

## **REGULAR CITY COUNCIL MEETING**

**FEBRUARY 5, 2008**

**7:00 P.M.**

A Regular Meeting of the Terrell City Council was held on Tuesday, February 5, 2008 at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

**COUNCILMEMBER #1    HAL RICHARDS**  
**COUNCILMEMBER #2    TOMMY SPENCER – ABSENT (EXCUSED)**  
**COUNCILMEMBER #3    RICKY JORDAN**  
**COUNCILMEMBER #4    JACK JONES**  
**COUNCILMEMBER #5    DON THURMAN**

**1.     Call to order.**

Mayor Hal Richards called the meeting to order.

**2.     Invocation.**

Deputy Mayor Pro tem Jack Jones gave the opening prayer.

**3.     Consider Approval of Special City Council Meeting and Workshop Minutes of January 17, 2008 and Special City Council Meeting Minutes of January 22, 2008.**

Councilmember Don Thurman made a motion to approve the Special City Council Meeting and Workshop Minutes of January 17, 2008 and Special City Council Meeting Minutes of January 22, 2008. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**4.     Hear Remarks from Visitors.**

None were made.

## PUBLIC HEARING

5.
  - a.) **Conduct a Public Hearing to Receive Comment Regarding a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development gave opening comments Regarding a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas. No one spoke for or against the Zone Change. Mayor Hal Richards recessed the meeting and continued the Public Hearing to February 19, 2008.

- b.) **Discuss and Consider Approval of Ordinance No. 2362 - Approving a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.**

Deputy Mayor Pro tem Jack Jones made a motion to table this item to February 19, 2008. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

6.

- c.) **Conduct a Public Hearing to Receive Comment Regarding a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.**

Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas. No one spoke for or against the Zone Change. Mayor Hal Richards recessed the meeting and continued the Public Hearing to February 19, 2008.

- d.) **Discuss and Consider Approval of Ordinance No. 2363 - Approving a Zone Change from Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.**

Councilmember Don Thurman made a motion to table this item to February 19, 2008. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

7.

- e.) **Discuss Recommendation regarding an Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development gave opening comments regarding an Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas. Mayor Hal Richards opened a Public Hearing to receive public comment regarding an Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density

Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas. Ian Norfolk representing Dunaway and Associates spoke for an Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas. No one spoke against the amendment. Mayor Hal Richards closed the public hearing.

- f.) **Discuss and Consider Approval of Ordinance No. 2364 - Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

Councilmember Don Thurman made a motion to approve Ordinance No. 2364 - Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas on first reading. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

#### **ORDINANCE NO. 2364**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP CHANGING THE USE FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR A TRACT OF LAND LOCATED AT 604 W. MOORE AVE., DESCRIBED AS LOT 1R, BLOCK 112, WESTERN ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS.

8.

- g.) **Discuss Recommendation regarding a Zone Change from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lots 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

Mayor Hal Richards opened a Public Hearing to receive public comment regarding a Zone Change from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lots 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas. No one spoke for or against the zone change. Mayor Hal Richards closed the Public Hearing.

- h.) Discuss and Consider Approval of Ordinance No. 2365 - Approving a Zone Change from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lots 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2365 – Approving a Zone Change from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lots 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas on first reading. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

#### **ORDINANCE NO. 2365**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM TWO-FAMILY (2F) TO COMMERCIAL (C) ON PROPERTY LOCATED AT 604 W. MOORE AVE., DESCRIBED AS LOT 1R, BLOCK 112, WESTERN ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

#### **NEW BUSINESS**

- 9. Discuss and Consider Approval of Replat of a Certain 37,772 square feet (0.87 acre) tract of land in accordance with Chapter 212.015 of the Texas Local Government Code; located at 604 W. Moore Ave., described as Lots 1A&2A, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration a Replat of a Certain 37,772 square feet (0.87 acre) tract of land in accordance with Chapter 212.015 of the Texas Local Government Code; located at 604 W. Moore Ave., described as Lots 1A&2A, Block 112, Western Addition, City of Terrell, Kaufman County, Texas. Mayor Pro tem Ricky Jordan made a motion to approve a Replat of a Certain 37,772 square feet (0.87 acre) tract of land in accordance with Chapter 212.015 of the Texas Local Government Code; located at 604 W. Moore Ave., described as Lots 1A&2A, Block 112, Western Addition, City of Terrell, Kaufman County, Texas. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

**10. Discuss and Consider Approval of alternative exterior materials per Section 26-110.E.2 of the Zoning Ordinance on property located at 505 Griffith, described as Lot 2B, Block 385, Terrell Revised, City of Terrell, Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration alternative exterior materials per Section 26-110.E.2 of the Zoning Ordinance on property located at 505 Griffith, described as Lot 2B, Block 385, Terrell Revised, City of Terrell, Kaufman County, Texas. Councilmember Don Thurman made a motion to approve alternative exterior materials per Section 26-110.E.2 of the Zoning Ordinance on property located at 505 Griffith, described as Lot 2B, Block 385, Terrell Revised, City of Terrell, Kaufman County, Texas. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**11. Discuss and Consider Approval of alternative exterior materials per Section 26-110.E.1 of the Zoning Ordinance on property located at 501 Industrial, described as Lot 2, Block 734, Terrell Revised, City of Terrell, Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration alternative exterior materials per Section 26-110.E.1 of the Zoning Ordinance on property located at 501 Industrial, described as Lot 2, Block 734, Terrell Revised, City of Terrell, Kaufman County, Texas. Mayor Pro tem Ricky Jordan made a motion to approve alternative exterior materials per Section 26-110.E.1 of the Zoning Ordinance on property located at 501 Industrial, described as Lot 2, Block 734, Terrell Revised, City of Terrell, Kaufman County, Texas. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

**12. Discuss and Consider Approval of Helwig Trucking Company.**

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Helwig Truck Company. Deputy Mayor Pro tem Jack Jones made a motion to approve Helwig Trucking Company. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

**13. Discuss and Consider Approval of Rate Adjustment for I.E.S.I.**

Steve Rogers, City Engineer and Scott Hunter representing I.E.S.I. presented to Council for discussion and consideration Rate Adjustment for I.E.S.I. Councilmember Don Thurman made a motion to approve 4.28% rate adjustment from \$7.37 to \$7.69. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**14. Discuss and Consider Approval of Temporary Closure of the South Alley from Delphine Street to U.S. 80.**

Steve Rogers, City Engineer and Brenda Callaway representing TxDOT presented to Council for discussion and consideration Temporary Closure of the South Alley from Delphine Street to U.S. 80. Mayor Pro tem Ricky Jordan made a motion to approve Temporary Closure of the south Alley from Delphine Street to U.S. 80. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

**15. Discuss and Consider Approval of Ordinance No. 2361 – Budget Amendment.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2361 – Budget Amendment. Councilmember Don Thurman made a motion to approve Ordinance No. 2361 – Budget Amendment on first reading. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**ORDINANCE NO. 2361**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AS PASSED AND ADOPTED ON SEPTEMBER 25, 2007 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**16. Discuss and Consider Approval of Resolution No. 599 – City of Terrell Investment Policy.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Resolution No. 599 Deputy Mayor Pro tem Jack Jones made a motion to approve Resolution No. 599 – City of Terrell Investment Policy. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

**RESOLUTION NO. 599**

A RESOLUTION OF THE CITY OF TERRELL, TERRELL, TEXAS, ESTABLISHING A POLICY GOVERNING THE INVESTMENT OF CITY FUNDS

**WHEREAS**, the Public Funds Investment Act (Chapter 2256 of the Texas Government Code) requires that investments shall be made in accordance with written policies approved by the governing body; and

**WHEREAS**, investment policies must address diversification, safety of principal, yield, maturity, with primary emphasis on safety and liquidity; and

**WHEREAS**, the City of Terrell City Council finds that the Investment Policy attached hereto is in the best interests of the City in order to promote sound management of the City's funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:**

Section 1. The Terrell City Council hereby adopts Exhibit "A" attached hereto as the Terrell Investment Policy which shall govern the investment of the City's funds in accordance with federal and state law.

Section 2. That this resolution shall take effect immediately from and after its passage.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City Terrell this the 5<sup>th</sup> day of February, 2008.

**EXHIBIT "A"**

**CITY OF TERRELL  
INVESTMENT POLICY**

**I. PURPOSE**

**A. Authorization**

This Policy was adopted by the Terrell City Council on August 17, 2004, in accordance with the Texas Public Funds Investment Act.

**B. Scope**

This Policy shall govern the investment of all funds of the City of Terrell, Texas excluding the specific funds cited hereafter. For purposes of this Policy, funds of the City are all monies and other financial resources available for investment by the City. All such monies shall be invested at all times to the fullest extent practicable in accordance with the objectives and restrictions set forth in this Policy.

**C. Review**

This Policy shall be reviewed by the City Council annually and at other times, as needed, in the discretion of the Council.

## **II. OBJECTIVES**

Objectives of this Investment Policy shall be in order of priority: safety, liquidity, and yield.

### **A. Safety**

Safety shall be the foremost objective of the City's Investment Policy. Safety shall be achieved through protection of principal and safekeeping.

#### **1. Protection of Principal**

The City shall seek to control the risk of loss due to the failure of a security issuer or guarantor. Such risk shall be controlled by investing only in the safest types of securities as defined in this Policy, by qualifying the financial institutions with whom the City will transact, and portfolio diversification.

All City investment transactions shall be executed delivery versus payment (DVP) according to the standard operating procedure for the industry. DVP means that City funds will not be released until securities are received and vice versa.

#### **2. Safekeeping**

All collateral must be held by a banking institution separate from the depository bank, or by the Federal Reserve Bank of Dallas. All funds in demand deposits, overnight deposits, time deposits or certificates of deposit must be fully collateralized in accordance with State law.

### **B. Liquidity**

Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

A security may be liquidated to meet unanticipated cash requirements, to redeploy cash into other investments expected to outperform current holdings, or to otherwise adjust the City's portfolio.

### **C. Yield**

Investments (excluding assets managed under separate investments programs and bond funds limited as to yield by the Tax Reform Act of 1986) shall be made in permitted obligations at yields equal to or greater than the equivalent yield on United States Treasury obligations of comparable maturity.

No investment shall be made with a maturity greater than five years, unless previously authorized by the City Council and approved by the Investment Committee.

### III. INVESTMENTS

The City of Terrell finds that it is reasonable and appropriate that each fund maintained by the City shall be subject to the investment strategies as follows:

- A.** Investments shall only be made with those dealers or banks:
  - 1. who have acknowledged receipt and understanding of the City's Investment Policy; and
  - 2. who have met the qualifications and standards established by the City.
  - 3. Competitive bids will be solicited on all transactions the City initiates.
- B.** Investments described below are those listed in the Public Funds Investment Act (Chapter 2256 of the Texas Government Code).
  - 1. Collateralized time deposits and certificates of deposit.
    - a) Only national or state banks with FDIC membership, domiciled within the State of Texas, are eligible. Banks serving as City depositories will be required to sign a depository agreement with the City as its safekeeping agent defining the City's rights to the collateral in case of default, bankruptcy, or closing.
    - b) Obligations of the United States or its agencies and instrumentalities.
    - c) Direct obligations of the State of Texas or its agencies.
    - d) Other obligations, the principal of and interest on which, are unconditionally guaranteed or insured by the State of Texas or the United States.
    - e) Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent.
    - f) Fully collateralized direct repurchase agreements having a defined termination date which:

- i) must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank domiciled in this State;
  - ii) the collateral must be pledged with a third party approved by the City; and
  - iii) the dealer or bank must have executed a City Attorney approved Master Repurchase Agreement with the City.
- g) Common trust funds of banks domiciled in Texas may be used for bond proceeds including sale of bonds and reserves and funds maintained for debt service purposes.

#### **IV. INVESTMENT STRATEGY**

##### Investment Committee

An investment committee shall be established consisting of the City Manager or his designee and the City Secretary. The Investment Committee shall determine general strategies and monitor performance. All investment procedures must be approved by the Investment Committee.

#### **V. RESPONSIBILITY AND CONTROLS**

##### **A. Authorized Official**

The City Manager or his designee shall direct the cash management program of the City with authority to make investment and redemption decisions.

##### **B. Controls**

The City Secretary/Finance Director shall establish a system of internal controls which shall be reviewed by the City Auditor.

