

ORDINANCE NO. 63-2021

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES" OF THE ABILENE MUNICIPAL CODE, ARTICLE VIII, "FATS, OILS, AND GREASE" AND AMENDING THE "FATS, OILS, AND GREASE (FOG) GUIDELINES AND PROCEDURES" AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, the City of Abilene (City) owns and operates a sanitary sewer collection system which is a part of the Publically Owned Treatment Works authorized by Texas Pollution Discharge Elimination System Permit Number WQ0010334004; and

WHEREAS, the permit requires that the City properly operate and maintain the POTW to prevent unauthorized discharges of wastewater at any location not permitted as an outfall, and

WHEREAS, the buildup of grease in collection system pipes and manholes has been identified as a primary cause of unauthorized discharges called sanitary sewer overflows; and

WHEREAS, on August 10, 2017 the Abilene City Council approved on final reading an ordinance amending Chapter 32, "Utilities" of the Abilene Municipal Code by inserting a new Article III, "Fats, Oils, and Grease", that is based on the model standards for a grease ordinance developed by the Texas Commission on Environmental Quality; and

WHEREAS, it is staff's desire to provide within the FOG Ordinance a means for the City of Abilene Building Official and the Director of Water Utilities to jointly approve a variance to the installation and/or sizing requirements of a grease trap/interceptor for a new facility or an existing facility for certain types of businesses listed within the ordinance definition for Food Preparation-Service Facility; and

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

PART 1: That Chapter 32, "Utilities", Article VIII "Fats, Oils, and Grease" be amended with the insertion of new Sec. 32-402(a)(4) Variance for Grease Trap/Interceptor Installation as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

Exhibit A

ARTICLE VIII. FATS, OILS, & GREASE

Sec. 32-401. General Provisions

(a) *Purpose and Objectives.* In order to protect public health, the sanitary sewer system, and the environment, this article sets forth uniform requirements for fats, oils, and grease (FOG) generators and grease trap waste transporters operating in the City of Abilene and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code S 1251 et seq.). The objectives of this article are:

- (1) To aid in the prevention of sanitary sewer overflows resulting from blockages and obstructions due to the accumulation of fats, oils, and grease ,
- (2) To promote the proper maintenance of grease traps/interceptors; and,
- (3) To ensure the proper handling, disposal, transport and tracking of grease trap waste.

(b) *Administration.* The City Manager or his/her designated city official shall administer, implement, and enforce the provisions of this ordinance and is authorized to promulgate such policies, guidelines and procedures as shall be reasonable and necessary to carry out its provisions. Any powers granted to or duties imposed in this chapter upon the City Manager may be delegated to other city personnel. The City of Abilene Guidelines and Procedures document shall be reviewed annually by staff to determine if changes or updates are necessary. If so, staff recommendations shall be submitted to the City Manager for review and approval. The City Manager may consider a change to the Guidelines and Procedures document outside of the annual review period if a time-sensitive situation arises.

(c) *Applicability and Prohibitions.*

- (1) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section 32-401(d) of this Ordinance.
- (2) Grease traps/interceptors shall not be required for residential users or for Food Service-Sales Facilities.
- (3) Each generator shall install, use, and maintain an appropriate grease trap/interceptor as required in the City of Abilene FOG Guidelines and Procedures.

(4) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable 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, or that would otherwise be removed with a properly sized, installed, operated and maintained grease trap/interceptor.

(d) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

BOD. 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."

City. The City Manager of the City of Abilene or his/her duly authorized representative.

City of Abilene FOG Guidelines and Procedures. The detailed document prepared and provided by the City to aid generators, transporters, and non-domestic users in implementation of the FOG Ordinance.

Disposal Site. A permitted site or part of a site at which grease trap waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain after site closure.

Disposer. A person who receives, stores, retains, processes or disposes of grease trap waste.

EPA. The United States Environmental Protection Agency.

Fats, Oils, & Grease (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measureable using analytical test procedures established in 40 CFR Part 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

Food Preparation-Service Facility (Facility). Any facility generating fats, oils, or grease as a result of food preparation and food service to include, but not limited to, restaurants, cafeterias, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for human consumption. This definition includes any facility in which foods are prepared utilizing a grill, griddle, deep-fat fryer, commercial range or oven, broiler, rotisserie, charbroiler, smoker, wok/stir-fry, and/or similar food preparation equipment including, but not limited to, cafeterias, fast food and full service restaurants, pizza

preparation, donut preparation, and wholesale food preparation; and any facility with area(s) subject to flooding type or wet cleaning processes due to the cutting or grinding of meat or fish including, but not limited to meat and fish markets; and includes any establishment or facility in which foods are prepared without the use of fryers, grills or other similar grease generating equipment including, but not limited to, sandwich shops, coffee shops, ice cream parlors, daycares, limited menu concession stands or convenience stores, and bakeries. This does not include industrial facilities.

