Transporter's address and telephone number.
  - c. TNRCC registration number.
  - d. Type and source of liquid waste removed.
  - e. Number of gallons removed from tank or trap.
  - f. Date and time of receipt of liquid waste from generator.
  - g. Vehicle driver's name and signature.
- (3) Disposal facility information.
- a. Name of disposal facility.
  - b. Name of disposal facility's owner.
  - c. Location of the disposal facility.
  - d. Mailing address of the disposal facility, if different than the location.
  - e. Disposal facility's TNRCC permit number
  - f. Number of gallons received.
  - g. Date and time of delivery.
  - h. Disposal facility representative's name and signature.
- (c) Manifest issuance and ownership.
- (1) Manifests are used to track septic and other liquid wastes with potential to threaten public health, safety, and welfare.
  - (2) Manifest forms and their use are prescribed by state law.
  - (3) Manifest booklets issued by the superintendent and executed manifest forms are and remain the property of the City of Corpus Christi.
  - (4) Permittees merely purchase the right to use the manifest booklets.
  - (5) While certain persons may be required to retain, over time, copies of manifest forms as business records, the city retains ownership of the manifest booklets and forms it issues, even after their use.
  - (6) The city retains the right to demand surrender of any manifest booklets, used or unused, and any copy, regardless of who holds possession.
  - (7) The holder of a manifest booklet or form issued by the city shall surrender the manifest booklet or form upon demand of the superintendent, at any time, and for any reasonable purpose, including, but not limited to accounting, program evaluation, and investigation.
  - (8) Each manifest issued by the city contains a serial number.

- (9) The superintendent keeps a record of the manifest serial numbers purchased by a transporter.
  - (10) Additional manifest booklets may be purchased only after the previously issued and completed manifests have been properly accounted for and returned to the superintendent.
  - (11) The superintendent may issue more than one manifest booklet to any transporter, based on volume of business, number of trucks, etc.
  - (12) Completed manifest booklets shall be returned to the city immediately upon completion of all sets of forms, but no later than seven (7) days following completion.
  - (13) In the event that a manifest booklet or form is lost, stolen, or destroyed, the holder shall submit a sworn and notarized affidavit stating the circumstances surrounding the loss of the manifest booklet or form. If an investigation by the superintendent indicates no fraudulent or wrongful acts by the permittee, the superintendent will not unreasonably deny continued purchase of manifest booklets.
  - (14) It is a violation of this article if any person refuses or fails to surrender a manifest or manifest booklet to the superintendent upon the request of the superintendent or upon completion of the manifest booklet.
  - (15) It is a violation of this article if any person defaces or destroys any manifest form or manifest serial number.
- (d) Manifest distribution. Manifests shall be divided into three (3) sections consisting of five (5) copies. Manifests shall be maintained as labeled on the individual copies in each manifest book, but shall be generally as follows:

Generator - There are copies of the manifest labeled "generator." One (1) copy of the manifest shall have the generator and transporter information completed and shall be given to the generator at the time of liquid waste pickup. The other copy labeled "generator" with all three (3) sections completed shall be returned by the transporter to the person who generated the liquid wastes within fifteen (15) days after the liquid waste is received at the disposal or processing facility.

Disposal facility - The copy of the manifest labeled "disposal facility" shall have all three sections completed and shall be given to the facility receiving the liquid waste.

Transporter - The transporter may retain the copy of the manifest labeled "transporter," with all three (3) sections completed.

Local authority - The remaining copy of the manifest, with all three (3) sections completed, shall go to the superintendent.

- (e) Unlawful use of manifests.
- (1) Falsification or misrepresentation of any information required in a manifest is grounds for immediate suspension or revocation of a city liquid waste transport and disposal permit.
  - (2) Each instance of falsification or misrepresentation is considered a separate violation of this article.
  - (3) The physical transfer of unused manifests by a permit holder to anyone other than the permittee's own transportation vehicle operators or the superintendent is prohibited.
    - a. Purchase and/or resale of manifests from any source other than the superintendent is prohibited.
    - b. Offer to purchase, sell, or resell manifests from any source other than the superintendent is prohibited.
    - c. By the purchase or resale of manifests or offer to negotiate such transaction from any source other than the superintendent, a party is presumed to be knowingly dealing or offering to deal in stolen property.