##### **C. Standard of Care**

Investments shall be made with judgement and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

## **VI. REPORTS**

- A.** The City Council shall receive a quarterly report of investment performance.
- B.** The Investment Committee shall receive quarterly reports, which shall include all securities held, average maturities, portfolio diversification, yields, income and all transactions executed that month. This report shall include an assessment of investment performance.

## **VII. AMENDMENTS**

The City Council may amend this Investment Policy at a regular or duly called City Council meeting.

### **CONSENT AGENDA**

Deputy Mayor Pro tem Jack Jones made a motion to adoption on CONSENT AGENDA Ordinance No. 2359 and Ordinance No. 2360 on second reading. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

#### **17. Discuss and Consider Adoption on Second Reading Ordinance No. 2359 - Grease Trap Ordinance.**

##### **ORDINANCE NO. 2359**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING REVISED CODE OF ORDINANCES CHAPTER 12: BY THE ADDITION OF SECTION 16: GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING TANKS, AND TRANSPORTED WASTE SHALL HERINAFTER READ AS FOLLOWS; REQUIRING THE INSTALLATION AND OPERATION OF GREASE TRAPS, INTERCEPTORS, SEPARATORS AND HOLDING TANKS, PROHIBITING THE DISCHARGE OF WASHINGS AND OTHER CONTAMINATED MATERIALS, DIRECTLY OR INDIRECTLY, INTO THE WATERS OF THE UNITED STATES, AND REGULATING THE TRANSPORTATION AND DISPOSAL OF LIQUID WASTES FROM SEPTIC TANKS, GREASE TRAPS, INTERCEPTORS, HOLDING TANKS AND SEPARATORS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

- Section 1. That the Revised Code of Ordinances of the City of Terrell shall be amended Chapter 12: Utilities; by the addition of Section 16: GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING TANKS, AND TRANSPORTED WASTE which shall

read in its entirety as follows in Appendix "A" which is attached hereto and made a part hereof.

- Section 2. Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty and/or fine as set forth in this document in Section 12-16.4 for each offense or that shall be deemed to constitute a separate offense.
- Section 3. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.
- Section 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.
- Section 5. That this Ordinance shall take effect immediately following from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED this the 22<sup>nd</sup> day of January, 2008.

PASSED AND ADOPTED this the 5<sup>th</sup> day of February, 2008.

#### **ORDINANCE NO. 2359**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING REVISED CODE OF ORDINANCES CHAPTER 12: BY THE ADDITION OF SECTION 16: GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING TANKS, AND TRANSPORTED WASTE SHALL HEREINAFTER READ AS FOLLOWS; REQUIRING THE INSTALLATION AND OPERATION OF GREASE TRAPS, INTERCEPTORS, SEPARATORS AND HOLDING TANKS, PROHIBITING THE DISCHARGE OF WASHINGS AND OTHER CONTAMINATED MATERIALS, DIRECTLY OR INDIRECTLY, INTO THE WATERS OF THE UNITED STATES, AND REGULATING THE TRANSPORTATION AND DISPOSAL OF LIQUID WASTES FROM SEPTIC TANKS, GREASE TRAPS, INTERCEPTORS, HOLDING TANKS AND SEPARATORS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

- Section 1.** That the Revised Code of Ordinances of the City of Terrell shall be amended Chapter 12: Utilities; by the addition of Section 16: GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING TANKS, AND TRANSPORTED WASTE which shall read in its entirety as follows in Appendix "A" which is attached hereto and made a part hereof.
- Section 2.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty and/or fine as set forth in this document in Section 12-16.4 for each offense or that shall be deemed to constitute a separate offense.
- Section 3.** This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.
- Section 4.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.
- Section 5.** That this Ordinance shall take effect immediately following from and after its passage and approval, and it is so ordained.

**Ordinance No. 2359**

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**PASSED AND APPROVED** this the 22<sup>nd</sup> day of January, 2008.

**PASSED AND ADOPTED** this the 5<sup>th</sup> day of February, 2008.

**APPROVED:**

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**HAL RICHARDS, MAYOR**

**ATTEST:**

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**JOHN ROUNSAVALL, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**MARY GAYLE RAMSEY, CITY ATTORNEY**

**APPENDIX A**

**GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING  
TANKS, AND TRANSPORTED WASTE**

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## **GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING TANKS, AND TRANSPORTED WASTE**

### **SECTION.12-16.1 GENERAL PROVISIONS**

#### **(a) Purpose and Policy**

##### **(1) Reasons for Establishment**

- a. This Ordinance is established to prevent the discharge of grease, oil, flammable substances, sand and other harmful wastes into the sewer systems and the waters of the United States by requiring Users to provide a device to intercept and treat these wastes, to set forth uniform requirements for the installation and maintenance of grease traps, interceptors, and separators, to regulate the transportation of non-hazardous liquid waste in the territorial boundaries of the City of Terrell, Texas, and to regulate the discharge of transported wastes into or at the Terrell Publicly-Owned Treatment Works (POTW).

##### **(2) Objectives**

- a. The objectives of this Ordinance are:
  - (i) To prevent the introduction of wastewaters containing oil and grease in amounts which may cause stoppages or

obstruction of flow, or in any other way prevent or inhibit operation of the POTW, including the sanitary sewer collection system and the treatment plant;

- (ii) To prevent the introduction of pollutants into the POTW that may be incompatible with the POTW;
- (iii) To protect the water quality of streams, creeks and other waterways traversing the City;
- (iv) To enable the City of Terrell, Texas to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge disposal conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and
- (v) To protect the environment and the health, safety and welfare of the public and the POTW workers by regulating the pretreatment, the transport and the disposal of liquid wastes.

**(3) City owned POTW Not Required**

- a. Nothing herein shall compel the city to provide any facility where sand, oil, grease, or other wastes other than sanitary sewer may be treated or disposed.

**(b) Definitions**

**(1) Incorporation of Definitions by Reference**

- a. **Act** means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- b. **BOD** means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”
- c. **COD** means the value of the test for Chemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”  
**Control Authority** means the City of Terrell, or designee(s) appointed by the City manager to administer these standards.
- d. **EPA** means the United States Environmental Protection Agency.
- e. **Fats, oils, and greases (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.”
- f. **Generator** means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease waste.

- g. **Grease Trap Waste** means material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.
- h. **Indirect Discharge or Discharge** means the introduction of pollutants into a POTW from any non-domestic source.
- i. **Interference** means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's TPDES permit.
- j. **pH** means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.
- k. **POTW or Publicly Owned Treatment Works** means a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes, and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works in this case the City of Terrell. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.
- l. **S.U.** means "Standard Units"
- m. **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- n. **Transporter** means a 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 §312.142.
- o. **TSS** means the value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- p. **User** means any person, including those located outside the jurisdictional limits of the city, which contributes, causes, or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

(2) **Specialized Definitions**

- a. **“Building Sewer”** shall mean the service line that occupies a Users structure and extends to the property line and connecting with the POTW, and is the owner’s responsibility.
- b. **"Catch basin"** shall mean a chamber or trench drain which admits drainage from a surface into a sewer drain.
- c. **“Composite Sample”** shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals on an increment of either flow or time.
- d. **“Domestic User”** shall mean any person which contributes, causes, or permits the contribution or discharge of wastewater into the POTW, from any structure, or mobile source whose use is for residential occupancy, example (Apartments, Mobile Home, Single-Family and Duplex Residence ).
- e. **“Grab Sample”** shall mean a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- f. **"Grease trap"** or "trap" shall mean a receptacle designed to collect and retain grease and fatty substances normally found in kitchen and similar wastes. A grease trap is installed in the drainage system between the kitchen or other point of production of the waste and the building sewer.
- g. **“Hazardous waste”** shall mean a hazardous waste in accordance with Title 40 of the code of Federal Regulations, Part 261.3.
- h. **"Holding tank"** shall mean a receptacle, not connected to the sanitary sewer, designed to hold objectionable waste that is prohibited from being discharged into the sanitary sewer, the contents of which must be hauled to a disposal site.
- i. **"Incompatible wastes"** shall mean wastes, which have different processing, storage or disposal requirements.
- j. **"Interceptor"** shall mean a receptacle designed and constructed to intercept, separate and prevent passage of sand, grit or other objectionable solids into the drainage system to which it is connected. An interceptor may be integrated with a separator for vehicle wash bays or repair areas.
- k. **“Non-domestic User”** shall mean any person which contributes, causes, or permits the contribution or discharge of wastewater into the POTW from any structure, or mobile source whose use is not covered under the definition of a “Domestic User”.
- l. **"Representative sample"** shall mean a twenty-four-hour composite sample consisting of at least twelve (12) parts where the discharge is continuous. Where the discharge is not continuous, the sample shall be representative of all discharges occurring in a twenty-four-hour period. Grab samples shall be collected for pH, cyanide, total phenols, sulfides, oil and grease, total petroleum hydrocarbons, and volatile organics analyses.

- m. **"Sampling port"** shall mean a manhole or other approved device installed in the building sewer specifically designed to facilitate sampling of the wastewater discharge.
- n. **"Separator"** or an oil separator shall mean a receptacle designed to remove oils and grease from wastewater by separation, usually by simple flotation or by chemical addition where the oils or greases are soluble or emulsified. For the purpose of this Ordinance, the term shall apply to oil separation units employed for vehicle wash facilities.
- o. **"Separator truck"** shall mean a truck equipped with a tank or other liquid-holding container designed to separate the grease portion from the waste removed from a grease trap and to return the other liquid portion to the trap.
- p. **"Septic tank waste"** shall mean waste from vessels such as septic tanks, chemical toilets, campers and recreational vehicle dump stations that are not connected to the sanitary sewer, but contain wastes which may be treated at a municipal wastewater treatment plant.

(c) **Administration**

(1) **Administration, Implementation and Enforcement**

- a. Except as otherwise provided herein, the Control Authority shall administer, implement, and enforce the provisions of this Ordinance.

(d) **General Requirements**

(1) **Applicability**

- a. Unless otherwise stated herein, this Ordinance shall apply to all Users of the City's POTW whether the User discharges to the POTW through a sanitary sewer collection system or transports the waste or has the waste transported to the POTW Treatment Plant for transfer or disposal and whether such User has been issued a Wastewater Discharge Permit.
- b. This Ordinance shall apply to the operation of all vehicles for collection and transport of non-hazardous liquid wastes within the territorial boundaries of the City of Terrell. This Ordinance is not intended to regulate the collection and transport of wastes, which are hazardous in nature.
- c. The following types of establishments **may** be exempted from the requirements of this Ordinance:

- (i) Private living quarters;
  - (ii) Bars and clubs serving drinks only and where no food is prepared;
  - (iii) Snow cone and shaved ice stands, provided no other type of food is prepared;
  - (iv) Grocery or convenience stores without food preparation, meat cutting or packaging, delicatessens or bakeries;
  - (v) Day care centers who primarily serve microwaved dishes, using single service items;
  - (vi) Confectionery stores which sell, exclusively, unpackaged sweets, confections, nuts, ice cream, yogurt, and variety food items;
  - (vii) Produce markets;
  - (viii) Churches; and
- d. Mobile food establishments in a vehicle or trailer designed to be easily movable and not discharging to the sanitary sewer.

**(2) Prohibited Discharges**

- a. In addition to the prohibitions outlined in Chapter 12 Section 13, of the Code of Ordinances of the City of Terrell, Texas the following prohibitions shall apply:
- (i) A User shall not discharge or cause to be discharged plastics, paper, non-biodegradable oils or other non-biodegradable materials. Such items, when found in grease trap waste, shall be removed prior to cleaning the trap to prevent delivery to POTW or transfer station or disposal site controlled by the Control Authority.
  - (ii) A User shall not discharge or cause to be discharged any waste oil or grease to any drains or grease trap, separator, or interceptor. Such waste shall be placed in a container specifically designed to hold such waste and either utilized by industry or disposed at suitable locations.
  - (iii) No person shall discharge or cause to be discharged to the POTW Treatment Works any wastewater (including transported waste) having:
    - (A) pH less than 5.0 S.U. nor greater than 10.5 S.U.
    - (B) BOD value in excess of 208 mg/L.
    - (C) Ammonia value in excess of 262 mg/L.
    - (D) TSS value in excess of 273 mg/L.
    - (E) FOG value in excess of 200 mg/L.

**(3) Pretreatment of Wastes**

- a. Grease traps, interceptors, oil separators, or holding tanks shall be provided for the proper handling of wastes containing grease, flammable wastes, sand and other pollutants, which may be harmful to the building drainage system, the public sewer or the POTW Treatment Works.
  
