City of Oxford
Fats, Oils, and Grease Ordinance

ORDINANCE 15-11-01
ADOPTED 11-10-15
EFFECTIVE 11-10-15

CHAPTER 21: WATER, SEWER & SEWER DISPOSAL
ARTICLE VII, FATS, OIL AND GREASE
§ 21-206

FATS, OIL, AND GREASE (FOG) ORDINANCE

1) *Scope and purpose.* The objective of this section is to aid in preventing the introduction and accumulation of fats, oils, and greases into the municipal wastewater system, which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food Service Establishments and other industrial or commercial establishments generating wastewater containing fats, oils, or greases are subject to this section. This section regulates such users by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof.

2) *Definitions.* The definitions contained in Chapter 21, Article IV, 21-116 City of Oxford Sewer Use Ordinance, Section 1, 1.2 and the following terms, when used in this section, shall apply.

Action Level means the concentration based numeric value that the Grease interceptor effluent, at the device's outlet tee and prior to mixing with any other wastewater from the contributing establishment's property, are expected to achieve on a consistent or stipulated basis.

Common interceptor means one or more interceptors receiving FOG laden wastewater from more than one establishment. Common interceptors may be located at shopping centers, malls, entertainment complexes, sporting arenas, hotels, multi-tenant "flex" spaces, mixed use spaces, and other sites where multiple establishments are connected to a single grease interceptor. The owner of the property on which the common grease interceptor is located shall be primarily responsible for the maintenance, upkeep, and repair of the common interceptor.

Fats, oils, and greases 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" or "FOG".

Food Service Establishments **or "FSE"** means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: Cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a consumable food product in or on a receptacle requiring washing to be reused.

FOG enforcement response plan means the document and written plan and procedures by which the Wastewater Treatment Plant (WWTP) Superintendent implements an enforcement strategy applicable to the FOG control and management program established herein. The plan applies to FOG program violations and matters of program noncompliance. Stipulated penalties for specific and programmatic infractions are addressed in the plan. The WWTP Superintendent shall make site and case specific determinations of program non-conformance in accordance with the program.

Grease trap or interceptor means a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that subject Users to this section, prior to the water exiting the trap, and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors".

Minimum design capability means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases and settled solids from grease-laden wastewaters discharged to the public sanitary sewer.

Non-cooking establishment's means those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking: but that may produce a consumable food product in or on a receptacle requiring washing to be reused.

Service provider means any third party not in the employment of the User that performs maintenance, repair, and other services on a User's grease interceptor at the User's directive.

User is as defined in Section 1.2 (14) of the City of Oxford Sewer Use Ordinance (SUO) for the purpose of this Section. Users include property owners who provide common interceptors for one or more independent establishments, including tenants.

(a) ***Grease interceptor installation, maintenance, recordkeeping, and grease removal.***

(1) Grease interceptors shall be installed and maintained at the User's expense, when a User operates a food service establishment. Grease interceptors may be required in noncooking or cold dairy and frozen foodstuffs establishments and other Industrial or commercial establishments when the establishment generates wastewater containing fat or grease and the WWTP Superintendent determines an interceptor is necessary to prevent contribution or accumulation of grease to the sanitary sewer collection and treatment system. Upon notification by the WWTP Superintendent or designee that the User is subject *to* the terms of an enforcement action, as stipulated in the FOG Enforcement Response Plan, said User shall not allow wastewater discharge concentration from subject grease interceptor to exceed an establishment action level of 275 milligrams per liter. All grease interceptors shall be of a type, design, and capacity approved by the WWTP Superintendent and shall be readily and easily accessible for maintenance and repair, including cleaning and for inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than *every* thirty (30) days or as permitted in a valid program modification. Users who are required to pass wastewater through a grease interceptor shall:

a. Remove any accumulated grease cap and solids blanket as required, but at intervals of no longer than thirty (30) days at the user's expense, or in accordance with a valid program modification or other WWTP Superintendent requirement. Grease interceptors shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, and other debris, which could settle into this solids blanket and thereby reduce the effective volume of the grease interceptor.

b. Operate and maintain the grease interceptor to achieve and consistently maintain any applicable grease action level. "Consistent" shall mean any wastewater sample taken from such grease interceptor must meet the 275 mg/l numerical limit. If a User documents that conditions exist ("space constraints") on their establishment site that limit the ability to locate a grease interceptor on the exterior of the establishment, the User may request an interior location for the interceptor. Such request shall contain the following information:

1. Location of City of Oxford sewer main and easement in relation to available exterior space outside building.

2 Existing plumbing layout at or in a site.

3. A Statement of Understanding, signed by the User or authorized agent, acknowledging and accepting conditions the City Engineer may place on permitting an identified interior location. Conditions may include requirements to use alternative mechanisms, devices, procedures, or operations relative to an interior location.

c. The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the WWTP Superintendent. Any User using biological or other additives shall maintain the trap or interceptor in such a manner that attainment of any grease wastewater, action level, solids blanket or grease cap criteria, goal or directive, as measured from the grease interceptor outlet or interior, is consistently achieved.

d. The City Engineer may make determinations of grease interceptor adequacy need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review by all regulatory reviewing agencies and may require repairs to, or modification or replacement of grease interceptors.

