ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING CHAPTER 13.60 OF THE HEBER CITY MUNICIPAL CODE, **Fats, Oils, Grease and Sand Management Program**

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 13.60 of the Heber City Municipal Code is adopted as follows:

Chapter 13.08 Fats, Oils, Grease and Sand Management Program

13.08.360 Purpose.

The purpose of this Chapter is to set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) to capture and responsibly dispose of all Fats, Oils, Greases and Sand (FOGS), enabling the City to comply with all applicable State and Federal laws, including the Clean Water Act, 33 U.S.C., 1251, *et seq.;* and the General Pretreatment Regulations, Title 40 C.F.R. Part 403.

13.08.361 Definitions.

1. **Act:** refers to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et, seq.
2. **AHJ:** the authority having jurisdiction.
3. **Bioremediation:** a waste management technique or treatment that involves the deliberate introduction and use of naturally occurring organisms to breakdown, remove or neutralize hazardous substances or pollutants into less toxic or non-toxic substances.
4. **BOD :** the value of the 5-day test for the Biochemical Oxygen Demand, as described in the latest edition of "Standard Method for the Examination of Water & Wastewater."
5. **"Brown" Grease:** floatable FOGS, settleable solids and associated wastewater retained by grease interceptors and grease traps.
6. **COD:** the value of the test for the Chemical Oxygen Demand, as described in the latest edition of the "Standard Methods for the Examination of Water & Wastewater."
7. **EPA:** the United States Environmental Protection Agency.
8. **Fats, Oils, Greases & Sand (FOGS):** all 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."
9. **FOGS Disposal System:** a grease interceptor that reduces nonpetroleum fats, oils, greases and sand (FOGS) in effluent by separation, mass and volume reduction.

10. **FPE's:** Food Processing Establishments
11. **FSE's:** Food Service Establishments
12. **Generator:** any individual/business/corporation, who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.
13. **Grease Interceptor:** an appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, greases and sands (FOGS) from wastewater. There are two types of grease interceptors; Gravity grease interceptors and Hydro-mechanical grease interceptors.
14. **Gravity Grease Interceptor:** a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, greases and sand materials from a wastewater discharge and is identified by volume, 30 minute retention time, baffle(s), a minimum of two (three) compartments, a minimum total volume of 1000 gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity grease interceptors are installed outside. (See 13.08.0364c)
15. **Hydro-Mechanical Grease Interceptors :** a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, greases and sands (FOGS) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydro mechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with air intake (vent).
16. **Grease Removal Device (GRD):** any hydro-mechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils, greases, and sand (FOGS) from the interceptor, the control of which are either automatic or manually initiated.
17. **Grease Waste:** material collected in and from a grease interceptor in the sanitary sewer service line of any Generator or User including a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from dewatering processes.
18. **Indirect Discharge** or **Discharge:** the introduction of pollutants into POTW from any non-domestic source.
19. **Interference:** 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 District Wastewater Treatment Plant's Local Limits, or if applicable, Utah Pollutant Discharge Elimination System (UPDES) or National Pollutant Discharge Elimination System (NPDES) discharge permit.
20. **Plumbing & Drainage Institute (PDI) G101 Standard:** a simulated method for calculating flow detention and grease retention given varying size containments and flow velocities.
21. **PH:** the measure of the relative acidity or alkalinity of water as defined as the negative logarithm (base 10) of the hydrogen ion concentration.
22. **Publicly Owned Treatment Works (POTW):** a treatment works which is owned by the state or a 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.

23. **Pretreatment:** the reduction of the amount of pollutants, the elimination of pollutants, or the alternation of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
24. **Transporter:** a person who is registered with and authorized by the AHJ or POTW to transport sewage sludge, water treatment sludge, domestic waste, chemical toilet waste, grit trap waste, or grease trap waste in accordance with current regulations.
25. **TSS:** the value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
26. **User:** 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.
27. **"Yellow" Grease:** inedible and unadulterated spent FOGS, generally generated by method of deep frying and to be captured and stored in grease recycling barrels, drums or bins at the back of the FSE.

