

CITY OF WILLOW PARK

ORDINANCE NO. 589-09

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING A NUNC PRO TUNC CORRECTION TO ORDINANCE NO. 587-09 ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TX ON JANUARY 19, 2009; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Tx ("City") is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, the City Council did duly and legally adopt Ordinance No. 587-09 in a properly posted public meeting on January 19, 2009 a copy of which is attached hereto as Exhibit A and incorporated herein for all purposes; and

WHEREAS, a clerical error occurred with the sequential number of the Ordinance; and

WHEREAS, it is the intent of the City Council that the Ordinance providing authority for the "Regulation and Control of Grease and Other Substances in Wastewater System" be correctly and sequentially numbered.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. NUNC PRO TUNC

Ordinance No. 587-09 which was adopted by the City Council on January 19, 2009 "AN ORDINANCE PROVIDING AUTHORITY FOR THE REGULATION AND CONTROL OF GREASE AND OTHER SUBSTANCES FROM INTERFERING WITH THE OPERATION OF THE MUNICIPAL WASTEWATER SYSTEM BY ADDING A NEW SECTION 11.800 "CONTROL OF GREASE AND

OTHER SUBSTANCES IN WASTEWATER SYSTEM" TO CHAPTER 11 "PUBLIC UTILITIES" OF THE CITY OF WILLOW PARK MUNICIPAL CODE OF ORDINANCES" did by error and mistake reflect an incorrect Ordinance number. The governing body of the City does hereby find and determine that the correct number for the Ordinance is 588-09.

SECTION 3. CITY SECRETARY

The City Secretary is hereby directed to correct Ordinance 587-09, adopted by the City Council of the City of Willow Park on January 19, 2009, by correcting the Ordinance number. This Ordinance shall be maintained as part of the formal business records of the City to reflect the Nunc Pro Tunc action taken herein.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park.

SECTION 5. SEVERANCE

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

PASSED AND ADOPTED this 16th day of February, 2009.

ATTEST: /s/ Marvin Glasgow
Mayor
/s/ Joel Hoffman

City Secretary/Clerk
APPROVED AS TO FORM:
/s/ Ashley Wilson
City Attorney

The Willow Park City Council in acting on Ordinance No. 589-09, did on the 16th day of February, 2009 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Barry K. Tatum, Place 1	<u>✓</u>	_____
J. Teresa Welch, Place 2	_____	_____
Barry Brown, Place 3	<u>✓</u>	_____
Kenneth Hawkins, Place 4	<u>✓</u>	_____
Hale Alderman, Place 5	<u>✓</u>	_____

CITY OF WILLOW PARK

ORDINANCE NO. 587-09

AN ORDINANCE PROVIDING AUTHORITY FOR THE REGULATION AND CONTROL OF GREASE AND OTHER SUBSTANCES FROM INTERFERING WITH THE OPERATION OF THE MUNICIPAL WASTEWATER SYSTEM BY ADDING A NEW SECTION 11.800 "CONTROL OF GREASE AND OTHER SUBSTANCES IN WASTEWATER SYSTEM" TO CHAPTER 11 "PUBLIC UTILITIES" OF THE CITY OF WILLOW PARK MUNICIPAL CODE OF ORDINANCES; PROVIDING FOR ENFORCEMENT, A PENALTY, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, TEXAS LOCAL GOVERNMENT CODE §51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the governing body of the City has determined that fats, oils and greases are pollutants that are regulated by state and federal law; and

WHEREAS, fats, oils and grease that reach the City Wastewater Treatment Plant pose particular problems that hinder the efficiency of the city's sewer mains, lift stations and wastewater reclamation plants.

NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT TO CHAPTER 11 "PUBLIC UTILITIES" is amended by adding a new SECTION 11.800 "CONTROL OF GREASE AND OTHER SUBSTANCES IN WASTEWATER SYSTEM" as shown and specified on EXHIBIT "A," which is attached hereto and incorporated herein for all purposes.

SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph,

Exhibit "A"

subsection, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 6 PUBLICATION

The City Secretary is hereby instructed to publish the caption of this ordinance in a newspaper of general circulation.

SECTION 7 EFFECTIVE DATE

This Ordinance shall take effect from and after the publication in a newspaper of general circulation.