- b. Any establishment not specifically exempted by this or other Ordinance that prepares food for on-site or off-site consumption shall be equipped with an adequately sized grease trap.
  - (i) Such pretreatment facilities shall be protected from rainwater and runoff. Drainage from areas exposed to rainwater or runoff shall not be connected to the sanitary sewer.
  - (ii) Sand interceptors shall be provided for the pretreatment of wastewater from carpet cleaning and water extraction operations.
    - (A) Facilities operating vehicles specifically designed for carpet cleaning and extraction operations shall maintain a sand interceptor at the place of business and shall discharge wastewater from the operation through the interceptor at a rate, which will assure efficient removal of the non-biodegradable sand and grit.
    - (B) Such pretreatment facilities shall be protected from rainwater and runoff. Drainage from areas exposed to rainwater runoff shall not be connected to the sanitary sewer.
    - (C) Such wastewaters shall not be discharged onto public or private property, into any street or gutter or storm drain, into any natural or manmade waterway or into the sanitary sewer. Such wastewaters shall not be discharged to any sanitary sewer without proper pretreatment.
  
- c. Vehicle wash facilities, including but not limited to automatic and hand wash facilities, detail shops, hand wash bays in service stations and other facilities, and similar installations shall be equipped with sand interceptors and oil separators and shall discharge to the sanitary sewer except where an appropriate direct discharge permit has been issued by the appropriate regulatory agency.
  - (i) Such pretreatment facilities shall be protected from rainwater and runoff. Drainage from areas exposed to rainwater or runoff shall not be connected to the sanitary sewer.

- (ii) Vehicle washing is prohibited on driveways and other areas, which may cause the wastewater to discharge onto the ground surface, into storm drains or roadway gutters, or into any waterway of the United States.
- d. Work areas of machine shops or of any facility or part of a facility which manufactures, rebuilds, repairs, overhauls, or maintains motors, transmissions, hydraulic systems, or similar machinery and areas where fluids are changed shall not have floor drains or other devices draining into the sanitary sewer.
  - (i) Areas such as described above shall be physically separated, either by berm, separate building, or other suitable method, from any area having drains connected to the sanitary sewer.
  - (ii) Drainage from areas such as described above shall be discharged into a holding tank or shall be absorbed with suitable absorbent and shall be properly disposed.
  - (iii) Floor cleaning wash water from areas such as described above shall be excluded from the sanitary sewer except where pretreated to within the specifications of this or other applicable Ordinance.
- e. Steam cleaning and chemical cleaning facilities shall not discharge to the sanitary sewer unless a facility or process is provided that will consistently produce an effluent that is in compliance with this or other applicable Ordinance, particularly in regard to grease, oils, organics, and other chemicals.
- f. Where pretreatment or flow equalization facilities are provided for any waters or wastes, these facilities shall be maintained in satisfactory and effective operation by the owner or operator at his expense.

**(4) Sampling Ports**

- a. The Control Authority may require any Non-domestic User to install a suitable sampling port in the building sewer to facilitate observation, sampling, and measurement of the wastes and flows. Sampling ports shall be readily accessible to the Control Authority at all times.
  - (i) Sampling ports shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. Sampling ports shall be subject to inspection by the Control Authority prior to use.

- (ii) An appropriate sampling port shall be installed in the building sewer immediately downstream of the grease trap, interceptor, or separator.
    - (A) For 1000 gallon or larger traps the sampling port shall be equipped with an access cover not less than thirty (30) inches in diameter, with a flow channel not less than eight (8) inches in width and twelve (12) inches in length.
    - (B) Sampling ports shall be installed and maintained by the owner or operator at his expense.
  - (iii) Sampling ports shall be constructed to exclude entry and exit of waters not discharged through the building sewer, i.e. to prevent rainwater and runoff, infiltration/inflow and exfiltration/exflow.
- b. The Control Authority may require the installation of a sampling port in the tank of any vehicle used to collect or transport waste in the City of Terrell. Such sampling port shall be easily accessible and shall facilitate sampling of the tank contents without causing the discharge of any of the contents of the tank.

**(5) Monitoring Requirements**

- a. Where required by any Permit or Order or otherwise ordered by the Control Authority, the Non domestic User shall obtain representative samples of a wastewater discharge or proposed discharge for analysis. Specified analyses shall be conducted no less frequently than as outlined in the Permit or Order or other document issued by the Control Authority.
- (i) Specific pollutants for which to analyze shall be determined by the Control Authority.
  - (ii) A qualified testing laboratory who adequately demonstrates acceptable quality control/quality assurance shall be employed to conduct analyses. This may be demonstrated through a state, professional or federal program or association.
  - (iii) Analyses may be conducted by qualified persons on-site only with prior written approval of the Control Authority. On-site laboratories conducting monitoring for compliance with this Ordinance shall be subject to the same requirements as commercial or contract laboratories.
  - (iv) All costs of monitoring shall be borne by the User.
- b. The Control Authority may conduct sampling and analyses of the discharge of any User where deemed necessary to assure compliance with this or other applicable Ordinance. The Control

Authority may randomly sample and analyze the discharge from any User and conduct surveillance activities in order to identify, independent of information supplied by the User, occasional and continuing compliance or noncompliance with the provisions of this or other applicable Ordinance.

- c. All costs of analyses, including shipping charges, if any, of samples collected by the Control Authority shall be billed to the User.
- d. All sampling and analyses shall be conducted in accordance with procedures outlined in 40 CFR 136 and amendments thereto, except where a particular method for analysis is prescribed in 40 CFR for a Federal Category or Subcategory or where specified in a Permit or other document issued by the Control Authority. For analysis of pollutants not listed in the Code of Federal Regulations, the method shall be determined by the Control Authority.

**(6) Record-keeping Requirements**

- a. Any User subject to record keeping requirements established in this Ordinance shall retain records of all information resulting from activities required by this or other applicable Ordinance or regulation for a period of not less than five (5) years.
  - (i) The User shall, upon request, make available for inspection and copying by the Control Authority, the Texas Commission on Environmental Quality or the United States Environmental Protection Agency, all records of information obtained pursuant to any activities required by this Ordinance and any records of information obtained pursuant to activities undertaken by the User independent of such requirements.
  - (ii) Periods of retention shall be automatically extended for the duration of any litigation concerning the User or the City or where the User has been specifically notified of a longer retention time by the Control Authority, the Texas Commission on Environmental Quality or the United States Environmental Protection Agency.
- b. The Non domestic User shall maintain records of inspection, pumping and cleaning, and other maintenance activities of grease traps, interceptors, catch basins, holding tanks, including waste oil receptacles, and separators for a minimum of five (5) years. These records shall be made available to the Control Authority upon request for inspection and copying.

- (i) Inspection records shall minimally contain the date the facility was inspected, who inspected the facility, the specific condition of the piping and other structures of the facility, and a description of any repairs recommended by the inspector and subsequently made to the facility.
    - (ii) Pumping, cleaning and disposal records shall minimally include the date the facility was cleaned, who cleaned the facility, the type and amount of material removed, who disposed the removed materials, the disposal site for the removed materials, an approved completed waste manifest which includes generation, transport and disposal information, and any other information as required by Federal, State, or Local regulations governing such operations.
    - (iii) Repair and maintenance records shall include a description of the maintenance or repair, the date of the maintenance or repair, and who performed the maintenance or repair. All repairs shall be made by a licensed plumber.
    - (iv) Holding tank disposal records shall minimally contain the date the facility was serviced, the specific type of waste disposed, the amount of waste removed, the name of the person or firm who serviced the facility and the method of final disposal.
  - c. The User shall maintain records of the cleaning of building sewer lines made necessary by excessive grease buildup. These records shall minimally contain the date and by whom the lines were cleaned, the known or suspected cause of the buildup, and actions taken to prevent recurrence.
- (e) **Protection of the POTW Collection System**
- (1) **Discharge into the Collection System**
    - a. No person shall discharge or cause to be discharged any substance into a manhole, sewer cleanout or other opening which is part of the POTW unless the discharged has first met the requirements set forth in **SECTION.12-16.1 (3) Pretreatment of Wastes a.-f.**
  - (2) **Discharge of Imported Wastewater**
    - a. No person shall discharge or cause to be discharged any waste into the sanitary sewer which has been transported from another site onto a residential, commercial, public, private or industrial site.

- b. No person shall discharge or cause to be discharged any wastes from non domestic sources into the sanitary sewer facilities at a residential or other domestic wastewater source.

**SECTION 12-16.2. GREASE TRAPS, INTERCEPTORS, SEPARATORS AND HOLDING TANKS**

**(a) Applicability**

**(1) Removal of Pollutants**

- a. This section shall apply to all facilities whose waste discharge contains or may contain grease, oil, sand, or other harmful pollutants originating from processes including but not limited to vehicle and equipment washing, food preparation and serving, and carpet cleaning and water extraction.

**(2) Generator Permit**

- a. Both new and existing facilities that discharge waste streams described in Section 12-16.2(a) (1) (a) shall be deemed a generator. A fee of \$3.00 per month shall be charged for each generator permit. Permits shall be valid for a period of 5 Years unless there is a change in ownership or substantial remodeling carried out by the generator.

**(b) Grease Traps, Interceptors, Separators and Holding Tanks**

**(1) Users Required to Maintain Pretreatment Devices**

- a. Grease traps, interceptors, separators, or holding tanks shall be provided for the proper handling of wastes containing grease, oil, sand, and other harmful pollutants which may interfere with the operation and maintenance of the POTW and shall be constructed and maintained in accordance with the provisions outlined in the City of Terrell, Texas Code of Ordinances.
- b. All restaurants, institutions, cafeterias, or other establishments preparing or serving food, except those specifically exempted in Section 12-16.1(d)(1)(c) of this Ordinance, shall be required to install and maintain a grease trap for the efficient

removal of oil and grease from the waste stream. The design and installation of such devices shall be subject to review and approval by the Control Authority.

c. All vehicle wash areas shall be equipped with interceptors and oil separators for the removal of oils, grease, and sand and other solids. The design and installation of such devices shall be subject to review and approval by the Control Authority.

d. It shall be the responsibility of the User to furnish, operate and maintain such pretreatment devices as necessary to produce an effluent in compliance with this or other applicable Ordinance.

e. Holding tanks shall be provided for waste oils and other objectionable waste that is prohibited from being discharged into the sanitary sewer. Such holding tanks shall be constructed to prevent leakage and splashing and shall be equipped with secondary containment to prevent spills during operation and cleaning. Such tanks shall be maintained to preclude odor and other nuisances and shall not be connected to the sanitary sewer or in any other way allowed to be discharged to the sanitary sewer.

**(2) Existing/Conforming Facilities**

- a. Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Standards, unless specified in writing and approved by the POTW.
- b. In any circumstance where, in the opinion of the Control Authority, the existing grease trap, separator, or interceptor or the absence of a grease trap, separator, or interceptor poses a threat or an on-going problem to the sanitary sewer, is a public nuisance, or poses a threat to public health or to the environment, the Control Authority may require the grease trap, interceptor, or separator be installed, replaced, or cleaned on a more stringent compliance schedule.
- c. If a food establishment or any other facility requiring a grease trap, interceptor, or separator shall cease operation and shall be required to come into compliance with locally adopted plumbing codes or other applicable ordinances, then such establishment or facility shall be required to comply with these standards before receiving a C.O. (Certificate of Occupancy).
- d. Food processing or other 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/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

- e. All trap installation and cleaning requirements shall be in effect upon the effective date of this Ordinance.
  - (i) Generators in existence prior to the enactment of this Ordinance shall have 12 month after written notice to install grease traps or grit traps or to bring their existing grease traps or grit traps into compliance. Requests for extensions of time to comply with this Ordinance must be made before December 31, 2008 to the City Manager. Every decision of the City Manager shall be final, subject however, to such remedy as any aggrieved party may have at law or in equity.
  - (ii) Grease generators or grit generators who believe that this Ordinance is not applicable to their establishment or who cannot physically meet construction requirements or who believe that construction requirement are excessive or unduly onerous may request review by the City Manager. Every decision of the City Manager shall be final, subject however, to such remedy as any aggrieved party may have at law or in equity.

**(3) New Businesses**

- a. New businesses required by this or other Ordinance that require a grease trap, interceptor or separator shall install such unit prior to receiving a C.O. or commencement of discharge to the sanitary sewer.
- b. New businesses shall apply for a generator permit as specified in Section 12-16.2(a)(2)(a).

