

**ORDINANCE NO. 3720-12-19**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14 “UTILITIES,” ARTICLE II “SEWERS GENERALLY,” SECTION 14-56 “MANAGEMENT OF FAT, OIL, AND GREASE” BY AMENDING SECTION 14-56 REGULATING THE MANAGEMENT OF FAT, OIL AND GREASE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The City of Allen Code of Ordinances Chapter 14 “Utilities,” Article II “Sewers Generally,” Section 14.56 “Management of fat, oil, and grease.” is amended as follows:

**“Sec. 14-56. - Management of fat, oil, and grease.**

**(a)     *Applicability and prohibitions.***

- (1) This section shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in section 14-21 of this chapter.
- (2) Grease traps or grease interceptors shall not be required for residential users.
- (3) 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 code. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, schools, day cares, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (4) 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, obstruction, or blockage in the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

**(b)     *Installation of grease traps.***

- (1) *Installations.* Food processing or food service facilities shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with this code, locally adopted plumbing codes and other applicable ordinances.
  - a. *New Facilities.* Food processing or food service facilities which are newly proposed or constructed, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes, environmental health regulations, and other applicable ordinances and guidelines as required by the

City. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy and a health permit.

- b. Expansion or Renovation of Existing Facilities or Operations. Existing food processing or service facilities which will be expanded or renovated for a new or existing business, or where existing businesses will change their food processing or service operations, and where there is an inadequately sized grease trap/interceptor, shall be required to design, install, and operate a grease trap/interceptor in accordance with locally adopted plumbing codes, environmental health regulations, and other applicable ordinances and guidelines as required by the City. Grease traps/interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a health permit.

(2) All grease trap/interceptor designs must be sealed by a State of Texas MEP Engineer in accordance with the latest adopted edition of the International Plumbing Code.

(3) All grease trap/interceptor designs shall include a sample port of adequate size to facilitate effluent sampling.

(c) *Operation and cleaning.*

(1) *Operation.*

- a. Grease traps/interceptors shall always be maintained in an efficient operating and sanitary condition and shall be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these model standards, unless specified in writing and approved by the POTW.
- b. All grease trap/interceptor waste shall be properly disposed of by a State licensed hauler/transporter at a facility that is licensed to receive such wastes in accordance with federal, state, or local regulations.
- c. 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 twenty-four-hour period, in accordance with 30 Texas Administrative Code §312.143.

(2) *Cleaning schedules.*

- a. 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.
- b. Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, unless an alternative schedule is determined in accordance with this section.
- c. The City may require a more frequent cleaning schedule when:
  - 1. Twenty-five (25) percent 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

2. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
  3. There is a history of non-compliance, generating illicit discharges, sewer backups, or sanitary sewer overflows due to grease deposition in the grease trap, floor drains, or in their servicing city sewer lateral, sewer blockages in the grease trap or downstream of the grease trap in the entities' servicing sewer lateral/sewer main; or
  4. If there is evidence of grease pass through and detrimental accumulation in the entities' servicing sewer lateral/sewer main as visualized and recorded by a city still or motion sewer camera.
- d. The City may, upon written notice to the generator, require a more frequent cleaning schedule because of non-compliance. The alternate cleaning schedule shall be followed until such time as the City provides written notice to the generator that such alternate cleaning schedule is no longer required. City shall conduct inspections as needed to ensure compliance with the alternate cleaning schedule and the necessity to continue the alternate cleaning schedule. It shall be unlawful for any generator to fail to comply with a required alternate cleaning schedule.
- e. Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (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:
1. 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 local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW and the trap/interceptor meets the twenty-five (25) percent rule set forth in this Code; or
  2. The facility that the grease trap serves operates intermittently and does not generate grease from cooking activities at least twenty-five (25) percent of the days in a year; and the trap/interceptor meets the twenty-five (25) percent rule set forth in this Code; or
  3. Less than twenty-five (25) percent 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 at a point in time equal to the desired/established cleaning period.
- f. A grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected not less than once every one hundred eighty (180) days unless it is operated intermittently per (e) above, then it shall be fully evacuated, cleaned, and inspected not less than once every three hundred sixty-five (365) days.

(3) *Self-cleaning.*

- a. 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:

1. The grease trap is no more than fifty (50) gallons in liquid/operating capacity;
  2. Proper on-site material disposal methods are implemented (e.g., absorb liquids into solid form and dispose into trash);
  3. The local solid waste authority allows such practices;
  4. 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
  5. Detailed records on these activities are maintained in accordance with manifest requirements below.
- b. 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:
1. Business name and street address;
  2. Grease trap/interceptor operator name, title, and phone number;
  3. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
  4. Signed statement that the operator will maintain records of waste disposal and produce them in response to compliance inspections by city, state and federal authorities.
- c. Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this article. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:
1. Date the grease trap/interceptor was serviced;
  2. Name of the person or company servicing the grease trap/interceptor;
  3. Waste disposal method used;
  4. Gallons of grease removed and disposed of;
  5. Waste oil added to grease trap/interceptor waste; and
  6. 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.
- d. Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(4) *Alternative treatment.*