(2) The User shall maintain a written record of grease interceptor maintenance for three years. All such records will be available for inspection by the City at all times. These records shall include:

a. Receipt for job performed
b. Date of grease interceptor service
c. Time of grease interceptor service
d. Name of grease interceptor service company
e. Name and signature of grease interceptor service company agent performing said service
f. Destination of removed wastes, food solids, and wastewater disposal
g. Such other information as required by WWTP Superintendent

(3) No non-grease laden sources are allowed to be connected to sewer lines intended for grease interceptor service.

(4) Access manholes shall have an installed diameter of 24 inches and a maximum weight of 50 pounds in non-traffic loading areas. Traffic loading areas shall adhere to the City manhole detail for sanitary sewer and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as "risers" into the grease interceptor shall also be, at a minimum, 24 inches in diameter. The access manholes shall extend

at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(5) A User may request a modification to the following requirements of this ordinance. Such request for a modification shall be in writing and shall provide the information set forth below.

(a) The User's grease interceptor pumping frequency. The WWTP Superintendent may modify the thirty (30) day grease interceptor pump out frequency when the User provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the WWTP Superintendent. Proposed alternatives may include: grease interceptor pumping or maintenance matters, bioremediation as a complement to grease interceptor maintenance, grease interceptor selection and sizing criteria, and specialized ware washing procedures

(b) Any modification must be approved by the City of Oxford WWTP Superintendent in written form before implementation by the User or the User's designated service provider.

Severability: (City Of Oxford SUO Section 12)

If any provision, paragraph, word, section, or article of this division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Conflict: (City Of Oxford SUO Section 13)

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this division are hereby repealed to the extent of such inconsistency or conflict.

THIS PAGE INTENTIONALLY LEFT BLANK

PERMIT COVER PAGE
FATS, OILS and GREASE (FOG) PERMIT

EXAMPLE

Compliance with the provisions of North Carolina General Statute 143-215.1, any applicable Federal categorical pretreatment regulations, all other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the City of Oxford Fats Oils and Grease (FOG) Ordinance and the Sewer Use Ordinance (SUO), the following facility, hereafter referred to by name or as the permittee/Food Service Establishment (FSE)

Permittee/ FSE:	
Facility Location:	
Mailing Address:	
Primary Contact & Phone:	
Alternate Contact & Phone:	

Is hereby authorized to discharge wastewater from the facility located at the above listed address through a grease interceptor into the sanitary collection system and the wastewater facility to the City of Oxford listed below:

City of Oxford	Oxford, NC 27565
NPDES Number:	NC0025054
Facility Location:	1649 New Commerce Drive
	Oxford, NC 27565

This permit and authorization to discharge shall become effective at midnight on:

Date:

Signed: _____

Date: _____

FATS, OIL AND GREASE (FOG) PERMIT
PART 1
SPECIFIC CONDITIONS

EXAMPLE

1. FSE Basic Information:
General information on the Food Service Establishment (FSE), the receiving Publicly Owned Treatment Works (POTW), the POTW's NPDES permit number and the effective date of this permit can be found on the cover of this document.

2. Authorization to Discharge:
   a) The permittee is hereby authorized to discharge wastewater in accordance with the effluent limitations, monitoring requirements, and all other conditions set forth in this User Permit into the sanitary collection system and wastewater treatment facilities of the City of Oxford identified on the cover page of this permit.

   b) The permittee is hereby authorized to operate and discharge wastewater from the following treatment or pretreatment facilities:

DESCRIPTION OF USER'S PRETREATMENT SYSTEM UNITS	
Grease Interceptor(s) ---- Type (s):	Descriptions, Specifications, and Locations of Interceptors
1. Automatic @ _____ GPM	1. Indoor/ under sink, 15-125 GPM Inlet flow design
2. In- Ground @ _____ Gallons	2. Tanks > 500 gallons
3. Super Capacity Compact @ _____ GPM	3. Location recommended by contractor 35-150 GPM
* Please circle type used	

   c) The permittee is hereby authorized to, if required by the City of Oxford, and after receiving Authorization to Construct (ATC), construct and operate additional pretreatment units as needed to meet the effluent limitations as described in this permit.