- d. Each such instance of purchase, transfer, offer of sale, or resale of a manifest constitutes a separate violation of this article.
- (f) Maintenance of manifest records.
  - (1) All generators, transporters, and disposal facility operators shall maintain manifest copies for a period of five (5) years.
  - (2) The superintendent maintains completed manifest booklets for a period of five (5) years.
  - (3) If any state or federal law, or regulatory agency rule, requires preservation of the records for more than five (5) years, the affected persons shall observe the law, rule, or regulation.
- (g) Manifest discrepancies.
  - (1) Manifests shall have all required information and required signatures completed before distribution.
  - (2) A disposal facility operator who receives liquid waste shall note any significant discrepancies on the manifest.
  - (3) Manifest discrepancies include differences between the quantity, class, or type of liquid waste designated on the manifest by the generator and/or transporter, and the quantity or type of liquid waste a received by a disposal facility.
    - a. Class or type discrepancies.
      - 1. Significant discrepancies in class or type of liquid waste received are obvious differences in the class or nature of the liquid waste that can be readily determined by inspection or analysis.
      - 2. Discrepancies in class or nature (type) of the liquid waste may result in the disposal facility's rejection of the load.
      - 3. Rejection is mandatory when the facility cannot legally or properly dispose of the liquid waste, or when there is a reasonable doubt concerning the origin or content of the load.
      - 4. In the event a discrepancy in class or type of liquid waste prompts rejection, the transporter must properly and legally dispose of the liquid waste in not less than four (4) days from the time of collection, and provide the superintendent with a written explanation of the how the proper and legal disposal was accomplished. The written explanation of the disposal may take the form of a photocopy of a completed manifest in the transporter's possession.
    - b. Quantity discrepancies.
      - 1. Significant discrepancies in quantity are:
        - i. For bulk weight, variations greater than ten (10) per cent in weight; and
        - ii. For liquid waste, any variation greater than fifteen (15) per cent in gallons.
      - 2. If the quantity discrepancy is not resolved within fifteen (15) days after delivery of the liquid waste, the transporter shall immediately submit a letter to the TNRCC and the city superintendent describing the discrepancy, attempts to reconcile it, and a copy of the manifest.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-165. - Responsibilities of generators.

- (a) General responsibilities.

- (1) With respect to those liquid wastes for which a generator is responsible, the generator of liquid waste shall:
    - a. Know or ascertain the contents, characteristics, and classifications of liquid wastes generated.
    - b. Have liquid waste removed from the premises by a transporter holding the proper state, federal and local permits or registrations required for the collection and transportation the liquid wastes.
    - c. Make a determination that the liquid waste to be hauled under this article is not a hazardous waste.
    - d. Verify from the completed manifest or by other means that the liquid wastes have been disposed of properly.
  - (2) A generator of grease trap waste or grit trap waste shall have traps serviced as frequently as required by the city's plumbing code, in order to prevent bypass or overflow, and to insure proper operation of the trap.
  - (3) A generator of grit trap waste, grease trap waste, septage, or any other liquid waste shall sign the manifest presented by the transporter holding a city permit and shall keep a copy on site for a period of five (5) years.
  - (4) City personnel may periodically inspect the generator's copy during normal business hours to ensure compliance.
- (b) Hazardous and toxic wastes.
- (1) It is unlawful for a generator of hazardous or toxic waste to present such wastes to a city permitted liquid transporter with the intent that such wastes be disposed in a city facility. Any mixture of hazardous waste with liquid waste shall also constitute hazardous waste for the purposes of this article.
  - (2) A generator of hazardous waste, or liquid waste in combination with hazardous waste, shall have hazardous waste removed from the premises only by a transporter holding the applicable state or federal permits or registrations to transport and dispose of the type of hazardous waste involved.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-166. - Responsibilities of disposal facility operators.

- (a) General responsibilities.
- (1) A disposal facility operator shall:
    - a. Obtain, maintain, and comply with any license or permit required by state, federal, or local agencies.
    - b. Accept liquid waste only from a transporter holding a proper federal, state, and local permit or registration.
    - c. Maintain copies of all manifest for a period of five (5) years.
    - d. Accept only those classes of liquid wastes authorized by license or permit.
    - e. Make available to the superintendent, at any time during normal business hours, all records required to be kept for inspection, by this article or federal or state law.
    - f. Note any significant discrepancies on a manifest, as provided in this article.

