

ORDINANCE NO. 02 -18

AN ORDINANCE ADDING A NEW ARTICLE 62.213, "GREASE TRAP AND GREASE INTERCEPTOR REGULATIONS" TO THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS FOR ANY FACILITY WHERE FATS, OILS, AND GREASES ARE GENERATED AS A RESULT OF FOOD MANUFACTURING, PROCESSING, PREPARATION, OR SERVICE WITHIN THE CORPORATE LIMITS OR SANITARY SEWER SERVICE AREA OF THE CITY OF HAMILTON; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hamilton is a Type A general law municipality located in Hamilton County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Hamilton has determined that municipal regulations should be established regulating the registration, installation, cleaning, maintenance, record-keeping, and reporting for grease traps and grease interceptors for all facilities which generate fats, oils, and greases as a result of food manufacturing, processing, preparation, or service, and which are users of City's sanitary sewer service; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) calls for certain regulations to be adopted by the City of Hamilton relative to grease traps; and

WHEREAS, the City Council of the City of Hamilton finds that this proposed ordinance will meet a legitimate public need, clarify responsibilities of property and business owners, and serve to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, TEXAS:

SECTION 1

Chapter 62 "Utilities" of the Hamilton Code of Ordinances is hereby amended by adding a new Article 62.213 to read as follows:

ARTICLE 62.213

GREASE TRAP AND GREASE INTERCEPTOR REGULATIONS

Sec. 62.214 Applicability and Prohibitions.

- (a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section 62.215 of this article.
- (b) Grease traps or grease interceptors shall not be required for residential users whose premises are not utilized for commercial activities.
- (c) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall register, install, use, and maintain appropriate grease traps or interceptors as required in Sections 62.216 and 62.217 of this article. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels and motels, jails, nursing homes, and any other facility preparing, serving, or making any foodstuff available for consumption.
- (d) 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 with the collection and treatment system, or as to cause pollutants to pass through the treatment system into the environment.
- (e) No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease trap/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, terpene, and other solvents.
- (f) It is an affirmative defense to an enforcement of Section 62.214(e) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
- (g) Water from toilets (black water) shall not be connected to the grease trap/interceptor.

Sec. 62.215 Definitions.

Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

BOD means the value of the five-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods of the Examination of Water and Wastewater."

City means the City of Hamilton, Texas.

COD means the value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods of the Examination of Water and Wastewater."

EPA means the United States Environmental Protection Agency.

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 626, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

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."

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 the de-watering processes.

Indirect discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source.

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 Texas Pollutant Discharge Elimination System (TPDES) permit.

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.

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 sewer, 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 the purposes of this article, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

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 Administration Code, Section 312.142.

TSS means the value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods of the Examination of Water and Wastewater."

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.

Sec. 216 Registration Requirements.

Every generator who installs a new grease trap/interceptor shall register such with the City. Existing grease traps/interceptors shall be registered with the City within sixty days of the adoption of this article. There shall be no fee associated with the registration of a grease trap/interceptor.

Sec. 217 Installation and Maintenance Requirements.

(a) Installations

- 1) **New Facilities.** Food processing or food service facilities 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 with sampling ports in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors with sampling ports shall be installed and inspected prior to the issuance of a certificate of occupancy.
- 2) **Existing Facilities with Grease Traps/Interceptors.** Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this article, unless specified in writing and approved by the POTW.

- 3) Existing Facilities without Grease Traps/Interceptors. Existing facilities that should have a grease trap/interceptor and do not shall install an under-counter grease trap within 180 days of notification from the POTW following the adoption of this article.
- 4) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(b) Cleaning and Maintenance

- 1) Grease traps/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, Section 312.143.

(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 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 practice;
 - d. Grease trap waste is placed in a leak proof, sealable container 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 annually. 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 article. A maintenance log shall be kept by self-cleaning operators and submitted annually with the self-cleaning request. The maintenance log shall indicate 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/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 the discharge.

- 2) Grease traps/interceptors subject to these standards shall be completely evacuated a minimum of every ninety days, or more frequently when:
 - a. Twenty-five percent or more of the wetted height of the grease trap/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-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 the established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; or
 - b. Less than twenty-five percent of the wetted height of the grease trap/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/interceptor shall be fully evacuated and cleaned at least once every 180 days.

