

ORDINANCE NO. 3480-6-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, "UTILITIES," ARTICLE II, "SEWERS GENERALLY," BY AMENDING SECTION 14-21 TO ADD AND AMEND DEFINITIONS; BY ADDING A NEW SECTION 14-56 "MANAGEMENT OF FAT, OIL AND GREASE", BY RENUMBERING THE REMAINING SECTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND (\$2000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 14, "Utilities," by amending section 14-21 in part to add and amend the following definitions to read as follows:

AMEND

"B.O.D. (biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at twenty (20) degrees Celsius expressed in mg/L. The laboratory determination shall be made in accordance with the procedures set forth in 40 CFR 136. B.O.D. is described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

"Bypass. Means the intentional diversion of waste streams from any portion of an industrial user's treatment facility."

"City. (For the purposes of this article) The City of Allen, Texas, and/or the city manager or their duly authorized representative."

"C.O.D. (chemical oxygen demand). The measure of oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed in mg/L as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with B.O.D. C.O.D is described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

"Grease trap or interceptor. A water tight 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 sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."

"Grease trap waste. Any greasy, fatty liquid, semiliquid, and/or solid wastes removed by a grease trap in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes."

“Interference. A discharge which, either alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Is the cause of a violation of any requirement of the POTW's NPDES/TPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), Texas Clean Air Act, V.T.C.A., Health and Safety Code ch. 382, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.”

“pH. Means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration”

“POTW (publicly owned treatment works). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292). This definition includes any devices and systems used in the storage, pumping, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes lift stations, sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. For the purposes of this article, POTW shall refer to both the City’s sanitary sewer system and the conveyance structures and wastewater treatment plant operated by the North Texas Municipal Water District.”

“Significant industrial user (SIU).

- (1) Except as provided in subsection (2) the term shall mean:
 - a. All industrial users subject to categorical standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - b. Any other industrial user that discharges twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (2) Upon finding that an industrial user meeting the criteria in subsection (1)b. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.”

“User. Any person who contributes, causes or permits the contribution of wastewater into the city's sewer system, including persons who contribute such wastewater from mobile sources.”

ADD

“Fats, oils, and greases (FOG). Means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and

measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases.”

“*Generator*. Means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.”

“*Polluted water*. Any water, liquid or gaseous wastes containing any of the following:

- (1) Soluble or insoluble substances of organic or inorganic nature; or
- (2) Settleable solids that may form sludge deposits; or
- (3) Grease and oils; or
- (4) Floating solids that may cause unsightly appearance or color;
- (5) Substances that would impart any taste or odor to the receiving stream; or
- (6) Toxic or poisonous substances.”

“*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.”

“*TSS*. Means the value of the test for Total Suspended Solids, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”

SECTION 2. The Code of Ordinances of the City of Allen, Texas be and the same is hereby amended by renumbering section 14-56 “Penalties” as section 14-57 “Penalties”, and by adding regulations for fats, oils and grease generated by non-domestic users of the Publicly Owned Treatment Works as under new section 14-56 Management of Fat, Oil and Grease to read as follows:

“Sec. 14-56. Management of Fat, Oil, and Grease

(a) *Applicability and Prohibitions.*

- (1) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section 14-21 of this Ordinance.
- (2) Grease traps or grease interceptors shall not be required for residential users.
- (3) 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 required in Paragraph (b) of this Section. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, schools, day cares, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (4) 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 POTW system in such amounts as to cause interference, obstruction, or blockage in the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

(b) *Installation and Maintenance.*

- (1) *Installations.*
Food processing or food service facilities that are newly proposed or constructed; or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a

grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Both newly proposed facilities, existing facility expansions/renovations, and facility reuse proposals for facilities that formerly had food processing and have an existing grease trap must submit their grease trap/interceptor design that is in accordance with the latest adopted edition of the International Plumbing Code. In the case of an existing facility expansions or renovations; or facility reuse proposals, the grease trap design must be certified and sealed by a State of Texas Registered Professional Engineer. Undersized grease traps from a prior use must be replaced with an appropriately sized grease traps. All grease trap/interceptor designs shall include a sample port of adequate size to facilitate effluent sampling. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(2) *Operation and Maintenance.*

