

**ORDINANCE NO. 2011-01**

**AN ORDINANCE AMENDING CHAPTER 53 OF THE CODE OF HARKER HEIGHTS, TEXAS TO REGULATE SEWERS**

**WHEREAS**, it is the desire of the City of Harker Heights to: promote the safe, orderly, and healthful development of the City; comply with applicable local, state, and federal laws and regulations; and provide for the safe and efficient functioning of the City's wastewater system;

**WHEREAS**, the City Council finds that the following regulations are designed to achieve the objectives outlined above, and are to the public benefit, and should be adopted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS**

**SECTION 1.** Chapter 53 of the Code of Harker Heights is hereby amended in its entirety to read as follows:

**GENERAL PROVISIONS**

**§ 53.01 DEFINITIONS.**

- (a) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, *et seq.*

**ANIMAL WASTE.** Includes the following waste regardless of whether the waste has been exposed to pathogens: carcasses of animals; body parts of animals; blood and blood products, serum, plasma, and other blood components from animals; or bedding of animals.

**APPROVING AUTHORITY.** The City Manager.

**AUTOMOTIVE OIL.** Any lubricating oils or greases intended for use in an internal combustion engine, crankcase, transmission, gear box, or differential for an automobile, bus, lawnmower, tractor, trailer, motorcycle, boat, truck, airplane, water craft, four-wheeler or other machine with such components. The term includes oil or grease that is not labeled specifically for that use but is suitable for that use according to generally accepted industry specifications, including those of synthetic composition.

**BLOOD AND BLOOD PRODUCTS.** Human blood, serum, plasma and other blood components.

**BIOCHEMICAL OXYGEN DEMAND (B.O.D.).** The quantity of biochemical oxidation of organic matter over five days at a temperature of 20° C under standard laboratory procedures, expressed in milligrams per liter (mg/l), as determined by Standard Methods.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal (also called the house lateral and house connection).

**BYPASS.** The intentional diversion of waste or wastewater from any portion of a user's facility.

**CHEMICAL OXYGEN DEMAND (C.O.D.).** Measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand as determined by Standard Methods.

**COMPOSITE SAMPLE.** The sample resulting from the combination of individual samples taken at selected intervals based on an increment of either flow or time.

**CONTROL MANHOLE.** A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

**CONTROL POINT.** Point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

**COOLING WATER.** The water discharged from any system of condensation, such as air conditioning, cooling, and refrigeration systems.

**DIRECTOR.** The Water, Wastewater and Stormwater Official of the City.

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly into the waters of the state under a permit issued by the TCEQ or EPA.

**DISCHARGE.** To deposit, conduct, drain, emit, throw, run, allow seeping, or otherwise release or dispose of any wastewater, waste, or any other substance into the wastewater system, or to allow, permit, or suffer any of these acts or omissions to occur, without regard to intent.

**FATS, OILS AND GREASES (FOG).** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules detectable and measurable using analytical test procedures specified in the Standard Methods, and sometimes referred to herein as "grease" or "greases."

**FOOD SERVICE ESTABLISHMENT.** All commercial, institutional or industrial restaurants, food courts, food packagers, grocery and convenience stores, bakeries, lounges, bars, schools, food manufacturers, food processors, hospitals, hotels, motels and nursing homes that (1) prepare, serve, process, manufacture or conduct any food service type activity involving food or beverage products of any kind and (2) generate industrial wastewater.

**GARBAGE.** Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food, and from the handling, processing, storage, and sale of food products and produce.

**GENERATOR.** Any person who owns or operates a grease trap/grease interceptor or grit trap or whose act or process produces a grease or grit trap waste.

**GRAB SAMPLE.** An individual sample collected without regard to flow over a period of time not exceeding fifteen (15) minutes.

**GREASE TRAP OR GREASE INTERCEPTOR.** A device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as “grease traps/interceptors.”

**GREASE TRAP WASTE.** 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.

**GRIT TRAP OR GRIT INTERCEPTOR.** A receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of petroleum based oil and grease waste, and inorganic or other solids or semi-solids from wastewater prior to discharge to the wastewater system.

**GRIT TRAP WASTE.** Petroleum based oil and grease waste, and inorganic or other solids and semi-solids collected by and removed from a grit trap.

