

ORDINANCE 356-15
CITY OF DRIGGS
FATS, OILS, AND GREASE (FOG)

SECTION 1 PURPOSE AND APPLICABILITY

- a) The purpose of this Ordinance is to aid in preventing the introduction and accumulation of fats, oils, and grease into the Cities sanitary sewer system that may contribute to sanitary sewer blockages and obstructions. Food service establishments, grease haulers and other industrial or commercial establishments generating or collecting wastewater containing fats, oils, and grease are subject to this Ordinance. This Ordinance regulates such users by requiring that grease control devices and other approved strategies be installed, implemented and maintained in accordance with the provisions of this Ordinance and other applicable requirements of the City of Driggs.
- b) The provisions of this Ordinance shall apply to all food service establishments within the City of Driggs service area and to all grease haulers providing service to any such food service establishment.

SECTION 2 DEFINITIONS

Brown Grease: shall mean floatable fats, oils, grease and settled solids produced during food preparation that are recovered from grease control devices.

Enforcement Response Plan: shall mean a system that sets forth the process and procedures for enforcement of this section by the City of Driggs.

Fats, Oils, and Grease (FOG): shall mean material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations at 40 CFR Part 136, as may be amended from time to time. FOG may be referred to herein as “grease” or “greases”.

Food Service Establishment (FSE): shall mean any commercial, industrial, institutional, or food processing facility discharging kitchen or food preparation wastewaters including, but not limited to, restaurants, commercial kitchens, caterers, motels, hotels, cafeterias, correctional facilities, prisons or jails, cafeterias, care institutions, hospitals, schools, and churches. Any establishment engaged in preparing, serving or otherwise making food available for consumption by the public shall be included. Such establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbequing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Grease Control Device (GCD): shall mean a device used to collect, contain, or remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the City of Driggs sanitary sewer system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the Director of Public Works.

Grease Hauler: shall mean a contractor who collects the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a FSE.

Grease Interceptor: shall mean a structure or device, usually located underground and outside a FSE, designed to collect, separate and contain food waste and grease while allowing the wastewater to be discharged to the City of Driggs sanitary sewer system by gravity.

Grease Removal Device: shall mean an active, automatic device that separates and removes FOG from effluent discharge and that cleans itself of accumulated FOG at least once every twenty-four hours utilizing electromechanical apparatus.

Grease Trap: shall mean a device typically located indoors and under the sink or in the floor, designed for separating and containing grease prior to the wastewater exiting the trap and entering the sanitary sewer system. Such devices are typically passive (gravity fed) and compact with removable baffles.

Renderable FOG Container: shall mean a closed, leak-proof container for the collection and storage of yellow grease.

Yellow Grease: shall mean FOG used in food preparation that have not been in contact or contaminated with other sources such as water, wastewater or solid waste. An example of yellow grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and alternative fuel. Yellow grease is also referred to as renderable FOG.

SECTION 3 REGISTRATION REQUIREMENTS

All FSEs shall be required to register their GCDs. Registrations shall be on forms provided by the Department of Public Works to ensure that such devices are properly sized and maintained, as well as to facilitate inspection in accordance with the requirements established by the Department of Public Works.

- a) Existing FSEs shall register all GCDs within ninety (90) days of the adoption of this ordinance. New establishments shall register when setting up their water and sewer service or prior to obtaining a certificate of occupancy.
- b) All grease haulers, owners, or employees servicing GCDs for FSEs within the service area of the City of Driggs shall be required to obtain a certification to service GCDs from the Public Works Director.

- c) All grease haulers shall obtain the required permits, certifications and or approvals from the facility in which waste will be disposed of.
- d) FSEs shall educate all current employee/staff/volunteer in the approved City of Driggs Best Management Practices for FSEs.

SECTION 4 DISCHARGE LIMITS

No person shall discharge or cause to be discharged from any FSE any wastewater with FOG in concentrations or quantities that will damage the sewers or sanitary sewer system, as determined by the City of Driggs Discharge Regulations.

SECTION 5 GREASE CONTROL DEVICES

- a) Requirements- All FSEs shall have a GCD(s) meeting all applicable requirements of the city of Driggs Plumbing Code or its successors.
 - 1) New Establishments – Except as provided in subOrdinance (a) (2), FSEs shall be required to install, operate, and maintain a GCD in compliance with the requirements contained in this Ordinance. GCDs shall be installed and registered prior to the issuance of a certificate of occupancy.
 - 2) Existing Establishments – Existing FSEs in operation as of the effective date of this Ordinance shall be allowed to operate and maintain their existing GCDs, provided such GCDs are in proper operating condition and not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. If its GCD is determined to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system, an existing FSE shall comply with the requirements of this Section. Existing FSEs that are renovated or expanded shall install a GCD meeting the requirements of this Ordinance. GCDs shall be installed, inspected and registered as a condition of final approval of such renovation or expansion.
 - 3) Retrofit - Any existing FSE may be required to install or upgrade a GCD if such FSE is contributing FOG to the sanitary sewer system, as determined by the locality and HRSD. Such devices shall be registered with the locality within 30 days of installation.

