

**Environmental Services**  
**Proposed Revisions to Title 9.04-Solid Waste Management**  
**February 25, 2010**

**Section 9.04.030 - Definitions**

**Added new definition for “Collector”**

(A) Persons, businesses, institutions or agencies engaging in the collection, removal, transportation or disposal of solid waste, for a fee, including but not limited to the Department, commercial refuse collection, septic tank cleaning, and special waste handling;

(B) Persons, businesses, institutions or agencies engaging in the collection, transportation and disposal of solid waste incidental to their primary business or institutional purpose, including but not limited to construction contractors, landscape maintenance contractors, apartment owners, commercial businesses, and industrial plant operators;

(C) Persons, businesses or institutions holding a special disposal permit issued by the Director or designee; and

(D) Private homeowners, when collecting and transporting their own construction debris, discarded appliances, tree limbs, grass clippings and other municipal solid waste generated on their own residential premises. However, this provision does not authorize any private homeowner to cease receiving collection service from the Department or to collect and transport any waste for which a permit is required in accordance with Section 9.04.250 of this chapter.

**Section 9.04.180 - Collectors**

**New section added**

All solid waste generated or otherwise found within the City shall be collected by a collector holding valid authorization to collect and transport solid waste in accordance with this chapter. Collectors are required to have all State and local permits, licenses and registrations as required by law.

**Section 9.04.250 - Types of Permits**

**Existing**

**9.04.250 Types of Permits**

No person, business, institution, agency or collector shall collect, remove, transport or dispose of any solid waste without obtaining one of the following permits from the Director, with the exception of private homeowners when acting in accordance with Section 9.04.180 of this chapter.

**A. Solid Waste Operations Permit.** A solid waste operations permit entitles the holder to collect, remove and transport solid waste, other than liquid and semisolid waste and sludge, generated by the permittee or those businesses, institutional or industrial operations using the services of the permittee.

**Proposed**

**9.04.250 Types of Permits** No person, business, institution, agency or collector shall collect, remove, transport or dispose of any solid waste without obtaining one of the following permits from the Director. Private homeowners collecting and transporting their own construction debris, discarded appliances, tree limbs, grass clippings and other municipal solid waste generated on their own residential premises are not required to obtain a permit.

**A. Solid Waste Operations Permit.** A solid waste operations permit entitles the holder to collect, remove and transport solid waste, other than liquid and semisolid waste and sludge, generated by the permittee or those businesses, institutional or industrial operations using the services of the permittee in accordance with this chapter and applicable State and federal regulations.

## **Section 9.04.260A - Solid Waste Operations Permit**

**Added new information to section.**

### **A. Solid Waste Operations Permit**

d. Estimated monthly volume of waste;

e. A list of the area or areas served by the vehicles listed in the permit application. The applicant shall notify the Department of changes to the list within ten days;

f. A list of all contracts and agreements covering the collection of solid waste generated within the city. This list shall include the names of the parties to the contract or agreement, the term of the contract, the termination date of the contract, and the name (s) of any disposal location specified in the contract or agreement.

k. Any additional data and information deemed necessary by the Department to verify the accuracy of information contained in the permit application forms and attendant documents.

## **Sections 9.04.270 & 9.04.280**

**Reordered sections**

9.04.270 Term of Permit  
(currently 9.04.280)

9.04.280 Permit Transferability.  
(currently 9.04.290)

## **Section 9.04.290 - Vehicle Standards and Markings; License Required.**

**Reordered Section 9.04.290 and added new information**

A. Vehicles used on city streets by collectors for collection and transportation of solid waste must have a valid license to operate within the city.

B. Applicants for a Solid Waste Vehicle License shall furnish to the Department information identified on vehicle license application forms provided by the Department, including but not limited to the make, model, year, license plate number (and state), vehicle capacity and body type. The Department will issue a vehicle license number and sticker. Vehicle licenses are not transferable from the vehicle for which the license was issued.

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5. Be operated with care to prevent the making of unnecessary or avoidable noise in their operations.

6. Be frequently cleaned and washed and periodically disinfected to prevent obnoxious odors, unsightly conditions, vermin infestation and other conditions inimical to the public health, safety and welfare.

D. Solid waste loaded in or upon vehicles used for collection and transportation of solid waste shall not be reworked, resorted, picked over or rehandled while the vehicle is on city streets.

and solid waste shall not be transferred or reloaded from such vehicle to or into any other vehicle while on city streets.

