

RULES AND REGULATIONS NO. 13

RULES AND REGULATIONS
GOVERNING THE TRANSPORTATION AND DISPOSAL
OF LIQUID WASTE

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752 PASSED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ON MAY 22, 1952, AS AMENDED; NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TEXAS, THAT THE FOLLOWING RULES FOR GOVERNING THE DISCHARGE OF HAULED WASTEWATER INTO EL PASO'S WASTEWATER SYSTEM ARE HEREBY ESTABLISHED (KNOWN AS RULES AND REGULATIONS NO. 13).

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SECTION II GENERAL PROVISIONS

Except for sanitary wastewater which conforms to the prohibitions in Section IX, the discharge of any pollutant or wastewater from a vehicle into El Paso's wastewater system is prohibited unless the wastewater transporter is permitted under these Rules and Regulations. Anyone seeking to discharge such wastes must first obtain a Hauled Waste Permit from the Public Service Board (PSB) and may only discharge at the Septage Receiving Facility at the Roberto R. Bustamante Wastewater Treatment Plant (or other permitted facility as specified by the PSB). The PSB reserves the right to change the date and times of operation of the Facility without notice or recourse. Wastes shall not be accepted from any producer or source located outside El Paso County unless approved by the PSB.

A. DEFINITIONS AND ABBREVIATIONS

The following abbreviations, when used in this Rules and Regulations No. 13, shall have the designated meanings as follows:

BOD

Biochemical Oxygen Demand

EPA

United States Environmental Protection Agency

mg/L

Milligrams per liter

NPDES

National Pollutant Discharge Elimination System

POTW

Publicly Owned Treatment Works

PSB

Public Service Board

TAC

Texas Administrative Code

TPDES

Texas Pollutant Discharge Elimination System

TSS

Total Suspended Solids

U.S.C.

United States Code

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these rules and Regulations, shall have the following meanings:

Act or "the Act"

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251m *et seq.*

Authorized Representative

- a. If the user is a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of the principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

- b. If the user is a partnership or a sole proprietorship; a general partner or proprietor, respectively;
- c. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee;
- d. The individuals described in paragraphs (a) through (c) above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall responsibility for environmental matters for the company, and the written authorization is submitted to the PSB.

Biochemical Oxygen Demand

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Celsius, expressed as a concentration.

City of El Paso

The City of El Paso, Texas, or the City Council of El Paso, Texas

Commercial Vehicle Wash

A business enterprise in a fixed location at which vehicle washing (conveyor, self-service, or roll over/automatic) is offered to the public for a fee, and which utilizes wastewater pretreatment (i.e., grit trap(s)) to process wastewater prior to discharge into the public sanitary sewer collection system.

Discharge

Any solid, liquid or gas introduced into El Paso's wastewater system.

Disposal Site

A permitted facility or part of a permitted facility, including collection sewers and sludge handling facilities at which wastes are approved to be collected, transported, treated, and intentionally disposed of by conveyance to receiving waters and/or lands. These types of facilities must be classified as either a Publicly Owned Treatment Works (POTW), or a Type I (landfill), Type V (other, i.e., liquid processing), Type VI (experimental facilities) or Type VII (land application for beneficial use) Municipal Solid Waste Facility as defined under 40 CFR Part 257 and TAC Part IX, Chapter 330, Subchapter D, Section 330.41.

Disposal Site Operator

A person, firm, corporation, municipal corporation, or utility permitted or registered by the appropriate state and/or federal regulatory agencies to engage in receiving, storing, transferring, processing and/or ultimately disposing of liquid waste, including, but not limited to, grease trap waste, grit trap waste, and septage.

Environmental Protection Agency

The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Generator

This is a person who causes, creates, generates, stores, or otherwise produces liquid waste, including, but not limited to, grease trap waste, grit trap waste, and septage as a byproduct of some domestic or non-domestic activity.

Grab Sample

A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Grease Trap

A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the passage of organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid waste into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grease Trap Waste

Any organic, inorganic, greasy, or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from grease traps for disposal.

Grit Trap

A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Grit Trap Waste

Oil and grease waste, and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair, and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

Hazardous Waste

A solid waste or combination of solid wastewater, which because of its quantity, concentration, or physical, chemical, or infectious characteristic may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; or (c) is identified, classified or listed as a hazardous waste as defined by 40 CFR {art 261.3.