- b) Installation of Grease Control Devices

GCDs shall be installed by a plumber licensed in the State of Idaho. Every GCD shall be installed and connected so that it may be readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.

- c) Maintenance of Grease Control Devices

- 1) All GCDs shall be maintained at the owner's expense. Maintenance shall include the complete removal of all contents, including floating material, wastewater and settled

solids. Decanting or discharging of removed waste back into the grease interceptor or private sewer line or into any portion of the sanitary sewer system is prohibited.

- 2) Grease interceptors shall be pumped out completely when the total accumulation of FOG, including floating solids and settled solids, reaches twenty-five percent (25%) of the overall liquid volume. At no time shall a GCD be cleaned less frequently than once every three (3) months unless allowed by the Director of Public Works for good cause shown. Approval will be granted on a case-by-case basis upon submittal of a request by the FSE, documenting reasons for the proposed frequency variance.
 - 3) Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and FOG a minimum of once per week, unless allowed by the Director of Public Works for good cause shown. Approval will be granted on a case-by-case basis upon submittal of a request by the FSE documenting reasons for the proposed frequency variance. In no event shall the content of food solids and FOG exceed twenty-five percent (25%) of the overall liquid depth of the device.
 - 4) The Director of Public Works may establish a more frequent cleaning schedule if the FSE is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
- d) Use of Additives

The use of additives by FSEs including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the FSE drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer system. The use of additives shall not be substituted for the maintenance procedures required by this Section.

e) Waste Disposal

- 1) Waste removed from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the City of Driggs.
- 2) Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the City of Driggs sanitary sewer system
- 3) FSEs shall dispose of yellow grease in a renderable FOG container, where contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the sanitary sewer system.

f) Inspection of Grease Control Devices

The Director of Public Works or his designee shall have the right of entry into any FSE, during reasonable hours, for the purpose of making inspections, observation, measurements, sampling, testing or records review of the sanitary sewer system and GCDs installed in such building or premise to ensure that the FSE is in compliance with this Ordinance. The owner or occupant may accompany the Director or his designee. Operational changes, maintenance and repairs required by the Director or his designee shall be implemented as noted in the written notice received by the FSE.

g) Record Keeping

- 1) FSEs shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all GCDs. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance records, the names and business addresses of the company or person performing each cleaning/maintenance and the volume of waste removed in each cleaning. Such records shall be kept on site and shall be made immediately available to any employee of the Department of Public Works upon request.
- 2) FSEs shall retain and make available for inspection and copying records of yellow grease disposal for the previous three (3) years. Yellow grease disposal logs shall include, at a minimum, the dates of disposal, name and business address of the company or person performing the disposal and the volume of yellow grease removed in each cleaning. Such records shall be kept on site and shall be made immediately available to any employee of Department of Public Works upon request.

SECTION 6 GREASE HAULER REQUIREMENTS

- a) Any person collecting, pumping or hauling waste from GCDs located within the sewage treatment boundaries of the City of Driggs shall be certified by the City of Driggs Public Works
- b) The grease hauler shall notify the locality within twenty-four (24) hours of any incident required to be reported to the Environmental Protection Agency.
- c) Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and waste disposal from businesses located in the City of Driggs wastewater service area. Records shall include waste manifests that, at a minimum, include time, date and volume of waste removed from the device and the time, date, volume and destination of the waste disposed. These records shall remain available for a period of at least three (3) years. The City of Driggs may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this Ordinance.

