

FOG ORDINANCE 06-11-12

An Ordinance Establishing a Fats, Oils, and Grease Management Program, Enforcement and Administrative Procedures

WHEREAS, the TriLakes Regional Sewer District (District) is a collection and treatment utility for sanitary sewage and has compliance responsibility under the National Pollutant Discharge Elimination System (NPDES) and other environmental laws of the United States and the State of Indiana; and

WHEREAS, the District by establishing a Fats, Oils, and Grease (FOG) Management Program with enforcement procedures and maintenance requirements desires to prevent sanitary sewer blockage and obstruction from the contribution and accumulation of FOG in the sewage system, and reduce the costs and negative environmental impact such occurrences would create; and

WHEREAS, the District desires to prevent the detrimental discharge of compounds derived from petroleum and mineral residue; and

WHEREAS, the applicability of this Ordinance pertains to all industrial or commercial facilities within the District that use or generate FOG.

Now, therefore, be it ordained by the Board of Trustees of the TriLakes Regional Sewer District, Columbia City, IN.

Definitions:

BOD – 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.’

COD – The value of the test for Chemical Oxygen Demand, as described in the latest edition of ‘Standard Methods for the Examination of Water & Wastewater.’

FOG – All Fats, Oils, and Grease, Petroleum Products and By-Products. Fats, Oils and Grease as found in food service facilities include, but are not limited to, any substance such as vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process or the cleaning thereof, and that turns or may turn viscous or solidified with a change in temperature or other conditions. Petroleum, Oils, and Grease as found in auto or marine service facilities include, but are not limited to, any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin that is used in, or is a by-product of an automotive/marine process. These substances are detectable and measurable using analytical test procedure established in 40 CFR 136, as may be amended from time to time.

FOG Facility – Any non-residential user or combination of users utilizing the same pretreatment device which uses or generates FOG.

FOG Management Program – The program that is supported by this Ordinance.

FOG Pretreatment Device – Includes oil-water separators, grease traps, grease interceptors.

Grease Interceptor – An outdoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the District's lines to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 600 gallons to serve one or more fixtures and shall be located outside the building.

Grease Trap – An indoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the District's lines to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. A maximum of four (4) fixtures shall be connected to a grease trap.

Commercial or Industrial User – Any non-domestic, non-residential source of discharge.

Modification Request Form – A form provided by the District for the User to complete in order to be considered for a modified cleaning schedule or an exemption releasing the user from the need to install a grease trap / interceptor.

Non-Compliance – A violation to this Ordinance.

Notice of Violation (NOV) – a written document describing any violation to this Ordinance for the information of the User in non-compliance.

Oil-Water (O/W) Separator – A device which utilizes the difference in density between oil, petroleum products or chemical products, and water for removal.

pH - The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

Settled Solids – Particles of debris and fine matter heavy enough to settle out of wastewater. These particles of debris and fine matter can be a collection of hard materials including, but not limited to, dirt, ground stone, debris from sandblasting or other such grinding, swarf from metalworking, edible and inedible particles of food, disposal diapers, dental floss, sanitary napkins, prophylactics, rags, and any other solid substances.

TSS – The value of the test for Total Suspended Solids, as described in the described in the latest edition of 'Standard Methods for the Examination of Water & Wastewater.'

User – Any person or facility who introduces or discharges any substance into the sewage system of the District, which may pertain to both the owner and the occupant of real estate from which the substance is introduced or discharged.

1. Interceptors, Traps, and Oil-Water Separators

- 1.1 All FOG facilities are required to have a FOG pretreatment device properly installed that is acceptable to the District and in accordance with this Ordinance.
- 1.2 All FOG pretreatment devices shall operate in compliance with the District's discharge limits.
- 1.3 All FOG pretreatment device installation and maintenance shall be at the User's expense.
- 1.4 The sizing and plumbing configuration required to prevent the introduction of FOG into the District's system is the responsibility of the FOG facility design professional. The District does not assume any responsibility in the sizing of the FOG pretreatment device, nor does the District assume any responsibility for what is/is not plumbed into said FOG pretreatment device.
- 1.5 Facilities which will be expanded or renovated to include a FOG facility, where such FOG facility did not previously exist, shall be required to install and maintain a grease interceptor, grease trap, or oil-water separator which is acceptable to the District and in accordance with this Ordinance.
- 1.6 Existing FOG facilities shall be permitted to operate and maintain an existing FOG pretreatment device provided these are in proper operating condition as set forth within this Ordinance.
- 1.7 Newly-constructed facilities that will/or could include FOG facilities are required to install and maintain a grease interceptor or oil-water separator in accordance with this Ordinance.
- 1.8 A new multiuse facility is required to have connections to a FIG pretreatment device acceptable to the District.
- 1.9 If the facility does not have plumbing connections to a FOG pretreatment device that functions to bring the User in compliance with the requirement of the District, the District shall require the facility to modify their current plumbing to prevent the introduction of FOG into the sewer as prohibited by this Ordinance.
- 1.10 All FOG pretreatment devices shall have adequate retention time at actual peak flow between the influent and effluent baffles to allow for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate and prevent discharge limit violations.
- 1.11 All grease traps shall include flow regulators.
- 1.12 All great interceptors shall include a Tee outlet with a maximum height of 18 inches above the interceptor's base.
- 1.13 No accumulation of floatable FOG and/or Settled Solids shall exceed twenty five percent (25%) of the total volume of the grease trap or grease interceptor.
- 1.14 No settled oils in the oil-water separator should be left to accumulate in excess of twenty percent (20%) of the wetted height of the oil-water separator, and no floating oil

and grease in the oil-water separator should be left to accumulate in excess of five percent (5%) of the wetted height of the oil-water separator.

