

**ORDINANCE 2012-04**

**AN ORDINANCE OF THE CITY OF LA FERIA AMENDING THE LA FERIA CODE OF ORDINANCES, CHAPTER 13 (UTILITIES), ARTICLE 13.03 (WATER AND SEWERS) TO PROHIBIT THE DISCHARGE OF FATS, OILS AND GREASE INTO THE PUBLIC SANITARY SEWER OR STORMWATER SYSTEMS, ESTABLISH REQUIREMENTS FOR CERTAIN COMMERCIAL ESTABLISHMENTS REGARDING MINIMUM MANDATORY MAINTENANCE OF GREASE INTERCEPTOR SYSTEMS, ESTABLISH GUIDELINES FOR INSPECTIONS AND MAINTENANCE OF GREASE INTERCEPTING SYSTEMS, AND ESTABLISH PENALTIES FOR VIOLATION, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, fats, oils and grease (FOG) entering the sanitary sewer system can interrupt the flow of wastewater, damage the City's wastewater treatment system, or cause violations of the City's Texas pollution discharge elimination system (TxPDES) permit; and,

**WHEREAS**, the 2006 International Plumbing Code, as well as predecessor codes enforced by the City of La Feria, require the installation of grease interceptors to receive wastewater originating in commercial, institutional and industrial food preparation areas, such as restaurants, bars, hotel kitchens, convenience stores and school kitchens ; and,

**WHEREAS**, the City of La Feria has required the installation of grease interceptors at commercial, institutional and industrial food service establishments for more than ten years;

**WHEREAS**, grease interceptors help maintain private service lines and public collections lines clog-free and free-flowing, help protect the City's wastewater treatment plant, and help ensure compliance with the City's TxPDES permit;

**WHEREAS**, proper cleaning and maintenance is essential to the proper functioning of grease interceptors;

**WHEREAS**, improperly functioning grease interceptors can pose a hazard to the proper operation of the City's wastewater collection lines by causing blockages or back-ups and can make it more difficult for the City's wastewater treatment plant to stay within its required effluent limitations; and,

**WHEREAS**, the Texas Commission on Environmental Quality regulates the evacuation, transportation and disposal of grease-interceptor waste,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, THAT:**

- I. Article 13.03 of the La Feria Code of Ordinances is hereby amended to add Division 4. Grease Interceptors, as follows:

## Division 4. Grease Interceptors

### Section 13.03.080. Applicability and Prohibitions

- (a) This ordinance shall apply to all commercial, industrial and institutional users of the City of La Feria's Wastewater Collection and Treatment System, whether such user is located within or without the municipal boundaries of the City of La Feria. Grease interceptors shall not be required for residential users.
- (b) As required by the 2003 and 2006 International Plumbing Codes, or subsequently adopted codes, facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or service must design, install, operate, and maintain grease interceptors. These facilities include but are not limited to restaurants, schools, food manufacturers, food processors, hospitals, hotels and motels, convenience stores, prisons, nursing homes, and other facility preparing, serving, or otherwise making any foodstuff. This requirement applies to newly proposed or constructed food establishments and existing facilities which are expanded or renovated to include a food service facility. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy, either original or amended.
- (c) No person may 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 wastewater system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the City's treatment works into the environment.

### Section 13.03.081. Definitions

- (a) **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."
- (b) **Generator** means any person, whether natural or fictitious, who owns or operates a facility or premises at which a grease interceptor is located or required.
- (c) **Grease interceptor** is a device, typically located outside of the building, 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 public 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 interceptor and entering the public sanitary sewer collection system. Grease interceptors normally range from 500 gallons to 2000 gallons.

