

TEMPORARY ORDINANCE NO. 16-12

PERMANENT ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT CHAPTER 914 TRUCKED WASTE AND TO
DECLARE AN EMERGENCY**

WHEREAS, the Water Pollution Control Department desires to regulate hauled waste to protect its facilities and the public;

SECTION 1. That Chapter 914 Trucked Waste is adopted as follows:

Trucked Waste

914.01 Permits.

- (A) A trucked waste discharge permit from the Superintendent shall be required for each vehicle which is to be used for delivery of waste materials to the Lancaster Septage Receiving Station. A trucked waste discharge permit may be issued to an applicant who complies with the terms and conditions of this chapter. The Superintendent may deny an applicant a permit where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.
- (B) An application for a trucked waste discharge permit shall be submitted to the Superintendent on an approved form, and shall contain the following information:
- (1) Vehicle owner's name, address and phone number;
 - (2) Vehicle operator's name, address and phone number (if not same as the owner);
 - (3) If the vehicle owner or operator is a corporation or partnership, the names, addresses and phone numbers of all corporate officers or partners;
 - (4) Motor vehicle serial number and valid, permanent Ohio vehicle license number;
 - (5) Make and year of vehicle and tank capacity;
 - (6) A listing of all other governmental licenses and permits issued to the vehicle or for use of the vehicle;
 - (7) Color photographs at least three and one-half inches by five and one-half (5-1/2) inches in size and clearly showing rear and passenger side views of the vehicle;
 - (8) Any other information as shall be required by the Superintendent.
- (C) An application fee of twenty-five dollars (\$25.00) shall be submitted with each application along with evidence of a five thousand dollar (\$5,000.00) surety bond for each vehicle for which a permit is requested. Application fee shall be submitted by check or money order made payable to "Lancaster City Treasurer,"
- (D) Any applicant denied a trucked waste discharge permit will be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a trucked waste discharge permit may appeal to the Service-Safety Director in writing within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of permit on the part of the applicant, and they shall not be eligible for further administrative appeal.

(E) A trucked waste discharge permit shall be valid for one (1) year from its date of issuance, unless otherwise suspended or revoked.

(F) Trucked waste discharge permits are not transferable to other vehicles, operators, or owners.

(G) Permit Reissuance. The holder of a trucked waste discharge permit shall apply for permit reissuance by submitting a completed permit application on a form approved by the Superintendent a minimum of sixty (60) days prior to the expiration of the hauler's existing permit.

914.02 - Trucked waste operator's license.

(A) Any individual wishing to operate any vehicle which is permitted to discharge trucked wastes into the Lancaster sewer system shall obtain a trucked waste operator's license from the Superintendent. No individual shall discharge, or assist in discharging, any trucked waste to the sewer system without having a valid trucked waste operator's license. A trucked waste operator's license may be issued to an applicant who complies with the terms and conditions of this chapter. The Superintendent may deny an applicant a license where the applicant has falsified or emitted required information is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.

(B) All individuals requesting a trucked waste operator's license shall submit an application to the Superintendent on an approved form, which shall include the following information:

- (1) Applicant's name, home address and home phone number;
- (2) Present employer (if other than applicant);
- (3) Name and address of all employers for the previous five (5) years;
- (4) A listing of all criminal convictions, including misdemeanors, and Court of Record for same within the previous five (5) years;
- (5) Any and all civil and/or administrative actions taken against the applicant for violation of any waste disposal regulations in the last five (5) years;
- (6) Any other information as shall be required by the Superintendent.

(C) A nonrefundable application fee of ten dollars (\$10.00) shall be submitted with each application. Application fee shall be submitted by check or money order made payable to "Lancaster City Treasurer, Sewer Fund."

(D) Any applicant denied a trucked waste operator's license shall be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a trucked waste operator's license may appeal the denial to the Service-Safety Director in writing within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of the license on the part of the applicant, and they shall not be eligible for further administrative appeal.

(E) Each trucked waste operator's license shall be valid for two (2) years from its date of issuance, unless otherwise suspended or revoked. A licensee must reapply for a new license at least sixty (60)

days prior to the expiration of their current license. Applications shall be made on a form approved by the Superintendent.

(F) Any individual changing employers during the term of their trucked waste operator's license must notify the Superintendent, in writing, of the change

914.03 - Revocation.