Industrial Wastewater

Liquid and water-carried non-domestic solid, gas, and liquid wastes from dwellings, commercial buildings, and industrial facilities, whether treated or untreated, together with any groundwater, surface water, surface water or Stormwater that may be present.

Interceptor

A receptacle, including grit traps, grease traps, and sand traps, specifically designed to collect and restrict the passage of wastes and inorganic or other solids into both private and public sanitary sewers.

Interference

A discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts a POTW, its treatment processes or operations, or its sludge processes, use or disposal; and, therefore is a cause of a violation of any requirement of a POTW's TPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of wastewater sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, The Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Liquid Waste Transporter

This is a person who transports liquid wastes by vehicle.

Manifest

The written, multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, or septage at a permitted or registered disposal site as provided in Section VII of this Rules and Regulations No. 13.

Manifest System

A preprinted, sequentially numbered, multi-part document issued by the PSB used to document specific data regarding the point of generation, transportation, volume and disposal of grit trap waste, grease trap waste, sludge or septage.

Mobile Processing Vehicle

A vehicle designed to separate water from the liquid/solid waste while the vehicle is in transit. These include truck mounted processes known as separator trucks and any other liquid waste processes that are not considered to be fixed to a specific location.

Mobile Processing Vehicle Wastewater

This is the separated or decanted liquid resulting from the separation process of a mobile processing vehicle.

National Pollutant Discharge Elimination System

A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342)

NMED

New Mexico Environment Department

National Pollutant Discharge Elimination System (NPDES) Permit

A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342). The National Pollutant Discharge Elimination System (NPDES) controls water pollution by regulation of point sources that discharge pollutants into waters of the United States.

Pass-through

A discharge that exits a POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other source, is a cause of a violation of any requirement of the POTW's TPDES Permit, or corresponding State permit (including an increase in the magnitude of duration of a violation); or which causes a violation of a State Water Quality Standard.

Permit

The formal written control document issued to a transporter that entitles such transporter to collect, transport, and dispose of grease trap waste, grit trap waste and septage at a permitted or registered treatment, storage, or disposal site or facility, and regulates said activities.

Permittee

A person to whom a permit is issued under this Rule.

Person

Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH

The measure of the relative acidity or alkalinity of a solution defined as the negative logarithm (base 10) of the hydrogen ion concentration.

Pollutant

Any dredged spoil, solid waste, incinerator residue, sewage, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Public Service Board

The Public Service Board of the City of El Paso, Texas, acting on its own behalf or through the authorized acts of El Paso Water Utilities (EPWU), which is charged with the day-to-day operation of El Paso's wastewater system.

Publicly Owned Treatment Works

A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292), and operated by the PSB. This definition includes any devices or systems used in the collection, storage, treatment recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that carry wastewater to a treatment plant.

Slug Load

Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards listed in this Rules and Regulations No. 13.

State

State of Texas

TCEQ

Texas Commission on Environmental Quality

Texas Pollutant Discharge Elimination System (TPDES)

The Permit issued by the TCEQ under the provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code.

Total Suspended Solids

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by filtering.

User

Any person who contributes, causes or permits the contribution of wastewater into El Paso's wastewater system.

Vector

A mobile receptacle or device in which or by which waste may be transported upon public streets, highways or roadways.

Waste Oil Recovery Traps

This is a receptacle specifically for the purpose of intercepting, collecting, or restricting the passage of petroleum based oil and grease wastes generated from a commercial operation into the sanitary sewer system.

Waste Oil

Wastes removed from a waste oil recovery trap, excluding oils recovered for recycling.

Wastewater

Liquid and water carried industrial or domestic solid, gas or liquid wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, together with any groundwater, surface water and storm water that may be present.

Wastewater System or System

El Paso's POTWs owned and operated through the Public Service Board.

B. ADMINISTRATION

El Paso Water Utilities, under the direction of its President and CEO and acting through its employees and agents, is hereby authorized to administer this Rules and Regulations No. 13, and to take all steps necessary to implement them. Unless explicitly stated otherwise, references to the Public Service Board in this Rules and Regulations No. 13 shall include El Paso Water Utilities.