Food Service-Sales Facility. Any facility in which foods are provided pre-wrapped such as pre-packaged sandwiches or similar foods, candies, and containerized beverages.

Generator. Any person who owns or operates a grease trap/interceptor at a Food Preparation-Service Facility, or whose act or process produces grease trap waste at a Food Preparation-Service Facility.

Grease Trap or Interceptor. 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 trap/interceptors”.

Grease Trap Waste. Material collected in and from a grease trap/interceptor in the sanitary sewer service line of a Food Preparation-Service Facility, including the solids resulting from de-watering processes.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.

Interference. 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.

pH. The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POTW or Publicly Owned Treatment Works. The 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.

Sampling Device. An access point such as a sampling well or sample port to allow sampling of the wastewater flow downstream of the grease trap/interceptor which is located, installed and maintained in accordance with the City of Abilene FOG Guidelines and Procedures.

TCEQ. The Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Transporter. A person or entity 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.

TSS. The value of the test for Total Suspended Solids, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”

User. 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.

Sec. 32-402. Installation and Maintenance Requirements

(a) *Installations*

(1) *New Facilities.* New facilities shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with this Ordinance and the City of Abilene FOG Guidelines and Procedures. Grease trap/interceptors shall be subject to plan review and approval by the City prior to construction/installation. Grease trap/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy and a food permit.

(2) *Existing Facilities.*

a. Existing grease trap/interceptors must be operated and maintained in accordance with this Ordinance and the City of Abilene FOG Guidelines and Procedures.

b. Existing facilities shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with the City of Abilene FOG Guidelines and Procedures when any of the following conditions apply:

1. Renovation or expansion of an existing Food Preparation-Service Facility in the following instances: (1) a grease trap/interceptor is non-existent, or (2) a grease trap/interceptor is non-compliant with current FOG Guidelines and Procedures and has a history of non-compliance.
2. Addition of a Food Preparation-Service Facility to an existing structure.
3. If prior to the issuance of a certificate of occupancy, an existing facility has lost its non-conforming use status due to vacancy, any grease trap/interceptor shall be required to be compliant with current FOG Guidelines and Procedures before a new certificate of occupancy can be issued.

Grease trap/interceptors shall be subject to plan review and approval by the City prior to construction/installation. Grease trap/interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a food permit.

c. Notwithstanding Item b above, if an existing facility has a grease trap/interceptor that was compliant at the time of original construction, is in good working order, the facility is not increasing its footprint by 50% or more, and the facility does not have a history of non-compliance, a change of ownership or occupancy shall not require the facility to replace the existing grease trap/interceptor with one compliant with the City's current FOG Guidelines and Procedures.

(3) *Single Certificate of Occupancy.* Grease trap/interceptors shall be installed pursuant to a single certificate of occupancy. No person or persons shall allow the use of a single grease trap/interceptor by more than one business as defined by a certificate of occupancy without prior written approval from the City.

(4) Variance for Grease Trap/Interceptor Installation.

- a. A variance shall be granted only in situations where an applicant can show factors or circumstances amounting to reasonably justifiable good cause to support such variance. A variance shall not act as a waiver of the requirement for a grease trap/interceptor.
- b. The applicant Generator may make a written request to the City's Building Official for a variance of the grease trap/interceptor installation and/or sizing requirement for a new facility or an existing facility as described in Section II of the Fats, Oils, and Grease (FOG) Guidelines and Procedures.

The Applicant's request shall be received by the Building Official prior to the installation of a new grease trap/interceptor and related appurtenances, or modifications to an existing grease trap/interceptor and related appurtenances. The Building Official and the Director of Water Utilities must provide a joint decision in writing to the applicant within 14 calendar days. The applicant has fourteen (14) calendar days to appeal staff's decision to the City Manager. The decision of the City Manager is final.

(b) *Cleaning and Maintenance*

(1) Grease traps/interceptors shall be maintained in accordance with this ordinance and the City of Abilene FOG Guidelines and Procedures at all times.

