

DIVISION 3. GENERATORS OF GREASE AND GRIT TRAP WASTE

Sec. 13-124. Definitions.

Biochemical oxygen demand ("BOD") means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees Centigrade, usually expressed as a concentration milligrams per liter ("mg/l").

Commercial grease generator means every food preparation and food service establishment including, but not limited to bakeries, bars, butcher shops, cafes, clubhouses, delicatessens, ice cream parlors, hospitals, hotels, restaurants, schools, or similar places where meat, poultry, seafood, dairy products, or fried foods are prepared or served, but shall not apply to any residence not used for the commercial preparation and sale of food items.

Commercial/industrial grit generator means every commercial or industrial generator of liquid waste containing petroleum based oil and grease wastes, and inorganic solids including, but not limited to automotive or heavy machinery repair and/or washing facilities.

Director means the director of the department of water/wastewater of the city, or his/her authorized representative, which may include a person appointed by the director of the department of water/wastewater from any city department.

Generator means a person who causes, creates, generates, stores or otherwise produces liquid waste or owns property upon which liquid waste is caused, created, generated, stored or produced, including but not limited to grease trap waste and grit trap waste as a by-product of a domestic or nondomestic activity other than merely as a result of mere residence at a nonbusiness location.

Grease or grit generator means a commercial grease generator or a commercial/industrial grit generator as defined herein.

Grease trap means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grease trap waste means any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from a grease trap for proper disposal.

Grit trap means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Grit trap waste means oil and grease wastes, and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

Liquid waste means water-borne solids and liquids containing dissolved or suspended waste material, including but not limited to, septage and wastes from grease traps and grit traps.

Manifest means the written, multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site.

Sanitary sewer means a system of pipes, conduit, and treatment facilities owned or operated by the city which collect, transport, and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

Septage means liquid wastes and sludges containing sufficient liquid content, normally more than eighty-five (85) percent, to permit flow by gravity or minimal pumping, which is removed from a portable toilet, chemical toilet, septic tank, or cesspool. Septage does not include nondomestic wastes from commercial or industrial establishments.

Serve means, (1) to personally serve upon the grease or grit generator or his agent, (2) to send by registered or certified mail, return receipt requested, to the grease or grit generator or his agent, allowing at least five (5) days for said mail to be retrieved by the recipient, at the address at which the grease or grit generator receives his utility bill for the location of the alleged discharge, or (3) to place a written notice upon an entrance to the location where the alleged discharge is occurring or has occurred.

Total suspended solids (TSS) means the total suspended matter that floats on the surface of or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering. (Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-125. Prohibited discharges.

It shall be unlawful for a commercial grease generator or a commercial/industrial grit generator to introduce or cause to be introduced into a public sanitary sewer the following:

- (1) Fats, oils or greases of animal or vegetable origin in concentrations greater than 200 milligrams per liter of water; or
- (2) Petroleum based oil and grease wastes, and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-126. Strict liability for generators of grease and grit.

This article imposes strict liability; a culpable mental state is not required to impose liability under this division.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-127. Grease and grit traps required.

(a) *Commercial grease generators.* All commercial grease generators shall discharge all wastes from sinks, dishwashers and drains into an approved and properly maintained and functioning grease trap before entering the sanitary sewer drain. Such grease traps shall be inspected, cleaned, and repaired regularly, as needed, by the commercial grease generator at his/her expense.

(b) *Commercial/industrial grit generators.* All commercial/industrial grit generators shall discharge all grit trap wastes into an approved and properly maintained and functioning grit trap before entering the sanitary sewer drain. Such grit traps shall be inspected, cleaned, and repaired regularly, as needed, by the commercial/industrial grit generator at his/her expense.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-128. Construction of grease and grit traps and sample port.

(a) The construction requirements of this section shall apply to all new construction, expansions, and improvements involving plumbing changes, change in ownership, or change in occupancy, or otherwise in compliance with a determination of the director. In addition to new construction, expansions, and improvements, all grease or grit generators shall construct sample ports in accordance with a schedule filed by the director with the city secretary.

