

CHAPTER 15-5. PRIVATE SEWAGE FACILITIES

ARTICLE 2. LIQUID WASTE HAULERS.

Division 1. General Provisions.

§ 15-5-21 DEFINITIONS.

In this article:

~~(1)~~ DIRECTOR means the director of Austin Water

~~(1)~~(2) GENERATOR has the meaning prescribed by Section 15-10-11 (*Definitions*).

~~(2)~~(3) GREASE TRAP has the meaning prescribed by Section 15-10-11 (*Definitions*).

~~(3)~~(4) GRIT TRAP has the meaning prescribed by Section 15-10-11 (*Definitions*).

~~(4)~~(5) HAULED LIQUID WASTE means a liquid waste, not defined as a hazardous waste by the United States Environmental Protection Agency, which is prohibited from discharge into:

- (a) a sanitary sewer under Chapter 15-10 (Wastewater Regulations) of the Code; or
- (b) a storm sewer or watercourse under Chapter 6-5 (Water Quality) of the Code.

~~(5)~~(6) OPERATOR means a person who operates a state-approved waste treatment system, waste reduction system, waste recovery system, state-permitted Type V transfer station or waste disposal site for septic tank waste and hauled liquid waste.

(7) LIQUID WASTE HAULER means a person who removes, transports, and discharges all or part of the contents of a septic tank, chemical toilet, grease trap, grit trap, holding tank, wastewater treatment plant, or other holding or treatment system for hauled liquid waste to a waste treatment system, waste reduction system, waste recovery system, or waste disposal site.

~~(6)~~(8) PERMIT means a liquid waste hauler permit issued by the director authorizing collection, transport, or disposal of hauled liquid waste.

~~(7)~~(9) VEHICLE means a motor vehicle, trailer, equipment, or device specially designed and constructed to transport hauled liquid waste on a public street.

Source: 1992 Code Section 12-4-125; Ord. 031204-14; Ord. 031211-11.

§ 15-5-22 USE OF PERMITTED LIQUID WASTE HAULER REQUIRED.

A person who produces hauled liquid waste commits an offense if the person fails to have the waste removed or transported by a liquid waste hauler holding a permit under this chapter-article for both the hauler's vehicle and the type of waste produced.

Source: 1992 Code Section 12-4-126; Ord. 031204-14; Ord. 031211-11.

§ 15-5-23 USE OF APPROVED SITE FOR DISPOSAL REQUIRED.

- (A) A liquid waste hauler may not discharge hauled liquid waste at a facility not authorized by the City or the state to store, process, treat, or dispose of the waste.

- (B) A liquid waste hauler must dispose of, or allow the disposal of hauled liquid waste only at a site approved and designated by the City or the state.
- (C) The health authority director may require that a liquid waste hauler provide a signed, written statement from an operator:
 - (1) identifying the rule, permit, or other document issued by the regulating state agency that permits an operator's facility to receive a specific hauled liquid waste; and
 - (2) the operator's agreement to receive the liquid waste hauler's hauled liquid waste.

Source: 1992 Code Sections 12-4-129(A) and 12-4-127; Ord. 031204-14; Ord. 031211-11.

§ 15-5-24 MIXING OF INCOMPATIBLE WASTES PROHIBITED.

- (A) A liquid waste hauler must designate, permit, and use a separate vehicle exclusively for the collection and transport of waste that contains petroleum or other chemical residues that may not be accepted by an operator, including waste from a grit trap or holding tank for waste other than sewage.
- (B) A liquid waste hauler may not knowingly accept and transport a hazardous waste as defined by the United States Environmental Protection Agency in a vehicle used to collect and transport hauled liquid waste under this article.

Source: 1992 Code Sections 12-4-129(B) and (C); Ord. 031204-14; Ord. 031211-11.

§ 15-5-25 VEHICLE REQUIREMENTS AND INSPECTION.

