

ORDINANCE NO. 19-09

**INTRODUCED BY:
Council Member Sweeney
Council Member Dougherty**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS,
COLORADO, AMENDING WASTEWATER SYSTEM USE REGULATIONS,
ARTICLE IV OF CHAPTER 62 OF THE FEDERAL HEIGHTS MUNICIPAL CODE
REGARDING THE REQUIREMENT OF INTERCEPTORS AND
SEPARATORS FOR INDUSTRIAL USERS**

WHEREAS, the discharge of fats, oils, and grease from industrial users into the wastewater collection system and treatment plants serving the City of Federal Heights (“City”) results in increased maintenance costs of publicly operated treatment works and pollutes fresh water and is detrimental to aquatic environments; and

WHEREAS, the City therefore desires to amend its Wastewater System Use Regulations Article IV of Chapter 62 of the Federal Heights Municipal Code to regulate industrial users discharge of fat, oil, and grease into the wastewater and treatment plants serving the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO:

Section 1. Section 62-131, Definitions and abbreviations, of the Federal Heights Municipal Code is amended to read as follows:

Grease interceptor means a passive interceptor having a rated flow exceeding 50 gallons per minute.

Grease trap means a passive interceptor having a rated flow less than 50 gallons per minute .

Section 2. Section 62-150, Interceptors, and oil separators required, of the Federal Heights Municipal Code is enacted to read as follows:

Sec. 62-150. – Interceptors and oil separators required.

(a) Interceptors or oil separators are required upon all facilities used by the following industrial users:

- (1) Any user engaged in the preparation and sale of foodstuffs to the general public such as restaurants, cafes, lunch counters, cafeterias, bars, kitchens in hotels, hospitals, factories or other profit or nonprofit organizations providing food services;
- (2) Any user engaged in automatic and coin-operated laundries, car washes, gas stations, commercial garages or similar businesses having wash or grease racks;
- (3) Any user operating a commercial garbage grinder;
- (4) Any dairies, slaughterhouses, processing plants and other similar sources of grease and fat byproducts, unless such industrial users are otherwise regulated by a discharge permit issued under this chapter;
- (5) Any other users producing quantities of grit, sand, grease, fat or other materials

which have the potential of causing partial or complete obstruction of the user's sanitary sewer or the POTW system, or necessitates maintenance of or otherwise impair the operation of the POTW.

(b) Existing users are required to have an interceptor or separator that complies with the requirements of the applicable city technical codes set forth in Article II of Chapter 10 of the Code as amended ("technical codes"), and shall install such interceptor or separator not later than one hundred and eighty (180) days after the effective date of this ordinance.

(c) All interceptors and separators shall be designed and installed in accordance with the requirements of the city's technical codes and applicable design standards such that excessive amounts of grease, oil, sand, and other inert solids are effectively prevented from entering the POTW.

(d) All interceptors and separators shall be kept in continuous operation and installed, maintained and, repaired by the user.

(e) Users shall evacuate accumulated solids, fats, oils, grease and all other material(s) from each interceptor or separator at a frequency not less often than every ninety (90) days and within two (2) business days whenever twenty-five (25) percent or more of the wetted height of the interceptor or separator, measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils, or grease.

(f) Users that generate more than fifty-five (55) gallons of waste every ninety (90) days must use a waste grease transporter that is currently registered with the Colorado Department of Public Health and Environment to collect, transport and dispose of the waste. Users shall cause interceptor or separator waste to be completely evacuated by a waste hauler at the time of each waste disposal. Interceptor or separator waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.

(g) Not less frequently than once per calendar year, users shall after an evacuation of waste cause a State licensed plumber to inspect each interceptor or separator. The plumber shall make a visual observation of and shall photograph all inlet and outlet fittings, internal baffles, walls, floor and all other internal structures. The plumber shall provide the user an inspection report that includes the date of inspection, all required photographs, description of any defects and which includes the plumbers name, address and contact information. All defects shall be corrected by the user within ninety (90) days of the inspection. Users shall upon receipt of an annual inspection report send a copy of such report to the city. Users must also immediately upon correction of any defect send confirmation of the correction to the City.

(h) User's shall maintain all records pertaining to the inspection, cleaning, evacuation, service or pumping of any interceptor or separator. If a registered waste grease transporter is not required, the user shall maintain a cleaning log that lists the location and type of each interceptor or separator, the date and time of each interceptor or separator evacuation, the quantity of material removed from the interceptor or separator, the location where the material removed from the interceptor or separator was disposed of, and the signature of the employee performing the evacuation of the interceptor or separator. Records shall be made readily available to city authorized personnel for review and inspection.

(i) Wastes removed from the interceptor or separator must not be reintroduced into an interceptor, separator or POTW.

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that

any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Federal Heights Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. Violations of this ordinance are subject to the penalties set forth in Section 1-15 of Federal Heights Municipal Code or as otherwise provided in this ordinance.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL
HEIGHTS, COLORADO, THE 17th DAY OF September, 2019.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL
HEIGHTS, COLORADO, THE 1st DAY OF October, 2019.

/s/ Daniel L. Dick, Mayor

ATTEST:

/s/ Patti K. Lowell, CMC
City Clerk

APPROVED AS TO FORM:

/s/ William P. Hayashi
City Attorney

PUBLISHED:

Westminster Window
September 26, 2019
October 10, 2019