(b) Grease traps shall be constructed to prevent fats, oils, or greases of animal or vegetable origin from entering the sanitary sewer in concentrations greater than 200 milligrams per liter. Grit traps shall be constructed to prevent petroleum based oil and grease wastes and inorganic or other solids from entering the sanitary sewer. The size, type, and location of each grease or grit trap must be approved by the director prior to any discharge therein.

(c) A commercial grease or grit generator shall install grease or grit traps so that they are easily accessible for cleaning and as close as possible to the source of production.

(d) A grease or grit generator shall install a sample port for ease in sampling the waste stream as close as possible to the connection with the city sanitary sewer main within the bounds of the facility property. The port shall be installed according to the specifications of the director. The port shall be installed and maintained at the user's expense. The port shall be installed perpendicular to the effluent flow to allow visual observation and sampling. The port shall be accessible for monitoring authorities.

(e) If the director finds that there is a need for installation or upgrading of sample ports, grease traps, or grit traps on an existing establishment, the director may order the installation or upgrading of grease and/or grit traps on that existing establishment. If the director orders such installation, then the director shall serve notice of such order upon the grease or grit generator. Within ten (10) days of receipt of such order, the grease or grit generator may demand a hearing to review such order, in which case the director shall schedule a hearing to review such order within thirty (30) days of receiving the demand for review from the grease or grit generator. If a hearing to review the order is scheduled, the director shall serve notice of the hearing to review such order upon the grease or grit generator at least ten (10) days before the date of such hearing. At the hearing to review the order, the grease or grit generator may present evidence, and the director may make new findings and issue new orders concerning the subject of the original hearing. After receiving notice of the order to install or upgrade ports or traps on an existing establishment, it shall be unlawful for a grease or grit generator to allow or cause any discharge into the sanitary sewer not in compliance with such order.

(f) A grease or grit generator with a water connection for cooling or operating a grease or grit trap shall protect it with a cross connection control device approved by the director prior to installation.

(g) Construction of items listed herein in accordance herewith or in accordance the director's specifications shall not constitute a defense to unlawful discharge and shall not limit the grease or grit generator's liability for any surcharge stated in this division.

(h) A grease or grit generator shall be liable for an administrative fee as established herein or by separate ordinance if a report is submitted more than ten (10) days after the date set for submittal by this ordinance or the director.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-129. Maintenance of grease and grit traps.

(a) A grease or grit generator shall have traps serviced as frequently as necessary to prevent bypass or overflow, and to insure proper operation of the trap. Such generators shall, at a minimum, have grease and/or grit traps serviced quarterly or as otherwise approved in advance in writing by the director.

(b) A grease or grit generator shall cause the liquid waste hauler to completely evacuate all grease and/or grit traps and other interceptors during servicing. It shall be unlawful for a grease

or grit generator to allow in the servicing of his trap, the discharge of liquid, semi-solids, or solids to be discharged back into a grease or grit trap after servicing.

(c) A grease or grit generator shall sign the manifest presented by the liquid waste transporter and shall keep the receipt for a period of three (3) years. Receipts shall be maintained at the facility for inspection by the director upon request.

(d) It shall be unlawful for a grease or grit generator to allow grease or grit trap waste to be removed from his premises by a transporter who does not have an applicable state or federal permit or registration to transport said wastes.

(e) A grease or grit generator who is required to install a cross connection control assembly shall test it upon installation and then at a minimum of one (1) time annually at a time of the year to be determined by the director and forward the results to the director no later than ten (10) days following the completion of such test.

(f) It shall be unlawful for a commercial grease generator to allow any food grinders, garbage disposers, or frying vats to discharge into a grease trap unless otherwise expressly permitted in writing by the director. The director may revoke said permission at any time.

(g) A grease or grit generator shall properly monitor and maintain the collection point, so that wastewater samples taken from the collection point are representative of wastewater leaving the grease or grit trap.

