

ORDINANCE NO. 9-5

AN ORDINANCE REGULATING THE GENERATION AND DISPOSAL OF GREASE INTERCEPTOR WASTE.

SECTION 1. DEFINITIONS.

Terms in this ordinance have the following meaning unless otherwise specified:

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

BOD means the value of the five-day test for biochemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

COD means the value of the test for chemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

EPA means the United States Environmental Protection Agency.

Fats, oils, and greases ("FOG") means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

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 prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."

Grease trap waste means material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

Indirect discharge or discharge means the introduction of pollutants into a POTW from any non-domestic source.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's TPDES permit.

pH means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POTW or publicly owned treatment works means a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this division, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

Receiving facility means a facility having written authorization by permit or registration issued by the TCEQ to receive wastes as defined in 30 TAC § 312.143.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Transporter means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 TAC § 312.142.

TSS means the value of the test for total suspended solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

User means any person, including those located outside the jurisdictional limits of the city, which contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

SECTION 2. APPLICABILITY AND PROHIBITIONS.

- (a) This ordinance shall apply to all non-domestic users of the POTW who are within the city limits and to all persons outside the city who, by contract or agreement with the city, are users of the city's POTW.
- (b) Grease traps or grease interceptors shall not be required for residential users.
- (c) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required by this division. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

(d) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

(e) Prohibited discharge standards:

(1) *General prohibitions.* No user shall discharge, or cause to be discharged, into the POTW, any pollutant or wastewater which causes interference or pass through. These general prohibitions in this section apply to all users of the POTW.

(2) *Specific prohibitions.* No user shall discharge or cause to be discharged in the POTW the following:

a. Solid or viscous pollutants in amounts which may cause obstruction to the flow or other interference in the POTW;

b. Any pollutant released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, may cause the POTW's effluent or any product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and recycling or interfere with the reclamation process. In no case, shall a substance discharged to a POTW cause the POTW to be in noncompliance with applicable local, state or federal sludge use or disposal guidelines; or

c. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference of pass through.

SECTION 3. INSTALLATION AND MAINTENANCE REQUIREMENTS.

(a) *Installations.*

(1) *New facilities.* Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food processing or food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(2) *Existing facilities.*

(a) On or after the effective date of this ordinance, an existing facility shall be required to install an approved, adequately sized, and properly operated

and maintained grease interceptor when any of the following conditions exist:

(1) It is found by the City of Kenedy to be contributing grease in quantities sufficient to cause sanitary sewer line stoppages or necessitate increased maintenance on the sanitary sewer collection system POTW in order to keep main line stoppages from occurring.

(2) Its interceptor allows a discharge of oil or grease in excess of 100 mg/l.

(b) Existing facilities required by this or other applicable ordinance to maintain a grease interceptor equipped with an undersized grease interceptor shall, within twelve (12) months of the effective date of the ordinance from which this article is derived, install an adequately sized grease interceptor in accordance with the specifications of this article.

(c) Existing facilities required by this or other applicable ordinances to maintain a grease interceptor not equipped with a grease interceptor shall, within twelve (12) months of the effective date of the ordinance, install an adequately sized grease interceptor in accordance with the specifications of this article.

(3) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(b) *Cleaning and maintenance.*

(1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.

(2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 TAC § 312.143.

(c) *Self-cleaning.*

(1) Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:

a. The grease trap is no more than 50 gallons in liquid/operating capacity;

- b. Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
- c. The local solid waste authority allows such practices;
- d. Grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
- e. Detailed records on these activities are maintained.

(2) Grease trap self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

- a. Business name and street address;
- b. Grease trap/interceptor operator name, title, and phone number;
- c. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
- d. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

(3) Self-cleaners must adhere to all the requirements, procedures and detailed record keeping outlined in their approved application, to ensure compliance with this division. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

- a. Date the grease trap/interceptor was serviced;
- b. Name of the person or company servicing the grease trap/interceptor;
- c. Waste disposal method used;
- d. Gallons of grease removed and disposed of;
- e. Waste oil added to grease trap/interceptor waste; and
- f. Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(4) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(d) *Cleaning schedules.*

(1) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every 90 days, or more frequently when:

- a. 25 per cent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
- b. The discharge of free or emulsified fats, oils or grease deposits into the sanitary sewer lines obstruct flow; or
- c. There is a history of non-compliance.

(3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the 90-day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:

- a. The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established FOG parameters as determined by the POTW; or
- b. Less than 25 per cent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils or greases.

(4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(e) *Manifest requirements.*

(1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.

(2) Persons who generate, collect and transport grease trap waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

- a. The name, address, telephone, and TCEQ registration number of transporter;
- b. The name, signature, address, and phone number of the person who generated the waste and the date collected;
- c. The type and amount(s) of waste collected or transported;
- d. The name and signature(s) of responsible person(s) collecting, transporting and depositing the waste;
- e. The date and place where the waste was deposited;
- f. The identification (permit or site registration number, location and operator) of the facility where the waste was deposited;
- g. The name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
- h. The volume of the waste received; and
- i. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of waste transported.

(3) Manifests shall be divided into five parts and records shall be maintained as follows.

- a. One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.
- b. The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
- c. One part of the manifest shall go to the receiving facility.
- d. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
- e. One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

f. One part of the manifest shall go to the environmental health department.

(4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

(f) *Alternative treatment.*

(1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the POTW collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

(2) It is an affirmative defense to an enforcement of subsection (f)(1) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

(3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:

a. The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160°F (71°C);

b. The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer or POTW system;

c. The use of the bioremediation media does not cause foaming in the sanitary sewer or POTW system; and

d. The BOD, COD, and TSS discharged to the sanitary sewer or POTW system after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 6 and 11.

(4) All testing designed to satisfy the criteria set forth in subsection (f)(3) shall be scientifically sound and statistically valid. All tests to determine fat, oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which approved by the EPA and the TCEQ as

defined in 40 CFR, Part 136 or 30 TAC § 319.11. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

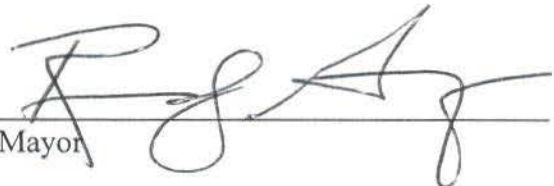
SECTION 4. SCHEDULE OF PENALTIES.

(a) Except as provided in subsection (b), any person violating any of the provisions of this division shall be subject to a written warning for the first violation, a \$1,000.00 civil penalty for the second violation, a \$1,500.00 civil penalty for the third violation, and a \$2,000.00 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500.00 increase in civil penalty and may result in termination of service.

(b) If the POTW determines that a generator is responsible for a blockage of a POTW collection system line the generator shall owe a civil penalty of \$1,000.00 for the first violation, \$1,500.00 for a second violation, and \$2,000.00 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500.00 and may also result in termination of services.

PASSED AND APPROVED on this the 14th day of July, 2009.

City of Kenedy, Texas


Mayor

ATTEST:


City Secretary