- (2) A disposal facility operator shall not process or store any liquid wastes in such a manner that the liquid wastes could be discharged to the POTW, storm water drains, ditches, waterways, or any public or private property, unless specifically authorized by the superintendent.
- (b) Disposal procedures.
- (1) A permitted transporter may not dispose of liquid wastes at any licensed disposal facility (including the city's wastewater treatment plants), until authorized disposal facility personnel have:
    - a. Verified that the manifest being presented by the transporter is appropriate for both the classification of liquid waste being transported and the vehicle tank capacity being used.
    - b. Completed the disposal facility's section of the manifest forms and received the completed disposal facility copy of the manifest.
    - c. Verified and collected the appropriate number of manifest copies required for each disposal transaction.
  - (2) Only septic tank waste, chemical toilet wastes or such other liquid wastes, as may be authorized by the superintendent, may be accepted for disposal at a city operated wastewater treatment plant disposal facility.
  - (3) Any liquid wastes deemed by the superintendent to have a potential to cause pass through or any POTW interference will not be accepted for disposal at a city operated wastewater treatment plant disposal facility.
    - a. The superintendent has the discretion to determine if there is a potential for pass through or POTW interference.
    - b. The superintendent may exercise such discretion even in the absence of testing or laboratory analysis.
    - c. The superintendent may designate qualified city employees to exercise such discretion on the superintendent's behalf.
  - (4) Wastes originating from areas outside the extraterritorial jurisdiction of the City of Corpus Christi will not be accepted for disposal at a city operated wastewater treatment plant disposal facility, unless authorized by the superintendent.
- (c) Grit trap and grease trap wastes.
- (1) Grit trap and grease trap wastes may not be disposed at a city wastewater treatment plant except as authorized by the superintendent.
  - (2) Grit trap and grease trap wastes must be disposed at a facility authorized to accept such wastes.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-167. - Enforcement.

- (a) Notification of violation. Whenever the superintendent believes that any person or permittee has violated or is violating this article or a liquid waste transport and disposal permit, the superintendent may serve (either personally or by certified mail) the person or permittee with a written notice stating the nature of the alleged violation.
- (b) Response to notification of violation.
  - (1) The recipient of an alleged violation notice shall respond in writing to the superintendent or his designated representative, within fifteen (15) working days from the receipt of such notice.
  - (2) The written response should contain the following information:

- a. If the person or permittee admits responsibility for the alleged violation, the person or permittee must submit a letter report to the superintendent that:
    - 1. If the nature of the violation of either the permit or this article involves a spill or disposal of liquid waste that is prohibited, the letter report must contain information regarding the time, date, location, cause, source, quantity, quality, and concentration of the wastes spilled or disposed of, and the corrective measures actually taken by the person or permittee to recover the discharge.
    - 2. Self-reporting notices, submitted to any state or federal agencies having jurisdiction, and actions to be taken by the person or permittee to prevent any similarly recurrent spills or disposal must be included.
  - b. If the nature of the violation of either the permit or this article involves an administrative or procedural non-compliance, the letter report must contain information regarding corrective measures and time schedules the person or permittee has adopted to assure expeditious and continued compliance.
  - c. If the person or permittee denies responsibility for the alleged violation, the person or permittee must submit a letter report to the superintendent explaining in detail why responsibility is being contested.
- (3) If the recipient of an alleged violation notice fails to respond in writing to the superintendent within the initial fifteen (15) working day response period, the superintendent may:
- a. Refer the violation to the city attorney for prosecution.
  - b. Exercise any of the administrative remedies enumerated below, including denial, suspension, and revocation of a permit.
- (c) Legal action.
- (1) The city has all remedies afforded it by the penal and civil laws of the State of Texas, of the United States of America, and in equity to enforce this article. Among such remedies are provisions of Chapter 54, Local Government Code, Subchapter B., Sec. 54. 012, et seq.
  - (2) The city has authority to bring a civil action for enforcement of this article, to petition for injunction and civil penalty of one thousand dollars (\$1,000.00) a day for a violation of this article, up to five thousand dollars (\$5,000.00) a day for violations relating to the discharge of pollutants.
- (d) Criminal penalty.
- (1) Each instance of non-compliance constitutes a separate violation.
  - (2) Each day of continuing violation constitutes a separate offense.
  - (3) The penalty for violation of this article shall be a fine of not less than one thousand dollars (\$1,000.00), nor more than two thousand dollars (\$2,000.00).