13.08.362 Applicability and Prohibitions.

1. This ordinance shall apply to all non-domestic Users of the Publicly Owned Treatment Works (POTW), as contained within the "Definitions" section of this Ordinance.
2. Grease interceptors shall not be required for residential users.
3. The ordinance shall apply to both new and existing Generators with facilities generating fats, oils, greases or sand as a result of food manufacturing, processing, preparation, or food service. Such Generators shall install, use and maintain appropriate grease interceptors as required in "Definitions" section 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.
4. No User may intentionally or unintentionally allow the direct or indirect discharge of any sand, 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.

13.08.363 Kitchen Best Management Practices (BMP).

All FOGS Generators, substantially dominated by and commonly referred to as Food Service Establishments (FSE's) and Food Processing Establishments (FPE's) shall be required, at a minimum, to implement and comply with the following Kitchen BMP, whenever applicable:

1. Drain screens (strainers) shall be installed on all drainage pipes in food preparation areas.
2. All waste cooking oil, commonly referred to as "yellow" grease and distinguished from that captured within a grease interceptor and commonly referred to as "brown" grease, sourced primarily from deep frying processes, shall be collected and stored properly in clearly marked recycling receptacles, such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak.
3. All garbage and food waste shall be disposed of directly into trash bins or containers, and not in sinks, drainage pipes or the sewer system. Food waste should be disposed of in lined trash bags for solid waste disposal; not for POTW treatment.
4. Employee Training: Employees of FOGS generating establishments shall be trained twice each calendar year in the following areas:
    a. How to "dry wipe/scrape" pots, pans dishware and work areas before washing to remove FOGS.
    b. How to properly dispose of garbage, food waste and solids in lined trash bags prior to disposal in trash bins or containers to prevent leaking and odors.
    c. The location and use of absorbent products to clean under fryer baskets and other locations where FOGS may be spilled or accumulated.
    d. How to properly dispose of cooking oil, "yellow" grease, from fry equipment into a designated recycling receptacle, such as a barrel or drum without spilling.
    e. Training shall be documented and employee signatures recorded indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by Heber City Public Works personnel or designee.
5. Exhaust filters shall be maintained and in good operating condition utilizing frequent cleaning practices. The wastewater generated from cleaning the exhaust filters shall be disposed of properly.
6. Kitchen BMP and "NO GREASE" signs, posters or similar information in appropriate language(s) shall be advantageously located and prominently displayed in the food preparation and dishwashing areas at all times.
7. Absorbent materials shall be placed under fryers and other areas where FOGS typically or frequently drip or spill.
8. Covered devices shall be used in transporting FOGS to prevent spills.
9. FOGS containers shall be emptied before they are full to avoid accidental or incidental spills.
10. "Spill Kits" (e.g., absorbent materials, kitty litter) shall be provided and readily available in the event of a spill.
11. Prohibited Practices:
    a. 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, terrene, and other solvents.

13.08.364 Installation and Maintenance Requirements.

1. **Installations**:
    a. New Facilities:
        i. Generators including 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 interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
    b. Existing Facilities:
        i. Generators with existing grease interceptors must be operated and maintained in accordance with the manufacturer's recommendation and in accordance with these Model Standards, unless specified in writing and approved by the POTW.
        ii. Generators operating without a grease interceptor must install an interceptor in compliance with all requirements of this Ordinance by January 1, 2024.
    c. All grease interceptors shall be properly sized. Hydro mechanical grease interceptors shall be sized in accordance with PDI G101 standard. Gravity interceptors shall be sized by a professional engineer to allow for a minimum retention time of 30 minutes.
    d. Bioremediation:
        i. Bioremediation media shall only be used with approved FOGS Disposal Systems ASME A112.146. The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD and TSS. The pH levels must be between 5 and 11.
    e. All grease bearing plumbing fixtures shall discharge to a grease interceptor.
        i. All grease interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulations.
    f. ALL Generators with a grease interceptor must adhere to all the requirements; procedures and detailed recordkeeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept that indicated, at a minimum, the following information:
        i. Date the grease interceptor was serviced;
        ii. Name and contact information of the person or company servicing the grease interceptor, along with their POTW certification date;
        iii. Waste disposal method used;
        iv. Gallons of grease removed and disposed of, and

v. 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 in an operable condition.