- (A) A liquid waste hauler must obtain a permit for each vehicle used to haul liquid waste.
- (B) A vehicle or other equipment used to transport hauled liquid waste must be:
 - (1) constructed, operated, and maintained to prevent:
 - (a) the loss of hauled liquid waste; or
 - (b) the creation of an unsanitary or unsafe condition;
 - (2) licensed and inspected annually under Title 7 (*Vehicles and Traffic*) of the Texas Transportation Code;
 - (3) identified with the registration number required by state regulation;
 - (4) marked on both sides of the vehicle in letters and numbers not less than three inches high with:
 - (a) the vehicle's City permit number;
 - (b) the name of the permit holder; and
 - (c) if applicable, the waste type code designated by the health authority director;
 - (5) equipped with a valve drip cap to minimize leakage;
 - (6) equipped with a sight glass or tube and other measuring device that permits visual inspection of the hauled liquid waste contained in the vehicle; and

- (7) equipped with a ~~device~~ device as prescribed by the director to measure each load of hauled liquid waste received from a generator.
- (C) A vehicle that consists of a tractor and a trailer shall have the marking required by Subsection ~~(A)~~(B)(4) displayed on the trailer.
- (D) The ~~health authority~~director may inspect a vehicle at any reasonable time ~~during regular business hours~~.

Source: 1992 Code Section 12-4-130; Ord. 031204-14; Ord. 031211-11.

§ 15-5-26 DISCHARGE OR SPILL.

If a discharge or spill occurs during collection or transport of hauled liquid waste, a liquid waste hauler must take appropriate action to protect public health and the environment. No later than 24 hours after a discharge or spill, the liquid waste hauler shall notify local law enforcement authorities of the discharge or spill and take any action required or approved by a federal, state or local official with jurisdiction.

Source: 1992 Code Section 12-4-132; Ord. 031204-14; Ord. 031211-11.

§ 15-5-27 OFFENSE AND PENALTY.

- (A) A person who violates a provision of this article commits an offense. Each day that a violation occurs is a separate offense.
- (B) An offense under this chapter is a Class C misdemeanor, punishable in accordance with Section 1-1-99 (*Offenses; General Penalty*) by a fine not to exceed \$2,000.

Source: 1992 Code Section 12-4-157; Ord. 031204-14; Ord. 031211-11.

Division 2. Manifest Book and Manifest Requirements.

§ 15-5-31 MANIFEST REQUIRED.

- (A) A liquid waste hauler shall purchase from the ~~health authority~~director a manifest book containing form manifests with not less than four copies of each document.
- (B) A liquid waste hauler shall complete a manifest for each load of hauled liquid waste.
- (C) A manifest under this section must include a printed space to record:
 - (1) the name of the liquid waste hauler;
 - (2) the liquid waste hauler's city permit number;
 - (3) the liquid waste hauler's vehicle license plate number;
 - (4) the date waste was received from a generator;
 - (5) the name, address, and telephone number of the generator;
 - (6) the type and quantity of hauled liquid waste to be transported;
 - (7) the generator's signed acknowledgment that the type and quantity of hauled liquid waste is correctly documented based on the generator's knowledge;
 - (8) the operator's name and address;

- (9) the date the operator received the hauled liquid waste from the liquid waste hauler; and
- (10) the operator's signed acknowledgment accepting the hauled liquid waste.

Source: 1992 Code Sections 12-4-125 and 12-4-128(A) and (B); Ord. 031204-14; Ord. 031211-11.

§ 15-5-32 DELIVERY AND MAINTENANCE OF MANIFESTS.

- (A) The liquid waste hauler shall give a copy of a manifest to the generator and the operator after the person has signed the ticket.
- (B) The liquid waste hauler shall keep a copy of each manifest.
- (C) A generator, liquid waste hauler, and operator shall retain a copy of each manifest in a file available for inspection by the ~~health authority~~director during regular business hours, for not less than three years from the date the ticket was completed.
- (D) A liquid waste hauler shall maintain the completed original of each manifest in the manifest book.
- (E) A liquid waste hauler shall return a manifest book to the ~~health authority~~director not later than the 30th day after all manifests in the book have been used.
- (F) A liquid waste hauler shall return a manifest book to the ~~health authority~~director not later than the second working day after the liquid waste hauler receives a written request from the ~~health authority~~director.