3. Discharge Limitations:
There shall be no discharge of floating oils, fats, or greases. Concentrations in the effluent discharge shall not exceed 275 mg/L. All grease interceptors shall be serviced and emptied of the waste content as required for their efficient operation, but not less often than every thirty (30) days for in ground traps, in order to maintain their minimum design capability to intercept oils, fats, and greases from the wastewater discharged to the publicly owned sanitary collection system. Interceptors located inside the facility shall be cleaned daily if automatic and every 30 days if manually pumped by a licensed contractor. Failure to comply can result in the implementation of the enforcement procedures in Section 8 of the Sewer Use Ordinance (SUO) and/or outlined in the City of Oxford FOG Enforcement Response Plan.

Wastes removed from grease interceptors shall not be discharged into the publicly owned sanitary collection system or in a storm water collection system. The facility owner shall be responsible for the proper sanitary disposal of such wastes.

4. Monitoring Requirements:
To assure that none of the pollutants mentioned above enters the sanitary collection system, the permittee must:

A) Implement and maintain a grease interceptor.

B) Keeps interceptor cleaning records on file a minimum of three (3) years. The following information must be maintained:

i. Receipt for job performed, signed by contractor and or owner/ manager of the facility.

ii. Date cleaning was performed.

iii. Name of firm providing cleaning service.

iv. Disposal method and destination of removed materials.

FATS, OIL AND GREASE PERMIT
PART II
GENERAL CONDITIONS

EXAMPLE

1. Duty to Comply
   The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the City Of Oxford's SUO and City Of Oxford Fats, Oils, and Grease Ordinance and is grounds for enforcement action.

2. Facilities Operation Bypass
   The permittee shall at all times maintain in good working order and operate as efficiently as possible, all grease interceptors or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Bypass of grease interceptors is prohibited.

3. Removed Substances
   Solids, fats, oils or any other pollutants removed in the course of pretreatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutants from such materials from entering the sanitary collection system. The permittee is responsible for assuring its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of "Hazardous Waste" as defined under the Federal Resource Conservation and Recovery Act.

4. Right of Entry
   The permittee shall allow the staff of the State of North Carolina Department of Environmental and Natural Resources, Division of Water Resources, the Regional Administrator of the Environmental Protection Agency, the City of Oxford and/or their authorized representatives, upon the presentation of credentials:

   a) To enter upon the permittee's premises where a real or potential discharge is located in which records are required to be kept under the terms and conditions of this permit; and

   b) At reasonable times to have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

5. Availability of Records and Reports
   The permittee shall retain records of all monitoring information, including all calibration and maintenance records as well as copies of reports for at least three years. All records that pertain to matters that are subject to any type of enforcement action shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

These, and any other records and data maintained by the permittee which provide information related to the operation of the permittee's pretreatment system or which may influence the quality of the permittee's discharge, shall be made available by the permittee during inspections by the City of Oxford, the Department of Environmental and Natural Resources, and by the Environmental Protection Agency.

Except for data determined to be confidential under the Sewer Use Ordinance, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the City of Oxford. As required by the Sewer Use Ordinance, effluent data shall not be considered confidential.

6. Duty to Provide Information

The permittee shall furnish to the City of Oxford or its designees, within a reasonable time, any information which the City of Oxford, its designee, or the Division of Water Resources may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit.

7. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by a ranking official or duly authorized agent of the permittee.

8. Penalties

A) The City of Oxford Sewer Use Ordinance provides that any person who violates a permit condition is subject to a civil penalty. The maximum amount of each civil penalty is specified in the most recent revision of the SUO, and may range up to $25,000.00 for each day that a violation exists. (See Attached Schedule of Penalties)

B) The Clean Water Act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by fine of or not more than $25,000 per violation, or by imprisonment for not more than two years per violation, or by both [40CFR122.41]

C Cleanup Costs from any discharge of fats, oils and grease in amounts that create blockages in the City of Oxford Sewer Collection System will be billed directly to the discharger. Clean up costs shall include the cost of all equipment and labor used in removing the blockage plus 50% or $100 whichever is greater.

9. Transferability

This permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without approval of the City of Oxford.

10. Property Rights

This permit does not convey any property rights in either real or personal property, or any exclusive privileges; it does not authorize any injury to private property or an invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.

11. Permit Modification, Revocation, Termination

This permit may be modified, revoked and reissued or terminated with cause in accordance to the requirements of the City of Oxford Fats, Oils and Grease and the Sewer Use Ordinance and North Carolina General Statute, or implementing regulations.

