

ORDINANCE NO. 12132012-019

AN ORDINANCE AMENDING CHAPTER 13 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF MOULTON, TEXAS BY ADDING ARTICLE 13.06 RELATING TO GREASE TRAPS AND INTERCEPTORS; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Moulton, Texas ("City") is a municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, pursuant to Chapter 402 of the Texas Local Government Code and other laws, the City is authorized to operate its utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality; and

WHEREAS, the introduction of fats, oils, and grease into the City's wastewater collection and treatment system can cause the build-up of grease in the City's wastewater collection lines, which can lead to sewer overflows and problems at the City's wastewater treatment plant; and

WHEREAS, the adoption and enforcement of model standards for fats, oils, and grease management is considered by the Texas Commission on Environmental Quality (TCEQ) to be evidence tending to show that reasonable measures have been taken to prevent or minimize sanitary sewer overflows (Texas Water Code § 26.049); and

WHEREAS, this ordinance is substantially the same as the TCEQ model standards for fats, oils, and grease ordinances;

WHEREAS, the City Council seeks to ensure that its wastewater system is operated efficiently for the citizens of the City; and

WHEREAS, the City has determined that it is in the best interest of the public; for the purpose of promoting the health, safety and welfare of its citizens; and to ensure good government, peace, and order in the City to regulate the discharge of fats, oils, and grease into the City's wastewater treatment and collection system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MOULTON, TEXAS, THAT:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Moulton and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. AMENDMENT

Chapter 13 of the Code of Ordinances of the City of Moulton, Texas is hereby amended by adding Article 13.06 as follows.

Sec. 13.06.001 - Applicability and prohibitions.

(a) This Article shall apply to all generators and users that are non-domestic or multifamily complexes with four or more units that are connected to the City's wastewater collection and treatment system.

(b) Grease traps or grease interceptors shall not be required for residential users.

(c) Facilities generating fats, 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 defined by Section 13.06.002 of this Article. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels and motels, schools, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

(d) 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 City's wastewater collection and treatment system so as to cause interference with the collection and treatment system, or so as to cause pollutants to pass through the treatment works into the environment.

Sec. 13.06.002 - Definitions.

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

Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

EPA means the United States Environmental Protection Agency.

Fats, oils, and greases (FOG) means organic compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules, and being those substances which are detectable and measurable using analytical test procedures

established in 40 CFR 136, as may be amended from time to time. All are also referred to herein as "grease" or "greases."

Generator means any person who, or facility which, owns or operates a grease trap or interceptor, or whose act or process produces a grease trap waste.

Grease trap or interceptor means 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 City's wastewater collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the grease trap and entering the City's wastewater collection and treatment system. Grease traps and interceptors are also referred to herein as "grease traps or interceptors."

Grease trap waste means material collected in and from an grease trap/interceptor located in the sanitary sewer service line that connects to the City's wastewater collection and treatment system of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

Indirect discharge or *discharge* means the introduction of pollutants into the City's wastewater collection and treatment system from any non-domestic source.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the City's operation, treatment processes or sludge processes, use or disposal, or is a cause of a violation of the City's Texas Pollution Discharge Elimination System (TPDES) permit.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Transporter means 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 means any person who, or facility which, including those located outside the jurisdictional limits of the City, that contributes, causes or permits the contribution or discharge of wastewater containing fats, oils and greases into the City's wastewater collection and treatment system, including persons who contribute such wastewater from mobile sources.

Sec. 13.06.003 - Installation and maintenance requirements.

(a) Installations:

(1) *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 a food service facility did not previously exist, shall be required to design, install, operate and maintain a grease trap or interceptor in accordance with the City's plumbing code (Sec. 3.01.001 of this Code of Ordinances) or other applicable ordinances. Grease traps or interceptors shall be installed by the food service facility or property owner and inspected by the City prior to issuance of a certificate of occupancy by the City.

(2) *Design and sizing.* Grease traps or interceptors shall be either designed by a licensed professional engineer or sized per the grease trap and interceptor requirements of Section 3.01.001 of the City's Code of Ordinances. An engineer may be retained to design an interceptor or grease trap. The design and structural integrity shall conform or exceed the standards outlined in Section 3.01.001. A professional engineer may design for specific operational requirements; however, the plans must be sealed by the designing professional engineer when submitted for approval.

(3) *Existing facilities.*

a. Existing grease traps or interceptors in place at the time of the adoption of this Article, even if not properly designed or sized, shall be permitted to have their use continued as long as they are operated and maintained in accordance with the manufacturer's recommendations, or original design, and in general accordance with these standards and TCEQ Standards, unless otherwise specified in writing and approved by the City.

b. Existing grease traps or interceptors that are not properly designed or sized shall be replaced in accordance with current City codes and ordinances as required by Sec. 13.06.004(c) or earlier when either:

1. A new permit is issued for work on plumbing or sewerage that handles fats, oils or greases at a facility requiring a grease trap or interceptor; or,

2. Upon a change of ownership of the facility requiring a grease trap or interceptor.

c. In the event of a change of ownership, a new Certificate of Occupancy shall not be issued until the new grease trap or interceptor is in place and a copy of the appropriate final inspection is included with the Certificate of Occupancy application.

d. Replacements for existing grease traps or interceptors shall be required to meet all provisions of this Article.

(4) Disposal of all grease trap or interceptor waste shall be made at a facility that handles such waste and shall be in accordance with federal, state, or local regulations.

(b) *Cleaning and maintenance:*

(1) Grease traps or interceptors shall be maintained in an efficient operating condition at all times.

