



ORDER ADOPTING STANDARDS FOR THE LICENSING, PERMITTING AND REGULATING OF COMMERCIAL WASTE HAULERS/TRANSPORTERS, ESTABLISHING A REVIEW BOARD, AND PROVIDING PENALTIES

WHEREAS, Section 368.012 of the Texas Health & Safety Code allows the Commissioners Court to regulate and license commercial waste haulers in order to protect the public health, safety, or welfare; and

WHEREAS, and the Polk County Commissioners Court has previously adopted regulations therefore; and

WHEREAS, the Polk County Commissioners Court has determined that further regulations related to commercial waste haulers are necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners Court of Polk County, Texas:

SECTION 1. As used herein, the terms "Waste" and "Waste Hauler" have the same meanings as given in Section 368.011 of the Texas Health & Safety Code.

SECTION 2. All waste haulers who, for compensation, transport waste in any unincorporated area of Polk County, and who are otherwise not made exempt by law, are hereby required to submit an "Application for Polk County Solid Waste Hauler License" and/or "Application for Polk County Permit to Transport Grease Trap, Sand Trap and/or Septic Waste", which are attached hereto as Exhibits "A" and "B" and incorporated by reference as if fully recited herein, along with an annual fee of \$75.00 per transport vehicle, and a duly executed Surety or Property Bond in the amount of \$500.00.

SECTION 3. A commercial waste hauler commits an offense by failing to comply with this Order, or with any of the requirements thereof. Each and every violation of this Order, or of the requirements thereof, shall be a separate and distinct offense. Each such offense is a class "C" misdemeanor, punishable by a fine of up to \$500.

SECTION 4. A Board of Review is hereby established that is vested with the authority to conduct hearings and make determinations regarding the suspension or revocation of all waste haulers' licenses/permits granted pursuant to this Order. As criteria for determining whether the suspension or revocation of a particular waste hauler's license/permit is warranted, the "Grounds for Suspending or Revoking a Waste Hauler License/Permit" are hereby established, and are attached hereto as Exhibit "C" and are incorporated by reference as if fully recited herein. This Board shall have five (5) members who are appointed by the Commissioners Court of Polk County. The Board members shall serve at the pleasure of the Commissioners Court without remuneration.

SECTION 5. These Regulations shall become effective on January 1, 2011 and shall supercede any regulations previously adopted for this purpose.

ADOPTED this 26th day of October, 2010.

John P. Thompson, County Judge

ABSENT

Commissioner Precinct 1

Commissioner Precinct 2

Attest:

Schelana Walker, County Clerk



ABSENT

Commissioner Precinct 3

Commissioner Precinct 4

APPLICATION
for
POLK COUNTY SOLID WASTE HAULER LICENSE

Name of Applicant	Home Telephone Number		
Mailing Address Of Applicant	City	State	Zip
Physical Address Of Applicant	City	State	Zip
Drivers License Number Of Applicant	State of Issue		
Company Name	Business Telephone Number		
Address If Different from Above	City	State	Zip

I, _____, _____ of _____
(Print Name of Applicant) (Title) (Company Name)

do certify by my signature below that the operator(s) of the vehicle(s) described on the Drivers Information form and the Vehicle In-Service form will not pick up hazardous, Class I industrial non-hazardous, infectious or any other waste not permitted in a Type I landfill. I further certify that I;

1. Will unload all waste collected on my route **only** at a state permitted facility, and;
2. Will maintain all receipts from the landfill(s) I use for a period of one (1) year, and;
3. Will pick up waste on my route on a regular basis (to be determined by the applicant), but not more than seven (7) days between pickups, and;
4. Will maintain my equipment in a clean and sanitary manner to prevent loss of liquid or solid waste, and ;
5. The load shall be fully enclosed and at vehicle speeds exceeding 30 miles per hour shall be completely covered and the covering firmly secured so as to prevent spillage or loss of load, and;
6. Will promptly remove all spillage of waste resulting from my collection operation, and;
7. Will promptly remove all spillage of waste that may occur along my collection route or during transportation to an approved landfill, and;
8. Will not store or hold trash or waste on my vehicles(s), trailer(s), property, or any other location for more than twenty-four (24) hours except for periods of time during which the Polk County Landfill is closed and in such instance said storage shall not exceed forty-eight (48) hours, and;
9. Will, within twenty-four (24) hours of issuance of license, affix my company name, telephone number, and waste hauler license number on both sides of vehicle(s)/trailer(s) used to transport commercial solid waste in such a way as to be clearly visible at all times. Letters and numbers shall be clearly legible, not in the manner of graffiti, of a height not less than three inches, and of a color sufficiently different from the body of the vehicle so at to be clearly legible from a distance of 100 feet, and;
10. Will comply with all applicable state laws.