SECTION III PERMIT APPLICATION

A person shall be in violation if he operates or causes the operation of a vehicle on the City Street or public rights-of-way for the purpose of collecting, transporting, or disposing of grease trap waste, grit trap waste, septage, or other liquid wastes without first obtaining a Hauled Waste Permit from the PSB or designated representative. For the purposes of this Rule, each instance of transporting, collecting, or disposing of such wastes without a permit shall be considered a separate violation.

- A. Any person applying for a permit to transport liquid waste must be duly licensed and/or registered as required by the Texas Commission on Environmental Quality and/or other appropriate authorities. Copies of such licenses or registrations must be filed with the application.
- B. Any person may apply for a Hauled Waste Permit by filing an application with the appropriate office of the PSB. Any person currently discharging waste from a vehicle into the wastewater system must obtain a Hauled Waste Permit with thirty (30) days of the effective date of this Rules and Regulations No. 13.
- C. Persons currently holding a Hauled Waste Permit with the PSB may renew the permit on an annual basis by completing a Hauled Waste Permit Renewal Application. Persons shall contact the PSB for the application form and submit the completed form at least sixty (60) days prior to the expiration date of an existing permit.
- D. The Hauled Waste Permit Application must contain the following information as well as any other information the PSB may, from time to time, require:
 - 1. Name of hauled waste operation.
 - 2. Name of principal owner or operator of the hauled waste operation.
 - 3. Address and telephone number of hauled waste operation. The address shall be a physical address (not a Post Office Box (where certified or registered mail can be delivered).
 - 4. Photocopies of the drivers' licenses of all vehicle operators under the employ of the applicant. All drivers' licenses shall be compliant with the requirements of the Texas Department of Public Safety. Drivers operating vehicles in excess of 26,000 pounds (full weight) shall have a Commercial Driver's License.
 - 5. A list of all vehicles and tanker trailers to be registered, including:
 - a. License number;
 - b. Class, size and make and model of vehicle;

- c. Tank capacity in gallons; and
 - d. Registration Number(s) assigned to the company by the TCEQ.
- E. In addition to the permit application, the PSB shall require the following:
- 1. Full and empty weights of each vehicle/tanker. These weights shall be obtained at a Certified Public Scale. Weights obtained elsewhere will not be accepted.
 - 2. A measurement of the exterior dimensions of the tank used to contain the waste. All measurements will be made by the PSB or designated representative and will be utilized for calculating the volume of the tank.
 - 3. Vehicle Registration for each vehicle/tanker.
 - 4. Original registration letter from the TCEQ for each vehicle/tanker.
 - 5. Proof of insurance. The Applicant shall provide evidence of automobile liability and insurance and thereafter keep same in full force and effect with an insurance company authorized to do business in the State of Texas. PSB shall be provided with thirty (30) days' advanced notice, in writing, of cancellation or material change in the policy. In the event of cancellation or material change in the permittee's policy, the permit shall be suspended until such time as the permittee can again secure appropriate coverage.
- F. The PSB reserves the right to inspect drivers' licenses and vehicle proof-of-insurance at any time a vehicle enters the Septage Receiving Facility.
- G. The PSB reserves the right to conduct an investigation to determine the accuracy of information supplied by the applicant prior to issuing a permit. Submittal of information that is false shall be grounds for refusal to grant a permit or revocation of a permit if already issued.
- H. The permittee shall notify the PSB, in writing, of any changes to the information contained within the original application. This notification shall be made prior to implementing the changes.

SECTION IV PERMIT ISSUANCE AND VEHICLE REGISTRATION

- A. Prior to issuance of a permit, the PSB shall require the applicant to submit, for inspection by the PSB, each vehicle and tanker that will be utilized. The PSB or its agents shall determine if the vehicle is constructed and equipped in accordance with Section VII of this Rules and Regulations No. 13.
- B. Upon approval and issuance of a permit, each vehicle and tanker trailer identified on the application will be issued a registration number corresponding to the owner's permit number, vehicle or trailer number and year of registration. The Registration Number shall be issued solely and exclusively to a specific vehicle under a specific permit and cannot be used concurrently under any other permit or registration.
- C. The Registration Number must be clearly displaced on the driver's side of both the front and rear bumpers of the vehicle.
- D. The permittee may register additional vehicles or trailers by filing a "Supplemental Registration of Vehicles" form for each new vehicle or trailer to be filed and paid at the designated office of the PSB.
- E. Any vehicle or trailer that is not registered by application or supplemental registration will not be allowed to discharge waste until such vehicle or trailer has been duly registered.