**HAZARDOUS METAL.** Each of the following metals in its elemental state and any of its compounds expressed as that metal: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver and zinc.

**INDUSTRIAL WASTEWATER.** Waste or wastewater resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

**INDUSTRIAL WASTE CHARGE.** The charge made on those persons who discharge industrial wastes into the city's sewer system.

**MILLIGRAMS PER LITER, (mg/l).** The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

**NATURAL OUTLET.** Any outlet into a water-course, ditch, lake, or other body of surface water of groundwater.

**NORMAL DOMESTIC WASTEWATER.** Wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of T.S.S. is not more than 250 mg/l and in which the average concentration of B.O.D. is not more than 250 mg/l.

**OVERLOAD.** The imposition of organic or hydraulic loading on a treatment facility in excess of its engineering design capacity.

**PERSON.** Any individual and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, or other legal entity.

**pH.** The logarithm (Base 10) of the reciprocal of the hydrogen ion concentration.

**POTW or Publicly Owned Treatment Works.** 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. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

**PUBLIC SEWER.** A public sewer that conveys domestic waste water or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

**RESIDENTIAL USER.** A person discharging normal domestic wastewater from a single family dwelling, duplex, or other dwelling unit that has complete independent living facilities and that is used solely for residential use and is not used in conjunction with a home occupation.

**SLUG.** Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of

duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

**STANDARD METHODS.** The examination and analytical procedures set forth in the latest edition, at the time of analysis, or “Standard Methods for the Examination of Water and Wastewater” as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or through the use of approved test procedures found in 40 CFR 136 or 30 TAC 319.11.

**STORM SEWER.** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the city and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage and which is not part of the wastewater system.

**STORM WATER.** Rainfall runoff, snow melt runoff, and surface runoff and drainage.

**SUSPENDED SOLIDS (S.S.).** Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

**TOTAL SUSPENDED SOLIDS (TSS).** The value of the test for Total Suspended Solids, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”

**TRANSPORTER.** 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.

**TRAP.** A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other harmful substances.

**UNPOLLUTED WASTEWATER.** Water containing no free or emulsified grease or oil; no acids or alkalis; no phenols or other substances producing taste or odor in receiving water; no toxic or poisonous substances in suspension, colloidal state, or solution; no noxious or otherwise obnoxious or odorous gases; not more than an insignificant amount in mg/l each of suspended solids and B.O.D., as determined by the TCEQ; and color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.

**USER.** Any person, including those located outside the corporate limits of the city, which by any means contributes, causes, or permits the contribution or discharge of

waste, wastewater, or other substances into the wastewater system.

**WASTE.** Rejected, unutilized, or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

**WASTEWATER.** A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground water, surface water, and storm-water that may be present.

**WASTEWATER SERVICE CHARGE.** The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

**WATERCOURSE.** A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

**WATERS IN THE STATE.** Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(b) The abbreviations below shall have the following meanings:

BOD: Biochemical Oxygen Demand  
 CFR: Code of Federal Regulations  
 COD: Chemical Oxygen Demand  
 EPA: U.S. Environmental Protection Agency  
 FOG: Fats, Oils, and Greases  
 Gpd: Gallons per day  
 l: Liter  
 mg: Milligrams  
 mg/l: Milligrams per liter  
 NPDES: National Pollutant Discharge Elimination System  
 POTW: Publicly Owned Treatment Works  
 RCRA: Resource Conservation and Recovery Act  
 SWDA: Solid Waste Disposal Act (42 USC 6901, et seq.)  
 TAC: Texas Administrative Code  
 TCEQ: Texas Commission on Environmental Quality  
 TPDES: Texas Pollution Discharge Elimination System  
 TSS: Total Suspended Solids  
 USC: United States Code

**§ 53.02 COMPLIANCE WITH EXISTING AUTHORITY.**

(A) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:

- (1) Wastewater;
- (2) Industrial wastes; or
- (3) Polluted liquids.

(B) Unless authorized by the TCEQ, no person may deposit or discharge any waste included in subsection (A) of this section on public or private property or into or adjacent to any:

- (1) Natural outlet;
- (2) Watercourse;
- (3) Storm sewer; or
- (4) Other area within the jurisdiction of the city.

