

ORDINANCE #002-15

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS ENACTING RULES AND REGULATIONS GOVERNING COMMERCIAL AND NONRESIDENTIAL FACILITIES GENERATING FATS, OILS, OR GREASES IN THE PREPARATION OR SERVING OF FOODS; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of De Leon, Texas finds that it is in the best interest of the health and welfare of the City, its citizens, and the public to establish rules governing commercial users of the City's sewer system who generate fats, oils or greases;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS that:

I. **Enactment.** The following provisions shall be and are, hereby, enacted and adopted as the Grease and Oil Control Ordinance of the City of De Leon.

Section 1. **Scope and Purpose.** Any commercial or nonresidential facility connected to the City's sewer system and involved in the preparation or serving of foods will be subject to the conditions of this Ordinance. The purpose of this Ordinance is to aid in the prevention of sewer system damages stemming from contributions and accumulation of fats, oils, and greases into the sewer system from food service establishments.

Section 2. **Definitions.** The following words, terms and phrases when used in this Ordinance, shall have the meaning described in this section, except where the context clearly indicates a different meaning:

a. "Fats, oils, and greases" mean organic compounds derived from animal or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as fats, grease or oil.

b. "Food service establishments" means those industrial, commercial or nonresidential establishments primarily engaged in activities of preparing, serving, or otherwise making food available for consumption by the public, such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution. These establishments 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. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

c. "Grease interceptor" means a structure or device designed for the purpose of removing fats, oils, and greases from waste which is being emptied into the City's sanitary sewer collection system for disposal. These devices are often below-ground units in outside areas and are built as two- or three-chamber baffled tanks.

d. "Grease trap" means a device for separating and retaining waterborne grease, oils, and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas but larger more complex units may be required depending on volume and required capacity.

e. "Minimum design capability" means the design features of a grease interceptor and the ability or capacity required to effectively intercept and retain greases from grease-laden wastewaters discharged into the public sanitary sewer.

f. "Public Works Administrator" means the Public Works Administrator of the City of De Leon or his designee.

g. "User" means any person or entity, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the discharge of wastewater into the City's sewer system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

Section 3. Requirements. All food service establishments discharging wastewater into the City's sewer system are subject to the following requirements:

a. Grease Interceptor Requirements. All food service establishments are required to install, operate, and maintain a grease interceptor of adequate capacity which has been approved by the Public Works Administrator. A grease trap may only be installed upon application for and approval of a variance under paragraph 3.c.

b. Installation and Approval. All new food service establishments are subject to grease interceptor requirements. The size and location of the grease interceptor installed in a new food service establishment must be approved by the Public Works Administrator. Existing facilities with planned modification to plumbing systems will be required to include plans to comply with the grease interceptor requirements. All existing food service establishments will be notified of their obligation to install a grease interceptor or an approved alternative within the specified period set forth in the notification letter.

c. Variance from Grease Interceptor Requirements. A variance from the general requirements in paragraph 3.a may be requested in writing directed to the Public Works Administrator. Grease interceptors required under this Ordinance shall be installed unless the Public Works Administrator determines that the installation of a grease interceptor would not be feasible and authorizes the installation of an indoor grease trap or other alternative pretreatment technology. The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible.

Section 4. Wastewater Discharge Limitations. No user shall allow wastewater discharge from a grease interceptor, grease trap, or alternative pretreatment technology to exceed 200 milligrams of oil and grease per liter as measured by methods provided in 40 CFR 136.

Section 5. Grease Interceptor Requirements.