- F. Permits shall be valid for one (1) year.
- G. Permits are issued to specific individuals or companies and may not be reassigned, sold or otherwise transferred without the prior written authorization of the PSB.
- H. Discharge of sanitary waste from recreational vehicles not for commercial gain shall not require a permit. Discharge is permissible during regular business hours without charge. Such persons are also exempt from the manifest requirements in Section VI herein; however, they are subject to the prohibitions and restrictions in Rule and Regulations No. 9, Section II, of these Rules and Regulations. Proof of automobile insurance coverage is required for entry to the Septage Receiving Facility and shall be presented to the PSB employee at the Station prior to discharge upon request.
- I. The PSB may, at its sole discretion, issue a Permit without first obtaining an Application.
- J. The PSB reserves the right to deny permits under any circumstances. No new permits shall be issued when it is determined by the PSB or its designated representative that the POTW where the Septage Receiving Facility is located is at, or near capacity; specifically to include, but not limited to, 25% of flow and BOD and/or TSS loading. Permits may be denied to individual applicants if the applicant is in arrears for any fee, penalty, or payment due the PSB.

SECTION V FEES

- A. The fees for the discharge of liquid waste and for the Hauled Waste Permit shall be established by the PSB as provided in Rules and Regulations No. 6, Section VII. Each discharge will be based upon the full tank capacity of the particular registered truck, regardless whether the truck is full at the time of discharge. Fees for disposal at times other than regular business hours will be established by the PSB.
- B. Permittee will be billed for discharge, clean up assessments, if applicable, and any other charges on a monthly basis. Failure to pay fees or charges in accordance with Section VI of this Rules and Regulations No. 13 will result in permit suspension and said permittee will be denied access to the disposal facility until such time as all fees and charges are paid.
- C. The permit fee and other charges are subject to revision by the PSB at any time. New rates will not be effective until thirty (30) days after written notices has been given to all persons holding a Hauled Waste Permit. The notice shall include the effective dates of the new rates, a schedule of rates, and the address where more information regarding the rate change may be obtained.

SECTION VI RESPONSIBILITIES OF LIQUID WASTE TRANSPORTERS

All transporters shall conform to the following terms and conditions when collecting, transporting, and disposing of sanitary waste. Grease trap waste, grit trap waste, and industrial wastes are prohibited **unless authorized by the PSB or designated representative**. Any transporter failing to comply with the responsibilities and requirements set forth below shall be in violation. Each instance of noncompliance shall constitute a separate violation.

A. LOAD DETERMINATION

Prior to accepting a load of liquid waste, the transporter shall determine the volume, nature, and classification of the material to be transported and that his/her permit, vehicle and equipment are sufficient to legally and properly accept, transport, and dispose of the waste without discharge, spillage, leakage of the material, or release of malodorous fumes. Upon delivery of the waste to the disposal site, the transporter shall inform the disposal site operator of the content of the waste as per the manifest requirements in Section VII herein. At the discretion of the PSB or designated representative, the liquid waste presented for disposal may be sampled and tested prior to disposal to verify the classification, quality, concentration, character, or volume of the

waste. Costs incurred by the PSB to verify permit status or to determine whether discharge of prohibited substances occurred shall be paid by the permittee.

B. INTERCEPTOR EVACUATION

Transporters shall completely evacuate interceptors serviced. Further, the discharge of liquid, semi-solids, or solids back into an interceptor after servicing is strictly prohibited. Mobile processing vehicles are prohibited from returning separated water to the interceptor or discharging it into the wastewater collection system.

C. MIXING OF WASTE

Incompatible wastes shall not be mixed. Incompatible wastes are wastes with different processing, storage, or disposal requirements. Transporters may mix wastes with different characteristics ONLY IF the facility to which the waste is being transported for disposal is authorized to accept such mixed wastes.

D. STORAGE OF LIQUID WASTE

Storage of liquid waste in non-permitted, temporary storage tanks is prohibited. Transporters may store liquid waste in permitted vehicles up to four (4) days. Waste shall not be transferred from one vehicle to another without permit to do so.