Signature of Applicant Date

NOTE: License fee shall be \$75.00 annually per transport vehicle. Prior to expiration, license will be considered for renewal. Applicant must attach to completed application: (1) check/money order in the amount of \$75.00 for license fee per vehicle and a \$500.00 surety/property bond or irrevocable bank letter of credit, and (4) Proof of vehicle insurance to:

Permit Office
Polk County Emergency Management
602 East Church Street, #165
Livingston, Texas 77351

**POLK COUNTY SOLID WASTE HAULER
DRIVER INFORMATION FORM**

VOL 56 PAGE 3692

Driver #1

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #2

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #3

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #4

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #5

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #6

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

NOTE: In writing, the Polk County Permit Office shall be promptly notified by the license holder of any changes in the driving staff, such as new drivers or drivers no longer employed. This record must always be current, as well as accurate.

**POLK COUNTY SOLID WASTE HAULER
VEHICLE(S)/TRAILER(S) IN-SERVICE FORM**

Vehicle #1
 Make: _____ Model: _____ Year: _____ Color: _____ License #: _____
 Vin #: _____ Description: _____
 Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #2
 Make: _____ Model: _____ Year: _____ Color: _____ License #: _____
 Vin #: _____ Description: _____
 Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #3
 Make: _____ Model: _____ Year: _____ Color: _____ License #: _____
 Vin #: _____ Description: _____
 Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #4
 Make: _____ Model: _____ Year: _____ Color: _____ License #: _____
 Vin #: _____ Description: _____
 Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #5
 Make: _____ Model: _____ Year: _____ Color: _____ License #: _____
 Vin #: _____ Description: _____
 Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #6
 Make: _____ Model: _____ Year: _____ Color: _____ License #: _____
 Vin #: _____ Description: _____
 Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

NOTE: In writing, the Polk County Permit Office shall be promptly notified by the license holder of any changes such as new vehicles/trailers added to fleet or vehicles/trailers no longer in service. This record must always be current, as well as accurate.

**APPLICATION
for
POLK COUNTY PERMIT TO TRANSPORT GREASE TRAP, SAND TRAP AND/OR SEPTIC WASTE**

Name of Applicant

Home Telephone Number

Mailing Address Of Applicant

City

State

Zip

Physical Address

City

State

Zip

Drivers License Number Of Applicant

State of Issue

Company Name

Business Telephone Number

Address Where Business Is Located

City

State

Zip

SEPTIC WASTE TRANSPORTER PERMITTING

Persons who plan to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste regulated under this Order shall first apply for registration with the Polk County Permit Office, 602 East Church Street, Livingston, Texas 77351 on forms furnished by Polk County and receive a permit from the Polk County Permit Office prior to commencing operations.

Failure to submit a complete and accurate application or other information requested by the Polk County Permit Office will result in the return of the application to the applicant. Applications for transportation registrations shall include;

1. A complete application form(s);
2. The verified legal status of the applicant(s);
3. The signature of the applicant(s);
4. The attachment of technical reports and supporting data required for the application, and;
5. Any other information as may be reasonable required by the Polk County Permit Office.

Persons who apply to the Polk County Permit Office for registration and receive a permit shall maintain a copy of the registration authorization, as annotated by the Polk County Permit Office with an assigned permit number, at their designated place of business and in each vehicle operated under that registration.

The expiration date of the registration/permit shall be midnight 31 December of the year in which issued. Registrations/permits are required to be renewed annually prior to the expiration date. Application for renewal shall be submitted by November 15th of the year in which the registration/permit expires. Any registrant shall notify the Polk County Permit Office in writing within 15 days of the cessation of operation and request that the registration/permit be canceled.