(2) A generator shall have all grease trap waste cleaned from the grease trap/interceptor and picked up by a licensed transporter, unless the generator participates in the self-cleaning program as described in the City of Abilene FOG Guidelines and Procedures.

(3) All grease trap waste shall be properly disposed of at a facility in accordance with federal, state, or local regulations.

(4) Each grease trap/interceptor 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.

(5) Existing grease traps/interceptors (50 gallons or less) may be allowed to participate in the self-cleaning program as described in the City of Abilene FOG Guidelines and Procedures.

(6) *Cleaning Schedules*

a. Grease trap/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; that the discharge is in compliance with the BOD, TSS, FOG, and/or pH limits promulgated in the City of Abilene FOG Guidelines and Procedures; and, to ensure that no visible grease is observed in the discharge.

b. Grease trap/interceptors (more than 50 gallons) shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:

1. Twenty-five (25) percent or more of the wetted height of the grease trap/interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
2. The discharge exceeds the BOD, TSS, FOG, and/or pH limits as per the City of Abilene FOG Guidelines and Procedures or,
3. If there is a history of non-compliance.

c. Grease trap/interceptors (50 gallons or less) shall be cleaned and maintained in accordance with the City of Abilene FOG Guidelines and Procedures.

d. Any person who owns or operates a grease trap/interceptor may submit to the City a request in writing for an exception to the required pumping frequency of their grease trap/interceptor. The City may grant an extension for the required cleaning frequency on a case-by-case basis when:

1. The grease trap owner/operator has demonstrated the specific trap will produce an effluent with no visible grease, and based on defensible analytical results, can demonstrate consistent compliance with the BOD, TSS, FOG, or pH limits listed in the City of Abilene FOG Guidelines and Procedures; or
2. Less than 25 percent of the wetted height of the grease trap/interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

In addition, the waiver request may include professional comments from the transporter regarding the performance of the grease trap/interceptor. These comments will provide additional insight to the City when reviewing the request.

e. In any event, a grease trap/interceptor shall be fully evacuated, cleaned, and inspected at least once every 365 days.

f. The City may also require grease trap/interceptors to be serviced on a single-event basis or scheduled basis if deemed necessary for the proper operation of the grease trap/interceptor.

g. In the event that a generator ceases operation of a food preparation-service facility, the grease trap/interceptor at the facility shall be properly cleaned within 30 days of the facility being vacated.

(7) *Manifest Requirements*

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

b. Manifests must be completed and distributed by the transporter as described in the City of Abilene FOG Guidelines and Procedures.

c. Manifests shall be maintained on file by the generator and transporter per 30 Texas Administrative Code 312.145 and as described in the City of Abilene FOG Guidelines and Procedures.

Sec. 32-403. Administrative Authority

(a) The City shall have the right to enter the premises of any Generator or Transporter during regular business hours to determine whether the Generator or Transporter is complying with this Ordinance and the City of Abilene FOG Guidelines and Procedures.

(b) The Generator or Transporter shall allow the City ready access to all parts of such premises for purposes of inspection, sampling, and the performance of any of their duties. The failure or refusal to comply with these provisions shall be grounds for enforcement action.

(1) The City shall have the right to set up on the Generator's premises, or require installation of, such devices as are necessary to conduct sampling and/or inspection of the Generator's operations.

(2) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the Generator at the written or verbal request of the City and shall not be replaced.

(3) Unreasonable delays in allowing the City access to the Generator's premises shall be a violation of this Ordinance.

(c) *Nuisances*

(1) Any premises upon which grease and/or grease trap waste has accumulated and which is emitting noxious or offensive odors, or which is creating an unsanitary or unsafe condition, or which is injurious to the public health is hereby declared to be a nuisance and subject to Chapter 19 of the City Code of Ordinances.

(2) A vehicle transporting grease trap waste which is leaking or spilling from such vehicle is hereby declared to be a nuisance and subject to Chapter 19 of the Abilene Code of Ordinances.

Sec. 32-404. Enforcement and Penalties

(a) The City shall have the responsibility for enforcement of the provisions of this Ordinance. The duties of the City shall include ensuring that all Generators and Transporters conform to this Ordinance. The City shall have the authority to adopt policies and procedures consistent with the terms of this Ordinance necessary to implement the provisions of this Ordinance.