- a. The size and location of a grease interceptor must be approved by the Public Works Administrator. The grease interceptor shall have a minimum of two compartments with fittings designed for grease retention.
- b. Grease interceptors shall be installed at a location where they shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled.
- c. Grease interceptors shall be inspected by the user monthly.
- d. Users who are required to maintain a grease interceptor shall:
 - (i) Remove any accumulated grease as often as necessary, up to and including daily, but at intervals of no longer than 60 days at the user's expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc.
 - (ii) Operate the grease interceptor in a manner so as to maintain maximum functionality and according to the manufacturer's specifications.
- e. The use of biological additives as a grease degradation agent in a grease interceptor is permissible only upon written approval by the Public Works Administrator. Any establishment using this method of grease abatement shall maintain the interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the interceptor's outlet, is consistently achieved.
- f. The Public Works Administrator has the authority to make determinations regarding the functionality of grease interceptors, based upon review of all relevant information regarding grease interceptor performance, and to require repairs, modification or replacement of such units.
- g. In no case shall the total accumulation of grease, oil, floating materials, and sediment be allowed to occupy more than 25 percent of the capacity of the first component of the grease interceptor.
- h. The user shall maintain a written record of grease interceptor cleanings, inspections and maintenance. All such records will be made available for inspection by the City upon request.
- i. Nongrease-laden sources shall not be connected to the sewer lines intended for grease interceptor service.

Section 6. Grease Trap Requirements.

- a. A grease trap complying with the provisions of this section may be installed instead of a grease interceptor only upon written application for a variance as provided in section 3. c., above, and approval of the variance by the Public Works Administrator. The grease trap must be installed in the waste line leading from sinks, drains, and other fixtures or equipment where grease may be introduced into drainage lines or the City's sewer system.
- b. Grease trap sizing and installation must be approved by the Public Works Administrator.
- c. No grease trap shall be installed which has a stated flow rate of more than 55 gallons per minute, or less than 20 gallons per minute, except when specifically approved by the Public Works Administrator.
- d. Periodic removal of the accumulated grease as often as necessary, up to and including daily, but at intervals of no longer than 60 days at the user's expense shall be performed in order to maintain the efficient operating condition of the grease trap. Under-the-counter types of grease traps shall be cleaned daily. Grease collected from grease traps shall not be discharged into any drainage piping or public sewer.
- e. The use of biological additives as a grease degradation agent in a grease trap is permissible only upon written approval by the Public Works Administrator. Any establishment using this method of grease abatement shall maintain the trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved.
- f. No food waste disposal unit or dishwasher shall be connected to or discharge into a grease trap.
- g. Wastewater in excess of 140 degrees Fahrenheit/60 degrees Centigrade shall not be discharged into a grease trap.

Section 7. Violations and Penalties.

- a. Violation. It is a violation for any person to fail to comply with any of the regulations and requirements set forth in this Ordinance.
- b. Notice of Violation. The City shall serve any person in violation of this Ordinance with written notice stating the nature of the violation, and providing a reasonable time limit for satisfactory compliance, as determined by the Public Works Administrator.
- c. Penalty. Should a person in violation of this Ordinance fail to comply with the Notice of Violation within the time provided, that person shall be charged with a Class C misdemeanor and, upon conviction, shall be fined an amount not to exceed two thousand dollars (\$2,000.00). Every day that a provision of this Ordinance is violated shall constitute a separate offense.
- d. City-initiated Grease Interceptor or Grease Trap Cleaning. In addition to or in lieu of criminal prosecution for failure to comply with this Ordinance, if a person or entity responsible for cleaning a grease interceptor or grease trap fails to do so at intervals necessary to comply with this

Ordinance, the City may appoint any available grease hauler to clean the grease interceptor or grease trap to the satisfaction of the City. The cost of the cleaning plus a 15 percent handling fee shall be added to the City sewer bill of the person, establishment or entity.

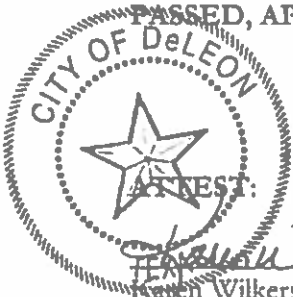
II. **Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

III. **Open Meetings.** It is hereby officially found and determined that the meeting at 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, Texas Govt. Code, Chapt. 551.*

IV. **Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter or the Texas Local Government Code.

PASSED AND APPROVED on this 9th day of March, 2015.

PASSED, APPROVED AND ADOPTED on this 13 day of April, 2015.



Toby Hight

Toby Hight, Mayor

Karen Wilkerson
Karen Wilkerson, City Administrator/Secretary