**(4) Request for Determination of Need**

- a. The User may request a determination from the Control Authority whether a new or upgraded grease trap, interceptor or separator will be required for his facility. The Control Authority may approve alternate treatment technologies for some types of wastes normally treated by a separator, if approved under the current plumbing code.

- b. Where a User requests his facility not be required to install a grease trap, interceptor or separator, the Control Authority may require data demonstrating the User is able to comply with the limitations outlined in this or other applicable Ordinance. The User may be subject to periodic monitoring to demonstrate continued compliance, at the User's expense.
- c. Where a User requests the use of alternate technology, the Control Authority may require data demonstrating the User is able to comply with the limitations outlined in this or other applicable Ordinance. The User may be subject to periodic monitoring to demonstrate continued compliance, at the User's expense.
- d. Such approvals shall be made on a case-by-case basis.
- e. The decision of the Control Authority shall be final.

**(c) General & Specific Specifications**

**(1) General Specifications**

- a. Specifications outlined in this Section shall be considered minimum requirements only. It shall be the responsibility of each User to have a grease trap, interceptor, or separator designed, installed, and maintained that will produce an effluent in compliance with the requirements of this or other applicable Ordinance.
  - (i) Grease traps, interceptors, and separators shall meet or exceed the more stringent of specifications and requirements set forth in this Ordinance and other applicable Local, State, or Federal requirements.
  - (ii) An existing grease trap, interceptor, or separator which is upgraded or replaced shall meet or exceed the specifications set forth in this Ordinance and other applicable Local, State, or Federal requirements.
  - (iii) Where a Non domestic User required under this Ordinance to have a grease trap, interceptor, or separator will occupy an existing building, the grease trap, interceptor, or separator shall meet or exceed the requirements in this Ordinance and other applicable Local, State, or Federal requirements.
- b. Grease traps, interceptors, and separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and capable of withstanding the traffic load where installed.

- c. Grease traps, interceptors, and separators shall be installed outside the building wherever possible. Where it is impossible to locate a grease trap outside the building, the trap shall be located in a mechanical room or other separate area where no food is stored or processed.
- d. Grease traps, interceptors, and separators shall be located so as to be readily and easily accessible for cleaning and inspection of the pretreatment device and shall be equipped with easily removable covers.
  - (i) Manhole rings and covers, not less than twenty-four (24) inches in diameter, shall be installed in the lid of each compartment to facilitate easy access for cleaning and inspection. The manholes shall be placed so that all internal piping is accessible for maintenance and inspection. The cover shall be at or near, but not below the finished grade.
  - (ii) Where an existing interceptor or separator is located inside a vehicle wash bay, the first chamber shall be preceded by a grated catch basin with openings not greater than one-half (1/2) inch in diameter or shall be equipped with a grated cover with openings not greater than one-half (1/2) inch in diameter so that no solid material greater than one-half (1/2) inch may enter the chamber. The cover on the secondary chamber shall be water tight. Where the interceptor or separator is preceded by a grated catch basin, all covers on the separator shall be watertight.
- e. Grease traps shall have a total liquid capacity of not less than one thousand (1000) gallons. Interceptors shall have a total liquid capacity of not less than fifty (50) gallons per fixture unit. Separators shall have a total liquid capacity of not less than five hundred (500) gallons. Grease traps and separators shall be constructed with a minimum of two compartments.
  - (i) The primary compartment shall have a detention time *at peak flow* of not less than fifteen (15) minutes.
  - (ii) The secondary compartment shall have a detention time *at peak flow* of not less than five (5) minutes.
- f. Plans for new grease traps, interceptors, and separators or modifications to existing grease traps, interceptors, and separators shall be submitted to the Control Authority and the Building Official for review.
  - (i) A description of plumbing fixtures draining to the trap, the number of fixture units as determined by the Plumbing

- Inspector and the calculations used to determine the proposed capacity shall be included in the submittal.
- (ii) The Control Authority shall be in agreement for approval of the final plans prior to the issuance of any required plumbing or construction permits and subsequent construction.
- g. All grease traps, interceptors and separators shall be equipped with an approved sampling port immediately downstream of the treatment facility. Existing facilities without an approved sampling port shall be equipped with an approved sampling port within twelve (12) months of the effective date of this Ordinance.
- (i) Sampling ports shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. Sampling ports shall be inspected by the Control Authority prior to use.
  - (ii) Sampling ports shall be installed by the owner at User's expense and shall be maintained by User so as to be safe and accessible at all times.
  - (iii) Sampling ports shall be constructed to exclude the entry of storm water and groundwater and exit of wastewater (prevention of infiltration/inflow, exfiltration/exflow).
- h. Grease traps, interceptors, separators and sampling ports shall be installed by a licensed plumber. **The required plumbing permit fee is waived until December 31<sup>st</sup>, 2008.** Completed grease traps, interceptors, and separators shall be subject to inspection by the Control Authority and the Building Official prior to connection to the sanitary sewer.

## (2) Grease Trap Specifications

- a. All liquid waste lines in food preparation and dishwashing areas, except lines from rest room facilities, cooling unit condensate, ice maker, and soft drink dispenser drain lines, shall discharge through the grease trap.
- b. The minimum size of grease traps shall be determined according to the number of fixture units draining through the trap, but shall, in no case, have a total liquid capacity of less than one thousand (1000) gallons.
  - (i) The total number of fixture units multiplied by one hundred and fifty (150) gallons shall determine the minimum total liquid capacity of the trap.
  - (ii) The primary chamber shall occupy three-fourths ( $\frac{3}{4}$ ) of the total liquid capacity of the trap.

- (iii) The dividing wall between each chamber shall completely divide the chambers (shall extend top to bottom) except where the specific design of the separator provides for underflow, in which case, the wall shall not be greater than twelve (12) inches from the bottom, between the chambers rather than the flow traveling through a pipe.
    - (iv) Fixture units shall be defined in accordance with the applicable plumbing code as adopted in Chapter 4 in the City of Terrell, Texas Code of Ordinances.
  - c. Grease traps shall be equipped with double cleanouts on the outside of the trap in both the influent (prior to the trap) and effluent (after the trap) pipes.
  - d. The influent shall enter each chamber below the static water level in accordance with the specifications outlined in this paragraph. The effluent shall discharge from below the static water level of the chamber in accordance with the specifications outlined in this paragraph.
    - (i) The influent line into all chambers shall terminate no greater than eighteen (18) inches from the bottom of the chamber.
    - (ii) The effluent from all chambers shall discharge from the lower twelve (12) inches of the chamber.
    - (iii) There shall be no openings in any influent or effluent pipe that will allow liquid to enter or exit the chamber at any point other than the intake or discharge point of the pipe.
    - (iv) The static water level shall be maintained throughout the entire trap.

### **(3) Interceptor and Separator Specifications**

- a. Automatic car or truck washes and coin-operated wash bays, drive-in or drive-through wash bays, hand wash bays and other areas where vehicles are washed shall be equipped with an interceptor and a two-stage separator. The interceptor and the separator shall function as separate units.
  - (i) An adequately-sized interceptor shall be provided for the removal of sand, grit and other objectionable solids from the waste stream.
  - (ii) An adequately-sized, two-stage separator shall be provided for the removal of oil and grease from the waste stream.
  - (iii) Interceptors and separators shall be minimally sized in accordance with the specifications outlined in this Section. Minimum sizing for any interceptor or separator may be increased at the discretion of the Control Authority.

- b. Interceptors shall have a minimum detention time of not less than five (5) minutes. The minimum size shall be in accordance with the specifications outlined in this Section.
- (i) Interceptors may be located inside the wash bay and may be equipped with a grated cover provided the openings in the cover are not greater than one-half (1/2) inch. When located inside the wash bay, the Control Authority may require a larger capacity interceptor be installed to facilitate efficient sand and grit removal. Covers shall be easily removable for cleaning and inspection.
  - (ii) Where located outside the wash bay, the interceptor shall be equipped with solid, watertight covers on each chamber and shall be preceded by a catch basin, located inside the bay, equipped with a grated cover with openings not greater than one-half (1/2) inch. Covers shall be easily removable for cleaning and inspection.
  - (iii) The inlet and outlet lines shall be designed and installed to provide uniform flow and stilling in the interceptor and to preclude sand from passing through the interceptor.
    - (A) Where a down pipe is provided at the inlet, the pipe shall extend into the interceptor a distance not less than one-third ( $\frac{1}{3}$ ) from the static water level to the bottom.
    - (B) The discharge pipe shall extend into the interceptor a distance not less than one-third ( $\frac{1}{3}$ ) from the static water level to the bottom.
- c. Separators shall be located outside the wash bay and shall be equipped with solid, water-tight covers on all chambers. Covers shall be easily removable for cleaning and inspection. The influent shall enter each chamber below the static water level in accordance with the specifications outlined in this paragraph. The effluent shall discharge from below the static water level of the chamber in accordance with the specifications outlined in this paragraph.
- (i) The influent line into all chambers shall terminate no greater than eighteen (18) inches from the bottom of the chamber.
  - (ii) The effluent from all chambers shall discharge from the lower twelve (12) inches of the chamber.
  - (iii) There shall be no openings in any influent or effluent pipe that will allow liquid to enter or exit the chamber at any point other than the intake or discharge point of the pipe.
  - (iv) The static water level shall be maintained throughout the entire trap.

- d. Minimum sizing for interceptors shall be fifty (50) gallons per fixture unit (F.U.) draining into the interceptor, but not less than the minimum sizes outlined below.

Interceptors	Minimum Size
Manual hand wash bay or portable washer	50 gal. / F. U., but not less than 50 gal. / bay
Coin-operated self service wash bays	50 gal. / F. U., but not less than 50 gal. / bay
Automatic (drive-in & drive-through)	50 gal. / F. U., but not less than 50 gal. / bay

- e. Minimum sizing for separators shall be one hundred and fifty (150) gallons per fixture unit draining into the separator, but not less than the minimum sizes outlined below.

Separators	Minimum Size
Portable washer	greater of 500 gal. --or-- 150 gal. / F.U.
Single coin-operated wash bay	greater of 500 gal. --or-- 150 gal./F.U.
Manual hand wash, single bay only	greater of 500 gal. --or-- 150 gal. / F.U.
2-4 coin-operated or manual hand wash bays	greater of 1000 gal. --or-- 150 gal. / F.U.
>4 coin-operated or manual hand wash bays	greater of 1000 gal. + 200 gal. / bay > 4 -- or --
Drive-through wash bay	greater of 500 gal. / bay --or-- 150 gal / F.U.

- (i) The primary chamber of the separator shall occupy three-fourths ( $\frac{3}{4}$ ) of the total liquid capacity of the separator.
- (ii) The dividing wall between each chamber shall completely divide the chambers (shall extend top to bottom) except where the specific design of the separator provides for underflow not greater than twelve (12) inches between the chambers rather than the flow traveling through a pipe.

**(4) Holding Tank Specifications**

- a. Holding tanks shall be constructed and maintained to prevent discharge of waste cooking oils, motor oils and other oils and fluids that are prohibited from being discharged to the sanitary sewer.
- b. Holding tanks shall not be connected to the sanitary sewer or in any other way be allowed to discharge to the sanitary sewer.
- c. Holding tanks shall be provided with secondary containment and such containment shall be capable of containing not less than one hundred and ten percent (110 %) of the capacity of the holding tank or the capacity of the largest tank plus water from a maximum

24-hour/10 year rainfall event if exposed to rainwater, whichever is greater.

- (i). Secondary containment shall be constructed so as to control spills or splashes during operation and maintenance and leaks.
- (ii) Secondary containment shall not be connected to any sanitary sewer drain or storm drain and shall not be allowed to drain onto public or private property or to the waters of the United States.