(b) *Violations.* It shall be unlawful for any Generator or Transporter to violate any provision or fail to comply with any of the requirements of this Ordinance or the City of Abilene FOG Guidelines and Procedures. Any Generator or Transporter who has violated or continues to violate the provisions of this Ordinance or the City of Abilene FOG Guidelines and Procedures will be subject to the enforcement actions and penalties outlined herein. Such a Generator or Transporter is referred to herein as a Violator.

(c) *Enforcement Actions.* The City may pursue the following enforcement actions as appropriate and as described in the City of Abilene FOG Guidelines and Procedures.

(1) *Voluntary Compliance.* The City may instruct a Violator that commits any acts prohibited by this Ordinance to achieve voluntary compliance as determined by the City. The City may provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

(2) *Notice of Violation.* If the City determines that a Generator or Transporter has violated, or continues to violate, any provision of this Ordinance, a written notice of violation may be provided to the Violator, as described in the City of Abilene FOG Guidelines and Procedures.

(3) *Stop Work Orders.* The City shall retain the authority to issue stop work orders to any Violator that commits any acts prohibited by this Ordinance or the City of Abilene FOG Guidelines and Procedures. If the City determines that voluntary compliance is not feasible, and that a facility is operating in a manner that may lead to a sanitary sewer overflow or damage to the POTW, a written stop work order may be issued as described in the City of Abilene FOG Guidelines and Procedures.

(4) *Suspension of Service*

a. The City may suspend the water supply and/or sanitary sewer connection for any Violator who continues to violate a previous notice to cease discharge into the POTW and fails to comply with this Ordinance or the City of Abilene FOG Guidelines and Procedures. The Violator will be subject to suspension of service if such measures would abate or reduce the discharge.

b. Emergency Suspension of Service - The City may, without prior notice, suspend the water service and/or sanitary sewer service to a Generator to stop an actual or threatened discharge which presents or may present imminent substantial danger as described in the City of Abilene FOG Guidelines and Procedures.

(d) *Schedule of Penalties*

(1) 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 the second violation, and \$2,000 for the third violation within a two-year period. Civil penalties shall be in addition to reimbursement to the City for all costs incurred by the City in responding to the blockage or overflow. More than three violations within a two-year period shall result in an increase in penalty by \$500 for each additional violation and may also result in termination of services.

(2) Any person violating any of the provisions of this Ordinance or the City of Abilene FOG Guidelines and Procedures shall be subject to voluntary compliance 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. More than four violations within a two-year period will result in a \$500 increase in civil penalty for each additional violation and may result in termination of service.

(e) *Right to Reconsideration and Appeal*

(1) Any person subject to a permit revocation, compliance notice, stop work order, suspension notice, or an emergency order may petition the City Manager to reconsider the basis for the action or order within ten (10) days of the affected person's receipt of notice of such action or order. Receipt of notice is presumed to occur three (3) days following the date the notice is mailed, unless notice is actually received earlier.

(2) In its petition for reconsideration, the person must indicate the provisions of the action or order objected to, the reasons for the objections, any facts that are contested, the facts that support the person's view of the facts, and any alternate terms of the action or order that the person would accept.

(3) Failure to submit a timely written petition for reconsideration shall be deemed a waiver of any further right to reconsideration or review of the order.

(4) Within ten (10) days of receipt of the petition for reconsideration, the City Manager shall, in writing, either grant the petition and withdraw or modify the action or order accordingly, or deny the petition, and such granting or denial shall be timely delivered to the petitioner.

(5) The effect of any compliance action or order shall not be stayed pending reconsideration.

(6) Following final determination by the City Manager on the reconsideration, any adversely affected party may challenge such determination in an appropriate court of competent jurisdiction.

(7) Nothing in this section shall limit the authority of the City to take any other enforcement action or prevent existing or further enforcement action from proceeding unless the same is expressly stayed by the City Manager.

EXHIBIT B

City of Abilene, Texas Fats, Oils, & Grease (FOG) Guidelines and Procedures

I. General

- A. Purpose and Objectives: The purpose of this document is to aid in the implementation of the FOG Ordinance.
- B. Administration: The City Manager or his/her designated city official shall administer, implement, and enforce this document in conjunction with the FOG Ordinance.
- C. Applicability: All applicability and prohibitions criteria as described in the FOG Ordinance are valid within this document and are incorporated herein.
- D. Definitions: All definitions in the FOG Ordinance are applicable to this document and are incorporated herein.
- E. Approval: All modifications and changes to this document shall be approved by the City Council.

