

ORDINANCE NO. 3150

AN ORDINANCE AMENDING THE MIDWEST CITY CODE, CHAPTER 43, WATER, SEWERS AND SEWAGE DISPOSAL, ARTICLE III, IN GENERAL, BY RENAMING DIVISION 6 FROM "INDUSTRIAL WASTES AND PRETREATMENT PROGRAM" TO "FATS, OILS AND GREASE CONTROL REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS"; BY TAKING SECTIONS 43-188 THROUGH 43-195 OUT OF RESERVE AND ENTITLING THEM, RESPECTIVELY, "DEFINITIONS," "APPLICABILITY AND PROHIBITIONS," "SCOPE AND APPLICABILITY," "GENERAL INTERCEPTOR REQUIREMENTS," "DESIGN, SIZE AND LOCATION," "REQUIREMENTS FOR GENERATORS," "REQUIREMENTS FOR TRANSPORTERS," "CLEANING SCHEDULE" AND "FEES, CHARGES AND ENFORCEMENT"; AND PROVIDING FOR REPEALER AND SERVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY THAT:

ORDINANCE

SECTION 1. The Midwest City Code, Chapter 43, Water, Sewers and Sewage Disposal, Article III, In General is hereby amended by renaming Division 6 from "Industrial Wastes and Pretreatment Program" to "Fats, Oils and Grease Control Requirements for Commercial Establishments."

SECTION 2. The Midwest City Code, Chapter 43, Water, Sewers and Sewage Disposal, Article III, In General, is hereby amended by taking Sections 43-188 through 43-208 out of reserve, which sections shall read as follows:

Sec. 43-188. Definitions.

Unless otherwise stated in the context of this article, the following terms and abbreviations will have the ascribed meanings:

- (a) **25% Rule** means when the floating grease and bottom sludge combine to displace at least one quarter of the tanks total depth.
- (b) **Approved Haulers List** means a list of all waste haulers approved by the city to operate within the POTW's collection area.
- (c) **Bypass** means any overflow of any amount from the city's sanitary sewer collection system.
- (d) **Chronic Violator** means a person or facility with a pattern of neglect or disregard that results in the same or similar repeated violations during a 12 month period.
- (e) **Decanting** means the practice of returning wastewater from the waste hauler truck back into the grease interceptor, oil/water separator or grit trap after it is vacuumed out.
- (f) **Director** means the city's environmental services director.
- (g) **Domestic user** means a user of the sanitary sewer system occupying a residential unit and discharging only normal domestic sewage.
- (h) **Facility** means a commercial business that generates FOG, waste oil, grit and/or other petroleum waste, or discharges wet wipes and/or paper towels into the city's sewer system.
- (i) **FOG** means fats, oils, and greases.
- (j) **Generator** means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste, or a business with an

oil/water separator and/or grit trap or discharges wet wipes and/or paper towels into the city sewer system.

(k) **Grease trap or interceptor** means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils and greases or designed to collect settleable solids, generated by and from food preparation activities, prior to the wastewater entering the sanitary sewer collection system.

(l) **Grinder** means a mechanical device used to shred solid substances to pieces less than one-half ($\frac{1}{2}$ ") inch(es) in any dimension.

(m) **New facility** means a newly constructed facility and/or the remodeling and/or expansion of an existing facility.

(n) **Nondomestic user** means any user other than domestic users.

(o) **Notice of Violation** means a document issued to permit holders when they have violated their permit and/or this Code.

(p) **Oil/Water Separator** means the separator that separates the sand, oil and other types of grit from the wastewater before it enters the city's sanitary sewer collection system.

(q) **POTW** means the city's wastewater treatment facility.

(r) **Reclamation System** means a series of tanks or basins and filters that renders water reusable.

(s) **Transporter** means any hauler that removes the contents and cleans any grease trap/interceptor or oil/water separator.

Sec. 43-189. Applicability and prohibitions.

This ordinance shall apply to all non-domestic users of the POTW.