**(d) Operation and Maintenance**

**(1) Operation and Maintenance Responsibilities**

- a. Grease traps, interceptors, separators and holding tanks shall be operated in a safe and secure manner at all times.
- b. Areas surrounding grease traps, interceptors, separators and holding tanks shall be maintained to facilitate immediate access to the unit for cleaning and for inspection by the Control Authority at all times.
- c. Grease traps, interceptors and separators shall be maintained in continuously efficient operation by the owner or operator at his expense and shall produce an effluent in compliance with this or other applicable Ordinance.
- d. A User shall not remove any down pipes or otherwise alter a grease trap, interceptor or separator in any way which may allow oil, grease, sand, or other objectionable materials to pass through the device into the sanitary sewer.
- e. Where the Control Authority must clean associated public sewers caused by inappropriate operation or maintenance, inadequate design or installation, or inappropriate alteration of a grease trap, interceptor or separator, costs of such cleaning may be billed to the User.
  - (i) In a case where several users are discharging to the same sewer line, all the Users shall be equally liable except where the User provides written proof his discharge could not have been a contributing factor.
  - (ii) Proof shall consist of demonstration of adequate sizing and installation; appropriate cleaning (as documented by manifests and inspection documentation) *and* valid analysis of a sample of the discharge collected within one (1) week of the sewer cleaning activities. Analysis of samples

collected after sewer line cleaning will be accepted only where the grease trap, interceptor or separator has been properly maintained and was not cleaned within thirty (30) days of the sewer cleaning activities.

- f. A User shall not increase the use of water or in any other way attempt to dilute the waste stream in lieu of adequate treatment.
- g. The addition of hot water or the use of emulsifiers, chemicals, or other agents or devices that may cause oil, grease, or sand to pass through a treatment facility or into the sanitary sewer collection system is strictly prohibited.
- h. Areas surrounding a grease trap, interceptor, separator or holding tank shall be kept clean and free of grease and odors and other materials at all times.
  - (i) Materials shall not be splashed, spilled, allowed to overflow, or otherwise placed on the area surrounding a grease trap, interceptor or separator.
  - (ii) In the event materials are spilled, splashed, overflowed, or otherwise placed on the surrounding area, the generator or owner shall assure the materials are cleaned from the area and properly disposed.
- i. Grease traps, interceptors, separators and holding tanks shall be fully evacuated of all contents during cleaning. If the capacity of the trap, interceptor, separator or holding tank is greater than the capacity of the transport vehicle where full evacuation is not possible in a single load, then the transporter and the generator shall assure the contents are fully evacuated within twenty-four (24) hours.
  - (i) No liquid waste shall be returned to the trap, interceptor, separator or holding tank after or during cleaning, either from the same or other trap, interceptor, separator or holding tank.
  - (ii) During cleaning, grease residue shall be removed from piping and walls and the piping and walls shall be inspected to assure the integrity of the device is maintained.
- j. Materials removed from traps, interceptors, separators and holding tanks shall be utilized by industry, recycled, or disposed at a facility designated by or acceptable to the generator where the owner or operator agrees to receive the wastes and the disposal facility has documentation showing the facility meets all requirements of the State. All wastes shall be disposed in a suitable

manner in accordance with applicable Federal, State, and Local laws.

- k. Users required to maintain grease traps, interceptors, separators, or holding tanks shall establish a system of training designed to provide employees with appropriate instruction on the proper use of such facilities.
  - (i) Such training system shall provide employees at all levels of responsibility with a complete understanding of the operation and maintenance of the pretreatment device and the relation between appropriate waste disposal and efficient operation of the pretreatment device. Such system should include:
    - (A) the importance and methods of good housekeeping practices;
    - (B) acceptable waste disposal practices including proper disposal of different types of wastes;
    - (C) procedures for preventing prohibited discharges; and
    - (D) the proper response to and notifications in case of spills or other accidental discharges.
  - (ii) Periodic training sessions shall be conducted to assure the employee understands the essential elements of the system. New employees shall be trained immediately upon employment.

**(2) Grease Trap Treatment Products**

- a. Use of grease trap treatment products, including bacteria, designed to digest the grease, is specifically prohibited without prior written consent of the Control Authority.
  - (i) Acceptance of such products for use may be considered only where a valid screening test, showing the product's ability to treat the waste and to produce an effluent in compliance with this Ordinance, has been performed in accordance with the methods outlined by the Control Authority.
  - (ii) Screening tests for grease trap treatment products shall be designed by the Control Authority.
  - (iii) The results of screening tests shall be subject to technical review by the Control Authority.
  - (iv) All costs of screening tests shall be borne by the User whether or not the product is accepted for use.
  - (v) If a product is accepted for use, each User shall obtain written permission from the Control Authority to use the product.

- (vi) The Control Authority may revoke permission to use such products where the effluent from the trap or basin in which the product is used fails to meet the requirements of this Ordinance.
- b. Use of accepted grease trap treatment products shall not relieve the User of minimum cleaning requirements set forth in this Ordinance.
- c. Use of accepted grease trap treatment products may subject the User to monthly surcharge fees where such usage causes the effluent concentrations to exceed the definition of Normal Domestic Wastewater. Surcharge fees may be levied for biochemical oxygen demand, chemical oxygen demand, total suspended solids, or ammonia.

**(3) Inspection and Cleaning Schedules**

- a. Inspection, cleaning, and other necessary maintenance of such facilities shall be conducted as often as needed to assure the discharge is in compliance with the provisions of this or other applicable Ordinance, but not less than once per ninety (90) days.
  - (i) The trap, interceptor or separator shall be cleaned as often as necessary, up to and including daily, to assure compliance with this or other applicable Ordinance.
  - (ii) In no case shall the accumulated grease, oil, or sand be allowed to occupy more than twenty-five percent (25%) of the capacity of the first stage.
- b. The physical condition of the trap, interceptor, or separator (piping, internal walls, sidewalls, etc.) shall be inspected by the User each time the facility is cleaned. Repairs, if needed, shall be made prior to further use.
  - (i) Repairs or modifications shall be approved by the plumbing inspector and shall not be made without the appropriate city permits.
  - (ii) Inspection shall be conducted by the plumbing inspector after repair and prior to refilling or use. A copy of the Inspection Tag issued by the plumbing inspector shall be maintained on-site by the User and a copy shall be sent to the Control Authority.
  - (iii) Documentation of repairs shall be submitted to the Control Authority within thirty (30) days of the date of repair or earlier if specified in a Notice of Deficiency or other Control Authority-issued document.

- c. Grease traps, interceptors, and separators shall produce an effluent in compliance with this Ordinance at the User's pumping schedule. Schedules inadequate to produce such effluent shall be upgraded to as often as necessary, up to and including daily, or the trap, separator, or interceptor shall be upgraded. Upgraded traps, separators, or interceptors shall meet all requirements set forth in this or other applicable Ordinance.
- d. A User shall have any trap, interceptor, or separator cleaned when ordered to do so by the Control Authority. Failure to comply within forty-eight (48) hours after the request will result in termination of water service. The Control Authority will clean or contract the cleaning of the trap, interceptor, or separator with cost plus \$50.00 administration fee added to user's next utility bill.
- e. Self-Cleaning
  - (i) Grease trap self-cleaning operators must receive an annual permit from the Control Authority prior to removing grease from their own grease trap(s) located inside a building, provided:
    - (a) the grease trap is no more than fifty (50) gallons in liquid/operating capacity;
    - (b) proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
    - (c) the local solid waste authority allows such practices;
    - (d) grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
    - (e) detailed records on these activities are maintained.
  - (ii) Grease trap self-cleaning operators must submit a completed self-cleaning request to the Control Authority for approval. The written request shall include the following information:
    - (a) Business name and street address;
    - (b) Grease trap/interceptor operator name, title, and phone number;
    - (c) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
    - (d) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
  - (iii) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A

maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

- (a) Date the grease trap/interceptor was serviced;
- (b) Name of the person or company servicing the grease trap/interceptor;
- (c) Waste disposal method used;
- (d) Gallons of grease removed and disposed of;
- (e) Waste oil added to grease trap/interceptor waste; and
- (f) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(iv) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

#### **(4) Cleaning Schedule Extensions**

- a. The User may apply to the Control Authority for an extension of the required cleaning frequency set forth in this Ordinance. A User who wishes to apply for a cleaning schedule extension shall notify the Control Authority, in writing, of the intent to apply for an extension
- b. The Control Authority may grant an extension on a required cleaning frequency on a case-by-case basis where the User has demonstrated, with defensible analytical results, the specific trap will produce an effluent in consistent compliance with this Ordinance if such an extension is granted.
- c. The notification of intent to apply for an extension shall include:
  - (i) Facility information:
    - (A) The name and address of the facility;
    - (B) Name and telephone number of the facility contact;
    - (C) Normal business hours; and
    - (D) The type of business;
  - (ii) Treatment unit information:
    - (A) The type of treatment unit and the capacity, in gallons;
    - (B) A brief description of the treatment unit;
    - (C) The time(s) of day the greatest hydraulic and organic loadings to the treatment unit normally occur;
    - (D) The date of the most recent cleaning and inspection of the unit;

- (E) A statement of the physical condition of the unit;  
and
- (F) Where applicable, the name of any treatment products used and a copy of the Control Authority=s approval letter for the use of the product;
- (iii) A proposed sampling schedule, including:
  - (A) The date(s) the User proposes to collect the samples;
  - (B) The times each sample will be collected;
  - (C) The name and telephone number of the person who will collect the samples, including qualifications;  
and
  - (D) The name and telephone number of the laboratory which will analyze the samples;
- (iv) Other information as may be requested by the Control Authority; and
- (v) All reports, applications and other related data submitted to the Control Authority under this Ordinance shall include a certification statement signed by the facility's Authorized Representative. The certification statement shall read as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."
- d. The User shall obtain approval of the proposed sampling schedule prior to initiation of the sampling and analyses. The User shall certify the sampling schedule will be carried out as submitted or as approved. The Control Authority shall reserve the right to modify a sampling schedule as deemed necessary.
- e. The User shall be required to provide analytical results for not less than four (4) oil and grease analyses for samples collected during peak flow periods through the unit during the normal working hours of a twenty-four-hour period.

- (i) Samples shall be collected at an approved sampling port and shall be collected by a qualified person properly trained in the collection and handling of wastewater samples.
  - (ii) Samples shall be collected 70-75 days after the most recent cleaning.
  - (iii) Samples shall be analyzed, separately, by a reputable laboratory using Approved Analytical Procedures.
  - (iv) The User shall submit a written request for a cleaning schedule extension, including:
    - (A) A copy of the cleaning and maintenance records for the treatment unit for the previous twelve months;
    - (B) A copy of the laboratory analytical reports, including quality control data and appropriate chains of custody; and
    - (C) A signed certification statement as outlined in Section 12-16.2(d) (4) c (v) of this Ordinance.
  - (v) Incomplete or unverifiable results shall not be considered.
- f. The Control Authority may grant extensions to the cleaning schedule as follows:
- (i) A thirty (30) day extension may be granted where the average oil and grease concentration of the analyses is less than 70% of the concentration limit and no single concentration exceeded 80% of the concentration limit.
  - (ii) A sixty (60) day extension may be granted where the average oil and grease concentration of the analyses is less than 55% of the concentration limit and no single concentration exceeded 65% of the concentration limit.
  - (iii) A ninety (90) day extension may be granted where the average oil and grease concentration of the analyses is less than 40% of the concentration limit and no single concentration exceeded 50% of the concentration limit.
  - (iv) In no case shall an extension greater than ninety (90) days be granted.
- g. Extensions granted shall begin on the date the samples for which results were submitted were collected as documented on the chain of custody.
- h. Where an extension has been granted, the unit shall consistently produce an effluent in compliance with the terms of this or other applicable Ordinance. The Control Authority shall reserve the right to collect and analyze samples of any Users discharge and may revoke, without notice, any extension where the Control Authority believes it is in the best interest of the proper operation of the POTW.

- (i) Where an extension has been granted and any sample analysis indicates an exceedance of the oil and grease limitation by twenty-five (25%) percent or more, the User shall immediately clean and inspect the trap and shall return to the original cleaning schedule. Where the User has been required to return to an original cleaning frequency, the User shall be required to submit a new request for extension if desired.
- (ii) Where an extension has been granted and any sample analysis indicates an exceedance of the oil and grease limitation by any magnitude but less than 25%, the User shall immediately clean and inspect the trap and shall increase the established cleaning frequency by at least thirty (30) days.
- (iii) Where an extension has been granted and the Utilities must clean associated public sewer lines and the stoppage is traceable to or known or suspected to be caused by the User's facility, the User shall immediately clean and inspect the trap and shall return to the original cleaning schedule. The User will be required to submit a new request for extension if desired.