F. Vehicles failing to meet the minimum standards in this section shall no longer be used for collection or transportation of solid waste until such violations have been corrected and verified by reinspection of the vehicle by the Department.

## **Section 9.04.320 - Method of Disposal**

### **Existing**

**A. Municipal Solid Waste.** All municipal waste shall be disposed of at a permitted landfill or transfer station.

**B. Industrial Solid Waste.**

**1. Class I and Class II.** Class I and Class II industrial solid waste must be disposed of as prescribed by regulations of the state and other applicable law. Certain waste in these classes may be disposed of at approved landfills as special waste.

**E. Special Waste.** Vacuum truck waste, (other than septic tank wastes), and grease, sand and grit trap residue may be disposed of at an approved landfill.

### **Proposed**

**A. Municipal Solid Waste.**

Except as otherwise specifically provided in this Chapter, each collector shall dispose of all municipal solid waste at a solid waste handling facility owned or operated by the City or other appropriate facility designated by the Department. This section shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such waste for disposal.

**B. Industrial Solid Waste.**

**1. Class I and Class II.** Class I and Class II industrial solid waste must be disposed of as prescribed by regulations of the state and other applicable law. Certain waste in these classes may be disposed of at approved landfills as special waste. Class I industrial solid waste shall be disposed of at a permitted landfill authorized to accept such waste. Class II industrial solid waste shall be disposed of at a solid waste handling facility owned or operated by the City or other appropriate facility designated by the Department.

**E. Special Waste** Vacuum truck waste, (other than septic tank wastes), and grease, sand and grit trap residue shall be disposed of at a solid waste handling facility owned or operated by the City or an appropriate facility designated by the Department.

**ii.** Non-friable asbestos: the following asbestos-containing materials are considered non-friable and shall be disposed of at a solid waste handling facility owned or operated by the City or other appropriate facility designated by the Department.

## **Section 9.04.325 - Collector Records**

### **New section added**

**A.** Each collector permitted to collect solid waste within the City shall keep such records, receipts, invoices, and other pertinent papers in such form as the Director or designee may require and for a period of no less than three years. Such records, receipts, invoices and other pertinent papers shall include, but not be limited to, documents evidencing the tonnage of waste each collector has collected within the borders of the City, the solid waste handling facility or disposal site where such waste is deposited, and the date (s) of disposal.

- B. The public officials identified in Section 9.04.370 may examine or request copies of the books, papers, records, financial reports, equipment, and other facilities of any collector permitted to collect solid waste within the City in order to verify compliance with this Chapter.
- C. Collectors shall submit quarterly reports, on forms provided by the Department, of the amounts (in cubic yards or tons, as applicable) of solid waste, yard waste, construction and demolition debris, scrap metals, and recyclables and the facility to which such materials were delivered, and any other information which the Director shall, from time to time, require.

## **Section 9.04.330 - Operation of City-Owned or City-Operated Disposal Facilities**

### **Existing**

**B. Acceptance of Waste.** The Director shall accept solid waste from those authorized collection agencies specified in Section 9.04.180 of this chapter at city –owned disposal facilities in accordance with the state permits for operation of such facilities and the provisions of this chapter.

### **Proposed**

**B. Acceptance of Waste.** The Director shall accept solid waste from collectors at city-owned or city-operated solid waste handling facilities in accordance with the state permits for operation of such facilities and the provisions of this chapter.

## **Sections 9.04.382 & 9.04.384**

### **New sections added**

#### **9.04.382 Violation of Permit.**

- A. Compliance with Laws and Regulations.** Permit holders shall comply with local, state and federal laws regulating the collection, transportation and disposal of waste.
- B. Notice of Violation.** The Director shall issue a notice of violation to any permittee who violates any of the provisions of this chapter. The permittee shall correct any such violation within seven (7) calendar days of receipt of such notice.

**9.04.384 Documentation.** To facilitate the enforcement of this Chapter, the Director or designee shall have the authority to request documents and information from any person generating solid waste within the City that demonstrates or otherwise evidences the solid waste such person generates or has generated within the City.