(h) It shall be unlawful for a grease or grit generator to divert sewage around a collection point into the sanitary sewer.

(i) If the director finds that a change in pumpage or servicing of a grease or grit trap is necessary for an establishment to meet the discharge limits stated in this division, the director may order a change in pumpage or servicing of a grease or grit trap. If the director orders a change in the pumpage or servicing, then the director shall serve notice of such order upon the grease or grit generator. Within ten (10) days of receipt of such order, the grease or grit generator may demand a hearing to review such order, in which case the director shall schedule a hearing to review such order within thirty (30) days of receiving the demand for review from the grease or grit generator. If a hearing to review the order is scheduled, the director shall serve notice of the hearing to review such order upon the grease or grit generator at least ten (10) days before the date of such hearing. At the hearing to review the order, the grease or grit generator may present evidence, and the director may make new findings and issue new orders concerning the subject of the original hearing. After receiving notice of an order by the director to change the frequency and/or methods of pumpage or servicing, it shall be unlawful for a grease or grit generator to allow or cause any discharge into the sanitary sewer not in compliance with such order.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-130. Reports and monitoring.

(a) Analytical requirements consist of all pollutant analyses or reports, including sampling techniques, to be submitted under this division, shall be performed in accordance with the approved testing procedures prescribed in 40 CFR, Part 136, Tables IB and II.

(b) All grease or grit generators shall, at a frequency and time determined by the director, but in no case less than once per year, submit to the director (1) reports indicating the concentration of fats, oils, and greases discharged into sanitary sewer, and (2) copies of all manifests made by liquid waste transporters servicing their grease trap during the reporting period.

- (c) A grease or grit generator shall immediately report to the director discharge, spills or accidents involving a grease or grit trap or the sanitary sewer, which pose a threat to the public health or potential damage to the environment.
- (d) A grease or grit generator shall recover all accidental spill and discharges immediately and have such waste disposed of by a transporter holding a valid license or registration from the appropriate state or federal authority.
- (e) The director may randomly sample and analyze the effluent from a grease or grit generator and conduct surveillance activities to determine compliance with this division.
- (f) It shall be unlawful for a grease or grit generator to refuse to allow the director to enter their premises during business hours to determine whether the user is complying with all of the requirements of this division. A grease or grit generator shall allow the director access to all parts of the premises for purposes of inspection, sampling, records examination and copying, and the performance of additional duties. Failure to allow the director access as provided herein shall make the generator liable for additional inspection fees as described herein or by separate ordinance.
- (g) If the director 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 division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this division or any permit or order issued hereunder, to protect the overall public health, safety and welfare of the community or to protect the wastewater collection system or publicly owned treatment works, then the director may seek issuance of a search warrant from any court of competent jurisdiction.
(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-131. Monitoring and surcharges for BOD/TSS concentrations.

- (a) All grease or grit generators shall, at a frequency determined by the director, but in no case less than once per year, at a time determined by the director, submit to the director reports of BOD/TSS concentrations along with any required late fees indicating the biochemical oxygen demand (BOD) concentration and total suspended solids (TSS) concentrations in their discharges, into the public sanitary sewer as well as indicating the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 13-113(g) of this Code.
- (b) All wastewater samples must be representative of the generators' discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a generator to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) If a generator's discharge shows either or both of the following characteristics, then the generator shall be deemed a "user" for purposes of section 13-123 of this Code and shall be subject to any applicable surcharge as provided in that section:
 - (1) A BOD concentration greater than two hundred (200) milligrams per liter.
 - (2) A TSS concentration greater than two hundred fifty (250) milligrams per liter.
(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-132. Enforcement.