g. Cleaning Schedules:
   i. 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 interceptor; to ensure the discharge is in compliance with the local discharge limits; and to ensure no visible grease is observed in discharge.
   ii. Grease interceptors shall be completely evacuated a minimum of every thirty (30) days, or more frequently when:
      1. 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
      2. The discharge exceeds BOD, COD, TSS, FOGS, pH, or other pollutant levels established by the POTW; or
      3. If there is a history of non-compliance
   iii. Any person who owns or operates a grease interceptor may submit to the POTW a request in writing for an exception to the thirty (30) day cleaning frequency of their grease interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
      1. The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results for a one-year time period, in consistent compliance with established local discharge limits such as BOD, TSS, FOGS, or other parameters as determined by the POTW; or
      2. Less than twenty-five (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

h. User Cleaning: Hydro-mechanical grease interceptors should only be used under the following circumstances:
   i. Grease interceptor cleaning by the Generator must receive approval for the POTW to remove grease from their own grease hydro-mechanical grease interceptors. The following conditions shall apply:
      1. The grease interceptor is no more than 100 gallons per minute (GPM) size;
      2. Proper on-site material disposal methods are implemented (e.g. absorbed liquid into solid form and disposed into trash;
      3. The local solid waste authority allows such practices;

4. Grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to remove or pump-out, and
5. Detailed records on these activities are maintained according to 13.08.364 (1)(f) & (g) above.

i. Manifest Requirements: Gravity Grease interceptors should only be used under the following circumstances:
   i. Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes according to 13.08.364 (1)(f) & (g).
   ii. 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:
      1. Name, address, telephone, and commission registration number of transporter;
      2. Name, signature, address, and phone number of the person who generated the waste and the date collected;
      3. Type and amount(s) of waste collected or transported;
      4. Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
      5. Date and place where the waste was deposited;
      6. Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
      7. Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
      8. The volume of the grease waste received, and
      9. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
   iii. The manifest shall be divided into five parts and records shall be maintained as follows:
      1. One part of the manifest shall have the generator and transport information completed and be given to the Generator at the time of waste pickup.
      2. 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.
      3. One part of the manifest shall go to the receiving facility.
      4. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

5. One copy of the manifest shall be returned by the transporter to the person who generated the waste within 15 days after the waste received at the disposal or processing facility.
6. One part of the manifest shall go to the local authority.
7. Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

13.08.365 Compliance and Penalties.

All testing designed to satisfy the criteria set forth in Section IV 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 which are defined in Title 40, Code of Federal Regulations, and Part 136. Testing shall be open to inspection by the POTW, and shall meet the AHJ or POTW's approval.

13.08.366 Compliance Monitoring.

1. **Right of Entry**: The POTW or AHJ shall have the right to enter the premises of any Generator or potential User to determine whether the use is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Generators shall allow the POTW or AHJ ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
    a. Where a Generator has security measures in force which require proper identification and clearance before entry into its premises, the Generator shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the AHJ or POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.
    b. The AHJ or POTW shall have the right to set up on the Generator's property, or require installation of, such devices as are necessary to conduct sampling and /or metering of the Generator's operations.
    c. The AHJ or POTW may require the Generator to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and operating condition by the Generator at its own expense.
    d. Any temporary or permanent obstruction which prevents easy access to the facility to be inspected and / or sampled shall be promptly removed by the Generator at the written or verbal request of the AHJ or POTW and shall not be replaced. The cost of clearing such access shall be borne by the Generator.
    e. Unreasonable delays in allowing the AHJ or POTW access to the user's premises shall be a violation of this ordinance.
2. **Search Warrants:** If the AHJ or POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, then the AHJ or POTW may seek issuance of a search warrant.

3. **Schedule of Penalties:**
    a. If the AHJ or 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 utility services being provided to the user.
    b. Any person violating any of the provisions of the 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 utility services being provided to the Generator.
4. **Judicial Enforcement Remedies:**
    a. **Injunctive Relief:** When the AHJ or POTW finds that a Generator or User has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, they may petition the District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the Generator or User. They may also seek such other action as is appropriate for legal and / or equitable relief, including a requirement for the Generator or User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a Generator or User.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, (c) a short summary of it has been published in the Wasatch Wave, and a complete copy has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City but not prior to the _____ day of _____, 2020.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	_____	_____

Council Member Wayne Hardman	_____	_____
Council Member Mike Johnston	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan Stack	_____	_____

APPROVED:

_____

Mayor Kelleen Potter

ATTEST:

_____

RECORDER

(Seal)

Date of First Publishing:

_____