### **SECTION 12-16.3. TRANSPORTED LIQUID WASTES**

#### **(a) Applicability**

##### **(1) Transport of Liquid Waste**

- a. This section shall apply to the transport of liquid waste, including but not limited to septic tank waste, grease trap waste, separator waste, landfill leachate, water and wastewater treatment plant sludges, and chemical toilet waste within the territorial and extraterritorial boundaries of the City of City of Terrell, Texas.
- b. This Section shall apply to vehicles transporting wastes including, but not limited to, septic tank wastes, portable toilet wastes, grease trap and separator wastes, and sludges from private or other domestic water or wastewater treatment facilities.

##### **(2) Transport of Hazardous Waste**

- a. This Section shall not apply to the collection or transport of hazardous waste.

#### **(b) Liquid Waste Transport Permits & Registrations**

**(1) General Permit & Registration Requirements**

- a. The Control Authority shall be authorized to issue a Liquid Waste Transport Permit to any person who operates or wishes to operate a vehicle for the purpose of collecting or transporting liquid waste within the territorial and extraterritorial boundaries of the City of Terrell, Texas. A fee of \$50<sup>00</sup> shall be charged for each Liquid Waste Transport Permit. Each permit is valid for 1 year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup>.
  - (i) Any person operating or wishing to operate a vehicle for the purpose of collecting or transporting liquid waste, except hazardous waste, within the territorial and extraterritorial boundaries of the City of Terrell, Texas shall be required to obtain a Class L (Liquid Waste Transport) Permit from the Control Authority prior to operating the vehicle for transporting such wastes.
  - (ii) The Control Authority shall not issue a Class L Permit to any person who is not registered in and approved by the State for the collection or transport of wastes. Persons who operate a transport vehicle shall be required to maintain a valid registration from the state(s) in which the vehicle will be operated.
    - (A) Operators of liquid waste transport vehicles operating in the City of Terrell shall possess a valid Establishment Number issued by the appropriate state authority.
    - (B) Operators of liquid waste transport vehicles transporting liquid waste in the territorial and extraterritorial jurisdiction of City of Terrell, Texas shall possess a valid Transporter Registration Number issued by the Texas Commission on Environmental Quality except where such authorization is not required by the State.
  - (iii) The Control Authority shall not issue a Class L Permit to any person who wishes to operate a separator truck or other vehicles designed to separate grease from the wastes removed from a grease trap or separator and return liquid to the trap. Such vehicles shall be prohibited from operating within the territorial and extraterritorial boundaries of the City of Terrell, Texas.
- b. All liquid waste transporters are prohibited from delivering certain waste for transfer or disposal to the City of Terrell POTW, but shall maintain a valid State of Texas-issued Transporter Registration Number issued by the Texas Commission on

Environmental Quality except where such authorization is not required by the State and shall maintain a valid Liquid Waste Transport Permit.

- (i) The Control Authority shall require all transporters of liquid transported waste in the City of Terrell to obtain a Class L Permit.
- (ii) A separate Permit shall be issued for each vehicle; however, one application may be filed for a firm with multiple vehicles.
- (iii) The Permit shall specify the type of waste being hauled

**(2) Liquid Waste Transport Permit Requirements**

- a. Any person currently operating within the City who is required to obtain a Class L (Liquid Waste Transport) Permit shall apply to the Control Authority on an approved form within sixty (60) days of the effective date of this Ordinance.
  - (1) Any person currently operating within the territorial and extraterritorial boundaries of the City of City of Terrell, Texas who is required to obtain a Class L (Liquid Waste Transport) Permit shall not operate more than one hundred and twenty (120) days after the effective date of this Ordinance without a Class L Permit except where the appropriate and complete application was filed on or before sixty (60) days of the effective date of this Ordinance and the Permit was not issued through no fault of the applicant.
  - (2) Failure to obtain the required Permit within the specified time limit shall subject the operator to the enforcement provisions set forth by the City of Terrell, Texas Code of Ordinances.
- b. Any person wishing to operate within the territorial and extraterritorial boundaries of the City of Terrell, Texas who is required to obtain a Class L Permit shall apply to the Control Authority on an approved form not less than ninety (90) days prior to the anticipated date of beginning operation. Operation of the vehicle shall not commence prior to the issuance of the appropriate Permit.
  - (1) A separate Permit shall be issued for each vehicle; however, one application may be filed for a firm with multiple vehicles.
  - (2) The Permit shall specify the type of waste authorized for transport in each vehicle and shall be maintained in the permitted vehicle at all times.

- c. A Permit issued by the Control Authority excludes the transport of wastes that are hazardous in nature.
- d. Any violation of the terms and conditions of a Permit shall be deemed a violation of this Ordinance and shall subject the Permittee to the enforcement provisions set forth by the City of Terrell, Texas Code of Ordinances.
- e. The Permit shall be maintained as an accurate representation of the Permittee's activities. Failure to maintain the Permit as an accurate representation shall be cause for enforcement action.
- f. It is the Permittee's responsibility to be familiar with the contents and requirements of the Permit and with all Federal, State, and Local regulations and requirements applicable to the collection, transport, and disposal of non domestic wastes and to comply with those requirements and regulations, whether or not the requirements are contained in the Permit.
- g. Obtaining a Permit does not relieve a Permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, or Local law.

**(3) Requirements for Liquid Waste Transport Vehicles**

- a. All vehicles used or proposed to be used for collecting and transporting liquid waste shall meet or exceed all applicable Federal, State and Local vehicle requirements for transport of liquid waste and may be subject by the Control Authority for inspection.
- b. All pumps, tanks, valves and hoses shall be constructed and maintained so as to prevent leakage, spillage or splashing onto the outer surfaces of the tank or equipment and onto areas surrounding the receptacle being cleaned.
  - (i) Vehicles and equipment used for collection and transport of liquid wastes shall be constructed, operated, and maintained to prevent loss of liquid or solid materials and shall be maintained in sanitary condition to prevent health nuisances, such as odors and insect breeding, and safety hazards to the operating personnel and the public.
  - (ii) The liquid tank shall be made of sound construction throughout that shall be watertight and splash proof.

- (A) The liquid waste tank shall be an integral part of the vehicle used to transport the waste; portable or other temporarily-installed containers are prohibited.
  - (B) The tank shall be equipped with a site gauge which shall be maintained in such a manner so it can be determined whether the vehicle is loaded and the volume in the tank.
    - (I) The gauge or other approved measuring device shall accurately measure the contents of the tank at varying depths of material in the tank. The gauge shall not be required to read in gallons or liters, but shall show the percentage of the tank capacity filled.
    - (II) The gauge or other approved measuring device shall be a permanent part of the tank and shall not be removable. Where an external tube gauge is used, valves shall not be installed in the tube or the tank which would allow the tank to contain liquid but not be indicated in the gauge.
  - (C) The tank shall be equipped with a leak proof gate valve, minimum of two and one-half (2<sup>1</sup>/<sub>2</sub>) inches in diameter.
    - (I) If needed, a compatible hose of sufficient length and design to facilitate discharge into the designated point without splashing, spraying, or spilling onto the surrounding area shall be provided.
    - (II) Valves shall be prominently marked and shall be easily visible and readily accessible.
- c. The liquid waste transport vehicle shall be prominently marked in block letters on both sides of the vehicle as outlined below. All markings shall be permanently affixed and clearly visible from a distance of not less than fifty (50) feet. Where a State or Federal regulation requires larger markings, additional markings, or specific placement of the markings, that requirement shall prevail.
- (i) Markings on the liquid waste transport vehicle shall include:
    - (A) The name and telephone number of the firm or owner;
    - (B) The capacity of the tank, in U.S. gallons;
    - (C) The State Establishment Number, where applicable;
    - (D) The Texas Transporter Registration Number, where applicable;
    - (E) The Class L Permit Number

- d. Where a Federal, State or Local authority issues a decal or other authorization sticker to the registrant, the decal or sticker shall be displayed at the designated place on the vehicle at all times.
- e. The company name and telephone number, authorization stickers and registration and permit numbers shall be removed from the vehicle, by the Permittee, when it is no longer under the control of the Permittee. The Class L Permit number shall be removed when the vehicle is no longer authorized by the Control Authority to operate or to discharge.

**(4) Inspection of Liquid Waste Transport Vehicles**

- a. The Control Authority shall reserve the right to inspect any liquid waste transport vehicle at any time as deemed necessary and to refuse to issue a Permit to or suspend or revoke the Permit for any User whose vehicle does not consistently meet minimum Federal, State or Local requirements.
- b. Where the liquid waste transport vehicle must pass a State inspection, the Control Authority may require the submission of a copy of the inspection report.
  - (i) When requested, the Permittee or applicant shall submit documentation to the Control Authority demonstrating the vehicle has been inspected and accepted for operation by the appropriate state authority. Where the vehicle will be operated in more than one state, the vehicle shall be accepted for operation by all appropriate authorities.
  - (ii) If a vehicle fails to pass inspection, the vehicle shall not be used to collect or transport waste until the vehicle is reinspected and passes the inspection.
  - (iii) Where a vehicle is altered after passing inspection, the vehicle shall be subject to reinspection by the Control Authority. It shall be the responsibility of the owner to notify the Control Authority that such alterations have been made. Failure to notify the Control Authority of such alterations shall be cause for suspension or revocation of all local Permits.
- c. The Control Authority may suspend or revoke local Permit(s) of any liquid waste transport vehicle not meeting the requirements set forth in this or other applicable Ordinance. Upon proof the vehicle meets the requirements; the Control Authority may reinstate the Permit(s) or require the Permittee to submit a new application.

(c) **Disposal of Transported Liquid Wastes**

(1) **Acceptance of Liquid Waste for Disposal**

- a. Liquid waste shall not be accepted at the local POTW.
  - (i) Any person found to be discharging any waste into the sanitary sewer system except waste that has met the requirements of **SECTION.12-16.1 (3) Pretreatment of Wastes a.-f.** shall be subject to penalties as outlined in the City of Terrell, Texas Code of Ordinances.
  
- b. The delivery and disposal of transported waste shall be subject to all applicable requirements established in this or other applicable Ordinance.
  - (i) Grease trap, separator, interceptor, and holding tank wastes shall not be delivered for disposal into the POTW. If available, food service grease trap wastes may be delivered to a transfer station or other apparatus specifically designed for such waste on the property of the Control Authority for treatment or holding and transfer to an appropriate disposal or reuse facility.
  - (ii) The Control Authority shall reserve the right to collect, and have analyzed, samples of each transported waste load to ensure compliance with the applicable standards. Costs of such sampling and analyses shall be borne by the Permittee.
  - (iii) The Control Authority may require results of analyses of any waste prior to delivery of the waste to the POTW, especially in the case of non domestic waste. The Control Authority shall determine the analyses required. Costs of such analyses shall be borne by the Permittee.
  
- c. Contents of the liquid waste transport vehicle shall not be discharged without an on-duty POTW operator present.
  - (i) A completed Transported Waste Manifest for each generator and documentation of all required Permits shall be presented to the operator prior to discharge.
  - (ii) Acceptance or rejection of a waste load shall be based upon Standard Operating Procedures established for the discharge of transported liquid wastes to the POTW.
  - (iii) The contents of the liquid waste transport vehicle shall be subject to field analyses such as pH and temperature and visual and odor testing prior to discharge to the POTW.
    - (A) Transported waste proposed for discharge shall be within the pH range of 5.0 to 10.5 Standard Units.

