

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-5  
REGARDING REGULATION OF LIQUID WASTE HAULERS

**PART 1.** City Code Section 15-5-21 (*Definitions*) is amended to add the following new definitions, amend a definition, and to renumber the remaining definitions accordingly:

**§ 15-5-21 DEFINITIONS.**

- (1) DIRECTOR means the director of Austin Water.
- (6) OPERATOR means a person who operates a state-approved waste treatment system, waste reduction system, waste recovery system, state-permitted Type V transfer station or waste disposal site for septic tank waste and hauled liquid waste.
- (8) PERMIT means a liquid waste hauler permit issued by the director authorizing collection, transport, or disposal of hauled liquid waste.

**PART 2.** City Code Section 15-5-22 (*Use of Permitted Liquid Waste Hauler Required*) is amended to read as follows:

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

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

**PART 3.** Subsection C of City Code Section 15-5-23 (*Use of Approved Site for Disposal Required*) is amended to read:

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

- (C) The director ~~[health authority]~~ may require that a liquid waste hauler provide a signed, written statement from an operator:
  - (1) identifying the rule, permit, or other document issued by the regulating state agency that permits an operator's facility to receive a specific hauled liquid waste; and
  - (2) the operator's agreement to receive the liquid waste hauler's hauled liquid waste.

**PART 4.** City Code Section 15-5-25 (*Vehicle Requirements and Inspection*) is amended to read:

1       **§ 15-5-25 VEHICLE REQUIREMENTS AND INSPECTION.**

2           (A) A liquid waste hauler must obtain a permit for each vehicle used to haul  
3 liquid waste.

4  
5           (B) A vehicle or other equipment used to transport hauled liquid waste must  
6 be:

7  
8           (1) constructed, operated, and maintained to prevent:

9  
10                   (a) the loss of hauled liquid waste; or

11                   (b) the creation of an unsanitary or unsafe condition;

12  
13           (2) licensed and inspected annually under Title 7 (*Vehicles and Traffic*)  
14 of the Texas Transportation Code; \_\_\_\_\_

15  
16           (3) identified with the registration number required by state regulation;

17  
18           (4) marked on both sides of the vehicle in letters and numbers not less  
19 than three inches high with: \_\_\_\_\_

20  
21                   (a) the vehicle's City permit number;

22                   (b) the name of the permit holder; and

23                   (c) if applicable, the waste type code designated by the [~~health~~  
24 authority] director;

25  
26           (5) equipped with a valve drip cap to minimize leakage;

27  
28           (6) equipped with a sight glass or tube and other measuring device that  
29 permits visual inspection of the hauled liquid waste contained in the  
30 vehicle; and

31  
32           (7) equipped with a device [~~device~~] as prescribed by the director to  
33 measure each load of hauled liquid waste received from a generator.

34  
35           (C) A vehicle that consists of a tractor and a trailer shall have the marking  
36 required by Subsection [~~(A)~~] (B) (4) of this Code Section displayed on the  
37 trailer.  
38

1 (D) The director [~~health authority~~] may inspect a vehicle at any reasonable  
2 time [~~during regular business hours~~].

3 **PART 5.** Subsection (A) of City Code Section 15-5-31 (*Manifest Required*) is  
4 amended to read:

5 **§ 15-5-31 MANIFEST REQUIRED.**

6 (A) A liquid waste hauler shall purchase from the [~~health authority~~] director a  
7 manifest book containing form manifests with not less than four copies of  
8 each document.

9 **PART 6.** Subsections (C), (E) and (F) of City Code Section 15-5-32 (*Delivery and*  
10 *Maintenance of Manifests*) are amended to read:

11 **§ 15-5-32 DELIVERY AND MAINTENANCE OF MANIFESTS.**

12 (C) A generator, liquid waste hauler, and operator shall retain a copy of each  
13 manifest in a file available for inspection by the director [~~health authority~~]  
14 during regular business hours, for not less than three years from the date the  
15 ticket was completed.