(C) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment orders of federal, state, and local governments.

**§ 53.03 [RESERVED.]****§ 53.04 PERMIT REQUIRED.**

(A) It shall be unlawful for any person to discharge waste except as authorized by a permit issued under this chapter.

(B) A person applying for a new discharge shall:

- (1) Submit an application on forms supplied by the approving authority.
- (2) Secure approval by the approving authority of plans and specifications for the facilities when required.

(3) Comply with all requirements for agreements or arrangements including but not limited to, provisions for:

(a) Payment of charges;

(b) Installation and operation of the facilities and of pretreatment facilities, if required; and

(c) Sampling and analysis to determine quantity and strength when directed by the city; and

(4) Provide a sampling point, when requested by the city, subject to the provisions of this chapter and approval of the approving authority.

#### **§ 53.05 USER CHARGE SYSTEM.**

(A) Persons making discharges of industrial waste into the city system shall pay a charge to cover all costs of collection and treatment.

(B) When discharges of any waste into the city system are approved by the approving authority, the city or its authorized representative shall enter into any agreement or arrangement providing:

(1) Terms of acceptance by the city;

(2) Payment by the person making the discharge, in accordance with the user charge system as established in subsection (C) of this section;

(3) New sewer construction and sewer connection procedures and requirements shall be in accordance with the International Plumbing Code.

(4) A sewer application approved with connection fee paid; and

(5) Construction of sewer connections shall be approved by city inspectors prior to sewer use.

(C) The industrial waste user of the city system shall pay 1½ times the rate established in § [52.01](#), for commercial users of the system.

#### **§ 53.06 TAMPERING WITH SEWERS PROHIBITED.**

No person may negligently, willfully, or maliciously cause loss or damage by tampering with or destroying public sewers or treatment facilities. The city may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person who violates this section.

**§ 53.07 CONNECTION TO CITY SEWER; SEPTIC TANKS PROHIBITED.**

- (A) The drainage system of every house or building within the city limits shall be connected with the city sanitary sewer system when the city sewer is available.
- (B) All buildings presently connected with septic tanks will have the drainage system changed to connect to the sanitary sewer line when such sanitary sewer is reasonably available. "Reasonably available" is interpreted to mean that a sanitary sewer line capable of providing service runs within 300 feet of the property upon which the building is located.

**SEWER USE REQUIREMENTS; DISCHARGES**

**§ 53.20 PROHIBITED DISCHARGES.**

- (A) No person may discharge any waste which by itself or by interaction with other wastes may:
- (1) Overload, injure or interfere with wastewater treatment processes or facilities;
  - (2) Constitute a hazard to humans or animals; or
  - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.
- (B) All discharges shall conform to requirements of this chapter.

**§ 53.21 CHEMICAL DISCHARGES.**

- (A) No discharge to public sewers may contain:
- (1) Cyanide greater than 1.0 mg/l;
  - (2) Fluoride other than that contained in the public water supply;
  - (3) Chlorides in concentrations greater than 250 mg/l;

(4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; or

(5) Substances causing an excessive chemical oxygen demand.

(B) No waste or wastewater discharged to waters in the state may contain:

(1) Strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

(2) Fats, wax, grease, or oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C);

(3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the Approving Authority for such materials; or

(4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of § [53.20\(A\)](#) of this subchapter.

(C) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

(D) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste and odor-producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite waste-water, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

## § 53.22 HAZARDOUS METALS AND TOXIC MATERIALS.

(A) No discharges may contain concentrations of hazardous metals any amounts other than as specified in subsection (B) of this section.

(B) The allowable concentrations of hazardous metals, in terms of mg/l, for discharge to inland waters, and determined on the basis of individual sampling in accordance with Standard Methods are:

### *Not to Exceed*

Daily	Grab
-------	------

Metal	Average	Composite	Sample
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

(Note: These concentration parameters and rules governing same are promulgated under authority of Tex. Water Code, §§5.103 and 5.105, and in accordance with 30 TAC §§319.21-319.29.)

