ORDINANCE NO. 13-03-01

AN ORDINANCE TO AMEND TITLE 18 OF THE OLIVER SPRINGS MUNICIPAL CODE BOOK BY ADDING A NEW CHAPTER TO REGULATE ANIMAL AND VEGETABLE FATS, OILS AND GREASE.

WHEREAS: the sanitary sewer collection system is not designed for or effective in the transport of fats, oils and grease; and

WHEREAS: fats, oils, and grease are major contributors of sanitary sewer collection system clogging, backups and overflows; and

WHEREAS: municipal sewer treatment plants are not designed for or effective in the treatment and removal of fats, oils and grease; and

WHEREAS: the discharge of fats, oils, and grease into the sanitary sewer system causes an unnecessary increase in the operating cost of the sanitary sewer system; and

WHEREAS: it is the desire of the Town of Oliver Springs to better control the discharge of fats, oils, and grease, reduce the potential for overflows and backups; and to reduce the risk and cost associated with the discharge of fats, oils, and grease. Now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OLIVER SPRINGS, TENNESSEE THAT:

SECTION 1. Voluntary removal of fat, oil, and grease. The town council of Oliver Springs encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fats, oils, and grease that is poured, drained or washed down drains into the sanitary sewer system.

SECTION 2. Definitions. In the interpretation and application of this ordinance the following words and phrases shall have the indicated meanings:

(a) Best Management Practices (BMP's) means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this ordinance.

(b) Fats, Oils, and Grease (FOG). Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

(c) Food Service Establishment (FSE). Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the Wastewater Plant Head Operator and or City Manager. FSEs are classified as follows:

Class 1: Deli- engaged in the sale of cold-cut and microwaved sandwiches/subs

with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 72119.

Class 2: Limited-service restaurants (a.k.a. fast food facilities) as defined by NACIS 722513 except fast food with a food line that is heavily fried and a history of FOG discharges that interfere with the sanitary sewer system, and catering as defined by NACIS 722320.

Class 3: Full service restaurants as defined by NACIS 722110.

Class 4: Buffet and cafeteria facilities as defined by NACIS 72212.

Class 5: Institutions (schools, hospitals, prisons, etc.) as defined by NACIS 722310 but not to exclude self-run operations.

(d) Grease, Brown. Fats, oils, and grease that are discharged to the grease control equipment.

(e) Grease, Yellow. Fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

(f) Grease Control Equipment (GCE). A device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices approved by the Waste Water Plant Head operator or City Manager.

(g) Grease Interceptor. An interceptor whose rated flow exceeds 50 gallons per minute (g.p.m.) and is located outside the building.

(h) Grease Trap. An interceptor whose rated flow is 50 g.p.m. or less and is typically located inside the building.

(i) Grease Recycle Container. A container used for the storage of yellow grease for recycling.

(j) Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

(k) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(l) Tee (influent & effluent). A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(m) Black water. Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

(n) Gray water. Refers to all other wastewater other than black water.

SECTION 3. Discharge of FOG.). Oliver Springs Municipal Code § 18-207, "No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW (sanitary

sewer system of Oliver Springs)". Prohibited discharges include, "Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees (150°) F (0 and 65° C."

SECTION 4. Control of FOG.

(a) All existing and new FSEs shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of Restaurant Industry best management practices such as those published by the National Restaurant Association. See: http://www.foodserviceresource.com/FORMS%20&%20PDFS/FOG_ToolKit.pdf. If best management practices fail to prevent sanitary sewer system interferences Class 1 FSEs shall install grease control equipment (GCE) as specified in Section 5, or by the superintendent.

(b) All new Class 2-5 FSEs shall install grease control equipment in sizes specified in Section 5 or by the Superintendent and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(c) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the Superintendent gives written permission stating that that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the superintendent that the existing GCE or BMP's are inadequate to protect the sanitary sewer system from interference, the FSE shall have 60 days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(d) All FSEs with GCE shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.

(e) Yellow grease such as fryer oil, shall not be discharged into the GCE or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.

(f) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.

(g) All FSEs shall provide access to Town utility personnel (after proper identification) for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge.

SECTION 5. Grease Control Equipment (GCE).