Source: 1992 Code Section 12-4-128(C); Ord. 031204-14; Ord. 031211-11.

§ 15-5-33 FALSE INFORMATION AND TRANSFER PROHIBITED.

- (A) A person commits an offense if the person falsifies the date a liquid waste hauler or operator accepts hauled liquid waste.
- (B) A generator commits an offense if the generator knowingly falsifies information about the type and quantity of hauled liquid waste to be transported.
- (C) A liquid waste hauler commits an offense if the liquid waste hauler transfers, causes, or allows the transfer of a manifest or manifest book to a person other than the ~~health authority~~director or an employee of the liquid waste hauler.

Source: 1992 Code Section 12-4-128(D); Ord. 031204-14; Ord. 031211-11.

§ 15-5-34 REGULATIONS AUTHORIZED.

The ~~health authority~~director may adopt regulations ~~relating to the manifest requirements necessary for the administration~~ of this ~~chapter~~article.

Source: 1992 Code Section 12-4-131; Ord. 031204-14; Ord. 031211-11.

Division 3. Permit Regulations.

§ 15-5-41 PERMIT REQUIRED.

A person shall obtain a liquid waste hauler's permit under this ~~chapter~~article before the person operates a vehicle to transport hauled liquid waste, or causes, allows, or permits a vehicle owned by the person to transport hauled liquid waste.

§ 15-5-42 PERMIT APPLICATION.

- ~~(A)~~ An applicant for a liquid waste hauler's ~~A person seeking a permit shall~~ must complete and file an application for a permit with the health authority director on the form provided by the health authority and pay an application and permit fee established by separate ordinance.
- ~~(B)~~ An application for a permit under this section must include: name, title, address, and telephone number of the authorized representative of the applicant;
- ~~(1)~~ Description or address of this business location;
- ~~(2)~~ Description of the activity and type of liquid waste transported;
- ~~(3)~~ Proof that each vehicle is covered by insurance as prescribed in Section 15-5-45 (Insurance Required)
- ~~(4)~~ Confirmation that the applicant, or if the applicant is a business entity, a partner or corporate officer in the business entity, has not been convicted of a violation directly related to this article;
- ~~(5)~~ Confirmation that each vehicle to be used to transport hauled liquid waste complies with the requirements prescribed in Section 15-5-25 (Vehicle Requirements and Inspection); and
- ~~(A)(6)~~ A list with the name and valid driver's license number of each vehicle operator.
- ~~(B)~~ The health authority shall provide an applicant with a copy of this article.
- ~~(C)~~ A permittee shall send the director an updated list of authorized drivers in writing no later than the 30th day after a change in personnel occurs.
- ~~(C)~~ An application under this section shall include evidence acceptable to the health authority that:
- ~~(1)~~ each vehicle is covered by insurance as prescribed by Section 15-5-45 (Insurance Required);
- ~~(2)~~ the applicant or if the applicant is a business entity, a partner or corporate officer in the business entity, has not been convicted of a violation directly related to this chapter; and
- ~~(3)~~ each vehicle to be used to transport hauled liquid waste complies with the requirements prescribed in Section 15-5-25 (Vehicle Requirements and Inspection).
- ~~(D)~~ The director may require additional application information as necessary to determine compliance by the applicant.
- ~~(D)~~ A permittee shall file with the health authority a list of the name and Texas driver's license number of each vehicle operator. A permittee shall send the health authority an updated list of authorized drivers in writing no later than the 30th day after a change in personnel occurs.
- ~~(E)~~ The application must be signed by the individual applicant or by the applicant's authorized representative.
- ~~(E)(F)~~ A permit issued under this chapter article is nontransferable.

Source: 1992 Code Section 12-4-151(A), (B), (C), (D), and (E); Ord. 031204-14; Ord. 031211-11.

§ 15-5-43 DETERMINATION ON APPLICATION.

(A) The ~~health authority~~director may not grant a permit under this article unless the applicant has complied with the requirements of Section 15-5-42 (*Permit Application*). In making a determination relating to an offense under Subsection 15-5-42~~(C)(2)(B)(5)~~, the ~~health authority~~director may consider the factors prescribed in Section 53.022 (*Factors in Determining Whether Conviction Relates to Occupation*) of the Texas Occupations Code.