PASSED AND ADOPTED this 19th day of January, 2009

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 587-09 did on the 19th day of January, 2009, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____
J. Teresa Welch, Place 2	_____	_____
Barry Brown, Place 3	_____	_____
Kenneth Hawkins, Place 4	_____	_____
Hale Alderman, Place 5	_____	_____

ARTICLE 11.800 CONTROL OF GREASE AND OTHER SUBSTANCES IN
WASTEWATER SYSTEM

§ 11.801 Applicability

- (a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in § 11.802 of this Ordinance.
- (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 services shall install, use, and maintain appropriate grease traps or interceptors as required in of this Article. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, jails, 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, nonbiodegradable 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 pollutants to pass through the treatment works into the environment.

§ 11.802 Definitions

- (a) **Act** means FEDERAL WATER POLLUTION CONTROL ACTS, also known as the CLEAN WATER ACT, as amended, 33 U.S.C. 1251, et. seq.
- (b) **BOD** means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- (c) **COD** means the value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- (d) **EPA** means the United States Environmental Protection Agency.
- (e) **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."
- (f) **Generator** means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.



- (g) **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 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 systems. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."
- (h) **Grease Trap Waste** means material collected in and from an grease trap/interceptor 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.
- (i) **Indirect Discharge or Discharge** means the introduction of pollutants into a POTW from any non-domestic source.
- (j) **Interference** means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's TPDES permit.
- (k) **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.
- (l) **POTW or Publicly Owned Treatment Works** means a treatment works which is owned by a state or municipality as defined by section 502(4) of the CLEAN WATER ACT. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system," "Wastewater Treatment System," and "POTW" may be used interchangeably.
- (m) **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- (n) **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.
- (o) **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."

- (p) **User** means any person, including those located inside or outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

§ 11.803 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 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. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- 2) **Existing Facilities.** Existing grease traps/interceptors must 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.
- 3) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(b) Cleaning and Maintenance

- 1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
- 2) 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.

(c) Self-Cleaning

- 1) 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:
 - (A) the grease trap 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 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
 - (E) detailed records on these activities are maintained.
- 2) 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:
- (A) Business name and street address;
 - (B) Grease trap/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/interceptor; and
 - (D) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
- 3) 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:
- (A) Date the grease trap/interceptor was serviced;
 - (B) Name of the person or company servicing the grease trap/interceptor;
 - (C) Waste disposal method used;
 - (D) Gallons of grease removed and disposed of;
 - (E) Waste oil added to grease trap/interceptor waste; and
 - (F) 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.
- 4) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(d) Cleaning Schedules

- 1) 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.
- 2) Grease traps and grease 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 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
 - (B) the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
 - (C) if there is a history of non-compliance.
- 3) 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:
 - (A) 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, or
 - (B) 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
- 4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(e) Manifest Requirements

- 1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.

- 2) 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:
- (A) name, address, telephone, and commission registration number of transporter;
 - (B) name, signature, address, and phone number of the person who generated the waste and the date collected;
 - (C) type and amount(s) of waste collected or transported;
 - (D) name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - (E) date and place where the waste was deposited;
 - (F) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - (G) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 - (H) the volume of the grease waste received; and
 - (I) a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- 3) Manifests shall be divided into five parts and records shall be maintained as follows.
- (A) 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.
 - (B) 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.
 - (C) One part of the manifest shall go to the receiving facility.
 - (D) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

- (E) 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.
 - (F) One part of the manifest shall go to the city.
- 4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.
- (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 collection 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 § 11.803 (f) (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 person 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°F (7 r c).
 - (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) All testing designed to satisfy the criteria set forth in §11.803 (f)(3) 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 § 319.1 1. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

§ 11.804 Penalties

- (a) If the POTW determines that a generator is responsible for a blockage of a collection system line the generator may be assessed a fine, after receiving a warning, of \$1,000 for the first violation, \$1,500 for a second violation, and up to \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of water or sewer services.
- (b) Any person, operator or generator who violates any provision of this section, or fails to comply with the provisions hereof, is guilty of a misdemeanor, and upon conviction is subject to be punished as set forth in subparagraph (a) above. Each day of violation or non-compliance shall constitute a separate offense.
- (c) No evidence of a culpable mental state is required for proof of an offense pursuant to this Section.
- (d) The City shall be reimbursed for any expense, loss or damage caused by a violation of this Section. The City may also invoke any remedy under common law or statute in addition to the penalty provided for herein.