E. APPROPRIATE DISPOSAL SITES

Transporters shall deposit waste at a duly licensed facility where the owner or operator of the disposal facility agrees to receive the waste and the facility is authorized by permit or registration issued by the TCEQ or NMED to receive the waste.

F. MANIFEST SYSTEM

Transporters with a permit to transport liquid waste shall utilize the manifest system set forth in Section VI herein. The Permittee shall assure that the information contained within all manifest is complete and accurate.

G. CLEANING OF DISCHARGE SUMP

The Permittee, or the driver or agent of the permitted company shall clean the discharge sump and adjacent area before leaving the area. If any permittee, driver, or agent of the permitted company fails to comply with this requirement, a clean-up fee of \$250.00 will be assessed. The exteriors of trucks shall not be cleaned in the discharge sump area.

H. DISCHARGE SUMP AREA

Except in the case of emergency, or as necessary for ingress and egress to the discharge sump area, the permittee or the driver or agent of the permitted company are prohibited from leaving the discharge sump area during discharge of waste.

I. PHYSICAL ADDRESS

Permittees are required to maintain a physical address, not a Post Office Box, where certified and/or registered mail can be received. All returned mail will be held at the International Water Quality Laboratory, Industrial Pretreatment Department, located at 4100-L Delta Drive. Discharge privileges will be temporarily suspended until the mail piece is retrieved.

J. VEHICLE COMPLIANCE

Vehicles and drivers shall conform to all appropriate local and state laws, including, but not limited, vehicle inspection and driver licensing requirements.

SECTION VII MANIFESTS

- A. Upon obtaining a permit, each transporter shall purchase manifests from the PSB in accordance with the fee schedules currently in effect. Each permittee is responsible for keeping a sufficient quantity of manifest forms. Liquid waste shall not be accepted without a completed manifest.

B. The permittee or the driver or agent of the permitted company shall complete one manifest for each septic tank serviced, with the exception of chemical/portable toilet companies that service their own units. Companies that service their own chemical/portable toilets, which may be placed at various locations, shall complete one manifest for each load transported. When chemical/portable toilet companies service a unit they do not own (such as a septic tank), an individual manifest shall be generated as described herein.

C. Each manifest shall thoroughly document the following information:

1. Name of Permittee.
2. TCEQ Registration Number.
3. Vehicle Registration Number assigned by the PSB.
4. Name, address and telephone number of the Generator of the waste.
5. Name of contact person for Generator.
6. Description of the wastes being hauled for Generator, including:
 - a. Type of Waste
 - b. Volume of Waste
7. Generator's signature acknowledging that the information describing the wastes is true and correct.
8. The signature of the Generator or authorized representative of any other legal disposal site to which an unacceptable load is returned.
9. A certification statement signed by the driver that the waste is non-hazardous as defined by the Resource Conservation and Recovery Act.
10. The signature of the Disposal Site Operator indicating that the load is acceptable to the best of his/her knowledge.

D. Each individual carbonless, manifest shall consist of four parts:

1. The white original of the manifest shall be signed by the driver and generator at the time of waste collection.
2. The 1st colored copy shall be given to the generator after it is signed by both the driver and generator at the time of waste collection.
3. The white original of the manifest shall be signed by the disposal site operator at the time of disposal and disposal and shall be maintained by the disposal site operator.
4. The 2nd colored copy shall be maintained by the permittee.
5. The 3rd colored copy shall be returned to the generator within fifteen (15) days (upon completion of the steps described above). It shall be the responsibility of the permittee of the permittee to return the copy to the generator.

E. The PSB may make administrative modifications to the manifest form. The PSB shall maintain a record of the serial numbers of manifests purchased by the liquid waste transporter.

