

ORDINANCE NO. 14-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, AMENDING ARTICLE II OF CHAPTER 94 OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE BY ADDING TO CHAPTER 94, ARTICLE II A NEW DIVISION, HERETOFORE TO BE KNOWN AS DIVISION 6. GREASE ORDINANCE, WHICH IS SET OUT IN ITS ENTIRETY IN THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE; CREATING AN OFFENSE AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS.

Article II of Chapter 94 Water and Sewer is hereby amended by adding Division 6., Section 94-135 and Section 94-136 as follows:

DIVISION 6. GREASE

Section 94-135. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

COD. 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."

Fats, Oils and Greases (FOG) shall mean organic polar compounds derived from animal and/or plant sources containing 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."

Generator. 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. A device by which the grease content of sewage may be cooled and congealed so that it may be skimmed from the surface. A Grease trap or interceptor is 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. 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 a de-watering process.

Grease Trap Self-Cleaning Operators. Operators authorized by the POTW to self-clean grease traps/interceptors at the operator's place of business.

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

pH. The measure of the relative acidity or alkalinity of water defined as the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution. It shall be determined by one of the procedures outlined in 40 CFR 136.

POTW (Public Owned Treatment Works). 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.

Separator or Oil Separator. Separator or oil separator shall mean a receptacle designed to remove oils and grease from wastewater by separation usually by simple flotation or by chemical addition where the oils or greases are soluble or emulsified.

Texas Commission on Environmental Quality (TCEQ). The State agency of that title, and its predecessor and successor agencies or where appropriate, the term may also be used as a designation for the director or other duly authorized official of said agency.

Transporter. 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.

User. Any person, including those located outside the jurisdictional limits of the city, who contributes, causes, or permits the contribution of wastewater into city's wastewater system including persons who contribute such wastewater from mobile sources.

Section 194-136. Grease Ordinance

(A) Applicability and Prohibitions

- (1) This ordinance is patterned from the Model Standards for a Grease Ordinance – House Bill 1979 – 78th Legislative Session
- (2) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in the General Provisions of this Chapter, whose waste discharge contains or may contain grease, oil, sand or other harmful pollutants originating from processes including, but not limited to food preparation and serving, vehicle and equipment washing, machine shops and garages, carpet cleaning and water extraction, steam cleaning and chemical cleaning facilities or any facility with a liquid waste holding tank.
- (3) Grease traps or grease interceptors shall not be required for residential users.
- (4) Facilities generating gats, 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 for compliance with 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.
- (5) 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 works into the environment.

(B) Definitions

- (1) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in the General Provisions section of this Chapter.

(C) Grease Traps, Interceptors, Separators and Holding Tanks

- (1) Users required to maintain pretreatment devices:

- a. Grease traps, interceptors, separators or holding tanks shall be provided for the proper handling of wastes containing grease, oil, sand and/or other harmful pollutants which may interfere with the operation and maintenance of the POTW and shall be constructed and maintained in accordance with the provisions of this ordinance.
- b. All restaurants, institutions, cafeterias or other establishments preparing or serving food shall be required to install and maintain a grease trap for the efficient removal of oil and grease from the waste stream. The design and installation of such devices shall be subject to review and approval by the control authority.
 1. Designs shall include sample ports. The control authority may require any nondomestic user to install a suitable sampling port in the private sewer to facilitate observation sampling and measurement of the wastes and flows. Sampling ports shall be readily accessible to the control authority at all times.
- c. All existing vehicle and equipment wash areas shall be equipped with interceptors for the removal of sand and other solids. Where an existing vehicle and equipment wash area is shown to discharge excessive oil and grease, the Superintendent may require installation of a separator. New vehicle and equipment wash facilities or any existing facility which has closed and proposes to reopen shall be required to provide interceptors and separators for the removal of oils, grease, sand and/or other pollutants before discharging to the sewerage system. The design and installation of such devices shall be subject to review and approval by the control authority.

- d. It shall be the responsibility of the user/operator for automotive or other such waste oils and other waste which is prohibited from being discharged into the sanitary sewer. Such holding tanks shall be constructed to prevent leakage and splashing during operation and cleaning. Such tanks shall be maintained to preclude odor and other nuisances and shall not be connected to the sanitary sewer or in any other way allowed to be discharged to the sanitary sewer.

