

FOG Ordinance 04-12-10

An Ordinance Establishing Fats, Oils and Grease Management Program, Enforcement and Administrative Procedures Amending relevant Ordinance 08-11-08

Whereas, the Clay Township Regional Waste District (District) is a collection and treatment utility for wastewater and sanitary sewage and has compliance responsibility under the National Pollutant Discharge Elimination System (NPDES) and other environmental laws of the United States and the State of Indiana; and

Whereas, the District by establishing a Fats, Oils and Grease (FOG) Management Program with enforcement procedures and maintenance requirements desires to prevent sanitary sewer blockage and obstruction from the contribution and accumulation of FOG in the sewage system, and reduce the costs and negative environmental impact such occurrences would create; and

Whereas, the District desires to prevent the detrimental discharge of non-polar compounds derived from petroleum and mineral residue; and

Whereas, the applicability of this Ordinance pertains to all Industrial Users that use or generate FOG located within the District.

Now therefore be it ordained by the Board of Trustees of the Clay Township Regional Waste District, Indiana.

Definitions:

Fats, Oils and Grease (FOG) - Any substance such as a vegetable or animal product that is used in, or is a by product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time.

FOG Facility - any non-residential User that uses or generates FOG.

FOG Management Program - the program that is supported by this Ordinance.

FOG Pretreatment Device - includes oil-water separators, grease traps, grease interceptors.

Grease Interceptor - an outdoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 1000 gallons to serve one or more fixtures and shall be located outside the building.. .

Grease Trap - an indoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected,

and to separate and retain grease and food particles from the wastewater discharged by a facility. A maximum of four (4) fixtures shall be connected to a grease trap. .

Industry - any non-domestic source of discharge.

Modification Request Form – a form provided by the District for the User to complete in order to be considered for a modified cleaning schedule

Noncompliance - a violation to this Ordinance.

Non-polar Compound - petroleum oil, non-biodegradable cutting oil or products of mineral oil origin.

Notice of Violation (NOV) - a written document stating any violation to this Ordinance for the information of the User in Noncompliance.

Oil-Water (O/W) Separator - a device which utilizes the difference in density between oil, petroleum products or chemical products, and water for removal.

Publicly Owned Treatment Works (POTW) - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Clay Township Regional Waste District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

User - under Ordinance 7-13-87, a person who introduces or discharges any substance into the sewage system, which may pertain to both the Owner and Occupant of real estate from which the substance is introduced or discharged.

Interceptors, Traps and Oil-Water Separators

1. All FOG facilities are required to have a FOG pretreatment device properly installed that is acceptable to the District and in accordance with this Ordinance.
2. All FOG pretreatment devices shall operate in compliance with the District's discharge limits.
3. Any FOG pretreatment device installation and maintenance shall be at the User's expense.
4. The sizing and plumbing configuration required to prevent the introduction of FOG into the POTW is the responsibility of the FOG Facility design professional. The District does not assume any responsibility in the sizing of the FOG pretreatment device, nor does the District assume any responsibility for what is/is not plumbed into said FOG pretreatment device.
5. Facilities which will be expanded or renovated to include a FOG facility, where such FOG facility did not previously exist, shall be required to install and maintain a grease interceptor, grease trap, or oil-water separator which is acceptable to the District and in accordance with this Ordinance.
6. Existing FOG facilities shall be permitted to operate and maintain an existing FOG pretreatment device provided these are in proper operating condition as set forth within this Ordinance.

7. If the facility does not have plumbing connections to a FOG pretreatment device in compliance with the requirements of the District, the District shall require the facility to modify their current plumbing to prevent the introduction of FOG into the sewer as prohibited by this Ordinance.
8. All FOG pretreatment devices shall have adequate retention time at actual peak flow between the influent and effluent baffles to allow for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate and prevent discharge limit violations.
9. All grease traps shall include flow regulators.
10. All grease interceptors shall include a Tee outlet with a maximum of 10 inches above the interceptor's base.
11. No accumulation of animal and/or vegetable solid and/or floatable waste shall exceed twenty five percent (25%) of the total volume of the grease trap or grease interceptor.
12. No settled oils in the oil-water separator should be left to accumulate in excess of twenty percent (20%) of the wetted height of the oil-water separator, and no floating oil and grease in the oil-water separator should be left to accumulate in excess of five percent (5%) of the wetted height of the oil-water separator.
13. All FOG pretreatment devices must be located so that maintenance and inspections can be easily performed as established by the District.
14. The use of automatic removal systems is permissible only upon prior written approval from the District.
15. A grease interceptor may be used by more than one facility if the capacity of the device is such that all the limits are met as established through this Ordinance.
16. Oil-water separators and grease traps may not be shared by multiple facilities.
17. The District may make determinations on the adequacy of a FOG pretreatment device based on review of all relevant information regarding the performance of the device. The District may require repairs, modification or replacement of grease interceptors, grease traps and oil-water separators if in the District's opinion the device is not adequate to meet the requirements of this Ordinance.
18. If a grease interceptor cannot be installed readily or economically in a FOG facility, the District may approve a grease trap to be installed in the facility, at the owner's expense, on a trial basis. If the grease trap does not allow the discharge to meet FOG discharge limits, the owner of the facility will be required, at his expense, to install a grease interceptor in compliance with this Ordinance.
19. A new multiuse/multivariable facility is required to have connections, acceptable to the District, to a FOG pretreatment device.