(C) No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(D) Prohibited hazardous materials include but are not limited to:

- (1) Antimony;
- (2) Beryllium;
- (3) Bismuth;
- (4) Cobalt;
- (5) Molybdenum;

- (6) Uranylion;
- (7) Rhenium;
- (8) Strontium;
- (9) Tellurium;
- (10) Herbicides;
- (11) Fungicides; and
- (12) Pesticides.

**§ 53.23 PARTICULATE SIZE.**

(A) No person may discharge garbage or other solids into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers..

(B) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of  $\frac{3}{4}$  horse-power (0.76 hp metric) or greater. A garbage grinder shall be designed and installed to ensure that ground particles shall not exceed  $\frac{1}{2}$ -inch in any dimension.

**§ 53.24 STORMWATER AND OTHER UNPOLLUTED DRAINAGE.**

(A) No person may make any new connections from inflow sources, or discharge to public sanitary sewers:

- (1) Unpolluted stormwater, surface water, groundwater, roof runoff, or subsurface drainage;
- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process waters;
- (4) Other unpolluted drainage.

(B) In compliance with applicable law, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (A) of this section may be discharged.

**§ 53.25 TEMPERATURE.**

No person may discharge liquid or vapor having a temperature higher than 150° F. (65° C.), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of 10° F. or more per hour, or a combined total increase of plant influent to 110° F.

**§ 53.26 RADIOACTIVE WASTES.**

(A) No person may discharge radioactive wastes or isotopes into public sewers without the written permission of the approving authority.

(B) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

**§ 53.27 IMPAIRMENT OF FACILITIES.**

(A) No person may discharge into public sewers any substance that can be reasonably expected to cause:

- (1) Obstruction to the flow in sewers;
- (2) Interference with the operation of treatment processes of facilities; or
- (3) Excessive loading of treatment facilities.

(B) Discharges prohibited by subsection (A) of this section include, but are not limited to, materials which exert or cause concentrations of:

- (1) Inert suspended solids greater than 250 mg/l including but not limited to:
  - (a) Fuller's earth;
  - (b) Lime slurries; and
  - (c) Lime residues;
- (2) Dissolved solids greater than 1,000 mg/l including but not limited to:
  - (a) Sodium chloride; and

- (b) Sodium sulfate;
  - (3) Excessive discoloration including but not limited to:
    - (a) Dye wastes;
    - (b) Vegetable tanning solutions; or
  - (4) B.O.D., C.O.D., or chlorine demand in excess of normal plant capacity.
- (C) No person may discharge into public sewers any substance that may be reasonably expected to:
- (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
  - (2) Overload skimming and grease handling equipment;
  - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the non-amenability of the substance to bacterial action; or
  - (4) Deleteriously affect the treatment processes due to excessive quantities.
- (D) No person may discharge any substance into public sewers which:
- (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
  - (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (E) The approving authority shall regulate the flow and concentration of slugs when they may:
- (1) Impair the treatment process;
  - (2) Cause damage to collection facilities;
  - (3) Incur treatment costs exceeding those for normal wastewater; or
  - (4) Render the effluent unfit for stream disposal or industrial use.
- (F) No person may discharge into public sewers solid or viscous substances which may violate subsection (A) of this section if present in sufficient quantity or size, including, but not limited to:

- (1) Ashes;
- (2) Cinders;
- (3) Sand;
- (4) Mud;
- (5) Straw;
- (6) Shavings;
- (7) Metal;
- (8) Glass;
- (9) Rags;
- (10) Feathers;
- (11) Tar;
- (12) Plastics;
- (13) Wood;
- (14) Unground garbage;
- (15) Whole blood;
- (16) Paunch manure;
- (17) Hair and fleshings;
- (18) Entrails;
- (19) Paper products, either whole or ground by garbage grinders;
- (20) Slops;
- (21) Chemical residues;
- (22) Paint residues; or
- (23) Bulk solids.