- F. Maintenance of manifest records shall be as follows:
1. Permittees shall keep the transporter copy of all manifests for a period five (5) years.
 2. Generators shall keep the final copy of all manifests for a period of five (5) years.
 3. The PSB shall maintain the PSB copy of all manifests for a period of five (5) years.
 4. Should any pending administrative law or proceeding or litigation mandate that such records be preserved for longer than five (5) years, affected persons shall adhere to the dictates of those proceedings.
 5. The PSB reserves the right to demand and inspect, at any time, manifest records held by the permittee.
- G. Unlawful use of manifests shall include the following:
1. Falsification of any information required in a manifest shall be grounds for immediate suspension or revocation of a Hauled Waste Permit. Each instance of falsification shall be considered a separate violation of this Rule.
 2. The physical transfer of manifests by a permit holder to anyone other than for a vehicle owned and operated by the permittee or said permittee's agent or to the PSB is prohibited. Purchase and/or resale of manifests from any source other than the PSB are prohibited. Each instance of purchase, transfer or resale of manifests shall constitute a separate violation of this Rule.
 3. Unlawful use of manifests is a violation of State law and is subject to criminal prosecution. The PSB shall promptly report all such instances to the TCEQ.
- H. The receiving facility reserves the right to refuse any load for which a discrepancy or illegibility has been found. These include, but are not limited to:
1. Differences between the quantity or type of waste designated on the manifest.
 2. The quantity or type of waste a facility actually received.

All discrepancies shall be noted on the manifest.

SECTION VIII LIQUID WASTE VEHICLES

All vehicles used to transport liquid waste utilizing City Streets and public rights-of-way, including grit trap waste, grease trap waste and/or septage must at all times conform to the following vehicle specification and maintenance requirements. Each instance of failure to do so shall constitute a separate violation of this Rule.

A. VEHICLE SPECIFICATIONS

1. The tank(s) shall be securely and permanently attached to the primary structure of the vehicle in such a manner as to assure that the tank(s) will not loosen or dislodge during transport. Tanks that are portable or removable or other containers temporarily attached or affixed to vehicles are prohibited unless otherwise approved by the PSB.
2. All piping, valves, and connectors shall be permanently attached to the tank(s) and/or vehicle.
3. The tank(s) shall be liquid tight.

4. The tank(s) shall be constructed so that every interior and exterior portion can be thoroughly cleaned.
5. All piping, valves, and connection shall be accessible and easy to clean.
6. The inlet, or the opening of the tank(s), shall be constructed and located so that waste collected shall not spill during filling, transfer, or transport.
7. Outlet drains shall be a minimum of four (4) inches in diameter.
8. Outlet connections shall be constructed so that liquid waste shall not discharge, leak, run or spill from the tank(s).
9. Outlets are to be of a design and type suitable for the liquid waste to be safely removed and capable of controlling outflow without discharge, spillage, spray, or flooding of immediate surrounds while in use.
10. Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported and removed, be capable of operation without discharge, spillage, spray or leakage, and be easily disassembled for cleaning.
11. Tanks used to contain liquid waste shall have a vacuum relief valve that is to be opened to increase the flow rate during discharge.
12. Tanks used to contain liquid shall have sight gauges to allow the approximate capacity of the tank to be determined. Gauges shall indicate the percentage of the tank filled.
13. All discharge valves and ports on the tanks used to contain liquid waste shall be prominently marked. All discharge ports shall be visible and readily accessible. The position of the vacuum pump, i.e., pulling a vacuum into the tank or pumping air into the tank, must also be clearly labeled.
14. All vehicles and trailers must be kept in good and safe working order. A valid Texas State inspection sticker must be displayed as required by law.

B. MAINTENANCE REQUIREMENTS

All liquid waste transporters shall:

1. Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good operation and repair and free from leaks.
2. Provide a safety plug or cap for each inlet and outlet tank valve.
3. Maintain the vehicle exterior in clean, vector-free and relative odor-free condition at the beginning of each work day and provide for intermittent wash downs of vehicle exterior and wash outs of tank interiors as necessary to maintain the conditions described above at all times.
4. Remove the PSB Permit Number from the vehicle when it is no longer permitted to collect, transport, or dispose of liquid waste, or when vehicle ownership changes.