Grease Interceptor, Grease Trap, and Oil-Water Separator Maintenance

1. The grease interceptor, grease trap, or oil-water separator shall be maintained at the User's expense.
2. The User shall maintain the grease interceptor, grease trap or oil-water separator in order to not allow wastewater discharge concentration from their pretreatment device to exceed any of the District's discharge requirements.
3. All grease interceptors and oil-water separators shall be serviced and emptied in order to maintain minimum design capability or effective volume, no less than every ninety (90) days.
4. All grease traps shall be serviced and emptied of accumulated waste content as required in order to maintain a minimum design capability or effective volume, no less than twice a week.

5. If the solid waste and grease or oil reaches the allowable limit within the FOG Ordinance, the pretreatment device shall be cleaned immediately.
6. The maintenance of a grease interceptor used by more than one facility shall be the responsibility of the owner of the grease interceptor.
7. The District may extend the ninety (90) calendar day grease interceptor pump out frequency, and the twice a week grease trap cleaning frequency if the User petitions the District for such modifications and provides a completed Modification Request Form with a modification fee as specified within the Ordinance.
8. The District may shorten the ninety (90) calendar day grease interceptor pump out frequency or the twice a week grease trap cleaning when, in the opinion of the District, such frequency is insufficient to ensure the District's discharge levels.
9. Following the cleaning schedule mandated by this Ordinance does not guarantee compliance. It is the responsibility of the FOG facility to maintain an acceptable FOG level mandated by this Ordinance.
10. If the FOG facility's grease trap is cleaned by their staff, the staff shall dispose of the grease in the proper manner.
11. If the District determines the garbage disposal is a factor in the prohibited discharge of FOG, then the garbage disposal shall be connected to the grease trap, or grease interceptor, or removed from the facility.
12. The use of hot water, chemicals or other agents to clean the pretreatment device is prohibited.

Reporting Requirements

1. All businesses and industry shall provide, on demand, to the District, sufficient information to determine if it is a FOG facility.
2. The owner of the building shall notify the District, in writing, of changes regarding the facility's occupant, building usage, and/or new construction within thirty (30) days of the date the change takes place.
3. All FOG facilities must maintain written FOG pretreatment device maintenance records for three (3) years on a continuously rolling calendar. All such records shall be available for inspection by the District at all times. These records shall include: Facility's name and physical location; date and time of cleaning service; name of grease hauling company; name and signature of grease hauling company agent performing said service; established service frequency and type of service (full pump out, partial pump out, onsite treatment); number and size of each pretreatment device serviced; approximate amount of grease and solids removed from each pretreatment device; total volume of waste removed from each pretreatment device; destination of removed waste; signature and date of FOG facility personnel confirming service completion.
4. FOG facilities shall report, in writing, their FOG pretreatment device maintenance records to the District quarterly.
5. A facility shall report to the District, in writing, any accidental discharge within 24 hours of event.

Inspections

1. All FOG pretreatment devices may be inspected by the District as necessary to assure compliance with this Ordinance.
2. Each FOG facility shall allow any District official or agent of the District bearing proper identification, access to all parts of the premises for the purpose of inspection, observation, record examination, measurement, sampling and testing in accordance with this Ordinance.
3. The refusal of any FOG facility to allow the District's official entry to or upon the facility's premises for purposes of inspection, sampling effluents, and inspecting and copying records, or performing other such duties by this Ordinance shall constitute a violation of this Ordinance.
4. The District's official shall inspect FOG facilities during both scheduled and unscheduled visits.

Management







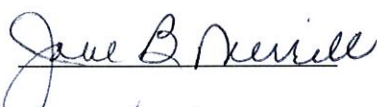
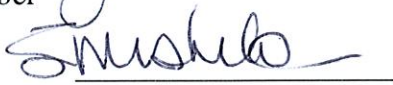

1. It is facility owner's responsibility to make sure that all employees are informed about the FOG program and best management practices are mandated to help with compliancy.
2. If management changes within the FOG facility, it is the facility owner's responsibility to train the new management on the reporting requirements to ensure compliance.
3. Any FOG facility with a change in ownership will be recognized as a new FOG facility and shall comply with the District's discharge limits and in accordance with this Ordinance.
4. If the FOG facility changes names but keeps the same owner, the facility will continue with the fine structure from the previous facility name. It is the facility owner's duty to inform the District of any facility name change within thirty (30) days. If a facility name changes and they do not inform the District of such changes within thirty (30) days, they will be subject to fines/fees. Facilities are exempt from this if, and only if, the ownership changes as well.
5. If the type of business changes, the property owner shall inform the District of the change within thirty (30) days, and inform the District of the new type of business that is currently operating at said location.

