

**ORDINANCE NO. 08-42**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE BROWNWOOD CODE OF ORDINANCES ESTABLISHING THE INSTALLATION, USE, MAINTENANCE, REQUIREMENTS, MONITORING, AND ENFORCEMENT OF GREASE TRAPS AND INTERCEPTORS FOR COMMERCIAL BUSINESSES GENERATING FATS, OILS, AND/OR GREASE; PROVIDING FOR PENALTIES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it is the desire of the City Council to prevent the accumulation of grease within the sewer system of the City of Brownwood which can lead to sanitary sewer main blockages and subsequent back-ups and sanitary sewer overflows; to reduce the costs of maintaining the sewer system by preventing the accumulation of grease within the sewage system; to establish guidelines for installation and maintenance and provide enforcement controls for failure to comply with the guidelines; and to protect public health and insure the quality of water in the waterways of the State of Texas from pollution caused by sanitary sewer overflows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, that Chapter 70 of the Brownwood Code of Ordinances is hereby amended as follows:

**Section 1. Amendments to Code of Ordinances.**

**"Article IIIA. Grease Traps and Interceptors**

**Section 70-130. Applicability and Prohibitions**

- (a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section 70-131 of this Ordinance.
- (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 in Section 70-132 of this Ordinance. 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, nonbiodegradable 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.

### Section 70-131. Definitions

All terms used in this Ordinance shall be given their meaning as provided by the Texas Food Establishment Rules found in 25 Tex.Admin.Code, ch. 229, §§ 161-171 and 173-175, including any future amendments of such rules, unless otherwise defined in the following definitions.

- (a) **Act** means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (b) **BOD** means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- (c) **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."
- (d) **EPA** means the United States Environmental Protection Agency.
- (e) **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."
- (f) **Generator** means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.
- (g) **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."
- (h) **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.

- (i) **Indirect Discharge or Discharge** means the introduction of pollutants into a POTW from any non-domestic source.
- (j) **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.
- (k) **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.
- (l) **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 ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.
- (m) **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- (n) **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 TEXAS ADMINISTRATIVE CODE §312.142.
- (o) **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."
- (p) **User** means any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

#### **Section 70-132. Installation Requirements and Maintenance Requirements**

- (a) **Installations**
  - 1) **New Facilities.** Food processing or food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a 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. Existing grease traps/interceptors must 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) 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 TEXAS ADMINISTRATIVE CODE §312.143.
- 3) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(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 fifty (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 ordinance. 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 ninety (90) days, or more frequently when:
  - (A) 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
  - (B) the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
  - (C) if 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 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:
  - (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 local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, or
  - (B) 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
- 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 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) name, address, telephone, and commission registration number of transporter;
  - (B) name, signature, address, and phone number of the person who generated the waste and the date collected;
  - (C) type and amount(s) of waste collected or transported;
  - (D) name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
  - (E) date and place where the waste was deposited;
  - (F) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
  - (G) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
  - (H) the volume of the grease waste received; and
  - (I) a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease 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 POTW, pursuant to the requirements of Section 70-120 of the Code of Ordinances, within 15 days after the waste is received at the disposal or processing facility.
- 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 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 Section 70-132 (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.
- (C) The use of the bioremediation media does not cause foaming in the sanitary sewer.
- (D) 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.
- 4) All testing designed to satisfy the criteria set forth in Section 70-132 (f) (3) 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. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

#### **Section 70-133. Schedule of Penalties**

- (a) If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services.
- (b) Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

#### **Section 70-134. Enforcement**

The Director of Utilities or his designee shall have the administrative authority to enforce this ordinance. Whenever the City finds that any user has violated or is violating this ordinance, or any prohibition, limitation, or requirements contained in the ordinance, the City will implement the enforcement response plan. Enforcement response necessary to initiate corrective action may include but not be limited to the following:

1. Notice of violation. The city may serve upon any user a written notice stating the nature of violation. Within 24 hours of the time and date of the notice or first regular work day, a plan for the satisfactory correction thereof shall be submitted to the Pretreatment Coordinator for approval by the Utility Director.
2. The City of Brownwood may suspend water service when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which:
  - a). Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; and or
  - (b). Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer system.

Any person notified of a suspension of water service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary,

including immediate termination of water utility services, to prevent or minimize damage to the sanitary sewer collection system or endangerment of any individuals.

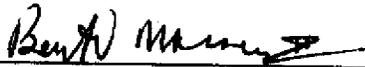
The City of Brownwood shall reinstate utility services when such conditions causing the suspension have been corrected or eliminated. A detailed written statement submitted by the user describing the cause(s) of the violation and the measure(s) taken to prevent any future occurrence shall be submitted to the City of Brownwood, Director of Utilities, within fifteen days of the date of the occurrence.

**Section 2. Other Ordinances in Conflict Repealed.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed, including, without limitation, all cleaning schedules contained in Chapter 78, Section 78-212(8)(c), (d), and (e).

**Section 3. Severability.** If any provision of this Ordinance or the application of any provision of this Ordinance to any person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other persons or circumstance shall not be affected by such holding. In case of such event, this Ordinance and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an Ordinance provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflict with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect from and after the date of its passage, approval and/or publication as required by law.

**PASSED AND APPROVED** on First Reading this 25<sup>th</sup> day of November, 2008.  
**PASSED AND APPROVED** on Second Reading this 9<sup>th</sup> day of December, 2008.  
**PASSED AND APPROVED** on Third/Final Reading this 9<sup>th</sup> day of December, 2008.

  
BERT V. MASSEY, II, Mayor

ATTEST:

  
JAN KAASE, City Secretary

APPROVED AND ATTEST FORM:

  
PAT CHESSER, City Attorney