**§ 53.28 FATS, OILS AND GREASES; CONTROL AND PREVENTION.****(A) Applicability and Prohibitions.**

- (1) This section shall apply to all non-residential users of the wastewater system and transporters of grease or grit trap waste.
- (2) Grease or grit traps or interceptors shall not be required for residential users.
- (3) Food service establishments shall install, use, and maintain appropriate grease traps or interceptors as required in § 53.28(B).
- (4) Car washes, auto repair, fueling stations, and other facilities generating automotive oil, grease, sand, wash water and other wastes or substances harmful or hazardous to the wastewater system as a result of providing commercial service or manufacturing shall install, use, and maintain appropriate grit traps or interceptors as required in § 53.28(B).
- (5) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

**(B) Installation and Maintenance Requirements.****(1) Installations****(a) New and Modified Facilities.**

1. Food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated, or existing facilities changing ownership to include a food service establishment, or to expand an existing food service establishment, shall be required to design, install, operate and maintain a grease trap in accordance with the adopted plumbing codes under Chapter 150 and other applicable ordinances. The grease trap shall have adequate capacity to capture all FOG in excess of that found in normal domestic wastewater. The food service establishment shall also be required to install and maintain a control point in accordance with this chapter. Grease traps and control points shall be installed and inspected prior to issuance of a certificate of occupancy.
2. Commercial service or manufacturing facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated, or existing

facilities changing ownership that generate automotive oil, grease, sand, wash water or other substances that will interfere with the wastewater system shall be required to design, install, operate and maintain a grease or grit trap or interceptor in accordance with the adopted plumbing codes under Chapter 150 and other applicable ordinances. The facility shall also be required to install and maintain a control point in accordance with this chapter. Grit traps or interceptors and control points shall be installed and inspected prior to issuance of a certificate of occupancy.

- (b) Existing facilities. Existing grease or grit traps or interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this section. Grease or grit traps or interceptors that either do not have adequate capacity to capture all FOG, TSS, BOD or COD in excess of that found in normal domestic wastewater, or sand or other deleterious substances as designed, or that are non-functional, shall be replaced at the user's expense upon notification by the Director. The Director may require an existing facility to install a control point, in accordance with § 53.29 at the user's sole expense, to enable the Director to monitor discharges.

## (2) Cleaning and Maintenance Generally

- (a) Grease or grit traps or interceptors shall be maintained in an efficient operating condition at all times.
- (b) Each grease or grit trap or interceptor pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.
- (c) All grease or grit trap or interceptor waste shall be properly disposed of at a permitted facility in accordance with federal, state, and local regulation.

## (3) Self-Cleaning

- (a) Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:
  1. the grease trap is no more than fifty (50) gallons in liquid/operating capacity;
  2. proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
  3. the local solid waste authority allows such practices;
  4. 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

5. detailed records on these activities are maintained and made available to the Director upon request.

(b) Grease trap self-cleaning operators must submit a completed self-cleaning request to the Director for approval. The written request shall include the following information:

1. Business name and street address;
2. Grease trap/interceptor operator name, title, and phone number;
3. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
4. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

(c) Self-cleaners must adhere to all the requirements, procedures and detailed record keeping outlined in their approved application, to ensure compliance with this chapter. A maintenance log shall be kept by self-cleaning operators that shall be made available for inspection and copying upon request by the Director. The log must indicate, at a minimum, the following information for each maintenance event:

1. Date the grease trap/interceptor was serviced;
2. Name of the person or company servicing the grease trap/interceptor;
3. Waste disposal method used;
4. Gallons of grease removed and disposed of;
5. Waste oil added to grease trap/interceptor waste; and
6. 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.

(d) 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 Schedules

(a) Grease or grit traps or interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits, and to ensure no visible grease is observed in discharge.

(b) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:

1. twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
2. the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the Director; or
3. the Director determines the owner or operator thereof has, within the preceding twenty-four month period, committed two or more separate acts that resulted in a notice of continuing violation, a civil penalty, or a criminal conviction under this chapter.

(c) Any person who owns or operates a grease trap/interceptor may submit to the Director a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The Director may grant an extension for required cleaning frequency on a case-by-case basis when:

1. the grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the Director, or
2. less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

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

(e) Grit traps or interceptors shall be completely evacuated and inspected at least once every one hundred-eighty (180) days or more frequently, if required by the Director of Public Works.