16 (E) A liquid waste hauler shall return the manifest book to the director [~~health~~  
17 ~~authority~~] not later than the 30<sup>th</sup> day after all manifests in the book have been  
18 used.

19 (F) A liquid waste hauler shall return a manifest book to the director [~~health~~  
20 ~~authority~~] not later than the second working day after the liquid waste hauler  
21 receives a written request from the director [~~health authority~~].

22 **PART 7.** Subsection (C) of City Code Section 15-5-33 (*False Information and Transfer*  
23 *Prohibited*) is amended to read:

24 **§ 15-5-33 FALSE INFORMATION AND TRANSFER PROHIBITED.**

25 (C) A liquid waste hauler commits an offense if the liquid waste hauler transfers,  
26 causes, or allows the transfer of a manifest or manifest book to a person other  
27 than the director [~~health authority~~] or an employee of the liquid waste hauler.

28 **PART 8.** City Code Section 15-5-34 (*Regulations Authorized*) is amended to read:

29 **§15-5-34 REGULATION AUTHORIZED.**

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

32 **PART 9.** City Code Section 15-5-41 (*Permit Required*) is amended to read:

1       **§ 15-5-41 PERMIT REQUIRED.**

2           A person shall obtain a liquid waste hauler's permit under this [chapter] article  
3 before the person operates a vehicle to transport hauled liquid waste, or causes, allows, or  
4 permits a vehicle owned by the person to transport hauled liquid waste.  
5

6       **PART 10.** City Code Section 15-5-42 (*Permit Application*) is amended to read:

7  
8       **§ 15-5-42 PERMIT APPLICATION.**

9  
10       (A) A person seeking a [An application for a liquid waste hauler's] permit must  
11 complete and [shall] file an application for a permit with the director [health  
12 authority] and pay an application and permit fee established by separate  
13 ordinance.

14       (B) An application for a permit under this section must include: name, title,  
15 address, and telephone number of the authorized representative of the  
16 applicant;

17           (1) description or address of this business location;

18           (2) description of the activity and type of liquid waste transported;

19           (3) proof that each vehicle is covered by insurance as prescribed Section 15-  
20 5-45 (*Insurance Required*);

21           (4) confirmation that the applicant or if the applicant is a business entity, a  
22 partner or corporate officer in the business entity, has not convicted or a  
23 violation directly related to this article;

24           (5) confirmation that each vehicle to be used to transport hauled liquid  
25 waste complies with the requirements prescribed in Section 15-5-25  
26 (*Vehicle Requirements and Inspection*); and

27           (6) a list with the name and valid driver's license number of each vehicle  
28 operator.

29       ~~[(B) The health authority shall provide an applicant with a copy of this article.]~~

30       (C) A permittee shall send the director an updated list of authorized drivers in  
31 writing no later than the 30th day after each change in personnel occurs.

32       ~~[(C) An application under this section shall include evidence acceptable to the health~~  
33 ~~authority that:~~

34           ~~(1) each vehicle is covered by insurance as prescribed by Section 15-5-45~~  
35 ~~(*Insurance Required*);~~

1           ~~(2) the applicant or if the applicant is a business entity, a partner or~~  
2           ~~corporate officer in the business entity, has not been convicted of a~~  
3           ~~violation directly related to this chapter; and~~

4           ~~(3) each vehicle to be used to transport hauled liquid waste complies with~~  
5           ~~the requirements prescribed in Section 15-5-25 (*Vehicle Requirements*~~  
6           ~~*and Inspection*).~~]

7           (D) The director may require additional application information as necessary  
8           to determine compliance by the applicant.

9           ~~[(D) A permittee shall file with the health authority a list of the name and~~  
10           ~~Texas driver's license number of each vehicle operator. A permittee shall~~  
11           ~~send the health authority an updated list of authorized drivers in writing~~  
12           ~~no late than the 30th day after a change in personnel occurs.]~~

13           (E) The application must be signed by the individual applicant or by the  
14           applicant's authorized representative.

15           (F) [(E)] A permit issued under this article [chapter] is nontransferable.