(2) Existing Facilities

- a. Existing facilities required by this or other applicable ordinance to maintain a grease trap, interceptor or separator not equipped with an adequately sized treatment unit shall within eighteen (18) months of the effective date of this ordinance install an adequately sized grease trap, interceptor or separator in accordance with the specifications of this ordinance.
- b. Existing facilities required by this or other applicable ordinance to maintain a grease trap, interceptor or separator not equipped with the required pretreatment device for the type of business shall within twelve (12) months of the effective date of this ordinance install an adequately sized grease trap, interceptor or separator in accordance with the specifications of this ordinance.
- c. In any circumstance where, in the opinion of the control authority, the existing grease trap, separator or interceptor or the absence of a grease trap, separator or interceptor poses a serious threat or an on-going problem to the sanitary sewer, is a public nuisance, or poses a threat to public health or to the environment, the control authority may require the grease trap interceptor or separator be installed or replaced on a more stringent compliance schedule.
- d. If a food establishment or any other facility requiring a grease trap, interceptor or separator shall cease operation and shall be required to come into compliance, then such establishment or facility shall be required to comply with this article before reopening.

(D)

Installation and Maintenance Requirements

(1) Installations

- a. 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 in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to occupancy.
- b. Existing facilities. Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this ordinance, unless specified in writing and approved by the POTW.
- c. All grease trap/interceptor waste shall be properly disposed of at an appropriate facility in accordance with federal, state, or local regulation.

(2) Cleaning and Maintenance

- a. Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
- b. 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) Self-Cleaning

- a. Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap or grease traps located inside a building, provided:
 - 1. the grease trap is no more than fifty (50) gallons in liquid/operating capacity;

2. proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
 3. the local solid waste authority allows such practices;
 4. 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
 5. detailed records on these activities are maintained.
- b. Grease trap self-cleaning operators must submit a completed "Request for Grease Trap Self-Cleaning Authorization" request to the POTW for approval. The written request shall include the minimum following information:
1. Business name and street address;
 2. Grease trap/interceptor operator name, title, and phone number;
 3. Description of maintenance frequency, method of disposal, method cleaning and size (in gallons) of the grease trap/interceptor; and
 4. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
- c. 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:
1. Date the grease trap/interceptor was serviced;
 2. Name of the person or company servicing the grease trap/interceptor;
 3. Waste disposal method used;
 4. Gallons of grease removed and disposed of;
 5. Waste oil added to grease trap/interceptor waste; and

6. Signature of the operator after each cleaning that certified that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all applicable parts are in operable condition.
- d. Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(4) Cleaning Schedules

- a. 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 the discharge.
- b. Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) 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, FOG, pH, or other pollutant levels established by the POTW; or
 3. if there is a history of non-compliance.
- c. Any person or business 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:
 1. 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

2. 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.

d. In any event, a grease trap and/or grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(5) Manifest Requirements

- a. Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.
- b. Persons who generate, collect and/or 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.

- c. Manifests shall be divided into five parts and records shall be maintained as follows:
1. One part of the manifest shall have the generator and transporter information completed and shall 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 wastes within 15 calendar days after the waste is received at the disposal or processing facility.
 6. One part of the manifest shall go to the local authority.
- d. Copies of manifests returned to the waste generator shall be retained for five (5) years and be readily available for review by the POTW.

(6) Alternative Treatment

- a. 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.
- b. It is an affirmative defense to an enforcement of Alternative Treatment Section (D) (6) a. above that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
- c. Bioremediation media may be used with the POTW's approval if the person requesting use of Bioremediation media 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:

1. 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).
 2. 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.
 3. The use of the bioremediation media does not cause foaming in the sanitary sewer.
 4. 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.
- d. All testing designed to satisfy the criteria set forth in Section (D) (6) c. shall be scientifically sound and statistically valid in the opinion of the POTW. 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 Regulation, 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.

(E) Schedule of Penalties

- (1) 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.
- (2) Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a \$1000 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.*

The following is a summary of the information provided in the report. The information is presented in a summary format and is not intended to be a substitute for the full report. The information is presented in a summary format and is not intended to be a substitute for the full report.

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Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

PASSED AND APPROVED ON FIRST READING THIS 15 DAY OF APRIL, 2014.

PASSED AND APPROVED ON SECOND READING THIS 20 DAY OF MAY, 2014.



John Ballotti, Mayor

ATTEST:



Marty Cunningham, City Secretary

APPROVED AS TO FORM:



Edgar U. Garrett, Jr., City Attorney