- 1.15 All FOG pretreatment devices must be located so that maintenance and inspections can be easily performed as established by the District.
- 1.16 The use of automatic removal systems is permissible only upon prior written approval from the District.
- 1.17 A grease interceptor and oil-water separators may be used by more than one facility if the capacity of the device is such that all the limits are met as established through this Ordinance.
- 1.18 Grease traps may not be shared by multiple facilities.
- 1.19 If a grease interceptor cannot be installed readily or economically in a FOG facility, the District may approve a grease trap to be installed in the facility, at the owner's expense, on a trial basis. If the grease trap does not allow the discharge to meet FOG discharge limits, the facility will be required to install a grease interceptor in compliance with this Ordinance.

2. Grease Interceptor, Grease Trap, and Oil-Water Separator Maintenance

- 2.1 The grease interceptor, grease trap, or oil-water separator shall be maintained at the User's expense.
- 2.2 The User shall maintain the grease interceptor, grease trap, or oil-water separator in order to not allow wastewater discharge concentration from their pretreatment device to exceed any of the District's discharge requirements.
- 2.3 All grease interceptors and oil-water separators shall be serviced and emptied **as frequently as needed in order to maintain an acceptable waste limit as described in 1.13 and/or 1.14, but no less than every six (6) months.**
- 2.4 All grease traps shall be serviced and emptied of accumulated waste content **as frequently as needed in order to maintain an acceptable waste limit as described in 1.13, but no less than every other week.**
- 2.5 Grease interceptors, grease traps, and oil-water separators shall be completely evacuated anytime the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the District.
- 2.6 All waste (floating FOG and settled solids) shall be removed from the pretreatment device, hauled away and disposed of per state standards.
- 2.7 No waste/water shall be returned to a pretreatment device once pumped.
- 2.8 If the solid waste and grease or oil reaches the allowable limit within the FOG Ordinance, the pretreatment device shall be cleaned immediately.
- 2.9 The maintenance of a grease interceptor used by more than one facility shall be the responsibility of the owner of the grease interceptor.
- 2.10 The District may extend the six-month grease interceptor pump-out frequency, and/or the every other week grease trap cleaning frequency if the User petitions the District for such modifications and provides a completed Modification Request Form.
- 2.11 The District may shorten the pump-out or cleaning frequency when, in the opinion of the District, such frequency is insufficient to ensure the District's discharge levels.

- 2.12 Following the cleaning schedule mandated by this Ordinance does not guarantee compliance with the discharge limits or device capacity limits described in section 1.13 and/or 1.14. It is the responsibility of the FOG facility to maintain an acceptable FOG level mandated by this Ordinance.
- 2.13 If the FOG facility's grease trap is cleaned by their staff, the staff shall dispose of the grease in a manner that does not reintroduce grease/waste back in the District's sanitary sewer system.
- 2.14 If the District determines the garbage disposal is a factor in the prohibited discharge of FOG, then the garbage disposal shall be connected to the grease trap, or grease interceptor, or removed from the facility.
- 2.15 No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, turpentine, and other solvents.

3. Reporting Requirements

- 3.1 All businesses and industry shall provide, on demand, to the District, sufficient information to determine if it is a FOG facility.
- 3.2 The owner, or owner's representative, of the FOG facility shall notify the District, in writing, of changes regarding the facility's occupant, building usage, and/or new construction within thirty (30) days of the date the change takes place.
- 3.3 All FOG facilities must maintain written FOG pretreatment device maintenance records for three (3) years on a continuously rolling calendar basis. All such records shall be available for inspection by District staff at any/all time. These records shall include: facility name and location; date and time of cleaning service; name of grease-hauling company; name and signature of grease-hauling company agent performing said service; established service frequency and type of service (full pump out, partial pump out, onsite treatment); number and size of each pretreatment device serviced; approximate amount of grease and solids removed from each pretreatment device; total volume of waste removed from each pretreatment device; destination of removed waste; signature and date of FOG facility personnel confirming service completion.
- 3.4 FOG facilities shall report, in writing, their FOG pretreatment device maintenance records to the District quarterly.
- 3.5 A facility shall report to the District, by phone, any accidental discharge immediately. A written report must be provided by the facility within 24 hours of the event.

4. Inspections

- 4.1 All FOG pretreatment devices may be inspected by the District as necessary to assure compliance with this Ordinance.
- 4.2 Each FOG facility shall allow any District official or agent of the District bearing proper identification access to all parts of the premises for the purpose of inspection,

observation, record examination, measurement, sampling and testing in accordance with this Ordinance.