SECTION 7 ENFORCEMENT RESPONSE PLAN

General Responsibilities

- A) Purpose – The purpose of this Enforcement Response Plan is to establish general responsibilities for enforcement of the Fats, Oils, and Grease (FOG) Ordinance. It is the intention of the Department of Public Works to move quickly and responsibly in all enforcement actions. The following guidelines will help ensure that issues requiring enforcement are handled fairly and uniformly for all food service establishments (FSEs).
- B) FOG Inspectors – Inspectors will be responsible for conducting compliance monitoring and FSE inspections. Inspectors will:
- 1) Conduct outreach and educational activities with users;
 - 2) Check grease control device maintenance records;
 - 3) Determine compliance with the FOG ordinance through on-site inspections and prepare inspection reports;
 - 4) Provide compliance assistance as appropriate;
 - 5) Identify instances of noncompliance;
 - 6) Issue Notices of Non-Compliance;
 - 7) Prepare Notices of Violation (NOV) for issuance by the Department of Public Works;
 - 8) Develop draft compliance inspection schedules; and
 - 9) Participate in Show Cause meetings as deemed necessary by the Director of the Department of Public Works or City Attorney, as the case may be.
- C) FOG Compliance Administrator or designee – The FOG Compliance Administrator or designee will be responsible for ensuring fair and consistent implementation of FOG control requirements are in compliance with requirements of the FOG Ordinance. The Administrator or designee will:
- 1) Review all violations;
 - 2) Review all documents prepared by Inspectors;
 - 3) Recommend appropriate response(s) to violations;
 - 4) Promptly notify the Department of Public Works of significant instances of noncompliance;
 - 5) Conduct compliance meetings;
 - 6) Develop and oversee compliance monitoring schedules;
 - 7) Track enforcement compliance schedules;
 - 8) Ensure consistency of the FOG control program;
 - 9) Initiate Administrative Orders with compliance schedules;
 - 10) Initiate terminations of service;
 - 11) Consult with City Attorney on all legal issues;
 - 12) Coordinate enforcement with other governmental agencies as appropriate; and
 - 13) Sign Notices of Violation
- D) Director of the Department of Public Works – Director of the Department of Public Works will be responsible for the appropriate application of enforcement standards to FOG control plan violations. The Director will:

- 1) Conduct appeals of enforcement actions;
- 2) Approve terminations of service; and
- 3) Sign Administrative Orders;

E) City Attorney – The City Attorney’s office will:

- 1) Provide such legal assistance as deemed appropriate.

Enforcement Actions

- A) Compliance Assistance – The inspectors will assist any FSE in achieving compliance with the FOG Ordinance. The assistance may include, but is not limited to, providing information about training opportunities, providing copies of the regulations applicable to the establishment, assistance with the grease control device registration applications or distribution of training materials for employees.
- B) Notice of Non-Compliance – This is an informal notice to the FSE, issued at the time of the inspection, advising of corrections that need to be made in order to comply with the FOG Ordinance.
- C) Notice of Violation – This is a formal written notice to the FSE that it has committed a violation of the local FOG ordinance. The NOV will require corrective actions within a specified time frame to achieve compliance. The text of the NOV will include a statement that additional enforcement actions may be pursued if corrective actions are not achieved as required.
- D) Administrative Order – The City may issue an administrative order requiring a FSE to comply with requirements of the FOG Ordinance. The FSE shall adhere to the compliance schedule in accordance with the Administrative Order.
- E) Termination or Suspension of Service – The City may terminate or suspend service to a FSE to prevent any actual or threatened discharge to the sewer system that may endanger the public health or cause damage to the sewer system.

Appeal Process

A FSE may appeal any enforcement action to the Director of Public Works. Such appeal shall be requested in writing no later than five (5) business days after receipt of notice of the enforcement action. The Director of Public Works shall conduct a hearing as soon as practicable but no later than thirty (30) business days after receipt of request of appeal.

Compliance Schedules and Appropriate Response

- A) Compliance Schedule – The compliance schedule will be based upon the violation and will be initiated by the FOG Compliance Administrator or design

B) Selecting Appropriate Response – The following factors should be taken into consideration when determining the appropriate enforcement action and compliance schedule:

1. Duration of the violation;
2. Compliance history of the FSE ;
3. Actual or potential danger to public health;
4. Actual or potential damage to the sewer system; and
5. Other appropriate factors.

SECTION 8 COMPLIANCE

A) The City of Driggs may require existing FSEs to modify or repair any noncompliant GCD and appurtenances as noted in the written notice received by the FSE.

SECTION 9 VIOLATIONS & PENALTIES

- A) Any person who, intentionally or otherwise, commits any of the acts prohibited by this ordinance shall be liable to the City of Driggs for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the sanitary sewer system, as well as the costs of any damages or regulatory fines, that are proximately caused by such violations.
- B) Any person who, intentionally or otherwise, commits any of the acts prohibited by this Ordinance shall be subject to a fine in an amount not to exceed one thousand dollars (\$1,000.00) per violation. The court assessing such fines may, at its discretion, order such fines to be paid into the treasury of the City of Driggs for the purpose of abating, preventing or mitigating environmental pollution.
- C) In addition to any other remedy for the violation of this Ordinance, the City of Driggs may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.
- D) The remedies set forth in this section are cumulative, not exclusive; and it may not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

SECTION 10 EFFECTIVE DATE

This Ordinance shall become effective on.

Hyrum Johnson, Mayor, City of Driggs

ATTEST:

Kreslyn Schuehler, City Clerk, City of Driggs