12. Dilution Prohibition

The permittee shall not increase the use of potable or process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit. The permittee may not HOT FLUSH the grease receptacle in order to clear blockages or as an attempt to clean the interceptor.

13. Reports of Changed Conditions

The permittee shall give notice to the City of Oxford of any planned significant changes to the permittee's operations or system, which might alter the nature, quality, or volume of its wastewater at least 180 days before the change.

14. Construction

No construction of pretreatment facilities or additions thereto shall be begun until Final Plans Specifications have been submitted to the City of Oxford, and written approval and an Authorization to Construct (ATC) have been issued.

15. Reopener

This permit shall be modified or, alternatively, revoked and reissued to comply with any applicable effluent standard or limitation for the control of any pollutant shown to contribute to toxicity of the WWTP effluent or any pollutant that is otherwise limited by the POTW discharge permit. The permit as modified or reissued under this paragraph may also contain any other requirements of State or Federal pretreatment regulations then applicable.

16. Prohibited Discharges

The permittee shall comply with the general prohibitive discharge standards in 40 CFR 403.5 (a) and (b) of the Federal pretreatment regulations, and shall also comply with the City of Oxford's Sanitary Collection Use Ordinance, including section 2.1, b.14.

There shall be no discharge of floating fats/oil/grease, gasoline, cleaning solvents, or any petroleum products, or any toxic pollutants. Fats, Oils and Grease concentrations shall not exceed 275 mg/L in discharge.

City of Oxford Fats, Oils and Grease (FOG) Program Penalty Schedule

Attachment to FOG Permit

The dollar amount indicated is the ***minimum*** that can be charged.

The penalties for noncompliance are as follows:

Tier I - $50.00 minimum up to $100.00
Tier II - $100.00 minimum up to $500.00
Tier III - $500.00 minimum up to $1,000.00
Tier IV - $1,000.00 minimum up to $25,000.00

Tier I Violations:

- Failure to maintain permit cleaning interval
- Failure to maintain records on site
- Failure to maintain interceptors in proper condition
- Reporting Violations

Tier II Violations:

- Repeat violation (previously cited infraction)
- Failure to clean out grease trap within 5 days of Notice
- Hot flushing
- Permit Limits Violation

Tier III Violations:

- Improper disposal of FOG and/or used oil
- Failure to meet a compliance requirement deadline
- Falsification of records
- Denying FOG Coordinator access to property

Tier IV Violations:

- Source of sewer blockage and/or overflow
- Polluting sanitary sewer system (dumping chemicals, contents of interceptor, or other prohibited materials into the sanitary sewer)
- Polluting storm drainage system
- Repeated violations may lead to an escalation of fines and the disconnection of water service. Any Food Service Establishment (FSE) that receives three (3) violations within a 12 month period may be deemed a nuisance and be subject to maximum penalties, water service severance and/or criminal actions.

Civil Penalties Determination:

(a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to $25,000.00 per day, per violation.

(b) In determining the amount of the civil penalty, the City Engineer shall consider the following:

(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
(2) The duration and gravity of the violation;
(3) The effect on ground or surface water quantity or quality or on air quality;
(4) The cost of rectifying the damage;
(5) The amount of money saved by noncompliance;
(6) Whether the violation was committed willfully or intentionally;
(7) The prior record of the violator in complying or failing to comply with the pretreatment program;
(8) The costs of enforcement to the City of Oxford

***As per the City of Oxford Sewer Use Ordinance (SUO) Section 8.4 the City Engineer may take any or all action with regards to this regulation.**

EFFECTIVE DATE

This ordinance shall be in full force and effect on the 10th day of November, 2015.

INTRODUCED the 10th day of November, 2015.

PASSED this 10th day of November, 2015.

Published this 12th day of November, 2015.

AMENDED DATES

This ordinance amends the previous Fats, Oil and Grease Ordinance adopted 9-12-00, Ordinance 00-9-2

Jacqueline vdH Sergent, Mayor

Attest:

Barbara J. Rote, Clerk

ORDINANCE 15-11-01
ADOPTED 11-10-15
EFFECTIVE 11-10-15

NEW ARTICLE

ARTICLE VII: FATS, OIL AND GREASE

§ 21-206 Incorporated by Reference

The Fats, Oil and Grease Ordinance, as it may be amended from time to time, is incorporated by reference and made a part hereof as if appearing in total. An updated copy of this ordinance is on file with the City Clerk and City Engineer.

This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 10th day of November 2015.

Jacqueline vdH Sergent, Mayor

Attest:

Barbara J. Rote, Clerk