- 4.3 The refusal of any FOG facility to allow the District's official entry to, or upon, the facility's premise for purposes of inspection, sampling effluents, inspecting and copying records, or performing other such duties y the Ordinance shall constitute a violation of this Ordinance.
- 4.4 The District's official shall inspect FOG facilities during both scheduled and unscheduled visits.

5. Management

- 5.1 It is the facility owner's responsibility to make sure that all employees and/or tenants are informed about the FOG program and best management practices are mandated to help with compliance.
- 5.2 If management changes within the FOG facility, it is the facility owner's responsibility to train the new management on the reporting requirements to ensure compliance.
- 5.3 Any FOG facility with a change in ownership will be recognized as a new FOG facility and shall comply with the District's discharge limits and in accordance with this Ordinance.
- 5.4 If the FOG facility changes names but keeps the same owner, the facility owner is responsible to inform the District of the change within thirty (30) days. Failure to notify the District may result in penalty fees.
- 5.5 If the FOG facility is sold or leased/rented, the facility owner (both new and old in the event of a sale) is responsible to inform the District of the change prior to the effective date of the change. Failure to notify the District may result in penalty fees.
- 5.6 If the FOG facility's type of business changes, it is the facility owner's responsibility to notify the District within 30 days of the type of change that is being made in the business.

6. Administrative Enforcement and Noncompliance Fees

- 6.1 A Notice of Violation (NOV) shall be issued to the User for one or more of the following reasons:
 - 6.1.1 Failure to properly maintain the grease interceptor, grease trap or oil-water separator in accordance with the provisions in this Ordinance.
 - 6.1.2 Failure to maintain the required record of cleaning/pumping activities.
 - 6.1.3 Failure to provide logs, files, records, or access for inspection of monitoring activities.
 - 6.1.4 Any other failure to comply with the requirements of this Ordinance or conditions of the registration.
- 6.2 The NOV will include:
 - 6.2.1 Description of the violation
 - 6.2.2 Number of days to correct the deficiencies and/or violations
 - 6.2.3 Fee that will be charged for the violation (See Exhibit A for list of fees)

- 6.3 All sampling and monitoring after a violation of this Ordinance shall be at the violating facility's expense.
- 6.4 All non-compliance issues are to remain on record for an 18-month rolling calendar for the purpose of determining the level for the NOV. Therefore, all violations will be in effect for 18 months starting the day of the initial violation. On the day after the 18th month, the violation will be removed if all outstanding violation fees have been paid in full.
- 6.5 If a facility wishes to dispute a violation and/or fee, it must be done in writing to the District's Board of Trustees via letter, email, or fax within 30 days of the notice of violation or notice of fee, whichever is later. All disputes shall be reviewed by the Board.
- 6.6 If a User has reason to believe that a specific limit or requirement of the Ordinance does not, or should not, apply to their FOG facility, the User must submit a Modification Request Form, along with information supporting the Modification Request Form, to the District to be reviewed/considered by the Board of Trustees at a regular meeting of their group, and the FOG facility will be informed of their decision in writing within one week of their decision. Documentation on the request and its approval/disapproval will become a part of the facility's account file.
- 6.7 This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Board of Trustees of the TriLakes Regional Sewer District on the 11th day of June, 2012

	Approve	Oppose	Abstain
_____ Dan Stauffer, President	_____	_____	_____
_____ Sue Schroeder, Secretary	_____	_____	_____
_____ Janet Moss, Treasurer	_____	_____	_____
_____ David Anderson, Member	_____	_____	_____
_____ George Bruce, Member	_____	_____	_____
_____ Michael Martin, Member	_____	_____	_____
_____ Tom Wise, Member	_____	_____	_____

APPENDIX A

FOG Violations & Associated Fees

No FOG Pretreatment Device or Non-Working Device

- Notice of Violation (NOV) and 30 days to correct; no fee
- After 30 days, \$100 fee and an additional 15 days to correct
- After additional 15 days, \$500 fee and \$25/day of violation starting day after 15th-day deadline

Violation of Cleaning Schedule

- 1st Violation -- NOV and \$50 fee
- 2nd Violation -- NOV and \$100 fee
- 3rd Violation -- NOV and \$200 fee
- 4th Violation -- NOV and \$500 fee (Board will review and determine further enforcement)

Failure to Report an Accidental Discharge

- NOV with \$100 fee per day from the date of discharge

Failure to Provide Logs, Files and Other Records During an Inspection

- 1st Violation -- NOV and \$50 fee
- 2nd Violation -- NOV and \$100 fee
- 3rd Violation -- NOV and \$200 fee
- 4th Violation -- NOV and \$500 fee (Board will review and determine further enforcement)

Failure to Provide Quarterly Reports to the District

- NOV and 5 business days to submit the report
- No report after 5 business days -- \$50 and 5 additional business days to submit
- No report after additional 5 business days -- \$100 and \$25/day starting days after the additional 5 days of noncompliance

Refusal of Inspection

- 1st Violation -- NOV and \$100 fee
- 2nd Violation -- NOV and \$200 fee
- 3rd Violation -- NOV and \$500 fee (Board will review and determine further enforcement)