

**ORDINANCE NO. 1523**

**AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF LIQUID WASTES WITHIN THE JURISDICTION OF THE CITY OF EUREKA SPRINGS, ARKANSAS; TO ESTABLISH RATES FOR THE DISPOSAL OF LIQUID WASTES; AND TO CREATE PENALTIES FOR THE VIOLATION THEREOF**

**WHEREAS**, the City of Eureka Springs finds that the unregulated collection, transportation, and disposal of liquid wastes presents a potential hazard to the health, safety, and welfare of the residents and visitors of the City; and,

**WHEREAS**, the City of Eureka Springs find that the unregulated collection and transportation of liquid wastes may facilitate unauthorized disposal of liquid wastes onto the land and into the streams, creeks, and sanitary sewer systems located within the territorial and extraterritorial limits of the City of Eureka Springs; and,

**WHEREAS**, General Pretreatment Regulations (40 CFR, Part 403) authorizes the City of Eureka Springs to enact ordinances necessary to regulate the type, character, and quality of wastes which may be discharged into the City of Eureka Springs wastewater treatment system, to protect the health and safety of personnel maintaining and operating the wastewater treatment system, and to prevent unreasonable adverse effects on the City's wastewater treatment system; and,

**WHEREAS**, City government is responsible for the public health, safety, and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS:** that Chapter 5.24, Liquid Wastes Collection, Transportation, and Disposal, be included under Title 5 of the Municipal Code, Health and Sanitation, as follows:

**Chapter 5.24**

**LIQUID WASTES COLLECTION, TRANSPORTATION, AND DISPOSAL**

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#### 5.24.01, Definitions

Unless the context specifically indicates otherwise, the terms used in this chapter shall be defined as follows:

- a. Approved: accepted as satisfactory under the terms of this chapter and given formal and official sanction by the Control Authority.
- b. ADH: Arkansas Department of Health.
- c. ADPC&E: Arkansas Department of Pollution Control and Ecology.
- d. Control Authority: the Mayor or the Mayor's designated representative(s).
- e. Unauthorized Disposal: the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semi-solid grease trap wastes or septage in or on any land or water so that such wastes or any constituents thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- f. Authorized Disposal Site: a permitted site or part of site at which any grease trap wastes or septage is processed, treated, and/or intentionally placed into.
- g. Disposer: a person, partnership, or legal entity which receives, stores, retains, processes, or disposes of liquid wastes.
- h. Grease Trap: a water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes generated from commercial operations into the sanitary sewer system to which the receptacle is directly or indirectly connected.
- i. Liquid Wastes: water-borne solids, liquids, and gaseous substances derived from a grease trap or chemical/portable toilet and/or septic tank, and described as grease trap wastes or septage.
- j. Manifest System: a system consisting of a three-part trip ticket used to document the generation, transportation, and disposal of liquid wastes.
- k. Occupation License: the numbered, formal, written document issued to a person by the Control Authority authorizing collection, transportation, and disposal of grease trap wastes and septage.
- l. Owner: the person who owns a facility or part of a facility.
- m. Licensee: a person granted a City occupation License under this Ordinance.
- n. Person: an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, governmental entity, or any other legal entity, or their legal representatives, agents, or designates.
- o. Sanitary Sewer: a public sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- p. Septage: wastes removed from a portable toilet, chemical toilet, or septic tank.
- q. Shall: a mandatory term; "may" is a discretionary term.

r. Tank: a device designed to contain an accumulation of grease trap wastes or septage which is constructed primarily of non-earthen materials (e.g., concrete, steel, plastic) to provide structural support for the containment.

s. Toxic Wastes: any liquid, semi-liquid, or solid-waste materials which have the ability to chemically produce injury if they reach a susceptible site in or on human beings, domestic animals, or wildlife.

t. Transporter: a person who operates a vehicle for the purpose of collecting, transporting, and disposing of liquid wastes.

u. Trip Ticket: the shipping document originated and signed by the transporter and containing the information required by the Control Authority.

v. Vehicle: a mobile device in which or by which liquid wastes may be transported upon public streets and highways.