- a. Grease traps/interceptors shall remain in an efficient operating condition and at all times shall be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW.
- b. New generators will initially be assigned a ninety (90) day cleaning interval/schedule.
- c. All grease trap/interceptor waste shall be properly disposed of by a State licensed hauler/transporter at a facility that is licensed to receive such wastes in accordance with federal, state, or local regulations.
- d. Each grease trap pumped shall be fully evacuated unless the trap 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 trap is fully evacuated within a 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.

(3) *Self-Cleaning.*

- a. Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:
 1. The grease trap is no more than fifty (50) gallons in liquid/operating capacity;
 2. Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
 3. The local solid waste authority allows such practices;
 4. Grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
 5. Detailed records on these activities are maintained in accordance with Manifest Requirements below.
- b. Grease trap self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:
 1. Business name and street address;
 2. Grease trap/interceptor operator name, title, and phone number;
 3. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
 4. Signed statement that the operator will maintain records of waste disposal and produce them in response to compliance inspections by City, State and Federal authorities.
- c. Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:
 1. Date the grease trap/interceptor was serviced;

2. Name of the person or company servicing the grease trap/interceptor;
 3. Waste disposal method used;
 4. Gallons of grease removed and disposed of;
 5. Waste oil added to grease trap/interceptor waste; and
 6. Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.
- d. Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.
- (4) *Cleaning Schedules.*
- a. Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.
 - b. Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently as directed by the City when:
 1. Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
 2. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
 3. If there is a history of either non-compliance or sewer blockages in the grease trap or downstream of the grease trap in the entities' servicing sewer lateral/sewer main; or
 4. If there is evidence of grease pass through and detrimental accumulation in the entities' servicing sewer lateral/sewer main as visualized and recorded by a City still or motion sewer camera.
 - c. Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
 1. The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW and the trap/interceptor meets the twenty-five (25) percent rule in 4.c.3 below; or
 2. The facility that the grease trap serves operates intermittently and does not generate grease from cooking activities at least twenty-five (25) percent of the days in a year; and the trap/interceptor meets the twenty-five (25) percent rule in 4.c.3 below; or
 3. Less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases at a point in time equal to the desired/established cleaning period.
 - d. A grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected not less than once every 180 days unless it is operated intermittently per (4)c.2 above, then it shall be fully evacuated, cleaned, and inspected not less than once every 365 days.
- (5) *Manifest Requirements.*

- a. Each pump-out of a grease trap or interceptor must be accompanied by manifests to be used for record keeping purposes. Generators may only use collection, transportation, and disposal firms that are currently licensed by the State of Texas to perform these functions; and that provide for the disposition of correctly and completely prepared manifest copies as required in paragraphs b. and c. below.
- b. Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 1. Name, address, telephone, and commission registration number of transporter;
 2. Name, signature, address, and phone number of the person who generated the waste and the date collected;
 3. Type and amount(s) of waste collected or transported;
 4. Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 5. Date and place where the waste was deposited;
 6. Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 7. Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 8. The volume of the grease waste received; and
 9. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- c. Manifests shall be divided into five parts and records shall be maintained as follows.
 1. One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.
 2. The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
 3. One part of the manifest shall go to the receiving facility.
 4. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
 5. One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility. The generator must maintain and make available the original pick-up copy and the final disposition copy for inspection by all City, State, and Federal authorities.
 6. One part of the manifest shall be provided by the transporter to the City of Allen Environmental Health Division within 15 days after the waste is received at the disposal or processing facility.
- d. Copies of manifests provided or returned to the waste generator shall be retained for three years by the generator and must be made readily available for review/inspection by the City's Environmental Health Division as well as the City's Water and Sewer Division during City inspections.
- e. While the generator may select the licensed transporter of their choice, the generator is responsible to select a transporter that can reliably complete and distribute the required manifest copies to both the generator and City of Allen. Failure of the generator to select a licensed transporter that reliably provides for disposition of manifest copies is a violation of this ordinance.

