

ORDINANCE NO. 2013-10

AN ORDINANCE AMENDING CHAPTER 38, AND ADDING A NEW ARTICLE IV, FATS, OIL AND GREASE (FOG), TO THE CITY OF SALLISAW CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

Chapter 38 the Sallisaw Code of Ordinances be amended by adding and enacting the following article, to-wit:

ARTICLE IV. FATS, OILS AND GREASE (FOG)

Section 38-105: Definitions.

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

- (1) Twenty-five (25) percent rule means when the floating grease and bottom sludge combine to displace at least one-quarter of the tanks total depth.
- (2) Approved haulers list means a list of all waste haulers approved by the city to operate within the POTW's collection area.
- (3) Bypass means any overflow of any amount from the city's sanitary sewer collection system.
- (4) 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 twelve-month period.
- (5) 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.
- (6) Director means the city's Building Development Director.
- (7) Domestic user means a user of the sanitary sewer system occupying a single family residential unit and discharging only normal domestic sewage.
- (8) Domestic Multi-family user means a user of the sanitary sewer system occupying a

housing unit that has 2 or more family units discharging only normal domestic sewage.

(9) 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.

(10) FOG means fats, oils and greases.

(11) 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.

(12) 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.

(13) Grinder means a mechanical device used to shred solid substances to pieces less than one-half inch in any dimension.

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

(14) Non-domestic user means any user other than domestic users.

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

(17) 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.

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

(19) Reclamation system means a series of tanks or basins and filters that renders water reusable.

(20) Systems means grease trap or interceptor, grinder, oil/water separator or reclamation system when referenced within a section.

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

Section 38-106: Applicability and prohibitions.

This article shall apply to all non-domestic and domestic multi-family users of the POTW where applicable.

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

(2) 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.

(3) 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.

(4) 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.

Section 38-107: 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.

Section 38-108: General interceptor requirements; design, size and location.

a. All new facilities listed in, but not limited to, Section 1003.3.1 in the (IPC) International Plumbing Code 2009 or current UBCCC adopted version of the IPC+ with food preparation areas and all food processing plants and meat processing plants will be

required to install a one thousand-gallon or 300 pound capacity or larger in-ground multi-stage baffled grease interceptor. If an existing facility has a smaller grease trap/interceptor in use and it is not working properly, it shall need to be replaced with a larger grease trap/interceptor. Any existing facility that has limited space to install a one thousand-gallon or 300 pound 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 2009.

b. Any existing facility that causes more than one (1) bypass or has been determined to be the cause of more than three (3) work orders due to grease blockages in any twelve-month period will be required to install a larger grease trap/interceptor.

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.

d. All grease interceptors, traps, oil/water separators and/or grit traps shall have a full size operable and/or removable, water tight cover for servicing and inspection.

Section 38-109: 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.

All food service and all automotive repair or petroleum oil changing facilities shall use an appropriate oil recycler for the reclamation of used oils. All reclamation activities shall be document in the manifest log.

(1) New facilities.

a. *Food service:* New food service facilities must install a grease interceptor of one thousand (1,000) gallons or 300 pounds or larger in accordance with the EPA grease interceptor sizing worksheet and PDI capacity specifications.

b. *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 five hundred (500) gallons or more and oil/water separators of one thousand (1,000) gallons or larger in accordance with this Code.

(2) Existing facilities.

a. *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.

b. *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.

(3) 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, grit trap or multiple systems that comply with the requirements of this Code or to modify and/or repair any noncompliant plumbing or existing grease trap, grease interceptor, oil/water separator or grit trap when any one (1) or more of the following conditions exist:

a. The facility is found to be contributing FOG, grit, hazardous or flammable pollutants, paper towels or wet wipes in sufficient quantities 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.

b. The facility does not have a grease trap, grease interceptor, oil/water separator and/or grit trap.

c. The facility has an irreparable or defective grease trap, grease interceptor, oil/water separator or grit trap.

d. Remodeling of the food preparation area or kitchen, automotive repair shop or car wash wastewater plumbing system is performed which requires a plumbing permit issued by the city.

e. The facility is sold or undergoes a change of ownership.

f. 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.

g. 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.

(4) **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.

a. 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.

b. 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.

c. Enzymes, bacteria or surfactants shall not be used in grease interceptors or traps.

(5) **Manifest log:** It is mandatory that all facilities with a grease interceptor/trap, oil/water separator and/or grit trap or reclamation container keep a record of all manifests and maintain a current manifest log. 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.

(6) **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.

(7) **Self-cleaners:** In order to qualify as a self-cleaner, the trap that is being cleaned can only be fifty (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:

a. Date the grease trap was serviced;

- b. Name of the person(s) that serviced the grease trap;
- c. Waste grease disposal method used; (i.e. grease/oil recycling receptor)
- d. 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;
- e. List of replaced or repaired parts to include seals, to include method of repair;
- f. 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.

Section 38-110: Requirements for transporters.

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. The director may bring action in municipal court to terminate a permit if it is determined 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, re-issued 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.

(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.

- a. *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 storm water 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.

b. *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.

Section 38-111: 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 twenty-five (25) percent rule is reached, or every three (3) months for grease interceptors and monthly for fifty (50) to one hundred (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 twenty-five (25) percent rule is reached or every six (6) months, whichever first occurs. If a car wash has a water reclamation system in use, the first two (2) to three (3) compartments must be completely pumped of accumulated waste when the twenty-five (25) percent rule is reached or every six (6) months, whichever first occurs. All of the chambers must be completely emptied and cleaned at least once a year.

Section 38-112: 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 dollars (\$50.00) per one hundred (100) manifest issued to the hauler.

2. *Grease hauler permit fees.* The permit fee for each grease hauler permit application approved by the City Clerk is two hundred dollars (\$200.00) for the initial permit together with a fifty dollar (\$50.00) vehicle fee for each vehicle included on the permit. Annual permit renewal fees shall be one hundred dollars (\$100.00) for the permit and a twenty-five dollar (\$25.00) 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 one thousand dollars (\$1,000.00), but in no case less than one hundred dollars (\$100.00), plus court costs per day for each day the violation continues.

SECTION 2.

WHEREAS, this ordinance shall be in full force and effect from January 1, 2014 and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 14th day of October, 2013.

CITY OF SALLISAW, OKLAHOMA

By: _____

Shannon Vann
SHANNON VANN, Mayor

ATTEST:

Dianna Davis
DIANNA DAVIS, City Clerk

[SEAL]