(a) Grease traps, grease interceptors, oil/water separators and/ or grit traps shall not be required for domestic users.

(b) Facilities generating FOG as a result of food manufacturing, processing, preparation or service shall install, use and maintain appropriate grease traps/interceptors. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels, motels, prisons, nursing homes, churches, day cares and any other facility preparing, serving or otherwise making any foodstuff available for consumption.

(c) Facilities generating automotive/petroleum oil, grease, sand, grit and other types of waste as a result of automotive servicing and repair shall install, use and maintain an oil/water separator and/or grit trap. These facilities include, but are not limited to, car washes, automotive repair shops, tractor/trailer repair shops, car dealerships and any other facility that maintains, repairs or washes any type of motorized vehicles.

(d) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, gasoline, kerosene or any other chemicals into the city's sanitary sewer collection system in such amounts as to cause interference with the collection system.

Sec. 43-190. Scope and applicability.

This article shall apply to all facilities that generate FOG, waste oil, grit or other products from automotive repair and washing, who are connected to the city's sanitary collection system. This will also include transporters of the wastes which must comply with all local, state and federal regulations.

Sec. 43-191. General interceptor requirements; design, size and location.

(a) All new facilities listed in section 1003.3.1 in the International Plumbing Code 2006 with food preparation areas will be required to install a one thousand (1,000) gallon or larger in-ground grease interceptor. Any facility not listed in Section 1003.3.1 with a food preparation area will be sized on a case-by-case basis by the Director. If an existing facility has a smaller grease trap/interceptor in use and it is not working properly, it will need to be replaced with a larger grease trap/interceptor. Any existing facility that has limited space to install a one thousand (1,000) gallon in-ground grease interceptor will be sized on a case-by-case basis by the Director. All grease traps installed will conform to Section 1003.3.4 of the International Plumbing Code 2006.

(b) Any existing facility that causes more than one bypass or has been determined to be the cause of more than three (3) work orders due to grease blockages in any twelve (12) month period will be required to install a larger grease trap/interceptor, and to pay possible fines and/or citations.

(c) All grease interceptors, traps, oil/water separators and/ or grit traps shall be located as to be easily and safely accessible for cleaning and inspection.

Sec. 43-192. Requirements for generators.

All food service facilities, automotive repair shops and car washes must have grease traps or grease interceptors properly installed in accordance with any and all applicable requirements of this Code.

(a) New Facilities

(1) **Food Service:** New food service facilities must install a grease interceptor of 1000 gallons or larger in accordance with the EPA grease interceptor sizing worksheet.

(2) **Automotive repair and car washes:** All facilities where automotive repairs are made, all car washes and any other facility with the potential to discharge grease, oil, grit, hazardous or flammable pollutants into the city sanitary sewer collection system are required to install grit traps of 500 gallons or more and oil/water separators of 1000 gallons or larger in accordance with this Code.

(b) Existing Facilities

(1) **Food Service:** Food service facilities shall be permitted to operate and maintain existing grease interceptors or grease traps, provided their grease interceptor or grease trap are of the appropriate size and are in efficient operating condition.

(2) **Automotive repair and car washes:** Automotive repair shops, car washes and any other facility with the potential to discharge grease, oil, grit or flammable pollutants into the city's sanitary sewer collection system shall be permitted to operate and maintain existing oil/water separators and grit traps, provided they are of the appropriate size and are in efficient operating condition.

(c) The city may require an existing food service facility, automotive repair shop or car wash to install a new grease trap, grease interceptor, oil/water separator or grit trap that complies with the requirements of this Code or to modify and/or repair any non-compliant plumbing or existing grease trap, grease interceptor, oil/water separator or grit trap when any one or more of the following conditions exist:

(1) The facility is found to be contributing FOG, grit, hazardous or flammable pollutants, paper towels or wet wipes in sufficient quan-

tities to cause line stoppages, bypasses, explosion hazard or hazard to the health of people and/or the environment, or necessitate increased maintenance of the city's sanitary sewer collection system.

