

(Published in the Topeka Metro News December 10, 2018)

ORDINANCE NO. 20157

AN ORDINANCE introduced by City Manager Brent Trout, concerning liquid waste hauling, amending City of Topeka Code § 13.20.560, § 13.20.570, § 13.20.600 through § 13.20.670, § 13.20.830, § 13.20.840, § 13.20.890, § 13.20.900, § 13.20.920 and § 13.20.940 and repealing original sections.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 13.20.560, Liquid waste haulers, discharge permit required, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Liquid waste haulers, discharge permit required.

Any liquid waste hauler ~~desiring to discharge~~ing liquid waste into city wastewater disposal facilities ~~of the city~~ or providing pumping or servicing of residential or commercial facilities shall be required to obtain a liquid waste discharge permit from the Water Pollution Control division (WPCD) for each vehicle owned or operated by the liquid waste hauler prior to discharge.

Section 2. That section 13.20.570, Liquid waste hauler discharge permit application, application fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Liquid waste hauler discharge permit application, application fee.

(a) Applications for a liquid waste hauler discharge permit shall be made to the WPCD and shall contain the following information:

(1) Name and address, including business address of liquid waste hauler.

(2) Quantity, capacity, license plate number, and type of all vehicles operated by hauler, for the purpose of hauling liquid waste.

(3) Types of materials pumped by hauler including a waste characterization profile on each type of material.

(4) Proof of insurance in the following types and amounts:

(i) Bodily injury, nonvehicular: \$300,000 each occurrence.

(ii) Property damage, nonvehicular: \$100,000 each occurrence.

(iii) Automobile insurance: \$100,000 single occurrence, \$300,000 aggregate, \$50,000 property damage.

(5) Any other information deemed necessary by the utilities director in order to review the application.

(b) An application must be accompanied by the appropriate fee before it will be considered by the utilities director. Permit application fees ~~are as follows:~~ shall be set forth in a fee schedule promulgated by the utilities director and approved by the city manager.

~~(1) Payment of a \$50.00 application fee (nonrefundable), for those haulers operating only within Shawnee County, shall accompany the application in addition to a \$20.00 permit fee per vehicle.~~

~~(2) Payment of a \$100.00 application fee (nonrefundable), for any hauler operating outside Shawnee County, shall accompany the application in addition to a \$20.00 permit fee per vehicle.~~

(c) The utilities director may issue a permit if, after review of the application, the utilities director finds:

(1) The liquid waste is domestic generated waste or commercial/food waste with the exception of grease trap waste; and

(2) The liquid waste may be discharged into the WPCD disposal facility

54 without causing pass-through or interference; and

55 (3) The liquid waste meets all applicable federal, state, and city
56 requirements. Any permit issued shall be valid for a period of one year following
57 issuance.

58 Section 3. That section 13.20.600, Liquid waste discharge location, fees,
59 manifest, of The Code of the City of Topeka, Kansas, is hereby amended to read as
60 follows:

61 **Liquid waste discharge location, fees, manifest.**

62 The utilities director shall designate the disposal facility to receive permitted
63 hauled liquid waste. Disposal of hauled liquid waste at any location or site other than the
64 designated disposal facility is prohibited. The utilities director also shall designate the
65 hours of operation of the disposal facility and establish procedures by which the
66 disposal facility may be used. Disposal of hauled liquid waste at any other time than the
67 designated hours of operation or in violation of the established procedures of usage is
68 prohibited.

69 The disposal charge for hauled liquid waste shall be calculated at a rate adjusted
70 to the current documented waste strength. The disposal charge will be evaluated every
71 two years thereafter and adjusted, if necessary, to reflect changes in the excess
72 strength commercial rate charge, the current documented waste strength, and the
73 WPCD's percent of expenses related to treatment of the liquid waste. Such charge will
74 be billed by the WPCD and payable on a monthly basis.

75 Each liquid waste load which is presented for discharge shall ~~be accompanied~~
76 ~~by~~ require the submission of a load manifest on ~~forms prepared by the WPCD~~ the
77 electronic form available on the City of Topeka's Utilities webpage which contains the

following information:

(a) ~~Permit holder name, permit number and truck license number~~Certification statement, date, hauler's first and last name, business name and email address.

(b) Originating location of liquid waste.

(c) Volume of liquid waste pumped.

(d) Liquid waste characterization (i.e., industrial/domestic waste).

~~(e) Signature and telephone number of a legal representative of the waste generator certifying to the above information.~~

~~(f) Signature of liquid waste hauler certifying the above information to be true and accurate.~~

A manifest shall be prepared for each location where the hauler receives liquid waste. Failure to ~~present~~provide the manifest electronically to the WPCD ~~at the time of discharge~~for each load shall be cause to deny access to the designated disposal facility. Manifest records shall be maintained by the hauler for a period of three years.