A new application is required to be submitted within 15 days of the following, whereupon the old registration/permit number will be voided and the old registration/permit canceled:

1. Change in ownership of the operating entity; or
2. Determination by the Polk County Permit Office that operations or management methods are no longer adequately described by the existing registration/permit.

Transporters shall notify the Polk County Permit Office, in writing, within 15 days of the following changes of their operation:

1. The office or place of business is moved or its address or telephone number changes;
2. The name of the operating entity is changed; or
3. A transporter plans to handle a waste not included in the existing registration/permit.

SEPTIC WASTE TRANSPORTER - VEHICLE(S) AND EQUIPMENT

(A) **Marking and identification.** Owners or operators of specially equipped vacuum pump trucks, tanks, or containers used for the collection and/or over-the-road transportation of wastes regulated under this application shall affix the decal provided by the Polk County Permit Office to the upper center portion of the windshield of each registered vehicle. Said decal is the property of Polk County. Registrant shall immediately remove said decal from vehicles no longer authorized by Polk County, Texas to haul waste, or if ownership of the vehicle is transferred from the person(s) holding the registration.

(B) **Sanitation standards.** All vehicles and equipment used for the collection and transportation of regulated waste shall be constructed, operated, and maintained to prevent loss of liquid or solid waste materials, and to prevent health nuisance and safety hazards to operating personnel and the public, and shall be maintained in a sanitary condition to preclude nuisance conditions such as odors and insect breeding.

(C) **Mixing of incompatible wastes.** Mixing of incompatible wastes within the same container is prohibited. Transporters shall not use the same container or pumping equipment to collect or transport incompatible waste without first emptying and cleaning the container and equipment of all previously handled wastes. For purposes of this application, incompatible waste are defined as wastes which have different processing, storage, or disposal requirements. However, transporters may mix wastes with different characteristics provided the facility to which the waste is being transported is authorized to store, process, or dispose of such mixed wastes.

(D) **Site gauges.** All closed vehicles, tanks, or containers used to transport regulated liquid wastes shall have sight gauges maintained which can be used to determine whether or not a vehicle is loaded and the approximate capacity. Gauges are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled.

(E) **Septage transport.** If the vehicle(s), tank(s), or container(s) are used to transport domestic septage to a beneficial use site, the registrant shall keep records showing how the domestic septage met the pathogen and vector attraction reduction requirements listed §312.82(c) and §312.83 of Title 30, Texas Administrative Code. Copies of records pertaining to the pathogen and vector attraction reduction requirements shall be maintained on the vehicle(s) for a minimum of one month and at the beneficial use site and transporter office for a minimum of five years.

(F) **Discharge valves.** All closed vehicles, tanks, containers used to transport regulated liquid shall prominently mark all discharge valves and ports. All discharge ports shall be visible and readily accessible from the outside of the vehicle. Discharge valves that may be operated from inside the cab of the vehicle are strictly prohibited

(G) **Inspection.** All transport vehicles shall include, but are not limited to, trucks, portable tanks, trailers, barges, or similar transport vehicles/receptacles and are subject to inspection by Polk County, Texas staff at any time and/or location within Polk County, Texas. If a transport vehicle fails the inspection, the Polk County, Texas authorization sticker shall be removed from the vehicle and that vehicle is not authorized to transport waste until the vehicle is re-inspected and passes.

(H) **Record Keeping.** Record keeping shall be in accordance with requirements of Rule §312.145 TAC. Failure of a transporter to properly and correctly maintain records, trip tickets, or other documents, or failure of a transporter to submit to the Polk County Permit Office correct information on a report or an application for registration by the required due date, or unauthorized discharges of sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, solid waste, or grease trap waste shall be sufficient cause for the Polk County Permit Office to revoke or otherwise void the transporter's registration and authorization to transport such wastes in unincorporated area of Polk County, Texas.

The Polk County Permit Office may also take any other action authorized by law.

An opportunity for a formal hearing on the revocation may be requested by the registrant within 20 days after a Notice of Revocation has been sent from the Polk County Permit Office to the last known address of the registrant. If the registration is revoked or voided, a transporter is prohibited from hauling regulated wastes.

A surety bond, executed pursuant to this Regulation, must comply with the insurance laws of this state.

CRIMINAL PENALTY. Each and every violation of this Regulation constitutes a separate and distinct offense, and is a Class C misdemeanor, punishable by a fine of not more than \$500.