- (2) The facility does not have a grease trap, grease interceptor, oil/water separator and/or grit trap.
- (3) The facility has an irreparable or defective grease trap, grease interceptor, oil/water separator or grit trap.
- (4) Remodeling of the food preparation area or kitchen, automotive repair shop or carwash wastewater plumbing system is performed which requires a plumbing permit issued by the city.
- (5) The facility is sold or undergoes a change of ownership.
- (6) The facility does not have plumbing to the grease trap, grease interceptor, oil/water separator and/or grit trap in compliance with the requirements of this Code.
- (7) The facility is found to be contributing wet wipes or paper towels in sufficient quantities to cause line stoppages or bypasses can be required to install and maintain a grinding device on their service line prior to discharging to the city's sanitary sewer collection system.

(d) **Maintenance:** Grease traps, interceptors, oil/water separators and grit traps must be properly maintained, operated and cleaned. This includes the complete removal or pumping of all liquids, sludge, solids and wastewater on the surface, sides and the bottom of the grease interceptor/trap, oil/water separators and grit traps. Generators will not be allowed to decant or pump the waste grease or liquid fraction back into the grease interceptor/trap, oil/water separator and/or grit trap for purposes of reducing the volume of waste to be disposed of.

- (1) Such maintenance, operation and cleaning can only be performed by transporters that have a permit from the city to perform such maintenance, operation and cleaning. Grease interceptors/traps shall be pumped out according to a schedule determined by the city.
- (2) Facilities' sanitary sewer service lines shall not be connected to the lines intended for grease interceptor/trap, oil/water separator and/or grit trap service.
- (3) Enzymes, bacteria or surfactants shall not be used in grease interceptors or traps.

(e) **Manifest log:** It is mandatory that all facilities with a grease interceptor/trap, oil/water separator and/or grit trap keep a record of all manifests and maintain a current manifest log for a period of three (3) years. This log will include the transporter used, city permit number, vehicle tag number, date and time pumped, and must be signed by the transporter and an authorized representative of the facility. This log will be kept in a conspicuous location and will be immediately available to a representative of the city who is performing such an inspection.

(f) **Closing of business:** It is mandatory that all facilities with grease interceptors/traps, oil/water separators and/or grit traps that close their business must have the grease interceptor/trap, oil/water separator and/or grit trap pumped out and cleaned. Car-washes, automotive shops and other businesses with oil/water separators and/or grit traps must also place caps on the discharge line(s) leading to the city's sanitary sewer collection system. Before the proprietor vacates the building, it must be inspected and approved by the city.

(g) **Self-cleaners:** In order to qualify as a self cleaner, the trap that is being cleaned can only be 50 gallons or less. Self-cleaners must adhere to all the requirements, procedures and detailed record keeping as outlined in this Code. To ensure compliance with this Code, a maintenance log shall be kept by the self-cleaning operators. The maintenance log must contain, at a minimum, the following information:

- (1) Date the grease trap was serviced;
- (2) Name of the person(s) that serviced the grease trap;
- (3) Waste grease disposal method used;
- (4) Signature of the operator after each cleaning that certifies that, at the time of the cleaning, all wastewater, solids and grease were removed from the grease trap, all internal parts were in good operational condition and the waste was disposed of properly.
- (5) Grease trap self cleaners who violate this Code will be subject to enforcement action including, but not limited to, citations, fines and/or removal from the self-cleaning program.

Sec. 43-193. Requirements for transporters.