#### (5) Manifest Requirements

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

(b) Persons who generate, collect and transport grease or grit trap or interceptor waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

1. name, address, telephone, and commission registration number of transporter;

2. name, signature, address, and phone number of the person who generated the waste and the date collected;
3. type and amount of waste collected or transported;
4. name and signature of each person responsible for collecting, transporting or depositing the waste;
5. date and place where the waste was deposited;
6. identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
7. name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
8. the volume of the grease waste received; and
9. a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(c) Manifests shall be divided into five parts and records shall be maintained as follows:

1. One part of the manifest shall have the generator and transporter information completed and shall be given to the generator at the time of waste pickup.
2. The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
3. One part of the manifest shall go to the receiving facility.
4. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
5. One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
6. One part of the manifest shall go to the Director.

(d) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the Director upon request.

#### (6) Alternative Treatment

- (a) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass

from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

- (b) It is an affirmative defense to an enforcement of § 53.28(B)(6)(a) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
- (c) Bioremediation media may be used with the Director's written approval if the person has proved to the satisfaction of the Director that laboratory testing which is appropriate for the type of grease trap to be used has verified that:
  1. The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160° F (71° C).
  2. The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
  3. The use of the bioremediation media does not cause foaming in the sanitary sewer.
  4. The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.
- (d) All testing designed to satisfy the criteria set forth in § 53.28(B)(6)(c) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, TEXAS ADMINISTRATIVE CODE §319.11. Testing shall be open to inspection by the Director, and shall meet the Director's approval.

### **§ 53.29 BUILDING SEWER REQUIREMENTS.**

Any person responsible for discharges through a building sewer carrying industrial wastes FOG or Sand (Grit) shall, at his own expense and as required by the approving authority:

- (A) Install an accessible control manhole;
- (B) Install meters and other appurtenances to facilitate observation, sampling, and measurement of the waste;
- (C) Install safety equipment and facilities (ventilation, steps...) where needed; and

- (D) Maintain the equipment and facilities.

### **§ 53.30 SAMPLING AND TESTING.**

(A) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. (Note: The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease.)

(B) Examination and analysis of the characteristics of waters and wastes required by this chapter shall be:

(1) Conducted in accordance with the latest edition of Standard Methods;

(2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(C) B.O.D. and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

(D) The approving authority shall determine which users or classes of users may contribute waste-water which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow, B.O.D., T.S.S. and pH at least annually.

(E) The city may select an independent firm or laboratory to determine flow, B.O.D., and suspended solids, if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 53.40 APPROVING AUTHORITY REQUIREMENTS.**

(A) The approving authority shall require pretreatment to an acceptable condition for discharge to the public sewers; control over the quantities and rates of discharge; and payment to cover the cost of handling and treating the wastes, if discharges or proposed discharges to public sewers may:

- (1) Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
  - (2) Create a hazard to life or health; or
  - (3) Create a public nuisance.
- (B) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (A) of this section.
- (C) The approving authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of subsection (A) of this section.

#### **§ 53.41 REVIEW AND APPROVAL.**

- (A) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.
- (B) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (C) Any person responsible for discharges requiring pretreatment, flow equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

#### **§ 53.42 POWER TO ENTER PROPERTY.**

- (A) The Director and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this chapter.
- (B) Anyone acting under this authority shall observe the establishment's reasonable rules and regulations concerning safety, internal security, and fire protection.
- (C) The Director and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purpose of:
- (1) Inspection, observation, measurement, sampling, or repair;
  - (2) Maintenance of any portion of the sewerage system lying within the easements;

(3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(E) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

### **§ 53.43 AUTHORITY TO DISCONNECT SERVICE.**

(A) The city may terminate water and waste-water disposal service and disconnect a person from the system when:

(1) Acids or chemicals which may damage the sewer lines or treatment process are released to the sewer potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the person is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or

(3) The customer:

(a) Discharges waste or wastewater that is in violation of the permit issued by the approving authority;

(b) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

(c) Fails to pay monthly bills for water and sanitary sewer service in accordance with the procedures set forth in § [52.04](#);

(d) Repeats a discharge of prohibited wastes to public sewers in violation of §§ [53.20](#) through [53.27](#) of this chapter as stated above.

(B) If service is discontinued pursuant to subsection (A)(2) of this section, the city shall:

(1) Disconnect the customer;

(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

(3) Continue disconnection until such time as the customer provides pretreatment/additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes.

