

ORDINANCE NO. 2018-09-10-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMERON, TEXAS REGULATING FATS, OILS AND GREASE; ADOPTING A FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR APPEALS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR NOTICE OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Cameron, Texas (“City”) recognizes that the wastewater treatment capacity available to its residents is limited;

WHEREAS, the City further recognizes that due to natural limitations, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted wastewater treatment facility for all purposes at all times; and

WHEREAS, pursuant to the Texas Water Code and the regulations of the Texas Commission on Environmental Quality, it is advisable that the City adopt a “FOG” Fats, Oils, and Grease plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt this ordinance; and

WHEREAS, pursuant to Chapters 51 and 54 of the Texas Local Government Code, the City is authorized to adopt any such ordinances necessary to preserve and protect its wastewater resources; and

WHEREAS, the City Council of the City desires to adopt a FOG ordinance for the City for non-domestic users of the City’s wastewater treatment works; and

WHEREAS, the City Council of the City has investigated and determined that a FOG ordinance will be advantageous and beneficial to the citizens of the City and will protect the public health, safety, and welfare of its citizens.

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

SECTION 1. Findings. The recitals above are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as finding of fact.

SECTION 2. Applicability and Prohibitions. The measures included in this FOG ordinance are intended to provide non-domestic users of the City’s Publicly Owned Treatment Works (“POTW”), standards, education, and guidelines for grease interceptors to protect the public wastewater system for the City.

- (a) This ordinance shall apply to all non-domestic users of the City, as defined in Section 3 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 (q) of this ordinance. These facilities include but are not limited to restaurants, food manufacturers, food processors, apartment complexes, school cafeterias, hospitals, hotels and motels, prisons, 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 City of Cameron's system in such amounts as to cause interference with the POTW, Publicly Owned Treatment Works collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

SECTION 3. Definitions. In this ordinance, the following terms shall have the meaning hereinafter ascribed:

- (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 "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," published by the American Public Health Association, American Water Works Association, and Water Environment Federation, or any successor entity.
- (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 system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."
- (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 City

owned or operated 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" and "POTW" may be used interchangeably.
- (m) **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- (n) **TPDES** means the Texas Pollutant Discharge Elimination System. The state of Texas assumed the authority to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas on Sept. 14, 1998. NPDES is a federal regulatory program to control discharges of pollutants to surface waters of the United States. The Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) program now has federal regulatory authority over discharges of pollutants to Texas surface water, with the exception of discharges associated with oil, gas, and geothermal exploration and development activities, which are regulated by the Railroad Commission of Texas.
- (o) **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, as amended.
- (p) **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," published by the American Public Health Association, American Water Works Association, and Water Environment Federation, or any successor entity. The amount must not be more than 300 mg/l.
- (q) **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 City's owned or operated POTW, including persons who contribute such wastewater from mobile sources.

SECTION 4. Installation and Maintenance Requirements.

- (a) Installations

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.

- (i) 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 City. If required by the City, the Facility shall be required to install within 90 days of the effective date of notification.
 - (ii) 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
- (i) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
 - (ii) 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
- (i) Grease trap self-cleaning operators must receive approval from the City 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.
 - (ii) Grease trap self-cleaning operators must submit a completed self-cleaning request to the City 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.

(iii) 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.

(iv) 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

(i) 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.

(ii) The City has the ability to inspect and evaluate grease traps and grease interceptors at any time.

(iii) 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 City; or

(C) if there is a history of non-compliance.

(iv) Any person who owns or operates a grease trap/interceptor may submit to the

City a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The City 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 City, 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
- (v) 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

- (i) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.
- (ii) 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.
- (iii) 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 of Cameron Utility Department.
- (iv) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the City of Cameron.
- (f) Alternative Treatment
- (i) 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.
 - (ii) It is an affirmative defense to an enforcement of Section 5(f)(i) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
 - (iii) Bioremediation media may be used with the City's approval if the person has proved to the satisfaction of the City 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 160F (71C).
 - (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.
- (iv) All testing designed to satisfy the criteria set forth in Section 5(f)(i) 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. Testing shall be open to inspection by the City and shall meet the City's approval.

SECTION 5. Schedule of Penalties

- (a) If the City 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.
- (c) Notice of violations and assessments of penalties made pursuant to this Section 6 shall be sent to the generator or account holder informing them of the violation and assessment of penalties. Notices provided herein shall be deemed delivered within three business days after their placement with the United State Postal Service, hand delivery, or courier.
- (d) Administrative fees assessed pursuant to this Ordinance shall be added to a wastewater account holder's regular monthly utility bill from the City or be billed separately to the generator, as determined by the City. Any cost to repair sewer lines, streets or any other city property caused by not following this ordinance will be billed to generator according to the city fee schedule.
- (e) Unpaid assessed administrative fees related to violations of this Ordinance shall incur late payment penalties in compliance with the City's fee schedule and may result in the termination of services.

SECTION 6. Contesting Violations.

- (a) An aggrieved person may request a hearing before a hearing officer(s) appointed by the City Manager within fifteen (15) business days after the date on the notice provided in compliance with Section 6. The hearing officer(s) shall evaluate all information offered by the aggrieved person at the hearing. The aggrieved person shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) shall render a decision in writing within three (3) business days of the conclusion of the hearing. Receipt of the decision of the hearing officer(s) by the aggrieved person is presumed on the third business day after the City mails the decision of the hearing officer(s) to the aggrieved person.
- (b) The aggrieved person may appeal the decision from the hearing officer(s) in writing to the City Manager within seven (7) business days from the date the City mails the decision of the hearing officer(s) to the aggrieved person. In the written appeal, the aggrieved person shall provide the factual basis for the appeal and describe why the decision of the hearing officer(s) is not supported by the evidence. The City Manager shall promptly review the appeal. The decision by the City Manager is final and binding.

SECTION 7. Severability. If any clause or provision of this ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the ordinance, which shall continue to have full force and effect.

SECTION 8. Repealer. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

SECTION 9. Effective Date. This ordinance shall become effective immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code and the City Charter. However, only one reading of this ordinance is required for this ordinance to become effective.

SECTION 10. Open Meeting. It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, and Texas Government Code.

FIRST READING held on this the 4th day of September 2018.

FINALLY PASSED AND APPROVED on Second and Final Reading this the 10th day of September 2018.

Connie Anderle, Mayor

ATTEST:

Amy Harris, City Secretary