(2) Each grease trap or interceptor pumped shall be fully evacuated unless its 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 grease trap or interceptor is fully evacuated within a 24-hour period, in accordance with 30 Texas Administrative Code Section 312.143.

(c) *Self-cleaning:*

(1) Grease trap or interceptor self-cleaning operators must receive approval from the City annually prior to removing grease from their own grease trap(s) or interceptor(s) located inside a building, provided:

a. The grease trap or interceptor is no more than fifty (50) gallons in liquid/operating capacity;

b. Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);

c. The local solid waste authority allows such practices;

d. Grease trap or interceptor waste is placed in leak proof, sealable containers located on the premises and in an area for the transporter to pump-out; and

e. Detailed records on these activities are maintained.

(2) Grease trap or interceptor self-cleaning operators must submit a completed self-cleaning request annually to the City for approval. The written request shall include the following information:

a. Business name and street address;

b. Grease trap or interceptor operator name, title, and phone number;

c. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap or interceptor; and

d. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

(3) Self-cleaning operators must adhere to all the requirements, procedures and detailed record keeping outlined in their approved application to ensure compliance with this Article. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

a. Date the grease trap or interceptor was serviced;

b. Name of the person or company servicing the grease trap or interceptor;

c. Waste disposal method used;

d. Gallons of grease removed and disposed of;

e. Waste oil added to grease trap or interceptor waste; and

f. Signature of the self-cleaning operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap or interceptor was thoroughly cleaned, and that all parts were replaced and in an operable condition.

(4) Violations incurred by grease trap self-cleaning operators will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(d) *Cleaning schedules:*

(1) Grease traps and interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate so as to impair the efficiency of the grease trap or interceptor, to ensure the discharge is in compliance with local discharge limits, and to ensure that no visible grease is observed in discharge.

(2) Grease traps and interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:

a. Twenty-five (25) percent or more of the wetted height of the grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

g. Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received.

(3) Manifests shall be divided into five (5) parts and records shall be maintained as follows:

a. One (1) part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup;

b. The volume of the grease waste received; and a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported;

c. The remaining four (4) parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest;

d. One (1) part of the manifest shall go to the receiving facility;

e. One (1) part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste;

f. One (1) part of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) calendar days after the waste is received at the disposal or processing facility; and

g. One (1) part of the manifest shall go to the local waste disposal authority.

(4) Copies of manifests returned to the waste generator shall be retained for five (5) years and be readily available for review by the City.

(5) A copy of the manifest and verification of the pump-out shall be sent to the City Administrator's office within fourteen (14) calendar days of the date of the pump-out.

(f) *Alternative treatment:*

(1) 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 City's wastewater collection and treatment system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

(2) It is an affirmative defense to an enforcement of Section 13.06.003(f)(1) if the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

(3) Bioremediation media may be used with the City's approval if the person has proved to the satisfaction of the City that laboratory testing, which is appropriate for the type of grease trap to be used, has verified that:

a. 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 degrees F (71 degrees C) or greater.

b. 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 City's wastewater collection and treatment system.

c. The use of the bioremediation media does not cause foaming in the City's wastewater collection and treatment system.

d. The BOD, COD, and TSS discharged to the City's wastewater collection and treatment system after use of the media does not exceed the BOD, COD, and TSS limits which would be discharged if the product were not being used and the grease trap was being properly maintained. The pH levels of discharge must be between 6 and 9.

(4) All testing designed to satisfy the criteria set forth in Section 13.06.003(f)(3) shall be scientifically sound and statistically valid. All tests to determine fats, oils, and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the EPA and TCEQ, and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, Texas Administrative Code Section 319.11.

(5) Testing shall be open to inspection by the City, and shall meet the City's approval.

Sec. 13.06.004 - Implementation.

(a) New commercial construction and new commercial remodeling that would be subject to the provisions of this Article and that would directly alter the sanitary sewer service line of a generator, and for which a permit is issued after the effective date of the enabling ordinance, shall immediately comply with the provisions of this Article.

(b) If the new commercial construction or new commercial remodeling work received a building permit prior to the effective date of this Article, then that generator shall be subject to the provisions of Section 13.06.004(c).

(c) All other existing generators subject to the provisions of this Article shall comply therewith within six (6) months from the effective date of this Article in which to come into compliance with the provisions of this Article.

Sec. 13.06.005 - Schedule of penalties.

(a) If the City determines that a generator is responsible for a blockage of a collection system line, the generator shall owe a civil penalty of \$1,000 per day for the first violation, \$1,500 per day for the second violation, and \$2,000 per day for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500, up to \$5,000 per day, and may also result in the termination of service.

(b) Any person violating any of the provisions of this Article shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Continuous or repeated violations after the fourth violation within a two-year period will result in a \$500 increase in the civil penalty, up to \$5,000, and may result in the termination of service.

(c) In addition to civil penalties, the City may pursue any other civil or criminal remedies allowed by law for violations of this Article.

SECTION 3. SAVINGS

The repeal of any ordinance or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or a discontinuing, abating, modifying or altering of any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 4. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Moulton in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 5. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the

extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

SECTION 7. NOTICE AND MEETING

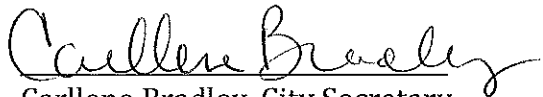
It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED, ADOPTED AND APPROVED THIS 13th DAY OF DECEMBER 2012.



Ervin Patek, Mayor
City of Moulton, Texas

ATTEST:



Carlene Bradley, City Secretary
City of Moulton, Texas