- (B) Transported waste proposed for discharge shall have a temperature less than 40 degrees Celsius (104 degrees Fahrenheit);
  - (C) Transported waste proposed for discharge shall not have an immoderately oily appearance.
  - (D) Transported waste shall not possess any solvent-like, petroleum-like, or other odor that is not characteristic of normal domestic waste.
- (iv) All liquid waste transport vehicle discharges shall be subject to random sampling for conventional pollutants (ammonia as nitrogen, carbonaceous or total biochemical oxygen demand, chemical oxygen demand, total suspended solids, total oil and grease) and random sampling for toxic substances and other noncompatible pollutants. Costs of sampling and analyses shall be borne by the Permittee.
- d. Delivery of any liquid transported waste to the POTW Treatment Plant found to contain toxic or other non compatible or prohibited pollutants may result in enforcement action as provided in the City of Terrell, Texas Code of Ordinances including fines, restitution for damages and suspension or revocation of the Permit(s).
- (2) Rejection of Liquid Waste Loads**
- a. A transported waste load may be rejected for reasons including, but not limited to, the following:
- (i) The waste may cause, alone or in conjunction with other wastes, fire or explosion hazards in the POTW Treatment Plant or has a closed-cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;
  - (ii) The temperature of the waste is greater than or equal to 40 degrees Celsius (104 degrees Fahrenheit);
  - (iii) The waste may cause corrosive structural damage to the POTW Treatment Plant;
  - (iv) The waste may cause obstruction in flow within the POTW Treatment Plant;
  - (v) The waste may interfere with normal operation of the POTW Treatment Plant;
  - (vi) The waste may inhibit biological or physical activities within the POTW Treatment Plant;
  - (vii) The waste may be untreatable by the normal treatment process, is incompatible with the treatment processes or the waste is mixed with incompatible wastes;
  - (viii) The waste emits any solvent-like, gasoline-like, or petroleum-like odor;

- (ix) The waste may pose a hazard to the POTW, the POTW workers, the receiving stream of the POTW, or to the environment;
  - (x) The sample collected from the tank's contents appears to contain abnormal amounts of oils or greases;
  - (xi) The pH of the sample collected from the tank's contents is less than 5.0 or greater than 10.5 Standard Units.
- b. In the event the waste is rejected due to unacceptable pH, the Permittee may adjust the pH of the waste to within the acceptable range and return the waste to the POTW for disposal.
- (i) The waste shall be thoroughly mixed after the addition of pH-adjusting agents.
  - (ii) Wastes originally rejected for pH shall be subject to pH testing at intervals during the discharge and may be ordered halted if the pH is not properly adjusted.
- c. In the event a transported waste load is rejected, the POTW operator shall complete the applicable section on the Transported Waste Manifest or other document as appropriate.
- (i) The Transporter shall sign the applicable statement on the Transported Waste Manifest or other document acknowledging the rejection of the waste for disposal at the POTW.
  - (ii) The Permittee shall dispose the rejected load in an acceptable and legal manner and shall provide documentation of the final disposal to the Control Authority prior to subsequent discharges to the POTW.
  - (iii) Failure to provide documentation of proper disposal may result in enforcement action, including revocation of the Permit(s).

### **(3) Incompatible Wastes**

- a. Mixing of incompatible wastes within the same container is prohibited.
- (i) The transporter shall not mix chemical toilet wastes and septic tank or other type waste in the same load.
  - (ii) Transporters shall not use the same container or pumping equipment to collect or transport incompatible waste, grease trap waste, interceptor or separator waste, or other non domestic waste, and septic tank waste or chemical toilet waste, without first emptying and cleaning the container and equipment of all previously-handled wastes.

- b. The transporter shall not attempt to deliver liquid wastes which are incompatible with the POTW Treatment Plant processes for discharge into the POTW.

**(4) Cleanup and Notifications of Leaks and Spills**

- a. In the event of a spill, splash, spray, or leak or other unauthorized or accidental discharge of wastes during collection or transport or disposal, the collector or transporter shall take immediate action to contain and clean the discharged or spilled materials in order to protect human health and the environment.
  - (i) If a spill, splash, spray, or leak occurs during collection, transport or discharge, the vehicle operator shall immediately clean and properly dispose the spilled, splashed, sprayed, or leaked wastes at his expense.
  - (ii) Appropriate cleanup action may include, but is not limited to, diking the discharge or spill area, cleaning the spilled or discharged materials, or taking other action, as may be required or approved by federal, state and local officials having jurisdiction, so the waste no longer poses a risk to the public health or the environment.
  
- b. Liquid waste shall be prevented from entering waterways, including storm sewers. In the event a waste enters a waterway, the collector or transporter shall take immediate action to minimize the potential for damage to the environment.
  - (i) In the event a liquid waste enters a waterway or otherwise contaminates waters, the spill shall be contained and cleaned so as to prevent further contamination and hazards to health and the environment.
  - (ii) All costs of such cleanup and subsequent disposal shall be borne by the collector or transporter.
  
- c. In the event of a spill, splash, spray, or leak or other unauthorized or accidental discharge of wastes during collection or transport or disposal, the vehicle operator shall make notifications to authorities as appropriate.
  - (i) Appropriate notification may include, but is not limited to, notifying local law enforcement and health officials, or notifications, as may be required by federal, state and local officials having jurisdiction.
  - (ii) In the event a liquid waste enters a waterway or otherwise contaminates waters, the spill shall be reported to the appropriate authority as required by State or Federal regulations.

- (iii) The vehicle operator may, at the discretion of the Control Authority, be required to report spills to the Control Authority.
- d. Where a spill, splash, spray, or leak occurred during collection, transport, or discharge, the owner shall make necessary repairs or modifications to the vehicle prior to subsequent operation of the vehicle.
  - (i) The vehicle shall be subject to inspection by the Control Authority after such repairs or modifications.
  - (ii) Vehicles found not to meet minimum requirements shall not be authorized to operate within the territorial and extraterritorial boundaries of the City.

**(d) Transported Waste Recordkeeping Requirements**

**(1) Transported Waste Manifests**

- a. Records shall be maintained for each individual collection, transport and disposal of liquid wastes.
  - (i) Such record shall be in the form of a Transported Waste Manifest issued by the Control Authority.
  - (ii) A separate manifest shall be completed for each generator. Each manifest shall be entered onto an Excel or comparable type spreadsheet and provided to the Control Authority for renewal of annual transport permit.
  - (iii) The Transported Waste Manifest shall include:
    - (A) Generator Information (completed by the generator at the time the waste is collected):
      - (I) Complete name, street and mailing address, telephone number and signature of the person who generated the waste;
      - (II) Type of facility from which the waste was collected;
      - (III) Type of waste collected;
      - (IV) Date the waste was collected;
      - (V) Capacity of the facility from which the waste was collected.
    - (B) Transporter Information (completed by transporter (driver) on-site and prior to transport):
      - (I) Name, address and telephone number of the Transporter;
      - (II) Transporter Registration Number (and Establishment Number where the waste was collected), and local Permit numbers of the Permittee;

- (III) Amount, in gallons, of waste collected;
    - (IV) Date and time the waste was transported;
    - (V) Name and signature of responsible person collecting and transporting the waste.
  - (C) Disposer Information (completed by disposer at time of delivery of waste for disposal):
    - (I) Name, address and telephone number of the disposer;
    - (II) Identification (site registration number, where applicable, location, and operator) of the facility receiving the waste for disposal;
    - (III) Date and time the waste was delivered for disposal;
    - (IV) Amount, in gallons, of waste received;
    - (V) Results of field analyses; and
    - (VI) Name and signature of the facility representative acknowledging receipt of the waste at the disposal facility.
  - (D) Where a waste is delivered to a transfer or holding facility for later transfer, a section shall be included on the Manifest which contains such information as:
    - (I) Name of the holding or transfer site;
    - (II) Address and telephone number of the transfer or holding site;
    - (III) Site permit or registration number,;
    - (IV) Date and time the waste was deposited for holding or transfer;
    - (V) Quantity of waste received;
    - (VI) Name and signature of the person accepting the waste for holding or transfer; and
    - (VII) Other information as may be required by applicable laws and regulations.
- b. Manifesting of transported wastes shall be required.
  - (i) Where the transporter does not deliver wastes to the City of Terrell POTW for transfer or disposal, manifests other than those purchased from the Control Authority may be employed.
    - (A) The manifests shall have a minimum of five parts and shall be approved by the Control Authority prior to use within the territorial and extraterritorial jurisdiction of the City.
    - (B) Manifests not purchased from the Control Authority shall contain all the required information outlined in Section 12-16.3(d)(1)a.(iii) of this Ordinance and shall meet all manifesting requirements of the State.

- (C) In no case shall manifests of less than five (5) copies be approved.
  
- c. The first two sections of the manifest shall be completed at the time of collection and before the vehicle is moved from the generator=s property. The remainder of the manifest shall be completed at the time of transfer or disposal as appropriate.
  - (i) The Manifest shall be completed and signed by the generator at the time of waste collection.
  - (ii) The Manifest shall be completed and signed by the Transporter at the time of waste transport.
  - (iii) The Manifest shall be completed and signed by the Disposer at the time of disposal.
  - (iv) Where the waste is transferred to a holding facility for transfer, the appropriate section shall be completed upon transfer.
  
- d. Appropriate copies of the manifests, unless otherwise stated on the approved manifest, shall be distributed as follows:
  - (i) The fourth copy with the generator information and signature (first section) and the transporter information and signature (second section) completed shall be retained by the generator at the time the waste is collected. The remaining four parts shall be retained in the manifest booklet and shall have all required information completed and signed by the appropriate parties prior to further distribution.
  - (ii) The original (first part) with all required information and signatures completed shall be retained by the disposer at the time of disposal.
  - (iii) The second part with all the required information and signatures completed shall be returned by the transporter to the generator within fifteen (15) days after the waste has been disposed.
  - (iv) The Transporter shall retain the third copy with all the required information and signatures completed in his files.
  - (v) The fifth part shall be delivered to the Control Authority within fifteen (15) days of the end of the calendar month in which the disposal occurred.
  - (vi) Where the waste was deposited at a transfer station, additional parts may be required for appropriate records retention and maintenance.
  
- e. Where the transporter does not deliver transported waste to the City of Terrell POTW, the Permittee shall submit a copy of completed manifests for all wastes collected from any facility

whose wastewater is directly or indirectly discharged into the City of Terrell POTW Treatment Plants to the Control Authority on a monthly basis.

- (i) These copies shall be a part of the original manifest. Photocopies are not acceptable.
  - (ii) These copies shall be submitted to the Control Authority within fifteen (15) days of the end of the calendar month in which the waste was transported, with all the required information completed and legible.
- f. All copies of the Manifests shall be retained by the respective recipients for a minimum of five (5) years and shall be made available to the Control Authority, the State, and the EPA upon request for inspection and copying. This period shall be automatically extended for the duration of any litigation concerning the generator, the transporter, the disposer, the transfer station operator or owner, or the Control Authority, or where any involved party has been specifically notified by the Control Authority or the State or the EPA of a longer retention period.

**(2) Discrepancies in Quantity or Type of Waste**

- a. A facility which receives waste shall note any significant discrepancies on each copy of the manifest.
  - (i) A significant discrepancy is an obvious difference between the quantity or type of waste designated on the manifest and the quantity or type of waste actually received, which can be discovered by inspection or waste analysis.
  - (ii) Significant quantity difference shall include variations greater than 10% in weight or variations greater than 15% in gallons.
- b. Upon discovering a significant discrepancy, the transporter shall attempt to reconcile the discrepancy with the waste generator or the owner or the operator of the receiving facility.
  - (i) A report describing the results of the attempt to reconcile discrepancies shall be submitted to the Control Authority within fifteen (15) days of the date of delivery of the waste.
  - (ii) This paragraph shall not relieve the transporter from obligations to report discrepancies to the appropriate state agency.

**(3) Records Retention Periods**

- a. The retention period for all records pertaining to the generation, collection, transport, and disposal of transported waste shall be not less than five (5) years.
- b. Periods of retention shall be automatically extended for the duration of any litigation concerning the Transporter or the City or where the User has been specifically notified of a longer retention time by the Control Authority, the Texas Commission on Environmental Quality, or the United States Environmental Protection Agency.

**(e) Requirements for Generators of Transported Wastes**

**(1) Use of Registered Transporters**

- a. A generator shall not allow liquid waste to be collected by any transporter without a valid Texas Transporter Registration Number and a Class L Permit issued by the Control Authority.

**(2) Removal of Waste from Generator's Property**

- a. A generator shall not allow liquid waste in combination with hazardous waste to be removed from the premises by a Transporter operating under any Permit authorized by the Control Authority.
- b. A generator shall not allow wastes to be removed from his facility without appropriate manifesting of the waste.

**(3) Disposal of Transported Waste**

- a. The generator shall inquire as to and approve of the disposal site prior to allowing removal of the waste from his property and shall assure the waste will be properly and legally disposed.
- b. The Generator, along with the Transporter, shall be responsible for improperly disposed wastes.
- c. The Generator, along with the Transporter, may be held liable for increased operating costs or damages to the POTW Treatment Plant resulting from the discharge of the waste.

**(4) Retention of Manifests**

- a. The generator shall retain his copies of the completed Transported Waste Manifest at the site the waste was generated for a minimum of five (5) years.

- b. The generator shall maintain all records pertaining to the disposal of transported waste at the site the waste was generated, for a minimum of five (5) years.
- c. All records pertaining to the generation, collection, transport, or disposal of transported wastes shall be made available to the Control Authority for inspection and copying upon request.