## **Section 9.04.386 - Presumptions**

### **New section added**

**9.04.386 Presumptions** The following shall be rebuttable presumptions in the enforcement of the provisions of this Chapter:

- A. The placement or presence of any container which is marked or identified with the name of any hauler, at any location within the county, shall be presumptive evidence that said debris, scrap metals, or recyclables or collection services at said location within the city as of the date of said placement or presence.**

- B. Evidence of solid waste, construction and demolition debris, scrap metals, or designated recyclables in a container and subsequent observation of the same container empty, shall be presumptive evidence that solid waste, construction and demolition debris, scrap metals, or designated recyclables were collected from the container by the hauler whose name is marked on the container. If such container does not bear the name of any hauler, the presumption shall be that solid waste, construction and demolition debris, scrap metals, or designated recyclables were collected by the hauler who is responsible by contract or otherwise for collection of solid waste, construction and demolition debris, scrap metals, and/or designated recyclables at that location.
- C. The failure to deliver any yard waste, solid waste, construction and demolition debris, scrap metals, and/or designated recyclables to a designated facility within three (3) days of the collection of such yard waste, solid waste, construction and demolition debris, scrap metals, and/or designated recyclables from any location within the county shall be presumptive evidence that the yard waste, solid waste, construction and demolition debris, scrap metals and/or designated recyclables were illegally dumped or disposed of at a location other than a designated facility.
- D. Service upon any person, landscaper, or hauler in a manner consistent with the requirements of applicable law shall be presumptive evidence that such notice was received by that person, landscaper, or hauler.

## **Section 9.04.420 - Disposal Fees**

### **Existing**

#### **E. Surcharge for Uncovered Loads.**

In conjunction with the Department's enforcement of Section 9.04.290 of this code and Texas Commission on Environmental Quality rules, landfill and transfer station attendants are authorized to assess a surcharge fee for charge fee for vehicles that are not provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling, set by resolution of the City Council, to the person or company hauling waste to the facility the attendant observes or otherwise acquires credible information that the hauler has spilled waste materials along and within the right-of-way of the public access roads serving the facility within a two-mile distance in either direction from the facility entrance.

### **Proposed**

#### **E. Surcharge for Uncovered Loads.**

In conjunction with the Department's enforcement of Section 9.04.290 of this code and Texas Commission on Environmental Quality rules, the Department is authorized to assess a surcharge fee for vehicles that are not provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling, set by resolution of the City Council, to the collector hauling waste when any of the public officials identified in Section 9.04.370 observes or otherwise acquires credible information that the collector has spilled waste materials on or adjacent to city streets. Such surcharge fee shall not preclude any other enforcement measures the Department is entitled to take pursuant to Article VIII of this Chapter.

## **Section 9.04.430 - Nonpayment of Fees**

### **Existing**

#### **B. Delinquent Fees.**

If the holder of any city permit for collection, transportation or disposal of solid waste, issued pursuant to this chapter becomes delinquent in the payment of fees, the Director is authorized, upon ten calendar days notification to the permittee, to refuse access to city solid waste handling facilities. The Director may further, upon thirty calendar days notification, cancel such permits.

### **Proposed**

#### **B. Delinquent Fees.**

If the holder of any city permit for collection, transportation or disposal of solid waste, issued pursuant to this chapter becomes delinquent in the payment of fees, the Director is authorized, upon ten calendar days notification to the permittee, to refuse access to city solid waste handling facilities and suspend or revoke such permits pursuant to the enforcement provisions of Article VIII. For purposes of this Section, billing for the payment of fees serves as notice of violation.

## **Section 9.04.510 - Waste and Debris Containment Required**

### **Existing**

B. It shall be the duty of the general contractor or permit holder (as defined in the Building and Administrative Code, Chapter 18.02), of a permit for construction to provide one (1) or more approved storage containers of the appropriate type for the waste generated as a result of the construction, to have such waste placed therein and to have such containers emptied often enough to prevent their overflow and to remove these containers and their contents at the final completion of work at the construction site. It shall further be the duty of the general contractor or permit holder either to remove such waste to a permitted landfill or to contract for the services of a licensed solid waste transporter to remove such waste to a permitted landfill.

### **Proposed**

B. It shall be the duty of the general contractor or permit holder (as defined in the Building and Administrative Code, Chapter 18.02), of a permit for construction to provide one (1) or more approved storage containers of the appropriate type for the waste generated as a result of the construction, to have such waste placed therein and to have such containers emptied often enough to prevent their overflow and to remove these containers and their contents at the final completion of work at the construction site. It shall further be the duty of the general contractor or permit holder either to remove such waste to a solid waste handling facility owned or operated by the City or to contract for the services of a licensed solid waste transporter to remove such waste to a solid waste handling facility owned or operated by the City.

### **New Section inserted**

**C. This section shall not be constructed to preclude the source separation of materials from solid waste prior to collection of such waste for disposal.**