(a) Minimum acceptable size of GCE is as follows. Larger sizes may be required by the Superintendent.

a. Class 1: 20 gpm/40 lbs grease trap.
b. Class 2: 500 gallon grease interceptor.
c. Class 3 1,000 gallon grease interceptor.
d. Class 4: 1,500 gallon grease interceptor.
e. Class 5 2,000 gallon grease interceptor.

(b) Any FSE either new or existing that is found by the superintendent to be interfering with the sanitary sewer system may be asked to install GCE that is larger than the minimum size and take other steps to stop that interference.

(c) Existing FSEs that do not meet these minimum sizes may continue to use existing

GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the Superintendent gives written permission stating that that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the Superintendent that the existing GCE or BMP's are inadequate to protect the sanitary sewer system from interference, the FSE shall have 60 days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(d) Additionally FSEs that discharge the water from dishwashing machines through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.

(e) Grease Traps. These small, under-the-counter units shall be installed according to drawings provided by the superintendent and shall include vented flow restrictor prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor.

SECTION 6. Installation of GCE.

(a) Owners/users are responsible for installation of the GCE.

(b) Grease traps shall installed according to the requirements in Section 5.

(c) Grease interceptors shall be substantially similar to sample drawings available from the Superintendent.

(d) Tanks must be water tight and protected from rainwater inflow and infiltration.

(e) Two access manholes with a minimum of 24" diameter shall be provided, one directly over the influent pipe and Tee and one directly over the effluent pipe and Tee.

(f) Influent and effluent pipes shall be 4" or larger PVC Schedule 40 or stronger.

(g) Influent and effluent pipes shall be equipped with Tee fittings properly positioned to direct influent downward to within 2/3rds of the floor, and effluent Tee shall block all surface grease and terminate 12" above the floor.

(h) The tank shall be constructed to have two compartments. Two thirds of the volume shall be in the influent side and 1/3 on the effluent side. A solid baffle wall shall extend from the bottom to within 6" of the top and shall be equipped with a 6" elbow installed in the baffle wall 2/3 of the depth from the surface to allow water to flow between compartments.

(i) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(j) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(k) Interceptor sizes greater than 2,500 gallons shall be satisfied by two tanks installed in series.

SECTION 7. Maintenance of GCE.

(a) Owners/users are responsible for maintenance of the GCE.

(b) Grease traps should be cleaned once every two weeks, or sometimes more often, if the combined depth of FOG and solids exceed 50% of the trap.

(c) Grease Interceptors shall be pumped when the layer of FOG and settled solids combined reaches 25% of the tank depth.

(d) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(e) Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.

(f) Deteriorated or damaged tanks shall be repaired or replaced within 60 days.

SECTION 8. Additives.

(a) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganic or organic in origin.

(b) The use of additives is prohibited with the following exceptions:

i. Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.

ii. If a product used can be proven to contain 100% live bacteria, with no other additives, a request for permission to use the product shall be made to the superintendent. The request must be submitted in writing with a full disclosure Material Safety Data Sheet and a certified statement from the manufacture.

SECTION 9. Implementation. This ordinance empowers the superintendent to adopt reasonable operating policies to facilitate the implementation of this ordinance. These policies may include but are not limited to: FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servicing vendors (Grease Waste Haulers), permitting of FSE's, and other operating policies needed to protect the sanitary sewer system from interference from FOG.

SECTION 10. Fees. This ordinance empowers the town to establish fees (through a separate fee ordinance) to offset costs associated with the implementation of this ordinance. Possible fees include: inspection fees, permitting fees, surcharge fees for high strength discharges, cleanup fees associated with FOG cleanup within the sanitary sewer system, and other fees necessary for implementation of this ordinance.

SECTION 11. Permitting. The town may use FSE permits as a way of implementing this ordinance, and may further require the permitting or certification of GCE service and pumping vendors.

SECTION 12. Enforcement.

Violators of this ordinance may be issued FSE permits, cited to city court, general sessions court, chancery court, or other court of competent jurisdiction, face fines, have water and/or sewer service terminated or the city may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or user and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The city may take any or all of the following remedies:

(a) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense.

(b) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(c) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(d) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

SECTION 13. Severability. If any section, phrase, sentence or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof.

SECTION 14. Date of effect. This ordinance shall take effect from and after its passage, the welfare of the town requiring it.

Passed 1st reading, January 3rd, 2013

Mayor

Recorder