(a) If the director has cause to believe that a grease or grit generator has violated or continues to violate any provision of this division, the director may serve upon that user a written notice of violation. The director shall then hold a hearing at least ten (10) days after such notice is sent to the generator to determine whether the grease or grit generator's sewer service should be suspended or whether the grease or grit generator should be declared a "special generator." At the hearing, if the director finds that a grease or grit generator has violated or continues to violate any provision of this division, the director may declare the generator a "special generator" or suspend that generator's sewer service. At or before the hearing, the grease or grit generator may submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, to the director, which the director may consider in determining a violation or establishing a sanction. Submission of an explanation and/or plan in no way relieves the grease or grit generator of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions, requesting criminal charges be filed against the violator, or any other enforcement action.

(b) After at least ten (10) days notice and a hearing where the grease or grit generator may present evidence, the director may suspend a grease or grit generator's sewer service if he finds that such suspension is necessary to stop an actual or threatened discharge which presents a reasonable risk of danger to the health of any person, the wastewater collection system or the publicly owned treatment works. The director may also immediately suspend a grease or grit generator's sewer service, after notice and opportunity to respond, that imminently threatens to interfere with the operation of the publicly owned treatment works, the wastewater collection system, or which presents, or may present, an imminent danger to the health of any person or the environment.

(c) It shall be unlawful for a grease or grit generator who has been notified of a suspension of its sewer service to discharge any waste in violation of a suspension of its sewer service issued by the director. In the event of a grease or grit generator's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater collection system, the publicly owned treatment works, the health of any person, or the environment.

(d) If the director determines that a grease or grit generator is a special generator, that generator shall be subject to testing by the city or agents thereof as often as required by the director. Said special generator shall further be subject to fees and charges for said additional testing as established herein or by separate ordinance.

(e) A grease or grit generator who violates any provision of this division shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000.00) per violation, per day.

(f) A grease or grit generator who knowingly makes any false statements, representation, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this division, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall upon conviction, be punishable by a fine of not more than two thousand dollars (\$2,000.00) per violation, per day.

(g) The remedies provided for in this division are not exclusive. The director may take any legally authorized actions against a noncompliant grease or grit generator.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-133. Charges, surcharges, and fees.

(a) The city may adopt by separate ordinance charges, surcharges, and fees for application, operation, enforcement, administration, and reimbursement of costs incurred pursuant to this division.

(b) The charges, surcharges, and fees applicable to this division shall be billed and paid monthly in accordance with existing practices for regular sewer service charges.

(c) Failure to pay monthly bills for sanitary sewer services when due or failure to pay an imposed charge, surcharge, or fee for industrial wastewater when due shall be sufficient cause to disconnect any and all services to the water and sanitary sewer mains of the city. The same penalties and charges now or hereafter provided for by ordinance passed by the city council for failure to pay a bill for water and sanitary sewer service when due shall be applicable in like manner in cases of failure to pay a charge, surcharge, or fee applicable to this division.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-134. Representation at hearings.

Any entity may be represented by any individual selected by that entity to represent that entity at any hearing under this division.

(Ord. No. 96-15, § 2, 9-17-96)

Sec. 13-135. Appeals from decisions of the director of water and wastewater.

Any affected entity may appeal any determination, order or declaration of the director made pursuant to this division to the board of adjustments and appeals for plumbing grievances.

Appeals may only be made in writing and upon payment of the appeal fee established in section 24-53 of this Code. The notice of appeal, appeal fee, and any written materials accompanying such appeal must be submitted to the director within ten (10) days of the date of the director's issuance of the determination, order or declaration that is being appealed. All appeals must contain a written statement of all reasons for the appeal and a sworn statement of all facts supporting the appeal. If the appealed action of the director is applicable to more than one (1) geographic location, the board of adjustments and appeals for plumbing grievances may only consider the application of the appealed action to the locations owned by the appealing entity. During the pendency of an appeal, the appealed action of the director shall be stayed until the first meeting of the board of adjustments and appeals for plumbing grievances following the date of submission of the notice of appeal to the director and shall be subject to the board's determination thereafter.

(Ord. No. 96-15, § 2, 9-17-96)

Secs. 13-136--13-169. Reserved.