#### 5.24.02, Liquid Wastes Transporter's City Occupation License Requirement

a. It shall be unlawful for any person to operate or cause to be operated a vehicle transporting liquid wastes without a City occupation license issued by the Control Authority. The license shall designate the liquid wastes authorized for collection and transportation in each vehicle. A separate license shall be issued for each vehicle.

b. A person who desires a liquid wastes transporter's occupation license must make application on a form provided by the Control Authority.

c. A person who desires a liquid wastes transporter's occupation license must submit with the application a photo copy of the transporter's driver's license. A licensee shall notify the Control Authority of personnel changes during the license period and shall provide the Control Authority a copy of each new employee's driver's license within ten (10) business days.

d. A person who desires a liquid wastes transporter's occupation license must submit with the application verification of a State license/permit to transport liquid wastes.

e. The Control Authority shall not issue an occupation license to a liquid wastes transporter unless the applicant submits for inspection (by the chief operator of the City's wastewater treatment plant) each vehicle the applicant proposes to use to collect and transport liquid wastes and each vehicle is found to be constructed and equipped in accordance with the provisions of this Ordinance.

f. Each licensee shall pay an annual occupation license fee of fifty dollars (\$50.00), plus ten dollars (\$10.00) for each vehicle to be used by the licensee.

g. A liquid wastes occupation license cannot be transferred.

#### 5.24.03, Display of Occupation License

a. The licensee shall keep the current occupation license, or a copy, in the vehicle at all times and will be asked to show said license before being allowed to discharge liquid wastes at an authorized disposal site.

#### 5.24.04, Liquid Wastes Vehicles: Inspection Requirement

a. A liquid wastes transporter's vehicle(s) shall be inspected by the chief operator at the Eureka Springs Wastewater Treatment Plant prior to the issuance of an occupation license. To qualify for a license, a vehicle must comply with the following requirements:

1. Sample tank shall be an integral part of a vehicle; portable tanks or other temporarily installed containers are prohibited;
2. Piping, valves, and connectors shall be permanently attached to the tank and/or vehicle;
3. Tank must be liquid tight;
4. Tank constructed so that every interior and exterior portion can be cleaned easily;
5. Piping, valves, and connections shall be accessible and easy to clean;
6. Tank opening constructed so that wastes will not spill during filling, transport, or transfer;
7. Outlet connections constructed so that no liquid wastes will leak, run, or spill;
8. Outlets designed for the type of liquid wastes handled and capable of controlling flow or discharge without spillage, spray, or flooding; and
9. Pumps, valves, cylinders, diaphragms, and other appurtenances designed for the type of liquid wastes handled; capable of operating without leakage, spillage, or spray; and designed for easy disassembly and cleaning.

#### 5.24.05, Accumulation of Liquid Wastes

a. It shall be unlawful for any person to allow liquid wastes that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon publicly or privately owned property.

#### 5.24.06, Disposal of Liquid Wastes

a. It shall be unlawful for any person to discharge or to offer for sale or exchange liquid wastes anywhere except at a disposal site authorized by City, State, or Federal governments.

b. It shall be unlawful for any person to deposit or discharge liquid wastes onto a street; into a storm or sanitary sewer, stream, or creek; or onto an area that drains into a storm sewer system, stream, or creek.

#### 5.24.07, Liquid Wastes Generator's Responsibilities

a. A liquid wastes generator shall arrange to have liquid wastes collected by a transporter who holds a valid City occupation license and transported to an authorized disposal site.

b. A liquid wastes generator shall not have hazardous wastes or a combination of liquid wastes and hazardous wastes collected by a transporter operating under a City occupation license. Hazardous wastes generators shall comply with applicable State and Federal regulations regarding the collection, transportation, and disposal of hazardous wastes.

c. A liquid wastes generator shall:

1. Install or provide a collection device(s) of size and type approved by the Control Authority;
2. Maintain the collection device(s) in proper operating condition;
3. Supervise proper cleaning of the collection device(s);
4. Report spills and accidents involving a collection device to the Control Authority within 24 hours; and
5. Clean up spills and accidents immediately and have all waste materials disposed of by a licensed transporter by proper means.

#### 5.24.08, Liquid Wastes Disposer's Responsibilities

a. It shall be unlawful for a liquid wastes disposer to allow the accumulation of liquid wastes on publicly or privately owned property which rainfall could carry onto land, into streams, creeks, or storm sewers, or create a noxious odor or health hazard.

b. A liquid wastes disposer shall:

1. Obtain and maintain compliance with all licenses and/or permits required by City, State, or Federal rules and regulations;
2. Accept wastes only from transporters who have a valid City occupation license;
3. Maintain trip-ticket copies for two years;
4. Accept only those classes of liquid wastes authorized by ordinance or license, and
5. Maintain and make available all records required by the Control Authority.