- a. *Offense.* 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 collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

- b. *Defense.* It is an affirmative defense to the enforcement of (a) when the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
- c. *Bioremediation media* may be used with the POTW's approval if the generator 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:
  - 1. 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 one hundred sixty (160) degrees Fahrenheit (seventy-one (71) degrees Centigrade).
  - 2. 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.
  - 3. The use of the bioremediation media does not cause foaming in the sanitary sewer.
  - 4. The BOD, COD, and TSS discharged to the sanitary sewer 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 5 and 11.
- d. *Testing.* All testing designed to satisfy the criteria set forth in this section shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, Texas Administrative Code §319.11, as amended. Testing shall be open to inspection by the POT and shall meet the POTW's approval.

(5) *Manifest requirements.*

- a. Each pump-out of a grease trap or interceptor must be accompanied by manifests to be used for record keeping purposes. Generators may only use collection, transportation, and disposal firms that are currently licensed by the State of Texas to perform these functions; and that provide for the disposition of correctly and completely prepared manifest copies as required in paragraphs b. and c. below.
- b. Persons who generate, collect and transport grease 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:
  - 1. Name, address, telephone, and commission registration number of transporters;
  - 2. Name, signature, address, and phone number of the person who generated the waste and the date collected;

3. Type and amount(s) of waste collected or transported;
  4. Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
  5. Date and place where the waste was deposited;
  6. Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
  7. Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
  8. The volume of the grease waste received; and
  9. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- c. Manifests shall be divided into five (5) parts and records shall be maintained as follows.
1. One (1) part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.
  2. The remaining four (4) parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
  3. One (1) part of the manifest shall go to the receiving facility.
  4. One (1) part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
  5. One (1) copy of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) days after the waste is received at the disposal or processing facility. The generator must maintain and make available the original pick-up copy and the final disposition copy for inspection by all city, state, and federal authorities.
  6. One (1) part of the manifest shall be provided by the transporter to the City of Allen Environmental Health Division within fifteen (15) days after the waste is received at the disposal or processing facility.
- d. Copies of manifests provided or returned to the waste generator shall be retained for three (3) years by the generator and must be made readily available for review/inspection by the city's environmental health division as well as the city's water and sewer division during city inspections.
- e. While the generator may select the licensed transporter of their choice, the generator is responsible to select a transporter that can reliably complete and distribute the required manifest copies to both the generator and City of Allen. Failure of the

generator to select a licensed transporter that reliably provides for disposition of manifest copies is a violation of this ordinance.

(d) *Maintenance Requirements*

- (1) The generator shall maintain the trap in effective operating and sanitary conditions. Grease traps/interceptors shall be structurally sound and maintained free of corrosion or decay and be watertight. The ring and lid shall be securely fastened to the grease trap/interceptor.
- (2) The generator shall maintain the grease trap/interceptor and its surrounding areas in sanitary conditions.
- (3) The generator shall be responsible for the proper cleaning and complete removal of the contents of the grease trap. The generator shall be responsible for verifying the accuracy of the trip ticket from the transporter.
- (4) The generator shall clean up all spills and abate all unsanitary conditions immediately, and have material used for abatement, such as absorbent material, disposed of by approved means and in a timely matter.
- (5) In the event that the establishment ceases operation, the establishment is required to pump the trap before abandoning the property. If the owner of the business fails to empty the trap, it shall become the responsibility of the property owner.

(e) *City inspections.*

- (1) *Manifests.* The city's environmental health staff shall perform inspections of required transporter manifest records as part of their inspection program and will receive and file the city's manifest copy.
- (2) *Grease traps.* The city community services department's water and sewer division will perform periodic physical inspections of grease traps.
  - a. The generator and/or owner shall grant access to traps, allow the City to inspect traps, and provide information and records related to the operation and maintenance of traps, during the facility's hours of operation and other reasonable times. In the event of a discharge or spill, the generator and/or owner shall grant access and allow the City to inspect all portions of the premises that are reasonably related to the discharge or spill.
  - b. Inspections will determine at a point in time near the end of the current cleaning frequency; if twenty-five (25) percent 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. This inspection is to determine if the current cleaning frequency is sufficient or if the cleaning needs to be performed at a different frequency. This may be either more or less often than the current cleaning frequency.
  - c. The individual in charge of the facility being inspected at the time of the grease trap inspection must provide the inspector a copy of disposal manifest records in order to verify the most recent service date for the grease trap.

- d. A copy of the city grease trap/interceptor inspection report will be discussed with, provided to, and signed for by the generator's on-duty manager or senior representative that is present for duty at the time.
- e. Facilities that exceed the twenty-five (25) percent criteria at the time of City inspection are required to service their grease trap within ten (10) calendar days after the date of the inspection. The generator will be given a notice of violation and description of required actions at the time of inspection."

**SECTION 2.** All ordinances of the City of Allen in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage in accordance with its provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(PGS:11-19-19:TM 112154)

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**Shelley B. George, CITY SECRETARY**