Section 4. That section 13.20.610, Discharge of contents from holding tanks, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Discharge of contents from holding tanks.

The contents from holding tanks ~~of~~ for domestic waste only shall be allowed with the approval of the utilities director ~~or designee~~, at a rate of ~~\$15.00 per 1,000 gallons discharged. Holding tank waste shall be accompanied by a manifest which has been signed by the generator~~set forth in the fee schedule established by the utilities director and approved by the city manager. There shall be no mixing of holding tank wastewater with waste of any other type. A "holding tank" is defined as a nondischarging, storage structure for sanitary wastewater of domestic origin with no connection to a lateral field

or any other type of discharge point from the storage tank.

Section 5. That section 13.20.620, Change in liquid waste profile, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Change in liquid waste profile.

A permitted waste hauler shall notify the utilities director at least seven (7) days prior to any planned significant change in waste profile. In the event a liquid waste hauler desires to discharge industrial liquid waste then the hauler shall contact the WPCD for a separate permit and ~~rate~~fee schedule. Any industrial waste shall meet categorical pretreatment standards, if applicable.

Section 6. That section 13.20.630, Rights of refusal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Rights of refusal.

Notwithstanding any provision to the contrary, the utilities director or designee may refuse any liquid waste load. Further, the utilities director may order the testing of the waste load by the hauler prior to disposal. Designated staff of the WPCD may also conduct sampling of any liquid waste to confirm compliance with the permit.

Section 7. That section 13.20.640, Enforcement, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Enforcement.

Any liquid waste hauler permit may be revoked by the utilities director upon the occurrence of any of the following:

(a) Failure to pay disposal charges for a period of sixty (60) days.

(b) Failure to electronically provide or maintain manifest records.

(c) Submission of inaccurate or false information concerning waste

126 characterization.

127 (d) Attempted disposal or disposal of hazardous waste.

128 (e) Disposal of waste into the city's system at any site other than the designated
129 site.

130 Section 8. That section 13.20.650, Liquid waste hauler – Regulatory penalty,
131 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

132 **Liquid waste hauler – Regulatory penalty.**

133 If any public state or federal agency imposes or threatens to impose any penalty
134 upon the WPCD, the utilities director will immediately notify the person(s) or agency
135 reasonably believed to be causing the WPCD to be in violation by virtue of their
136 discharge to the city sewer. If a penalty is subsequently assessed against the WPCD,
137 the person(s) or agency causing the WPCD to be in violation shall be held liable for the
138 penalty. All fines imposed as a result of a violation of this chapter shall be paid by the
139 person(s) or agency causing the violation to the city and credited to the WPCD.

140 Section 9. That section 13.20.660, Liquid waste hauler – Damage to facilities,
141 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

142 **Liquid waste hauler – Damage to facilities.**

143 When it has been determined that a discharge of hauled liquid waste causes an
144 obstruction, damage, or any other impairment to the wastewater disposal facilities, the
145 WPCD may assess a charge for the work required to clean or repair the facility against
146 the liquid waste hauler responsible for the discharge.

147 The repairs may be made by a private contractor or by personnel of the WPCD at
148 the option of the utilities director. Where applicable, the WPCD may add such charge to
149 the liquid waste hauler's wastewater service charges.

Section 10. That section 13.20.670, Liquid waste hauler - Criminal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Liquid waste hauler – Criminal.

Any person found to discharge at the WPCD disposal facility any waste not compatible with this article shall be in violation of this article and guilty of a misdemeanor.

Section 11. That section 13.20.830, Quarterly reporting, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Quarterly reporting.

Each grease generator shall submit a quarterly grease report on ~~such forms provided by the city to the utilities director~~ the electronic form available on the City of Topeka Utilities webpage. The quarterly grease report shall be submitted on or before the last calendar day of March, June, September, and December in each year.

Each quarterly grease report shall provide the following information, including, but not limited to, a record of the dates the grease trap and/or grease interceptor was cleaned, the name and contact information for the grease hauler, if applicable, and grease generator contact information. Failure to submit a quarterly grease report or failure to submit a complete report within 30 days of the due date may result in the issuance of a notice of violation and enforcement under Article II of Chapter 13.15 TMC.

Section 12. That section 13.20.840, Record keeping, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Record keeping.