Administrative Enforcement and Noncompliance Fines

1. A NOV shall be issued to the User for one or more of the following reasons:
 - a. Failure to properly maintain the grease interceptor, grease trap or oil-water separator in accordance with the provisions of this Ordinance.
 - b. Failure to maintain a record of pumping activities.
 - c. Failure to provide logs, files, records, or access for inspection or monitoring activities.
 - d. Any other failure to comply with the requirements of this Ordinance or conditions of the registration.
2. The NOV will include:
 - a. Violation description
 - b. Number of days to correct deficiencies and/or violations
 - c. Explanation of fees and/or fines
3. There shall be a one hundred dollar (\$100) inspection fee for any inspection performed as a result of a NOV.

4. All sampling and monitoring after a violation of this Ordinance shall be at the violator's expense.
5. If a User has reasons to believe a specific limit or requirement of this Ordinance does not, or should not apply to their FOG facility, the User must submit a Modification Request Form, information supporting the Modification Request Form, and a Modification Request Form fee of fifty dollars (\$50) to the District to be considered for review.
6. Any modification must be approved by the District's FOG Committee in written form before implementation.
7. All non-compliance issues are to remain on record for a 36 month rolling calendar for the purpose of determining the level for the Notice of Violation. Therefore all violations will be in effect for 36 months starting the day of initial violation. On the day after the 36th month, the violation will then be removed.
8. In the event that a facility has a problem with re-occurring noncompliance issues all violations will be reviewed by the Board to make a decision as to the amount of a particular fine.
9. This Ordinance is an amendment to FOG Ordinance 08-11-08, and all items in this Ordinance supersede any previous FOG Ordinances.
10. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Board of Trustees of the Clay Township Regional Waste District on the 10th day of May, 2010.

BOARD OF TRUSTEES:		Approve	Oppose	Abstain
Marilyn Anderson Board of Trustees President		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Hagan Board of Trustees Vice President		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael McDonald Board of Trustees Secretary		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Starleaf Board of Trustees Treasurer		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric Hand Board of Trustees Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Houck Board of Trustees Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jane Merrill Board of Trustees Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Mishelow Board of Trustees Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtney Schaafsma Board of Trustees Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Appendix A

FOG Ordinance 04-12-10 Fines

No FOG Pretreatment Device

No FOG pretreatment device treating the wastewater at a FOG facility:

- NOV and 30 days to install a pretreatment device

Violation of the 30 day deadline for device installation:

- NOV with a **\$500** fine and a **\$100** inspection fee with an additional 15 days to install the pretreatment device

Violation of the additional 15 day deadline for device installation:

- NOV with a **\$1,000** fine and a **\$100** inspection fee and **\$100** per day of violation starting the day after the 15th day deadline ends

Violation of Cleaning Schedule

Violation of the cleaning schedule for grease traps, interceptors, or oil-water separators:

1st Offense

- NOV and a **\$100** inspection fee

2nd Offense

- NOV with a **\$200** fine and a **\$100** inspection fee

3rd Offense

- NOV with a **\$400** fine and a **\$100** inspection fee

4th Offense

- NOV and **Board review for enforcement**

Violation of Pretreatment Device Capacity

Capacity of grease trap, interceptor or oil-water separator exceeded the District specified limits:

1st Offense

- NOV and 5 business days to clean the device and a **\$100** inspection fee

Failure to clean the device within 5 business days:

- NOV with a **\$500** fine and 5 additional business days to clean the device and a **\$100** inspection fee

Failure to clean the device after the second 5 day deadline:

- NOV with an additional **\$500** fine and a **\$100** inspection fee and **\$100** fine per day of noncompliance

2nd Offense

- NOV with a **\$300** fine and 5 business days to clean the device and a **\$100** inspection fee

Failure to clean the device within 5 business days:

- NOV with a **\$500** fine and a **\$100** inspection fee and a **\$100** fine per day starting the day after the additional 5 days of noncompliance

3rd Offense

- NOV and **Board review for enforcement**

Failure to Report an Accidental Discharge

- NOV with a **\$100** fine per day from the date of discharge

Appendix A

FOG Ordinance 04-12-10 Fines

Samples Determined to be Over the Limit of FOG Discharge

- NOV with a **\$500** fine and District reimbursement of FOG testing

Failure to Provide Logs, Files and Other Records During an Inspection

1st Offense

- NOV and a **\$100** inspection fee

2nd Offense

- NOV with a **\$300** fine and a **\$100** inspection fee

3rd Offense

- NOV with a **\$500** fine and a **\$100** inspection fee

4th Offense

- NOV and **Board review for enforcement**

Failure to Provide Quarterly Reports to the District

Failure to provide the report:

- NOV and 5 business days to submit the report

Failure to provide the report within the 5 business days:

- NOV and a **\$100** inspection fee and an additional 5 business days to submit the report

Failure to submit the report within the additional 5 business days:

- NOV with a **\$200** fine and a **\$100** fine per day starting the day after the additional 5 days of noncompliance

Refusal of Inspection

1st Offense

- NOV with a **\$500** fine and a **\$100** inspection fee

2nd Offense

- NOV with a **\$1,000** fine and a **\$100** inspection fee

3rd Offense

- NOV and **Board review for enforcement**