16           **PART 11.** City Code Section 15-5-43 of City Code (*Determination on Application*) is  
17           amended to read:

18           **§ 15-5-43 DETERMINATION ON APPLICATION.**

19           (A) The director [~~health authority~~] may not grant a permit under this article  
20           unless the applicant has complied with the requirements of Section 15-5-  
21           42 (*Permit Application*). In making a determination relating to an offense  
22           under Subsection 15-5-42 (B) (5) [~~(C) (2)~~], the director [~~health authority~~]  
23           may consider the factors prescribed in Section 53.022 (*Factors in*  
24           *Determining Whether Conviction Relates to Occupation*) of the Texas  
25           Occupations Code.

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

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

33           **PART 12.** Subsection (C) of City Code Section 15-5-44 (*Permit Fees Exceptions*) is  
34           amended to read:

35           **§ 15-5-44 PERMIT FEES EXCEPTIONS**

- 1 (C) The director [~~health authority~~] may assess an additional fee for re-inspection  
2 of a vehicle.

3 **PART 13.** Subsections (A), (B), and (C) of City Code Section 15-5-45 (*Insurance*  
4 *Required*) are amended to read:

5 **§ 15-5-45 INSURANCE REQUIRED.**

- 6 (A) The owner or operator of a permitted vehicle shall file with the director  
7 [~~health authority~~] a commercial automobile insurance policy insuring  
8 against bodily injury and property damage issued by an insurance  
9 company licensed to do business in Texas for each permitted vehicle with  
10 a minimum:

- 11 (1) combined single limit \$500,000; or  
12 (2) split limit of \$250,000 for each person, \$500,000 for each occurrence,  
13 and \$100,000 property damage.

- 14 (B) An insurance policy under this section must include a notice of  
15 cancellation clause stating that the policy may not be cancelled or  
16 amended before the 30th day after the director [~~health authority~~] received  
17 notice of cancellation, amendment, or non-renewal.

- 18 (C) The director [~~health authority~~] may not issue a permit for a vehicle until  
19 the owner or operator has provided proof of insurance under this section.

20 **PART 14.** Section 15-5-46 (*Term and Renewal*) of City Code is amended to read:

21 **§ 15-5-46 TERM AND RENEWAL**

- 22 (A) A permit issued under this division shall expire two years [~~one year~~] from  
23 the date of issuance. [~~and must be renewed annually.~~]

- 24 (B) A person holding a permit under this article shall apply for a new permit no  
25 later than the 30<sup>th</sup> day before the expiration date of the permit.

26 **PART 15.** Subsections (A), (B), and (C) of City Code Section 15-5-47 (*Permit*  
27 *Revocation*) are amended to read:

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

- 31 (B) The director [~~health authority~~] shall provide a liquid waste hauler written  
32 notice of a hearing on revocation of the hauler's permit on or before the  
33 10th day before the hearing. A notice under this section shall include the

1 basis of the proposed action. The [~~health authority~~] director may  
2 promulgate rules for a hearing under this section.

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

6 **PART 16.** Section 15-5-48 (*Appeal*) of City Code is amended to read:

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

11 **PART 17.** A new City Code Section 15-5-49 (*Right of Entry*) is added to read:

12 **§ 15-5-49 RIGHT OF ENTRY.**

- 13 (A) With reasonable advance notice the director may enter the premises of a  
14 person to determine if the person is in compliance with the requirements  
15 of this article or a permit issued under this article.
- 16 (B) With reasonable advance notice to a liquid waste hauler, the director may:
- 17 (1) Enter a premises to inspect or take samples of liquid waste;  
18 (2) enter a premises to gain access to a source of liquid waste; or  
19 (3) inspect, sample, monitor equipment, or records, required under this  
20 article.
- 21 (C) A person transporting, or proposing to transport liquid waste shall at the  
22 person's sole expense, promptly remove security barriers or other  
23 obstacles that inhibit access by the director.

24 **PART 18.** This ordinance takes effect on \_\_\_\_\_, 2018.  
25

**PASSED AND APPROVED**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

§  
§  
§

\_\_\_\_\_, 2016

\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

DRAFT