Each grease generator shall maintain a grease trap/interceptor maintenance log on such forms ~~provided by the division~~ available for downloading on the City of Topeka

Utilities webpage that shall indicate all dates of trap/interceptor cleaning, disposal method, quantity removed, and the name of the grease hauler that pumped the interceptor or the individual who cleaned the trap. The grease trap/interceptor maintenance log shall indicate the cleaning dates for at least the previous 12 months and shall be available for inspection and review by the utilities director. Failure to maintain a maintenance log shall result in the issuance of a notice of violation and enforcement in accordance with this chapter.

Section 13. That section 13.20.890, License fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

License fee.

The license fee for a grease hauler ~~shall be \$300.00 for the license term~~ shall be set forth in the fee schedule established by the utilities director and approved by the city manager. ~~Additionally, each grease hauler shall pay for each license term a fee of \$20.00 for each vehicle used to haul grease.~~

Section 14. That section 13.20.900, Grease hauler license renewal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Grease hauler license renewal.

A license may be renewed by submitting to the ~~division~~ WPCD a renewal form together with the renewal fee at least thirty (30) days prior to the expiration date of the current license.

Section 15. That section 13.20.920, Record keeping, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Record keeping.

Grease haulers who service, pump, or provide any related services to grease

interceptors shall submit electronically the grease interceptor service inspection reports
~~on forms provided by the division~~available on the City of Topeka Utilities webpage. An
inspection record shall be made for each grease interceptor serviced during the
reporting period.

Section 16. That section 13.20.940, Suspension or revocation of license, of The
Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Suspension or revocation of license.

Failure of any grease hauler to comply with the requirements of this chapter shall
be subject to the following enforcement procedures:

(a) Notice of Violation. A notice of violation will be issued to any grease hauler
that is found to be in noncompliance with the requirements of this chapter. The notice
shall state the violation and shall give the grease hauler 10 business days to remedy or
otherwise correct the violation. The grease hauler shall have 10 calendar days from the
receipt of notice by the grease hauler to correct or otherwise remedy the violation.

(b) Grounds for Notice of Violation. A grease hauler may be issued a notice of
violation for any one of the following grounds:

(1) Falsification of any information submitted as part of the application for
the LGH.

(2) Failure to comply with any requirements or regulations concerning
grease traps/interceptors as provided for in this chapter.

(3) Failure to pay required fees, or any other assessed fees.

(4) Failure to comply with any other license condition.

(5) Discharging any liquid waste into a nonauthorized location.

(6) Falsifying information required for a discharge manifest, or any other

applicable forms, applications or reports required under this chapter.

(7) Disposal of waste into the municipal sewer system at any site other than the designated disposal site.

(8) Any other violation which constitutes an imminent or substantial damage to the health or welfare of persons or the environment.

(c) License Suspension/Revocation.

(1) In the event that a grease hauler shall fail to remedy a violation within the time frame set forth in the notice, the license shall be suspended as follows:

(i) Upon the first failure to remedy a violation, the grease hauler license will be suspended by the division until such time as the violation has been remedied.

(ii) Upon the second failure to remedy a violation, the grease hauler's license shall be suspended for a period of three months.

(iii) Upon the third failure to remedy a violation, the grease hauler's license shall be suspended for a period of one year. The license suspension shall only be lifted after expiration of the one-year period and the grease hauler has applied for a new grease hauler license meeting all requirements of TMC 13.20.870.

(2) During any period of any license suspension, a grease hauler may not engage in any grease hauling activities.

(3) Upon receipt of a notice of suspension issued by the division, the grease hauler ~~shall have 10 days to file a written notice of appeal of the license suspension with the utilities director~~ may appeal the suspension in accordance with Chapter 2.145 TMC. ~~An administrative hearing shall be set within 10 days of~~

246 ~~the receipt of the appeal. The suspension of the license shall be stayed until the~~
247 ~~hearing before the city's administrative hearing officer.~~

248 Section 17. That original § 13.20.560, § 13.20.570, § 13.20.600 through §
249 13.20.670, § 13.20.830, § 13.20.840, § 13.20.890, § 13.20.900, § 13.20.920 and §
250 13.20.940 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

251 Section 18. This ordinance shall take effect and be in force from and after its
252 passage, approval and publication in the official City newspaper.

253 Section 19. This ordinance shall supersede all ordinances, resolutions or rules,
254 or portions thereof, which are in conflict with the provisions of this ordinance.

255 Section 20. Should any section, clause or phrase of this ordinance be declared
256 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
257 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

258 PASSED AND APPROVED by the City Council on December 4, 2018.

259 CITY OF TOPEKA, KANSAS
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265 Michelle De La Isla, Mayor

266 ATTEST:

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271 Brenda Younger, City Clerk