(a) **Permits.**

- (1) **General.** All waste haulers must obtain a permit and pay the applicable fee. The discovery of any false or misleading information provided by the applicant on an application will result in the denial of a permit being issued or in revocation of the permit if it has been issued.
- (2) **Duration of permit.** When an application has been reviewed and approved by the Director according to all rules in this Code and all appropriate fees are paid, permits will be issued for a period of not more than five (5) years from the date of issuance. The permit holder may apply for a renewal of a permit a minimum of one hundred eighty (180) days prior to the permit's expiration date. A permit may be terminated at any time when the Director finds that the permit holder has violated the permit conditions.
- (3) **Permit transfer.** All permits are approved and issued to individuals. No permit may be reassigned, transferred or sold to a new owner.
- (4) **Modifications.** The Director may modify or change the conditions on any permits issued including, but not limited to, the following:
 - (A) To revise standards to keep in compliance with changing local, state and federal regulations, requirements and standards that may apply;
 - (B) Due to a violation of any term of the permit;
 - (C) A change in the permit holder's process;
 - (D) To reflect a change in facility ownership or facility location; or
 - (E) A request from the permit holder to have his/her permit modified, reissued or terminated if received

in writing by the Director explaining in detail the permit holder's reasons for a modification.

- (5) **Vehicle inspection.** Transporters shall permit the city to inspect their registered vehicles annually.
- (6) **Duty to comply.** The permittee must comply with all conditions of his/her permit. Failure to comply with the requirements of the permit shall be grounds for enforcement remedies as described in this Code.
- (7) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with the permit issued including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
- (8) **Permit termination.** An issued permit may be terminated for, but not limited to, the following reasons:
 - (A) Failure to abide by permit requirements;
 - (B) Failure to pay fines;
 - (C) Failure to pay fees; or
 - (D) Failure to meet compliance schedules.
- (9) **Compliance with applicable laws, standards and requirements.** Compliance with the conditions of an issued permit does not relieve the permittee from his/her obligations regarding compliance with any and all applicable local, state and federal laws, standards and requirements, including any such standards or requirements that may become effective during the term of the permit.
- (10) **Compliance date.** Every transporter of grease interceptor/trap, oil/water separator and/or grit trap waste will be in compliance with all the standards and requirements of this Code prior to its issuance.

(b) **Pumping and cleaning of grease interceptors/traps, oil/water separators and/or grit traps.** It shall be the responsibility of the transporters to properly clean the grease interceptors/traps, oil/water separators and grit traps as required by this Code. The cleaning of the grease interceptor/trap, oil/water separators and grit traps will be the complete removal of the contents of the grease interceptor/trap, oil/water separator and grit trap. The walls must also be cleaned and all solids must be removed from the bottom of the interceptor/trap, oil/water separator or grit trap. Decanting of the supernatant back into the interceptor/trap, oil/water separator or grit trap will not be allowed. Discharging of the grease interceptor/trap, oil/water separator or grit trap waste back into any part of the city's sanitary sewer collection system or stormwater collection system is prohibited. The transporter will dispose of the grease interceptor/trap, oil/water separator or grit trap waste in accordance with all local, state and federal regulations.

(c) **Manifest.** Manifests will be used to track grease interceptor/trap, oil/water separator and/or grit trap waste from the initial generation of the waste to the final disposal. It will be the responsibility of the transporter to prepare the manifest. Manifests will be issued to each transporter who has been issued a permit by the city. The transporter will ensure that the form is completed entirely. The transporter will keep a copy for his/her files, leave the appropriate copy of the manifest with the generator and mail a completed copy to the city. All generators and transporters will keep their copies of manifests on file for a time period of at least three (3) years. The manifests will be

kept in a conspicuous location and will be immediately available to a representative of the city who is performing inspections.

Sec. 43-194. Cleaning schedule.

Grease traps, grease interceptors, oil/water separators and grit traps shall be cleaned as often as necessary to ensure that sedimentation and floating debris does not accumulate to impair the efficiency of the grease trap, grease interceptor, oil/water separator and grit trap, and to ensure that the discharge is in compliance with local discharge limits and no visible grease is observable in the discharge.

(a) All grease interceptors/traps shall be serviced and completely pumped of accumulated waste content when the 25% rule is reached, or every three months for grease interceptors and monthly for 50 to 100 pound capacity grease traps, whichever first occurs. At any point in time if solidification occurs in the grease interceptor or trap, service needs to be conducted immediately. All devices must be inspected for damages by the transporter every time they are serviced.

