

ORDINANCE NO. 2007-03

AN ORDINANCE OF THE CITY OF MABANK PERTAINING TO GREASE STANDARDS; PROVIDING FOR APPLICABILITY AND PROHIBITIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR INSTALLATION AND MAINTENANCE REQUIREMENTS; PROVIDING FOR A SCHEDULE OF PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Mabank, Texas that the following will hereinafter apply:

SECTION I. APPLICABILITY AND PROHIBITIONS

- (a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section II 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 service shall install, use and maintain appropriate grease traps or interceptors as required in Section II of this Ordinance. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, 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 interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

SECTION II. DEFINITIONS

- (a) Act means Federal Water Pollution Control Act, 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 the "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 and 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
- (h) Grease Trap Waste means material collected in and from a 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 (base10) 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" 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 Section 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 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.

SECTION III. 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 this Ordinance, 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 Section 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; procedure 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 indicated, 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 local authority.
 - 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 Section III (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 degrees F (71 degrees 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 level must be between 5 and 11.
- 4) All testing designed to satisfy the criteria set forth in Section III (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, Section 319.11. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

SECTION IV. SCHEDULE OF PENALTIES

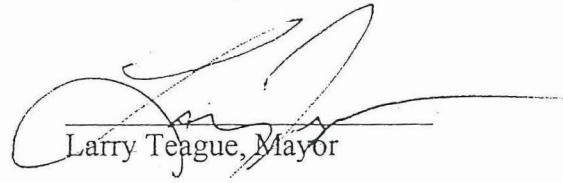
- (a) If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services.
- (b) Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

SECTION V. SEVERABILITY

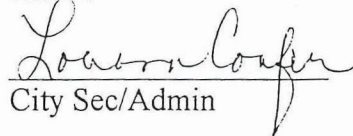
If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and; to this end, all provisions of this ordinance are declared to be severable.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect upon adoption by the Mabank City Council, this the
9th day of January 2007.


Larry Teague, Mayor

Attest:


City Sec/Admin

ORDINANCE NO. 940614

AN ORDINANCE REGULATING DISCHARGES OF FATS, WAX, GREASE OR OILS INTO PUBLIC SEWERS WITHIN THE CITY OF MABANK; PROVIDING FOR THE PROHIBITION OF DISCHARGES TO PUBLIC SEWERS OF CONCENTRATIONS OF FATS, WAX, GREASE OR OILS CAPABLE OF CAUSING OBSTRUCTION TO THE FLOW IN SEWERS OR INTERFERENCE WITH TREATMENT PROCESSES OR FACILITIES; REQUIRING TRAPS TO PREVENT CERTAIN GREASY SUBSTANCES FROM ENTERING PUBLIC SEWERS; AUTHORIZING THE CITY SECRETARY/ADMINISTRATOR TO ENFORCE THESE REGULATIONS; PROVIDING THAT ANY PERSON WHO VIOLATES OR FAILS TO COMPLY WITH THE TERMS OF THIS ORDINANCE IS GUILTY OF A MISDEMEANOR; CONTAINING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Mabank has provided facilities for the collection and treatment of wastewater to promote the health, safety and convenience of its people and for the safe guarding of water resources common to all, and

WHEREAS, provision has been made in the design, construction and operation of such facilities to accommodate certain types and quantities of waste in addition to normal wastewater, and

WHEREAS, the City has found that excessive discharges of fats, wax, grease or oils are capable of causing obstructions in the flow in sewers or interference with treatment processes or facilities; and

WHEREAS, protection of the quantity and quality of the effluent and proper operation of the wastewater collection and treatment facilities may require either the exclusion or controlled discharge at point of origin of the types of wastes specified herein;

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

That the Code of Ordinances, City of Mabank, Texas, is hereby amended by adding Article 502.002 to read as follows:

ARTICLE 502.002
REGULATION OF DISCHARGES OF FATS, WAX, GREASE OR OILS INTO
PUBLIC SEWERS WITHIN THE CITY OF MABANK

Section 1. PROHIBITED DISCHARGES AND IMPAIRMENT OF FACILITIES. No person may discharge into public sewers any substance that may:

1. Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
2. Overload skimming and grease handling equipment; or
3. Deleteriously affect the treatment process due to excessive quantities.

Section 2. REQUIREMENTS FOR TRAPS. Discharges requiring a trap include oils, fats, grease or waste containing grease in excess of concentrations normally occurring in domestic wastewater. Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:

1. Provide equipment and facilities of a type and capacity approved by the City.
2. Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection.
3. Maintain the trap in effective operating condition.
4. Provide the City with written confirmation that the trap has been cleaned by a certified hauler each time such cleaning is necessary to maintain the trap in effective operating condition.

Section 3. POWER TO ENTER PROPERTY AND NOTICE. The City Secretary/Administrator or other duly authorized employees of the City are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this ordinance and for the purposes of inspection, observation, measurement or sampling when it has been found that excessive discharges of fats, wax, grease or oils have caused obstructions in the flow in sewers or interference with treatment processes or facilities. The City shall notify property owners that such inspection, observation, measurement or sampling will be necessary prior to entering any private property.

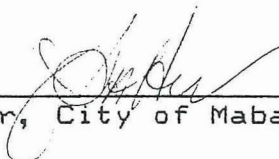
Section 4. NOTICE. The City shall serve persons discharging in violation of this ordinance with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance. No person may continue discharging in violation of this ordinance beyond the time limit provided in the notice.

Section 5. PENALTY. A person who makes or allows a prohibited discharge is guilty of a misdemeanor and is punishable by a fine of not more than \$1,000.00 for each act of violation, and each day of violation shall constitute a separate offense. In addition, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

Section 6. SEVERABILITY. If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of this ordinance are declared to be severable.

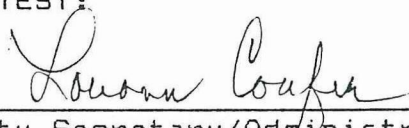
Section 7. EFFECTIVE DATE. The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Mabank at least twice after the passage of this Ordinance. This Ordinance shall be in effective following the publication of same as directed herein.

INTRODUCED, READ AND PASSED by the affirmative vote of the City Council of the City of Mabank, Texas, this the 14th day of June, 1994.



Mayor, City of Mabank, Texas

ATTEST:



City Secretary/Administrator