(e) Manifest Requirements

- 1) Each pump out of a grease trap/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, phone number, and commission registration number of the transporter;
 - b. Name, signature, address, and phone number of the person who generated the waste, and the date collected;
 - c. Type and amount of waste collected or transported;
 - d. Name and signature of responsible person 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 the facility's on-site representative acknowledging receipt of the waste and the amount of waste received; and
 - h. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of greases 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 deposit of the waste.
 - e. One part of the manifest shall be returned by the transporter to the person who generated the waste within fifteen days after the waste is received at the disposal or processing facility.

- f. One part of the manifest shall go to the City.
- 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) Bioremediation media may be used with prior approval of the POTW. The user shall demonstrate to the satisfaction of the POTW through laboratory testing, appropriate for the type of grease trap to be used, 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 system.
 - c. The use of the bioremediation media does not cause foaming in the sanitary sewer system.
 - 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.
 - 2) All testing designed to satisfy the criteria set forth in Section 62.1404(f)(1) 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 EPA and the TCEQ and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30 Texas Administrative Code, Section 319.11. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

Sec. 218 Testing and Inspection Requirements.

- (a) Effective January 1, 2019, all grease traps/interceptors shall be tested annually for allowable levels of FOG, BOD, COD, TSS, pH, and other

pollutant levels. Testing shall be conducted by the user at its own expense.

- 1) Test results shall be provided to the POTW within 15 days of collecting the test sample.
 - 2) Where testing indicates that greater than allowable levels of FOG, BOD, COD, TSS, pH, or other pollutants is being discharged into the POTW, the user shall take corrective action to reduce the pollutant levels. Corrective action may include, but is not limited to, more frequent pumping schedule, maintenance, or other actions as required to limit pollutants to allowable levels. Additional testing to confirm effectiveness of corrective measures shall be performed by the user and provided to the City.
- (b) All grease traps/interceptors shall be visually inspected by the POTW while traps are fully drained. Such inspections shall occur once every three years for each grease trap/interceptor.
- (c) The POTW shall have the right to enter the premises of any registered grease trap/interceptor to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder.
- 1) Users shall allow the POTW ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and the performance of any additional duties.
 - 2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - 3) The POTW shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - 4) Where more than three violations of this article occur within a two-year period, the POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices. The facility's monitoring equipment shall be installed and maintained at all times in a safe and proper operating condition by the user at its own expense.

- 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampling location shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.
- 6) Unreasonable delays in allowing the POTW access to the user's premises shall constitute a violation of this ordinance.
- 7) Refusal of the user to allow access by the POTW to a site with a registered grease trap/interceptor shall constitute a violation of this article.

Sec. 219 Schedule of Penalties.

- (a) If the POTW determines that a generator is responsible for a blockage of a collection system line, the generator shall be subject to 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, three or more within any two-year period, may result in an increase in penalty by \$500 per occurrence and may also result in termination of services.
- (b) Any person violating any of the provisions of this article 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. Continuous violations, three or more within any two-year period, may result in an increase in penalty by \$500 per occurrence and may also result in termination of services.

SECTION 2

This ordinance shall be cumulative of all provisions of ordinances and of the Hamilton Code of Ordinances, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses,

sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

All rights and remedies of the City of Hamilton are expressly saved as to any and all violations of the provisions of any ordinances governing the use and maintenance of grease traps and interceptors as of the effective date of this ordinance; and any accrued violations, or pending litigation, both civil and criminal, whether pending in court or not under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense involving public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6

The City Secretary of the City of Hamilton is hereby directed to publish the caption, penalty clause, and the effective date clause in the official City newspaper one time as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 7

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 8th DAY OF MARCH, 2018.

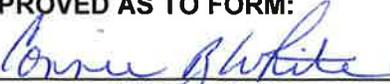
CITY OF HAMILTON


Michael R. Collett, Mayor

ATTESTED:


Ryan Polster, City Secretary

APPROVED AS TO FORM:


Connie Z. White, City Attorney