



Fuquay-Varina Board of Commissioners

August 8, 2023

*AN ORDINANCE BY THE GOVERNING BOARD
OF THE TOWN OF FUQUAY-VARINA, NORTH CAROLINA
TO ENACT PART 5-MUNCIPAL UTILITIES
CHAPTER 2-SEWERAGE COLLECTION AND DISPOSAL
ARTICLE L - FATS, OILS, AND GREASE CONTROL*

- WHEREAS, the Federal Water Pollution Control Act Amendments was originally passed by Congress in 1972 to govern water pollution; and
- WHEREAS, the law was amended in 1977 to become what is commonly known today as the Clean Water Act; and
- WHEREAS, the CWA is the principle law governing water pollution control and water quality of the Nation's waterways; and
- WHEREAS, the object of the CWA is to restore and maintain the chemical, physical and biological integrity of the Nation's waters; and
- WHEREAS, the US EPA delegates primary enforcement responsibility (also called primacy) for public wastewater systems to States and Indian Tribes if they meet certain requirements; and
- WHEREAS, the North Carolina Department of Environmental Quality (NC DEQ) is the primacy agency for the US EPA that enforces the CWA through North Carolina Administrative Code, Title 15A, Subchapter 02T, Waste Not Discharged to Surface Waters; and
- WHEREAS, pursuant to 15A NCAC 02T.0108(b), NC DEQ issued a system-wide collection system permit to the Town of Fuquay-Varina; and
- WHEREAS, the purpose and intent of enacting this Ordinance is to develop and implement a fats oils and grease program to ensure the collection system is effectively managed, maintained, and operated at all times to prevent discharges to land or surface waters thus preventing any contravention of groundwater standards or surface water standards.

NOW, THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Town of Fuquay-Varina, North Carolina, the following:

Part 5-Chapter 2-Article L-Fats, Oils, and Grease Control

§5-2067. Scope and Purpose

To aid in the prevention of sanitary sewer blockages and obstructions from the contributions and accumulation of fats, oils, and grease into said sanitary sewer system from industrial, commercial, and institutional establishments in the Town of Fuquay, referred to as "town" therein.

§5-2068. Definitions

Fats, Oils, and Grease – 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 in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

Grease Trap or Interceptor – A device for separating and retaining waterborne grease and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment 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 and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease interceptors".

Commercial Food Establishments – Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption, foods that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces hot, non-drinkable food product in or on a receptacle that requires washing.

- (1) Non-Cooking Establishments – Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
- (2) Minimum Design Capacity – The design features of a grease interceptor and its ability or volume required to effectively intercept and retain Grease from grease-laden wastewaters discharged to the public sanitary sewer.
- (3) User – Any person, owner, or developer including those located outside the jurisdictional limits of the County, who contributes, causes, or permits the contribution of discharge of wastewater into the Publicly Owned Treatment Works (POTW), including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

§5-2069. Grease Interceptor Design, Maintenance, Grease Removal, and Record Keeping

- (a) All owners/developers or users involved in the preparation of food for commercial purposes shall provide grease interceptors. Grease interceptors may also be required in non-cooking or cold dairy and frozen food establishments and other industrial, commercial, or institutional establishments when they are deemed necessary by the town for the proper handling of liquid wastes containing grease. All grease interceptors shall be installed and maintained by owners/developers or users at the owners/developers or user's expense.

- (b) No user shall allow wastewater discharge concentration from subject Grease interceptor to exceed 100 milligrams per liter, as identified by EPA method 1664 and EPA method 413.
- (c) All Grease interceptors required by this section shall have a capacity and design in compliance with the adopted NC State Building Code. A grease interceptor shall not be less than 750 gallons in capacity. No single separator shall be larger than 3,000 gallons and where requirements exceed 3,000 gallons, multiple units shall be used. In the case of certain fast-food restaurants or establishments with potential to discharge large quantities of grease and oil, capacity requirements greater than 25 gallons per seat may be required. Prepackaged or manufactured oil/grease separators may be approved by the town with proper engineering and application review.
- (d) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow and infiltration. The manholes shall also have readily removable covers to facilitate inspection, Grease removal, and wastewater sampling activities.
- (e) All grease interceptors shall be subject to review, evaluation, and inspection by the Town or designee bearing proper credentials and identification and shall be permitted to enter and inspect all properties without prior notification. This right of inspection shall include the right to measure, observe, sample, test, record, review and make copies of all pertinent documents in accordance with the section. Results of inspections will be made available to the facility owner, leaseholder, or operator. The town may make recommendations for correction and improvement.
- (f) All grease interceptors shall be maintained in proper working order by the owner/developer or user. The town may require maintenance by the owner/developer or user when the town determines a problem exists affecting the town's wastewater collection system. All such grease interceptors shall be serviced and emptied of accumulated waste content as required to maintain minimum design capability or effective volume of the Grease interceptor, but not less often than every thirty (30) days or at the discretion of the Town.
- (g) Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into the sludge pocket and thereby reduce the effective volume of the grease interceptor.
- (h) If any skimmed or pumped wastes or other materials removed from the Grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an activity of and after said onsite treatment, the User shall be responsible for the attainment of the established grease numerical limit consistent with and contained in Section 5-2023 (b) on all discharges of wastewater from said grease interceptor into the town's sanitary sewer collection system.
- (i) Users who are required to pass water through a Grease interceptor shall accept the following conditions:
 - (1) Operate the grease interceptor in a manner to maintain said device such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from said Grease interceptor shall be subject to terms of numerical limit attainment described in Section 5-2023 (b). If an establishment desires to use an alternative to an out-of-building grease interceptor, because of documented space restraints, the request for an alternative location shall contain the following information:

- (a) Location of town's sewer main and easement in relation to available exterior space outside building
 - (b) Existing plumbing at or in a site that uses common plumbing for all services at that site.
- (2) Understand and agree that: The use of additives such as enzymes, chemicals or bacteria as a grease degradation agent is not permitted.
- (3) Understand and agree that: The town reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, modifications, or replacement of such traps.
- (4) Understand and agree that: The Town may conduct an inspection of the owners/developer's grease interceptor. Staff will coordinate with the User during regular monthly pumping to inspect the condition of the grease interceptor walls, bottom, top, cover, inlet and outlet pipes, and baffles.
- (5) The User shall submit a Grease Trap Service Record to the Town upon cleaning. The owner/develop or user shall maintain a written record of trap maintenance for three (3) years. All such records will be available for inspection by the town at all times. Grease interceptor maintenance records must include the following information:
 - (a) Food Service Establishment name and physical address
 - (b) Date and time of grease interceptor service company
 - (c) Name of grease interceptor service company
 - (d) Established service frequency and type of service (Example full pump out, partial pump out, onsite treatment, etc.)
 - (e) Number and size of each grease interceptor serviced
 - (f) Approximated amount, per best professional judgement, of grease and solids removed from each grease interceptor
 - (g) Total volume of waste removed from each grease interceptor
 - (h) Destination of removed wastes, food solids, and wastewater disposal
- (6) No non-grease laden sources are allowed to be connected to sewer lines intended for grease interceptor service.

§Sec. 5-2070. Violations and Penalties

- (a) Any User failing to submit the "Grease Trap Service Record", to the Town may be fined \$100.00 per week until said document is submitted.
- (b) It shall be a violation of this ordinance for any User to allow floatable oils, fats, or grease to enter the Town's wastewater collection system, in excess of the limits outlined in Section 5-2069 (b), because of Grease interceptors or other Grease handling facilities being inadequately serviced or maintained.
- (c) Users receiving unsatisfactory evaluations during inspections may be required, at the User's expense, to sample its Grease interceptor discharge and have it analyzed for oil and grease. Results of such analyses shall be reported to the Town. Any User found to be in violation shall be notified in writing of any noncompliance and will be required to provide a schedule whereby corrections will be accomplished. Users known to be in violation may be subject to fines up to \$500.00 per day until actions are taken to prevent said violations from recurring.

- (d) Facilities for which a specific pre-treatment permit has been issued will follow the requirement for maintenance and record keeping as stated in the permit and violations or civil penalties shall be assessed in accordance with the town's sewer use ordinance.
- (e) Users who continue to violate the Town's Oil and Grease Control Ordinance may be considered for discontinuance of sewer services.
- (f) Users whose operations cause or allow excessive grease to discharge or accumulate in the Town's wastewater collection and treatment system may be liable to the Town for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service-related charges may also be grounds for sewer service discontinuance.

§Sec. 5-2071. Existing Facilities

- (a) All existing Commercial Food Establishments shall have Grease interceptors approved by the town. Commercial Food Establishments without Grease interceptors will be given a compliance deadline not to exceed one (1) year from the date of the ratification of this ordinance.
- (b) Failure to comply will be considered a violation of the Town's Fats Oil and Grease Ordinance and such facilities may be subject to penalties and corrective actions. Said installations shall meet the same requirements for design as new facilities unless site conditions prevent this from occurring as stated in Section 5-2069 (i) (1).
- (b) In the event an existing Commercial Food Establishment's Grease interceptor is either under-designed or substandard in accordance with this policy, the owner(s) will be notified in writing of the deficiencies and required improvements and given a compliance deadline not to exceed six (6) months to conform to the requirements of this ordinance.

§5-2072. Severability; Conflict of Laws.

If any section, phrase, sentence, or portion of this ordinance is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provisions; and such holding shall not affect the validity of the remaining portions thereof.

This Ordinance of the Town of Fuquay-Varina Board of Commissioners is hereby adopted this 8th day of August in the year 2023 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

J. Blake Massengill, Mayor

ATTEST

(TOWN SEAL)

Rose H. Rich, Town Clerk



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Fuquay-Varina does hereby certify: That the above/attached ordinance is a true and correct copy of the ordinance authorizing an amendment to the Town Code of Ordinances, Part 5, Municipal Utilities, Chapter 2, Article L-Fats, Oils, and Grease Control, as regularly adopted at a legally convened meeting of the Town Board of Commissioners duly held on the - - - ____ day of _____, 2023; and, further, that such ordinance has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this - - - ____ day of _____, 20____.

(Signature of Recording Officer)

(Title of Recording Officer)