#### **§ 53.44 NOTICE; CONTINUING VIOLATIONS.**

(A) The city shall serve persons discharging in violation of this chapter with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(B) No person may continue discharging in violation of this chapter beyond the time limit provided in the notice.

(C) This section shall have no bearing on a prosecution or proceeding to impose a civil penalty under this chapter.

#### **§ 53.45 FAILURE TO PAY BILLS.**

In addition to sanctions provided for by this chapter, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

#### **§ 53.50 CIVIL PENALTIES.**

(A) If the Director determines that a generator is responsible for a blockage of a collection system line the generator shall be liable for a civil penalty not to exceed \$500 for the first violation, \$1000 for a second violation, \$1500 for a third violation, or \$2000 for four or more violations within a two-year period.

(B) Any person violating any of the provisions of §53.28 shall be subject to a written warning for the first violation, and shall be liable for a civil penalty not to exceed \$500 for a second violation, \$1000 for a third violation, \$1500 for a fourth violation, and \$2000 for five or more violations within a two-year period.

(C) A separate penalty may be imposed for each day that a violation continues. Repeated violations may also result in termination of service.

(D) Imposition of a civil penalty does not affect a criminal charge filed under this chapter.

(E) All civil penalties shall be paid to the City's general fund.

### **§53.51 APPEAL.**

(A) Generally. Any person aggrieved by the denial of a discharge permit, a removal from the self-cleaner program, a termination of service, or the imposition of a civil penalty under this Chapter shall have the right to appeal to the City Manager as provided by this section.

(B) Notice of Appeal. The appellant shall initiate such appeal by filing a written notice with the Director and the City Secretary within ten days of the date of the notice of the decision from which the appeal is sought. The notice must briefly describe the decision being appealed, and shall set forth in clear and concise terms the basis for the complaint and the requested relief. The notice shall further set forth the mailing address, email address, fax and phone numbers at which the appellant wishes to receive communications related to the appeal.

(C) Notice of Hearing. The City Manager or his designee, acting as Hearing Officer, will set a time and place for a hearing not to exceed 20 days from the time the notice of appeal is received. At least ten days prior to the hearing date the Hearing Officer shall give notice of the hearing to the appellant by personal service or by certified mail, return receipt requested addressed to the address specified in the notice of appeal.

(D) Hearing. The Hearing Officer shall receive all relevant evidence at the hearing. The Hearing Officer shall have the authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents. The appellant may appear in person or by counsel at the hearing, and may present evidence and argument in support of the appeal. The Director and the City Attorney shall likewise be entitled to present evidence and argument at the hearing in opposition to the appeal. If the appellant fails or refuses to appear, the City Manager may proceed to consider the matter and render a decision based on the evidence presented during the hearing. If the Hearing Officer determines that the appeal is well taken, the Hearing Officer shall have the authority to reverse or modify the determination under appeal.

(E) Decision. The Hearing Officer shall render a decision in writing within five days following the conclusion of the hearing. The Hearing Officer shall then cause one copy of the decision to be filed with the Director, one copy to be filed with the City Secretary, and one copy to be forwarded to the appellant by certified mail.

### **§ 53.99 PENALTY.**

(A) (1) A person who knowingly violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$2,000 for each act of violation and for each day of violation.

(2) In addition to proceeding under authority of subsection (A)(1) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

(B) All persons violating § [53.07](#) of this chapter by using septic tanks where sanitary sewer facilities are reasonably available will be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$200. Each day during which such violation continues shall be considered a separate and distinct offense and shall be punishable as such.

**SECTION 2:** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Harker Heights in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

**SECTION 3:** The change in the law made by this ordinance applies only to an offense committed on or after the effective date of this ordinance. For purposes of this section, an offense is committed on or after the effective date of this ordinance if every element of the offense occurs on or after that date.

**SECTION 4:** An offense committed before the effective date of this ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

**SECTION 5:** This ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights this 25<sup>th</sup> day of January, 2011, at a meeting which the City Council finds to have been held in strict accordance with the requirements of the Texas Open Meetings Act.

---

The Honorable Ed Mullen, Mayor  
City of Harker Heights

ATTEST:

---

Patricia Brunson, Assistant City Manager  
City of Harker Heights