Noncompliance with any part of this section, or subsequent regulations or orders as issued by the Superintendent, or other sections of this chapter or sections of other applicable city codified ordinance chapters; shall subject the licensee and/or permit holder to revocation of the license and/or permit to utilize the services of the city sewer system for the disposal of trucked wastes. The permit and/or license holder shall be provided written notice of any revocation. The permit and/or license holder may appeal the revocation to the Service-Safety Director in writing, within ten (10) days of receipt of the notice of revocation. Failure to appeal revocation within ten (10) days of notification of the revocation shall be deemed agreement upon the part of the licensee or permit holder to the revocation of that license or permit. Reissuance of any license or permit, after revocation, shall be at the discretion of the Superintendent, and may be made subject to such conditions as the Superintendent deems appropriate.

914.04 - Suspension.

(A) In lieu of revocation of any license or permit, the Superintendent may, at his discretion, suspend any license or permit for noncompliance with any part of this section, or pursuant regulations or orders, for a period not to exceed sixty (60) days. The permit and/or license holder shall be provided with written notification of the suspension. The permit and/or license holder may appeal the suspension to the Service-Safety Director in writing within ten (10) days of receipt of the notice of the suspension. Failure on the part of the license or permit holder to appeal the suspension within ten (10) days of receipt of the notice of the suspension shall be deemed agreement on the part of the license or permit holder to the conditions of the suspension.

(B) No person shall use any truck under a permit suspension to discharge waste to the Lancaster sewer system during the period of the suspension, even if the truck is sold or leased to another party during the period of the suspension.

(C) No trucked waste operator shall operate any vehicle discharging waste to the Lancaster sewer system while under suspension even if the trucked waste operator changes employer and/or applies for a new trucked waste operator's license.

914.05 - Regulations.

The Superintendent may establish such regulations as he deems necessary to control the discharge of trucked wastes to the Lancaster sewer system. The Superintendent may restrict, or prohibit, the discharge of trucked wastes to the Lancaster sewer system which originate from sources outside the municipal jurisdiction of the city of Lancaster. These regulations may include, but are not limited to:

- (A) Provisions requiring the display of vehicle permit number and tank capacity in gallons;
- (B) Minimum equipment and maintenance standards for permitted vehicles;
- (C) Standards and procedures for use of the city's trucked waste discharge facilities;
- (D) Training requirements for license holders.

914.06 - Restrictions and prohibitions.

The Superintendent may restrict or prohibit discharge of any trucked waste to the Lancaster sewer system at his discretion. No trucked waste may be discharged to the Lancaster sewer system without the express, written permission of the Superintendent, or his designee, on a manifest form as approved by the Superintendent. The discharge of trucked wastes shall be permitted only at locations, and during such hours, as shall be established by the Superintendent. Discharge of trucked waste to the sewer system at any other location, or at any other time, is a violation of this chapter. No trucked waste shall be discharged to the sewer system which has any of the following components:

- (A) Material not readily biodegradable or not known to be compatible with the treatment processes utilized in the POTW;
- (B) Material deleterious to treatment plant operations, or plant operators such as oils and greases of a mineral origin, gasoline, toxic materials, flammables, solvents, paint materials, sand, or other materials capable of causing physical damage to the POTW;
- (C) Materials which would cause unusual expense in handling and/or treatment, unless prior arrangements have been made at the discretion of the Superintendent for payment of additional costs of services;
- (D) Any material regulated under a Federal Categorical Pretreatment Standard, or any sludge's or wastes resulting from treatment of materials under Federal Categorical Pretreatment Standards;
- (E) Any materials which violate, or could violate any prohibitive or restrictive provisions of Lancaster Codified Ordinances, Chapters 912 and 916, or which violates any federal or state industrial discharge standards, regulations, or laws.
- (F) No material other than those from household sources origin may be discharged to the city POTW as a trucked waste unless prior approval has been received by the hauler from the Superintendent. Application for such approval, called a "special waste evaluation request" shall be made on a form approved by the Superintendent.

914.07 - Prohibited activities.

No trucked waste hauler shall access the sewer system or POTW for any activity including discharge or withdrawal of material, except at locations and at times as designated by the Superintendent. Any removal of manhole lids, or other access to the sewer system at times and/or places other than those designated by the Superintendent, or without express permission of the Superintendent shall be considered a violation of the conditions of this section, and subject the violator to revocation of his trucked waste discharge permit and/or operator's license, and/or other enforcement activity as indicated in this chapter and in other applicable city code chapters.

914.08 - Enforceability.

Any and all conditions in any permit or license issued pursuant to this section are specifically and independently enforceable regardless of whether they are expressly required by or set out in this chapter.

SECTION 2. Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to permit the safe and effective regulation of trucked waste; wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

Clerk: _____

President of Council

Offered by: _____

Mayor

Second by: _____

Requested by Water/Water Pollution Committee

I, Teresa L. Sandy, Clerk of Council do hereby certify that on _____, 2012 and _____, 20____ the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council