

City of Houston, Texas, Ordinance No. 2020-_____

AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE REGULATION OF FATS, OILS, AND GREASE IN THE WASTEWATER SYSTEM; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

WHEREAS, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City has enacted Chapter 47 of the Code of Ordinances, which *inter alia* regulates the use of the City's wastewater system; and

WHEREAS, the City Council finds that the adoption of amendments to the Code of Ordinances would further enhance the benefits derived to the public health, safety, and welfare through regulation of discharges to the wastewater system; **NOW, THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Section 47-411 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order, a new definition that reads as follows:

“*Applicant* means a person applying for a permit required by this article.”

Section 3. That Section 47-411 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order, a new definition that reads as follows:

“Lift station means a plumbing device used for pumping wastewater or sewage from a lower to higher elevation, particularly where the elevation of the source is not sufficient for gravity flow.”

Section 4. That the definition of the term “bioremediation media” in Section 47-411 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Bioremediation media means enzymes or microbes injected into an interceptor or lift station for the purpose of biodegrading fat, oil, and grease. This term does not include any additives that will saponify or emulsify fat, oil and grease.”

Section 5. That the catchline for Section 47-412 of the Code of Ordinances, Houston, Texas, is now changed to read as follows:

“Sec. 47-412. Scope; interceptor or lift station requirement.”

Section 6. That Section 47-422 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-422. Application.

In order to obtain a generator permit, a person shall complete a form provided by the health officer and pay the applicable fee. The applicant shall certify the holding capacity of the interceptor or lift station and provide evidence of any waste permits issued by the state to the applicant. If a site has more than one interceptor or lift station, a separate application must be completed for each interceptor or lift station.”

Section 7. That Section 47-423(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) The applicant shall submit a nonrefundable annual fee for each interceptor or lift station with each original and renewal application for a generator permit or registration certificate. The fee shall be payable in the form prescribed in the application. There shall be no

fee to amend a generator permit or registration certificate; provided, however, that a fee shall be required to reissue a lost generator permit or registration certificate.”

Section 8. That Section 47-426 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-426. Assignment or transfer prohibited.

A generator permit or registration certificate is personal to the holder to whom it is issued and is valid only for the site and interceptor or lift station specified on the permit or certificate. A generator permit or registration certificate, including those issued for interceptors or lift stations, may not be conveyed or assigned to another person.”

Section 9. That Subsections (d), (e), and (g) of Section 47-471 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(d) It shall be unlawful for any person to cause or allow bioremediation to be performed on an interceptor or lift station by a person that does not possess a current permit for biological pretreatment or approved bioremediation media.”

“(e) It shall be unlawful for any person to cause or allow the introduction of any surfactant, solvent or emulsifier into an interceptor, lift station, or similar device.”

“(g) It is a defense to prosecution under this section that the person is the owner or operator of the site where the interceptor or lift station is situated, or an employee or agent of the owner or operator, and that the biological pretreatment service is being performed under the direction of a biological pretreatment service permit holder, provided that all notices and reports provided for under this article have been timely filed. It is also a defense to prosecution under this section that the site is used exclusively for residential purposes.”

Section 10. That Section 47-502(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) It shall be unlawful for any reason to allow waste to be removed from a septic tank, trap, interceptor, lift station, or other device without first obtaining a completed manifest.”

Section 11. That Item (5) of Section 47-502(b) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(5) Holding capacity of trap or interceptor, lift station, or similar device;”

Section 12. That Section 47-502(e) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(e) The transporter shall return the generator return copy to the generator within 15 days after the interceptor, lift station, or similar device has been cleaned.”

Section 13. That Subsections (g) and (h) of Section 47-512 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(g) All grease trap, lift station, or interceptor waste shall be properly disposed of in accordance with federal, state or local regulation.

(h) No generator shall remove or cause or allow any person to remove waste from an interceptor or lift station on the site, unless the entire contents of the interceptor or lift station are removed from the site. It is the express intent of this section to prohibit the use of mobile processors and other devices that purport to separate waste or de-water the contents of an interceptor or lift station and leave a portion of the materials at the site.”

Section 14. That Section 47-513(d) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(d) Interceptors or lift stations shall be operated and maintained in accordance with the manufacturer's recommendations and this article including, but not limited to, periodic removal of the accumulated waste.”

Section 15. That Section 47-514(1)(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“a. Exceed on analysis an average of 200 milligrams per liter (mg/L) of free or emulsified fats, oils or grease, except that a generator may request a two-year schedule to comply with this requirement if the generator meets the following criteria:

1. The generator has a valid generator permit or generator registration certificate;
2. Not later than _____¹, the generator must achieve compliance with a limit of 300 mg/L oil and grease; and
3. No later than _____², the generator must achieve compliance with the final limit of 200 mg/L oil and grease.”

Section 16. That Section 47-545 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 467-545. Complete removal required.

No transporter shall remove waste from any interceptor, lift station, utility vault, septic tank, or similar device unless its entire contents are removed from the site. It is the express intent of this section to prohibit the use of ‘mobile processors’ and other devices that purport to separate waste or de-water the contents of an interceptor or lift station and leave a portion of the materials at the site.”

Section 17. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such non-substantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 18. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in

1. The City Secretary shall insert the date one year next following the effective date of this Ordinance.
2. The City Secretary shall insert the date two years next following the effective date of this Ordinance.

adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 19. All ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 20. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2020.

Mayor of the City of Houston

Prepared by Legal Dept. _____
EG: tm 8/5/2020 Assistant City Attorney
Requested by Stephen L. Williams, Director, Houston Health Department
L.D. File No. 080-2000170-001