SECTION IX PROHIBITED DISCHARGES

- A. No User shall discharge or cause discharge into El Paso's wastewater system of any pollutant or wastewater except in conformity with these Rules and Regulations, the requirements of the Act, General Pretreatment Regulations in 40 C.F.R., Part 403, and applicable State laws. All liquid waste transporters must obtain a discharge permit from the PSB prior to any discharge.
- B. No User may discharge or cause to be discharged into the wastewater system any pollutant or wastewater that may cause pass-through or interference. Pollutants, substances or wastewater prohibited by this Rule shall not be processed or stored in such a manner that they could be discharged into the POTW except as allowed by the Hauled Waste Permit. In addition, a User may not introduce the following substances into the wastewater system:
1. Any liquids, solids, or gases, which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion, or which have a closed cup flashpoint of less than 60°Celsius.
 2. Solid or viscous substances in such quantities and/or qualities that may cause obstruction to flow in the system resulting in interference, such as but not limited to: grease, garbage with particles greater than 1 centimeter in any dimension, animal guts, or tissues, paunch manure, bones, hair, hide, fleshings, entrails, blood, feathers, ashes, cinders, sand, mud, lime, stone dust, marble grinding or polishing wastes, or substances that may solidify or become viscous at temperatures between 0° Celsius and 60° Celsius.
 3. Fat, grease, oil or was of vegetable origin in excess of 100 mg/L.
 4. Non-biodegradable cutting oil, naphtha, diesel fuel, products of mineral oil, gasoline, tar, asphalt, residues from refining or processing of fuel, lubricating oil or asphalt, including fats, wax, grease or oils of petroleum origin, whether emulsified or not, in excess of 100 mg/L.
 5. Any wastewater having a pH less than 5.5 or greater than 10.5, or wastewater having any other corrosive property capable of causing significant damage or hazard to structures, equipment, and/or personnel of the system.
 6. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters at the effluent end of the system, or to exceed a limitation set forth in a Categorical Pretreatment Standard.
 7. Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to physically prevent reasonably safe and/or tolerable human and/or mechanical entry into sewers for inspection, maintenance and repair purposes.
 8. Any substance that may cause the system's effluent or any other product of the system such as residues, sludge, or sum to be unsuitable for normal landfill disposal, land application, reclamation or reuse, or to interfere with the reclamation process where the system pursuing a reuse and reclamation program, in no case, shall a substance be discharged to the system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 503 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation Recovery Act, or State criteria applicable to sludge management

and/or disposal methods being used including Chapter 312 of the Texas Administrative Code.

9. Any substance that will cause the system to violate its TPDES and/or State Disposal System Permit, or water quality standards.
10. Any wastewater with objectionable color not removed in the treatment process.
11. Any wastewater having a temperature that will inhibit biological activity in a treatment plant resulting in interference but in no case wastewater with a temperature at the introduction into the treatment plant that exceeds 40° Celsius.
12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits as permitted by the most current Federal or State regulations.
13. Any pollutants that result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems.
14. Storm water, surface water, groundwater, roof run-off, subsurface drainage, and unpolluted wastewater unless specifically authorized by Wastewater Discharge Permit.
15. Sludge, screenings or other residues from the pretreatment of industrial wastewater.
16. Wastewater causing, either alone or in conjunction with other sources, the POTW effluent to fail a toxicity or biomonitoring test.
17. Detergents, surfactants, surface active agents, or other substances that may cause foaming in the POTW.
18. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, or more than 50 percent of the Lower Explosive Limit of the meter.
19. Mercury compounds that exceed the Minimum Quantification Level (MQL) as specified in Table 2 of Rules and Regulations No. 9.

SECTION X INSPECTION AND SAMPLING BY THE PSB

- A. The PSB reserves the right to inspect any and all loads delivered for discharge to the Septage Receiving Facility.
- B. The PSB reserves the right to collect samples of loads prior to discharge to the POTW. The random collection is not subject to prior notification to the permittee. Upon permittee's request, the PSB shall provide the permittee a portion of each sample in a container provided by the permittee for that purpose. Notwithstanding anything to the contrary, the permittee shall be under no obligation to perform any analysis on such portions of samples collected by the PSB.
- C. The PSB reserve the right to require the driver of the registered vehicle to sample the load delivered for discharge to the Septage Receiving Facility. In this case, the PSB Inspector on site will supply the driver with a bottle for sample collection and the driver will provide a grab sample from the load to be discharged to the PSB Inspector prior to discharge. The driver must also complete and execute a chain of custody record form provided by the PSB employee.
- D. Handling, preservation, and laboratory analysis of samples collected shall be performed in accordance with 40 CFR Part 136 and amendments thereto.

- E. If results of analysis reveal that a load already discharged was unacceptable, the PSB will promptly notify the permittee.
- F. The PSB reserves the right to require the permittee to provide results of analysis for any load prior to discharge.