#### 5.24.9, Liquid Wastes Transporter's Responsibilities

a. A liquid wastes transporter shall comply with all applicable City, State, and Federal rules and regulations pertaining to the collection, transportation, and disposal of liquid wastes.

b. Before accepting a load of liquid wastes for transportation and disposal, the transporter shall determine (1) the nature of the wastes to be transported and (2) the sufficiency of the vehicle and equipment to properly handle the wastes without leakage, spillage, or release of toxic or harmful gases, fumes, liquids, or other substances. The transporter shall inform the disposer of the nature of the wastes upon arrival at the authorized disposal site.

c. A transporter with a valid City liquid wastes transporter's occupation license shall not transport hazardous wastes in vehicles used to transport nonhazardous wastes.

d. The following described manifest system, consisting of a three-part trip ticket, shall be used to document the collection, transportation, and disposal of all applicable liquid wastes generated by the residents of the City of Eureka Springs:

1. Trip-ticket books shall be purchased by the transporter from the City of Eureka Springs for an established fee;
2. A transporter shall complete one trip ticket for each location serviced. Chemical/portable toilet companies servicing their own units shall be exempt from the

manifest system;

3. A copy of the trip ticket shall be signed by the generator and the transporter when the liquid wastes are collected at the generator's containment site, and the generator shall retain a copy of the ticket;
  4. The transporter shall present two copies of the trip ticket for signature of the Control Authority when the liquid wastes are discharged at the authorized disposal site, and the Control Authority shall retain one copy of the trip ticket for two years;
  5. The transporter shall retain the third copy of the trip ticket for two years.
- e. The liquid wastes transporter shall maintain vehicles and equipment as follows:
1. Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
  2. Provide a safety plug or cap for each valve of a tank; and
  3. Cause each vehicle to be clean and odor free at the beginning of each work day.

**5.24.10, Liquid Wastes Disposal Fees**

a. When disposing of liquid wastes at the Eureka Spring Wastewater Treatment Plant, transporters shall pay the following fees (based on the number of gallons pumped from the transporting vehicle into the treatment system):

<b>Total Gallons Pumped</b>	<b>Fee</b>
0 - 500	\$20
501 - 1,000	25
1,001 - 1,500	35
1,501 - 2,000	40
2,001 - 2,500	45
2,501 - 3,000	50

b. Disposal fees shall be paid at the authorized disposal site at the time liquid wastes are discharged from the transporter's vehicle.

**5.24.11, Rules and Regulations**

a. The Control Authority may promulgate rules and regulations necessary to carry out the provisions of this Ordinance and to protect the public from health and safety hazards. The Control Authority may amend any license issued hereunder to insure compliance with applicable laws and regulations.

**5.24.12, Denial, Suspension, and Revocation of Occupation License**

a. The Control Authority may deny an occupation license to a liquid waste transporter if it is determined that an applicant is not qualified under the provisions of this Ordinance; and the Control Authority may suspend or revoke an occupation license if it is determined that a licensee:

1. Is not qualified under the provisions of this Ordinance;
2. Has violated a provision of this Ordinance;
3. Has failed to pay a required fee;
4. Has failed to comply with insurance, maintenance, and inspection requirements; or
5. Has failed to deliver trip tickets to the Control Authority.

b. After suspension under this section, a licensee may file a request for reinstatement of the license. When the Control Authority determines that the licensee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, the occupation license shall be reinstated/renewed.

c. The Control Authority may revoke for a period of one year or less all occupation licenses held by a liquid wastes transporter if the transporter or an employee of the transporter violates any of the provisions of this Ordinance, any rule or regulation promulgated by the Control Authority, or any applicable City, State, or Federal rules and regulations pertaining to the collection, transportation, or disposal of liquid wastes.

d. It shall be unlawful for a liquid wastes transporter to collect, transport, or dispose of any liquid wastes within the jurisdiction of the Control Authority while his or her license is suspended or has been revoked.

#### 5.24.13, Penalties

a. Any person who shall violate any provision of this Ordinance, or who shall fail to comply with any provision thereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500.00) or double that sum for each repetition of such offense. Each violation, and each day a violation continues, shall constitute a separate offense.

b. Any person found guilty of violating any provision of this Ordinance shall be liable to the City for any expense, loss, or damage occasioned by the City for proper clean-up and disposal of liquid wastes and resulting waste materials, and for any costs, fees (legal and/or professional) and expenses incurred by the City in litigation and/or prosecution pertaining to the enforcement of this Ordinance.

### **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If, for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect the validity of any other phrase, word, or provision of this Ordinance.

### **CONFLICT**

All other Ordinances or parts thereof in conflict with any part of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
EUREKA SPRINGS, ARKANSAS, THIS 12<sup>th</sup> DAY OF October,  
1993.

APPROVED:

Glen Bess Jorman  
Acting Mayor

ATTEST:

Juanita Barner  
Juanita Barner, City Clerk