(c) *City Inspections.*

(1) *Manifests.* The City's Environmental Health staff shall perform inspections of required transporter manifest records as part of their inspection program and will receive and file the City's manifest copy.

(2) *Grease Traps.* The City Community Services Department's Water and Sewer Division will perform periodic physical inspections of grease traps.

a. Inspections will determine at a point in time near the end of the current cleaning frequency; if twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases. This inspection is to determine if the current cleaning frequency is sufficient or if the cleaning needs to be performed at a different frequency. This may be either more or less often than the current cleaning frequency.

b. A copy of the City grease trap/interceptor inspection report will be discussed with, provided to, and signed for by the generator's on-duty manager or senior representative that is present for duty at the time.

c. Facilities that exceed the twenty-five (25) percent criteria at the time of City inspection are required by annotation on the inspection report to service their grease trap within ten (10) calendar days after the date of the inspection.

d. Facilities will be notified by mail by the City if their cleaning frequency is changed from the current interval based on the results of the City's physical grease trap inspections.

e. Regardless of grease trap inspection observations, facilities that establish a history of generating illicit discharges, sewer backups, or sanitary sewer overflows due to grease deposition in the grease trap, floor drains, or in their servicing City sewer lateral may be required to implement grease trap cleaning more often than is currently performed.

f. City staff will maintain records of the currently required cleaning interval.

g. For the purpose of periodic cleaning, the generator is allowed a ten (10) calendar day window before and after the currently prescribed cleaning interval to complete the cleaning. In the event of an immediate cleaning being required as a result of exceeding the twenty-five (25) criteria during a City inspection, the generator has ten (10) calendar days after the date of the City inspection to have the cleaning performed.

(d) *Alternative Treatment.*

(1) *Offense.* 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 collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

(2) *Defense.* It is an affirmative defense to an enforcement of (1) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

(3) *Bioremediation media* may be used with the POTW's approval if the generator has proved to the satisfaction of the POTW 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 Fahrenheit (71 degrees Centigrade).

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 sanitary sewer.

- c. The use of the bioremediation media does not cause foaming in the sanitary sewer.
 - d. The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.
- (4) *Testing.* All testing designed to satisfy the criteria set forth in Section 14-56 (g) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, TEXAS ADMINISTRATIVE CODE §319.11, as amended. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

Sec. 14-57. - Penalties.

- (a) In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.
- (b) Any person found to be guilty of violating provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city for reason of appropriate clean-up and proper disposal of said waste materials. Additionally, an administrative fee up to one-half (½) of assessed clean-up costs may be levied by the city against the guilty person.
- (c) Additionally, the city is entitled to pursue all other criminal and civil remedies, including injunctive (judicial) relief to which it is entitled under the authority of statutes and/or other ordinances and/or under applicable state and federal laws against a person continuing prohibited discharges or violating any other provision of this article.
- (d) Any person, operator, or owner who shall violate any provision of this article, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00), and each day a violation exists shall constitute a separate offense and shall be punished accordingly.

Secs. 14-58—14-70. - Reserved.”

SECTION 3. All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the Code of Ordinances of the City of Allen, as previously amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinance of the City of Allen, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each, and every day such violation shall continue be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect July 1, 2017, in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 13TH DAY OF JUNE 2017.

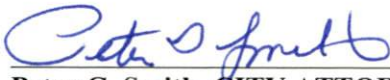
APPROVED:



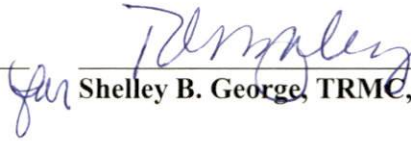
Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:



Peter G. Smith, CITY ATTORNEY
(PGS:5-15-17:36.84801)



Shelley B. George, TRMC, CITY SECRETARY