SECTION XI SUSPENSION OF PERMIT

The PSB may suspend or revoke a permit if a permittee or an agent or employee of the permittee has violated any of the terms or conditions of the permit or this Rule and that the number or severity of the violations justify suspension of the permit.

SECTION XII ENFORCEMENT PROCEDURES

A. NOTICE OF ALLEGED VIOLATIONS

Whenever the PSB or its designated representative believes that any person or permittee has violated or is violating this Rule and/or its Hauled Waste Permit, the PSB or its designated representative may serve (either personally or by registered or certified mail) upon such person or permittee a written notice stating the nature of the alleged violation. The recipient of an alleged violation notice must respond in writing to the PSB or its designated representative within fifteen (15) working days from the date of receipt of such notice.

Should the recipient of a notice of alleged violation fail to respond in writing to the PSB or its designated representative within the initial fifteen (15) working day response period, the recipient or permittee shall be deemed to have admitted responsibility for the violation.

B. RESPONSE BY PERSONS OR PERMITTEE TO NOTICE OF ALLEGED VIOLATION

The person or permittee responding to receipt of an alleged violation notice shall file written response in the most applicable of the following forms:

1. Should the person or permittee admit his or her responsibility for the alleged violation, the person or permittee shall submit a letter report to the PSB or its designated representative:
 - a. If the nature of the violation of either the permit or this Rule involves discharge or disposal of hauled liquid waste that is prohibited herein, submit a report containing information regarding the time, date, location, cause, source, quantity, quality, and concentration of the discharge or disposal and the corrective measures actually taken by the person or permittee to recover or neutralize the discharge. Copies of self-reports submitted to any state, federal or other agencies having jurisdiction, and actions to be taken by the person or permittee to prevent any similar recurrent discharge or disposal.
 - b. If the nature of the violation involves an administrative or procedural non-compliance, the letter report shall contain information regarding corrective measures and schedules the person or permittee has adopted to assure expeditious and continued compliance.
2. Should the person or permittee deny his or her responsibility for the alleged violation, the person or permittee must submit a letter report to the PSB or its designated representative explaining why responsibility is being contested.

C. LEGAL ACTION

Despite any other provisions contained in this Rule, legal counsel for the PSB is hereby authorized to seek legal action and/or equitable remedies against any person or permittee believed to be violating or have violated this Rule, the provisions of a Hauled Waste Permit, and/or federal or state laws governing water quality, industrial wastewater pretreatment, and transport of hazardous or nonhazardous liquid waste over which the PSB has enforcement authority. A legal proceeding prosecuted under this Rule does not constitute a waiver by the PSB or any right the City may have to join in a legal action originating from an alternative source of law.

D. PENALTIES

1. Criminal

A conviction for violation of this Rule shall constitute a Class C Misdemeanor unless other controlling authority identifies it as a felony. A person convicted of a violation of this Rule shall be fined a minimum amount of not less than \$50 per violation and a maximum of not more than the highest lawful amount allowed for such violation. Each violation of a particular section of this Rule shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this Rule. A culpable mental state is not required to prove an offense under this Rule. The Chairman of the PSB is hereby authorized to designate qualified EPWU personnel to serve notices of violation for violations of this Section and take all necessary action to file a complaint with the municipal prosecutor's office.

2. Civil


A civil penalty in an amount not to exceed two thousand dollars (\$2,000) per violation of this Rule may be imposed. Each violation of a particular section of this Rule shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for the purposes of enforcing this Section. A culpable mental state is not required to prove an offense under this ordinance.

PASSED, APPROVED, and ADOPTED the 24th day of February 1999 by unanimous vote of the Public Service Board.


RULES AND REGULATIONS NO. 13, SECTIONS II, VI.D., VI.I., IX.B.19, AND XII.D.2., and miscellaneous grammatical changes ADDED OR MODIFIED, APPROVED, and ADOPTED this 10th day of January 2007.

RULES AND REGULATIONS NO. 13, SECTIONS III.A., III.E., and VII.C.2., and miscellaneous grammatical changes ADDED OR MODIFIED, APPROVED, and ADOPTED this 11th day of December 2013.

PUBLIC SERVICE BOARD


Richard T. Schoephoerster, Chair

ATTEST:



David C. Nemir, Secretary-Treasurer

APPROVED AS TO FORM:



Robert D. Andron, General Counsel