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-168. - Denial, suspension, and revocation of permit.

- (a) Authority of superintendent to deny, suspend, and revoke permits. The superintendent may deny, suspend, or revoke a permit if the superintendent determines that a permittee:
  - (1) Is not qualified under this article.
  - (2) Violates any of the provisions of this article, any procedural or operational rule or regulation promulgated by the superintendent to implement this article, or applicable provisions of the city code or state law.

- (3) Has failed to pay a required fee or fine.
  - (4) Has failed to comply with maintenance or inspection requirements.
  - (5) Has failed to deliver required manifest(s) or manifest booklets to the city.
  - (6) Has failed to timely respond to a notice of violation or alleged violation.
  - (7) Has had a vehicle impounded for violation of this article.
- (b) Reinstatement of suspended or revoked permit.
- (1) After suspension or revocation under this section, a permittee may file a request for reinstatement of the permit.
  - (2) If the superintendent determines that the permittee is again qualified after all fines have been paid, all violations have been corrected, precautions have been taken to prevent future violation, and all required fees have been paid, the superintendent may reinstate a permit.
  - (3) A permittee whose permit is suspended or revoked may not collect, transport, or dispose any liquid waste materials within the territorial jurisdiction of the city.
- (c) Appeal of revocation of a permit.
- (1) In the event a permit is revoked, the former permittee may request a hearing with the city manager.
  - (2) A request for a hearing must be made within three (3) working days of the revocation.
  - (3) The hearing will be held by the city manager within five (5) days of receipt of request for a hearing.
  - (4) The hearing shall be informal, and notice of the holding of the hearing may be communicated to the requesting party verbally and confirmed in writing.
  - (5) Within seventy-two (72) hours of the conclusion of the hearing, the city manager will issue a finding on whether or not to lift the revocation.
  - (6) The city manager may impose conditions of remediation and correction upon the former permittee as conditions of lifting the revocation.
  - (7) If the former permittee is not satisfied with the decision of the city manager, the former permittee may appeal to district court.
  - (8) The appeal must be perfected by service of process upon the city within thirty (30) days of the superintendent's decision to continue revocation.

(Ord. No. 23418, § 1, 8-18-1998)

Sec. 55-169. - Declaration of public nuisance; vehicle impoundment.

- (a) Public nuisance. A vehicle being operated within the territorial jurisdiction of the city in violation of this article is a threat to public health, safety, and welfare, and a public nuisance.
- (b) Impoundment.
  - (1) The superintendent may impound and hold a vehicle being used in violation of this article until the violation is corrected.
  - (2) Once impounded, a vehicle may be held as evidence of a criminal violation.
  - (3) The superintendent, in consultation with the chief of police, determines the place of impoundment. The superintendent will consider the vehicle's ability to be moved without posing further threat to public health, safety, and welfare.

(4) The permit holder is responsible for all impound, storage, and related fees.

(c) Appeal.

- (1) In the event a vehicle is impounded, the owner of the vehicle may request a hearing with the city manager.
- (2) A request for a hearing must be made within three (3) working days of the day the vehicle is impounded.
- (3) The hearing will be held by the city manager within five (5) days of receipt of request for a hearing.
- (4) The hearing shall be informal, and notice of the holding of the hearing may be communicated to the requesting party verbally and confirmed in writing.
- (5) Within seventy-two (72) hours of the conclusion of the hearing, the city manager will issue a finding on whether or not to continue impoundment.
- (6) The city manager may impose conditions of remediation and correction upon the former permittee as conditions of releasing the vehicle.
- (7) If the former permittee is not satisfied with the decision of the city manager, the former permittee may appeal to district court.
- (8) The appeal must be perfected by service of process upon the city within thirty (30) days of the superintendent's decision to continue revocation.

(Ord. No. 23418, § 1, 8-18-1998)