(b) Grease interceptors and traps shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc. which could settle in the sludge pocket thereby reducing the effective volume of the device.

(c) Oil/water separators and grit traps shall be serviced and completely pumped of accumulated waste content when the 25% rule is reached or every six months, whichever first occurs. If a car wash has a water reclamation system in use, the first two to three compartments must be completely pumped of accumulated waste when the 25% rule is reached or every six months, whichever first occurs. All of the chambers must be completely emptied and cleaned at least once a year.

(d) The Director has the authority to adjust cleaning schedules as necessary.

Sec. 43-195. Fees, charges and enforcement.

(a) **Purpose.** It will be the sole purpose of this section to recover any costs incurred by the city from the generators and transporters.

- (1) **Manifest fees.** Manifest fees will be established to recover any costs incurred by the city. The manifest fee shall be fifty (\$50) dollars per 100 manifests issued to the hauler.
- (2) **Grease hauler permit fees.** The permit fee for each grease hauler permit application approved by the Director is two hundred (\$200.00) dollars for the initial permit together with a fifty (\$50.00) dollar vehicle fee for each vehicle included on the permit. Permit renewal fees shall be the same as the initial permit fees. Annual permit maintenance fees shall be one hundred (\$100.00) dollars for the permit and twenty-five (\$25.00) dollar vehicle fee for each registered vehicle.

(b) **Enforcement.**

- (1) **Recovery of costs incurred.** Any person violating any of the provisions of this article or causing damage to, or otherwise inhibiting, the city's sanitary sewer collection system and/or the POTW shall be liable to the city for any expense, loss or damage caused by such violation or discharge. The cost incurred by the city for any cleaning, repair or replacement work caused by the violation will be added to the person's monthly water bill for payment. Failure or refusal to pay the assessed costs may result in a citation being issued.

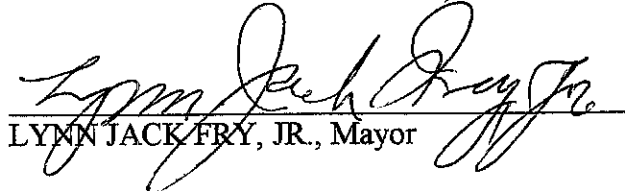
- (A) Any facility with or without a grease trap/interceptor causing a bypass due to the facility's discharge of FOG will be liable to the city for any expense, loss or damage incurred. Any facility without a grease trap/interceptor, oil/water separator and/or grit trap will then automatically be required to install, operate and maintain a grease interceptor/trap, oil/water separator and/or grit trap.
- (B) Any facility whose discharge causes a city main to become restricted and require flushing due to FOG, wet wipes and/or paper towels will be liable to the city for any expense, loss or damage incurred.
- (2) **Violations and fines.** It shall be unlawful and an offense to violate or fail to comply with any of the requirements of this article. Upon conviction, the penalty shall be a fine of up to \$5,000, but in no case less than \$100, plus court costs per day for each day the violation continues.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

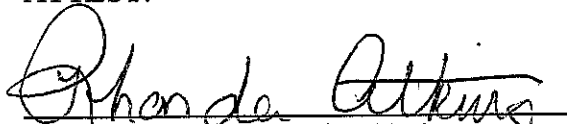
SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the 12th of July, 2011.

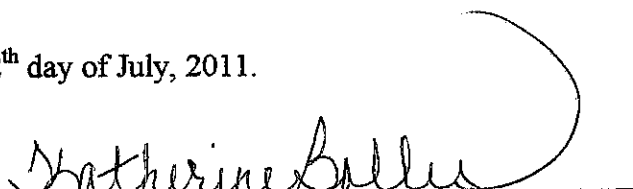
THE CITY OF MIDWEST CITY, OKLAHOMA


LYNN JACK FRY, JR., Mayor

ATTEST:


RHONDA ATKINS, City Clerk

APPROVED as to form and legality this 12th day of July, 2011.


KATHERINE BOLLES, City Attorney