- (d) **Grease Interceptor Waste** means material collected in and from a grease interceptor located 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.
- (e) **Grease Trap** is a small reservoir built into the wastewater piping a short distance from the grease producing area, such as a 50 gallon under the sink model.
- (f) **Discharge** means the introduction of pollutants into a wastewater or stormwater system from any non-domestic source.
- (g) **Interference** means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the flow of wastewater, 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.
- (h) **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- (i) **Transporter** means a person who is registered with and authorized by the Texas Commission on Environmental Quality (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.
- (j) **TPDES Permit** – Texas Pollution Discharge Elimination System Permit issued to the City by TCEQ under the authority of the federal Clean Water Act.
- (k) **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 wastewater collection system or stormwater collection system, including persons who contribute such wastewater from mobile sources.

### **Section 13.03.082 Grease Interceptors Required.**

All Generators must install and properly operate and maintain a grease interceptor. Grease traps designed to serve individual pieces of equipment are not permitted and will not qualify for compliance with the provisions hereof.

### **Section 13.03.083. Cleaning and Maintenance Requirements**

- (a) All Generators are required to use Best Management Practices for the operation and maintenance of the required grease interceptor. Grease interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these standards. Grease interceptors shall be maintained in efficient operating condition at all times.

- (b) All grease interceptor waste shall be evacuated, transported and disposed of in compliance with TCEQ regulations and the provisions hereof.
- (c) Grease interceptors shall be inspected and cleaned as often as necessary to ensure that sediment and floating materials do not impair the efficiency and efficacy of the grease interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge, .
- (d) Except as otherwise provided below, grease interceptors shall be fully evacuated, cleaned and inspected at least once every ninety (90) days, or more frequently when:
  - i. the combined thickness of solids at the bottom and FOG on the surface exceeds 25% of the total depth of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe; or
  - ii. the discharge exceeds Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), total suspended solids (TSS), fats, oil and grease (FOG); pH (measure of acidity or basicity), as established by the City or TCEQ; or
  - iii. there is a history of non-compliance.
- (f) After four consecutive quarterly evacuations, a Generator may submit to the City a written request for an exception to the minimum ninety (90) day evacuation frequency. The City may grant a change in the mandatory minimum frequency on a case-by-case basis when:
  - i. the Generator demonstrates, with defensible test results, that the specific interceptor will produce an effluent, in compliance with established local discharge limits such as BOD, TSS, FOG, pH, or other parameters as determined by the City, or
  - ii. a transporter, registered with the TCEQ, certifies in writing that, based on the transporter's judgment, a stated, less frequent evacuation and cleaning of the grease interceptor is sufficient to comply with the intent and standards of this ordinance.

The decision to grant or not grant a change shall rest solely in the discretion of the City Manager or the City Manager's duly authorized designee. No change shall be effective until confirmed in writing by the City. Any change shall be subject to revocation or amendment by the City upon thirty (30) day written notice to the Generator.

- (g) As required by TCEQ, each evacuation or pump-out of a grease interceptor must be accompanied by a manifest and the owner or operator of the grease interceptor shall submit to the City of La Feria a copy of the completed manifest within ten (10) days of the date of such evacuation.

**Section 13.03.084 Alternative Treatment Prohibited**

- (a) A Generator commits an offense if the Generator introduces, causes, or permits 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, terpene, and other solvents.
- (b) It is an affirmative defense to an enforcement of Section 13.03.084 (a) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

**Section 13.03.085 Schedule of Penalties**

- (a) Any Generator violating any of the provisions of this Ordinance shall be subject to a civil penalty of up to \$1,000 for the first violation, up to \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Additional violations will result in a \$500 increase in the civil penalty and may result in termination of wastewater collection and treatment services.
- II. This Ordinance shall take full force and effect on May 1, 2012.

**PASSED AND APPROVED THIS THE 13<sup>th</sup> DAY OF MARCH 2012.**

**APPROVED:**



**Steve Brewer, Mayor**

**ATTEST:**

  
**Olga Oberwetter, City Secretary**

**APPROVED AS TO FORM:**

  
**Richard S. Talbert, City Attorney**