**POLK COUNTY SEPTIC WASTE TRANSPORTER
DRIVER INFORMATION FORM**

Driver #1

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #2

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #3

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #4

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #5

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

Driver #6

Name: _____

Address: _____

Date of Birth: _____ Operator License Number: _____ State: _____

NOTE: In writing, the Polk County Permit Office shall be promptly notified by the permit holder of any changes in the driving staff. This record must always be current as well as accurate.

**POLK COUNTY SEPTIC WASTE TRANSPORTER
VEHICLE(S)/TRAILER(S) IN-SERVICE FORM**

Vehicle #1

Make: _____ Model: _____ Year: _____ Color: _____ License #: _____

Vin# _____ Description: _____

Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #2

Make: _____ Model: _____ Year: _____ Color: _____ License #: _____

Vin# _____ Description: _____

Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #3

Make: _____ Model: _____ Year: _____ Color: _____ License #: _____

Vin#: _____ Description: _____

Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #4

Make: _____ Model: _____ Year: _____ Color: _____ License #: _____

Vin#: _____ Description: _____

Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

Vehicle #5

Make: _____ Model: _____ Year: _____ Color: _____ License #: _____

Vin#: _____ Description: _____

Trailer Mfg: _____ License #: _____ Color: _____ Type: _____

NOTE: In writing, the Polk County Permit Office shall be promptly notified by the permit holder of any changes such as new vehicle(s) or/trailer(s) added to or deleted from the in service fleet. This record must always be current as well as accurate.

AUTHORIZED FACILITIES OR SITES WHERE WASTE IS TO BE DISPOSED

I, _____,
 (Print Name of Applicant) (Title) (Company Name)

do certify by my signature below that the operator(s) of the vehicle(s) described on the Drivers Information form and the Vehicle In-Service form will dispose of waste at authorized disposal facilities only.

In the spaces below, please identify all authorized disposal facilities to be utilized, along with the waste type to be transported and the state-issued authorization number: wastewater treatment plant; sanitary landfill; Type V facility; or beneficial land application site. If discharging grease or grit at a **wastewater treatment facility**, attach written acknowledgment from the facility that they will receive this type of waste.

Waste Type

- | | |
|---|-------------------------------|
| 1. Sewage Sludge (WW) | 4. Chemical Toilet Waste (PP) |
| 2. Water Supply Treatment Plant Sludge (WT) | 5. Grit Trap Waste (GT) |
| 3. Septic Tank Waste (DS) | 6. Grease Trap Waste (GS) |

	Authorization Number	Waste Type(s)	Disposal Facility Name	Telephone Number
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Signature of Applicant _____
Date

NOTE: Permit shall be \$75.00 annually per transport vehicle. Prior to expiration, permit will be considered for renewal. Applicant must attach to completed application: (1) check/money order in the amount of \$75.00 for permit fee, (2) county map with route information clearly highlighted, (3) \$500.00 surety/property bond or irrevocable bank letter of credit, and (4) Proof of vehicle insurance to:

**Polk County Permit Office
 602 East Church Street, #138
 Livingston, Texas 77351**

**GROUNDS ESTABLISHED
FOR
SUSPENDING OR REVOKING COMMERCIAL WASTE HAULER LICENSE/PERMIT**

VOL 56 PAGE 3700

1. More than three (3) convictions received for violating any of the provisions of the order or state laws pertaining to litter/solid/septic waste and the Health & Safety Code for a period of one (1) fiscal year.
2. In the event a grievance is filed in a court of law due to the operations of the company.
3. If three (3) times in one (1) fiscal year, waste is proven to be stored in vehicle(s), trailer(s), or on property for more than (24) hours except for periods when disposal site is closed.
4. Five (5) formal complaints during one (1) fiscal year. Complaints must be formal complaints, signed, and dated by the complainant. All complaints must be investigated and verified pursuant to the formal complaint.
5. Vehicle(s) not having insurance and registration or inspection during term of permit.
6. If found guilty in a court of proper jurisdiction for disposal of regulated waste at a site that is not a state approved solid waste site.
7. Permit holder shall not be in arrears for disposal fees at a Polk County Landfill.

Violations listed above will be submitted, along with any evidence, to the Board of Review for their consideration. Board of Review will make determination for suspension or revocation of permit.