**(f) Reporting Requirements**

**(1) General Reporting Requirements**

- a. Any Non domestic Users shall provide appropriate reports to the Control Authority as the Control Authority may require in order to protect the POTW, to protect property and person and the environment, and to meet regulatory requirements.
- b. All reports shall be submitted to the Control Authority on or before the date specified by the Control Authority and shall be certified by the Authorized Representative of the User.
  - (i) Written reports submitted to the Control Authority shall be deemed submitted on the date postmarked. For reports which are not mailed, postage paid, into a mailing facility serviced by the United States Postal Service, the date of receipt shall govern.
  - (ii) All reports, applications and other related data submitted to the Control Authority under this Ordinance shall include a certification statement signed by the facility's Authorized Representative. The certification statement shall read as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (iii) All reporting requirements outlined in Chapter 12 Section 16 of the City of Terrell, Texas Code of Ordinances shall apply.

**(2) Specific Reporting Requirements**

- a. Where a Transporter is required to submit an annual report to the Texas Commission on Environmental Quality (TCEQ), the Transporter shall submit a copy of the annual report submitted to the TCEQ to the Control Authority at the same time the report is submitted to the State.
- b. A Transporter not required to submit an annual report to the TCEQ shall submit an annual report to the Control Authority outlining activities conducted during the previous reporting period of January 1<sup>st</sup> through December 31<sup>st</sup> on or before January 15<sup>th</sup> of each year.
- c. The annual report of activities shall include:
  - (i) The amounts and types of wastes collected during the reporting period;
  - (ii) The disposition of such wastes;
  - (iii) The name and address of each disposal facility; and
  - (iv) The amounts and types of waste delivered to each disposal facility.

**SECTION 12-16.4. POWERS AND AUTHORITIES OF CONTROL AUTHORITY**

**(a) Inspection of Property and Records**

**(1) Access to Property and Records**

- a. The Control Authority shall be allowed ready access, without delay, to all parts of the premises of a Non domestic User for the purpose of inspection, sampling, records examination and copying, surveillance, and monitoring during any reasonable time in accordance with the City of Terrell, Texas Code of Ordinances.
- b. The Control Authority shall be allowed ready access, without delay, to a liquid waste transport vehicle for the purpose of inspection, sampling, records examination and copying, and monitoring during any reasonable time in accordance with the City of Terrell, Texas Code of Ordinances.
- c. Representatives of the United States Environmental Protection Agency and the Texas Commission on Environmental Quality

shall have the same rights of entry and inspection as described for the Control Authority in Paragraphs (a)(1)(a.) and (b.) above.

**(2) Authority to Order Repairs, Upgrades, or Replacement**

- a. The Control authority shall have the authority to order repairs be made to any liquid waste transport vehicle to assure compliance with this or other Ordinance or applicable regulation.
- b. The Control Authority shall have the authority to order repairs, upgrades or replacement be made to any pretreatment device or sampling port, whether fixed on land or contained in or on a mobile unit.

**(b) Enforcement Provisions**

**(1) Suspension or Revocation of Permits or Authority to Discharge**

- a. The Control Authority may suspend or revoke a Class L Permit for any of, but not limited to, the following reasons:
  - (i) Use of non registered, unlicensed or unsafe vehicles or non registered or unlicensed vehicle operators;
  - (ii) Mixing of incompatible wastes for the purpose of deception;
  - (iii) Dilution of waste for the purpose of deception;
  - (iv) Failure to halt a discharge when ordered to by the operator on duty;
  - (v) Failure to maintain the vehicle as required by Federal, State or Local laws and regulations, including markings, equipment and overall condition including ability to discharge at the designated point in a sanitary manner;
  - (vi) Discharge of wastes to the City of Terrell POTW.
  - (vii) Rejection of more than three (3) loads during the life of the Transported Waste Permit;
  - (viii) Failure to document final disposal of a rejected load;
  - (ix) Providing false or inaccurate information on the source or composition of the waste;
  - (x) Failure to remain current on charges for transported waste delivery;
  - (xi) Loss or failure to renew State certifications, registrations, or permits;
  - (xii) Failure to maintain correct and accurate records as required by this or other applicable Ordinance;
  - (xiii) Failure to maintain the Permit as an accurate representation of the operation;
  - (xiv) Falsification of any related documents;

- (xv) Failure to provide reports or documentation as required; or
  - (xvi) Improper operation of the transport vehicle which may pose a threat to human health or the environment.
- b. The Control Authority may suspend or revoke a Non domestic User's authorization to discharge into the sanitary sewer for any of, but not limited to, the following reasons:
- (i) Failure to install, upgrade, repair or maintain a pretreatment device;
  - (ii) Causing or contributing to stoppage or other malfunction in the POTW;
  - (iii) Failure to maintain correct and accurate records as required by this or other applicable Ordinance;
  - (iv) Providing false or inaccurate information to the Control Authority;
  - (v) Falsification of records for the purpose of deception; or
  - (vi) Failure to provide reports as required.

**(2) Appeals**

- a. Persons aggrieved by an action or decision of the designated representative of the Control Authority may appeal such action to the City Manager. City Manager's decision is final.

**(3) Vehicle Impoundment**

- a. The Control Authority shall be authorized to cause a transported waste vehicle to be impounded which is being operated in violation of this Ordinance and may authorize holding of the vehicle until the violation is corrected.
- b. The Control Authority may suspend or revoke the Permit(s) for the impounded vehicle. Upon correction of the violation, the Control Authority may reinstate the Permit(s) or require the Permittee to submit a new application.

**(4) Public Nuisance**

- a. Any non domestic source who allows grease trap, separator, interceptor or holding tank wastes or sludges or other prohibited wastes to be deposited into the POTW collection system, whether through discharge, improper installation, improper operation or maintenance of a grease trap, separator, interceptor, or holding

tank, failure to install an adequately-sized grease trap, separator, or interceptor, failure to provide proper containment or other intentional or unintentional action shall be subject to enforcement actions as provided by this or other applicable laws or regulations. Such actions may be declared a public nuisance.

- b. Any person who allows grease trap, separator, interceptor or holding tank wastes or sludges or other prohibited wastes to be deposited into a street, gutter, storm sewer, or onto public or private property, whether through discharge, improper installation, improper operation or maintenance of a grease trap, separator, interceptor, or holding tank, failure to install an adequately-sized grease trap, separator or interceptor, failure to provide proper containment, or other intentional or unintentional action shall be subject to enforcement actions as provided by this or other applicable laws or regulations. Such actions may be declared a public nuisance.

(5) Schedule of Penalties

- a. If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe:
  - (i) a written warning for the first violation,
  - (ii) a civil penalty of \$1,000 for the second violation,
  - (iii) \$1,500 for a third violation,
  - (iv) and \$2,000 for the fourth violation within a two-year period.
  - (v) Continuous violations shall result in an increase in penalty by \$500 and **may also result in termination of services.**
- b. Any person violating any of the provisions of this Ordinance shall be subject to:
  - (i) a written warning for the first violation,
  - (ii) a \$1,000 civil penalty for the second violation,
  - (iii) a \$1,500 civil penalty for the third violation,
  - (iv) and a \$2,000 civil penalty for the fourth violation within a two- year period. Consistent violations will result in a \$500 increase in civil penalty and **may result in termination of service.**

(6) Incorporation of Enforcement Provisions

- a. Enforcement provisions outlined in the City of Terrell, Texas Code of Ordinances are hereby incorporated by reference.

18. **Discuss and Consider Adoption on Second Reading Ordinance No. 2360 - Approving a Settlement Agreement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Statement of Intent to Change Gas Rates in all Cities Exercising Original Jurisdiction.**

**ORDINANCE NO. 2360**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.**

WHEREAS, the City of Terrell, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, on or about September 20, 2007, Atmos Mid-Tex, pursuant to Gas Utility Regulatory Act § 104.102 filed with the City a Statement of Intent to increase system-wide gas rates by approximately \$52 million, such increase to be effective in all municipalities exercising original jurisdiction within its Mid-Tex Division service area effective on October 25, 2007; and

WHEREAS, the City took action to suspend the October 25, 2007 Effective Date and to coordinate a response to Atmos' filing with more than 150 other similarly situated

municipalities through the Atmos Cities Steering Committee ("ACSC") (such participating cities are referred to herein as "ACSC Cities"); and

WHEREAS, Atmos has agreed to extend the October 25, 2007, Effective Date such that the City's jurisdiction over this matter ends March 1, 2008; and

WHEREAS, the Railroad Commission of Texas ("RRC" or the "Commission") in GUD No. 9670, issued an Order approving new system-wide rates for customers of Atmos Energy's Mid-Tex Division in March 2007, which increased residential base rates by approximately \$10 million annually; and

WHEREAS, ACSC and Atmos have each appealed the RRC's decision in Atmos' most recent system-wide rate increase as well as the decision rendered in GUD No. 9400 to the Travis County District Court; and

WHEREAS, Atmos and ACSC have been in continuing disagreement, dispute, and litigation over the application of Section 104.301 of the Texas Utilities Code and the resulting rate increases ("GRIP surcharges") established by the RRC; and

WHEREAS, Atmos filed its application for its fourth GRIP surcharge in four years on May 31, 2007, seeking to increase the rates of all customers by approximately \$12 million annually; and

WHEREAS, the ACSC Cities desire to avoid the litigation expense that would result from another lengthy contested rate case proceeding before the RRC as well as the prosecution of the appeals in various courts of the GRIP surcharges and the two previous system-wide rate decisions; and

WHEREAS, ACSC desires to recoup certain costs it previously incurred in connection with GRIP-related proceedings (costs which Atmos contends are not

reimbursable rate case expenses under the Texas Utilities Code), as well as costs incurred in connection with this proceeding; and

WHEREAS, on October 18, 2007, more than 60 ACSC members met in Arlington with officers and executives of Atmos to discuss various issues, including rate making, resulting in a mutual pledge to work toward settlement; and

WHEREAS, ACSC members designated a Settlement Committee made up of ACSC representatives to work with ACSC attorneys and consultants to formulate and review reasonable settlement positions to resolve outstanding matters with Atmos, including the pending rate increase request; and

WHEREAS, the Settlement Committee and lawyers representing ACSC met several times with the Company to negotiate a Settlement Agreement resolving the issues raised in the Company's Statement of Intent filing as well as all outstanding appeals of the two prior rate cases and various GRIP filings; and

WHEREAS, the Settlement Committee, as well as ACSC lawyers and consultants believe existing rates are unreasonable and should be changed; and

WHEREAS, the ACSC Executive Committee recommends ACSC members approve the negotiated Settlement Agreement and attached tariffs; and

WHEREAS, the attached tariffs provide for an expedited rate review process as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, the expedited rate review process as provided by the Rate Review Mechanism Tariff eliminates piecemeal ratemaking, the ACSC's major objection to the current GRIP process; and

WHEREAS, the attached tariffs implementing new rates are consistent with the Settlement Agreement and are just, reasonable, and in the public interest; and

WHEREAS, it is the intention of the parties that ACSC Cities receive the benefit of any Settlement Agreement that Atmos enters into with other entities arising out of its Statement of Intent or any associated appeals of a decision entered by the Railroad Commission regarding the Company's request to increase rates; and

WHEREAS, the Settlement Agreement as a whole is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the Settlement Agreement, **which is attached hereto and incorporated herein as Attachment A**, is in the public interest and is hereby endorsed in all respects.

Section 3. That existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs, **which are attached hereto and incorporated herein as Attachment B**, are just and reasonable and are hereby adopted.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That if ACSC Cities determine any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent Settlement Agreement approved in any proceeding addressing the issues raised in Atmos' Statement of Intent would be more beneficial to the ACSC Cities than the terms of the attached Settlement Agreement, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the ACSC Cities. However, approval of the attached Rider RRM, Rider CEE, Rider GCR and the Rider WNA shall not be affected by the application of the provisions contained in this section, it being the understanding and the intent of the parties hereto that such tariffs shall continue according to their terms.

Section 8. That this Ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for customer bills delivered on or after March 1, 2008.

Section 9. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Joe T. Christian, Director of Rates, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Blevins Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**END OF CONSENT AGENDA**

**19. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.071 – Consultation with Attorney – Contemplated Litigation.**

This item was passed.

**20. Reconvene into Regular Session and Consider Action, if Any, on Item Discussed in Executive Session.**

This item was passed.

**21. Adjourn.**

There were no other matters discussed or acted on at this meeting. There being no further business the meeting was adjourned.

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Hal Richards, Mayor

Attest:

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John Rounsavall, City Secretary