~~(B) The health authority shall make a determination on an application for a permit under this chapter on or before the 30th day after the date the application was filed.~~

~~(C)~~(B) If the ~~health authority~~director rejects an application, the ~~health authority~~director shall send the applicant a written explanation of the basis of the rejection by certified or registered mail to the mailing address provided on the application.

Source: 1992 Code Sections 12-4-151(C) and (F); Ord. 031204-14; Ord. 031211-11.

§ 15-5-44 PERMIT FEES, EXCEPTIONS.

- (A) Except as provided in Subsection (B), a person must pay the vehicle permit fee established by separate ordinance.
- (B) This section does not apply to a vehicle operated by the City, a governmental entity, or a public school system.
- (C) The ~~health authority~~director may assess an additional fee for re-inspection of a vehicle.
- (D) The city council shall set the fees authorized under this chapter by separate ordinance.

Source: 1992 Code Sections 12-4-51(C)(3) and 12-4-152; Ord. 031204-14; Ord. 031211-11.

§ 15-5-45 INSURANCE REQUIRED.

- (A) The owner or operator of a permitted vehicle shall file with the ~~health authority~~director a commercial automobile insurance policy insuring the public against bodily injury and property damage issued by an insurance company licensed to do business in Texas for each permitted vehicle with a minimum:
 - (1) combined single limit of \$500,000; or
 - (2) split limit of \$250,000 for each person, \$500,000 for each occurrence, and \$100,000 property damage.
- (B) An insurance policy under this section must include a notice of cancellation clause stating that the policy may not be cancelled or amended before the 30th day after the ~~health authority~~director received written notice of cancellation, amendment, or non-renewal.
- (C) The ~~health authority~~director may not issue a permit for a vehicle until the owner or operator has provided proof of insurance under this section.

Source: 1992 Code Section 12-4-153; Ord. 031204-14; Ord. 031211-11.

§ 15-5-46 TERM AND RENEWAL.

(A) ~~A permit issued under this division shall expire one yeartwo years from date of issuance and must be renewed annually.~~

(B) ~~A person holding a permit under this article shall apply for a new permit no later than the 30th day before the expiration date of the permit.~~

Source: 1992 Code Section 12-4-154; Ord. 031204-14; Ord. 031211-11.

§ 15-5-47 PERMIT REVOCATION

(A) ~~If a permittee fails to comply with this article or applicable state law or local requirements, the health authority director may revoke a permit issued under this article for a period of one year.~~

(B) ~~The health authority director shall provide a liquid waste hauler written notice of a hearing on revocation of the hauler's permit on or before the 10th day before the hearing. A notice under this section shall include the basis of the proposed action. The health authority director may promulgate procedural rules for a hearing under this section.~~

(C) ~~Following a hearing, the health authority director shall provide the liquid waste hauler with the health authority's director's decision in writing, including the reasons for a revocation.~~

(D) ~~A permittee whose permit has been revoked may not reapply for a permit for one year after the date of the revocation.~~

Source: 1992 Code Section 12-4-155; Ord. 031204-14; Ord. 031211-11.

§ 15-5-48 APPEAL.

An applicant or permittee whose application is denied or permit is revoked by the health authority director under the provisions of this article may appeal the health authority's director's decision under Section ~~15-5-7 (Appeal)~~15-10-291 (Appeal Procedures).

§ 15-5-49 RIGHT OF ENTRY

(A) ~~With reasonable advance notice the director may enter the premises of a person to determine if the person is in compliance with the requirements of this article or a permit issued under this article.~~

(B) ~~With reasonable advance notice to a liquid waste hauler, the director may:~~

(1) ~~enter a premises to inspect or take samples of liquid waste;~~

(2) ~~enter a premises to gain access to a source of liquid waste; or~~

(3) ~~inspect, sample, monitor equipment, or records, required under this article.~~

(C) ~~A person transporting, or proposing to transport liquid waste shall at the person's sole expense, promptly remove security barriers or other obstacles that inhibit access by the director.~~