II. Installation Requirements

A. New Food Preparation-Service Facilities

A grease trap/interceptor and sampling device for a new Food Preparation-Service Facility shall be designed, installed, operated, and maintained in accordance with the FOG Ordinance and this document. The design plan shall be submitted to the City for review and approval prior to installation. The grease trap/interceptor and sampling device shall be inspected and approved by the FOG Program Manager prior to issuance of a Certificate of Occupancy and food permit.

B. Existing Food Preparation-Service Facilities

1. Existing grease trap/interceptors must be operated and maintained in accordance with the FOG Ordinance and this document.
2. All facilities will be required to update their grease trap/interceptor in accordance with the FOG Ordinance and this document when any of the following conditions apply:

- a. City inspections indicate the existing grease trap/interceptor is non-compliant with the current FOG Ordinance and this document resulting in FOG in excess of the limit is passing through the device into the City's sanitary sewer system.
 - b. Renovation or expansion of an existing Food Preparation-Service Facility in the following instances: (1) a grease trap/interceptor is non-existent, or (2) an existing grease trap/interceptor is non-compliant with current FOG Guidelines and Procedures and has a history of non-compliance.
 - c. Addition of a Food Preparation-Service Facility to an existing structure
 - d. If prior to the issuance of a certificate of occupancy, an existing facility has lost its non-conforming use status due to vacancy, any grease trap/interceptor shall be required to be compliant with current FOG Guidelines and Procedures before a new certificate of occupancy can be issued.
3. Notwithstanding Item 2 above, if an existing facility has a grease trap/interceptor that was compliant at the time of original construction, is in good working order, the facility is not increasing its footprint by 50% or more, and the facility does not have a history of non-compliance, a change of ownership or occupancy shall not require the facility to replace the existing grease trap/interceptor with one compliant with the City's current FOG Guidelines and Procedures.
 4. Facilities which meet one or more of the requirements of II.B.2 above shall design, install, operate, and maintain a grease trap/interceptor and sampling device in accordance with the FOG Ordinance and this document. The design plan shall be submitted to the City's FOG Program Manager for review and approval. The grease trap/interceptor and sampling device installation shall be inspected and approved prior to issuance of a Certificate of Occupancy and food permit.
 5. Any existing Food Preparation-Service Facility that does not already have a grease trap/interceptor shall design, install, operate, and maintain a grease trap/interceptor and sampling device in accordance with the FOG Ordinance and this document. The design plan shall be submitted to the City's FOG Program Manager within 90 days of the effective date of the FOG Ordinance. Upon approval, the grease trap/interceptor and sampling device shall be installed within 180 days. Upon written request of the generator, the City Manager may at his or her sole discretion issue an extension of up to an additional 90 days.

C. Sizing Requirements

1. Sizing methods described herein are intended to afford the City's sanitary sewer system a minimum degree of protection from grease.
2. Sizing determinations are based on operational data provided by business owners or their contactors. In approving a Generator's grease trap/interceptor design plan, the City does not accept liability for the failure of a system to adequately treat wastewater to achieve effluent quality requirements specified under the FOG ordinance and this document. It is the responsibility of the Generator to insure the appropriate level of treatment necessary for compliance with environmental and wastewater regulations.
3. The City accepts three different methodologies to determine a minimum acceptable grease trap/interceptor size to balance the City's wastewater collection and treatment requirements with the unique FOG-producing potential of different types of Food Preparation-Service Facilities

D. Approved Sizing Methodologies

1. Method A - Uniform Plumbing Code (UPC)

- a. Reference the 2021 UPC, Chapter 10, Traps and Interceptors, Section 1014.0 through 1014.3.7.
- b. This method is approved and recommended by the Texas Commission on Environmental Quality (TCEQ), and the one most commonly used by municipal governments.
- c. Calculated size is determined by the product of number of meals per peak hour, kitchen wastewater flow rate, kitchen retention time, and a kitchen storage factor (see Figure 1. below).
- d. If calculated grease trap/interceptor volume is less than 500 gallons, the City will require a grease trap/interceptor volume of no less than 500 gallons.
- e. If calculated grease trap/interceptor volume is more than 3,000 gallons, the City will permit a grease trap/interceptor volume of 3,000 gallons.

Figure 1. TCEQ Grease Interceptor Sizing Worksheet - Uniform Plumbing Code Formula

Grease Interceptor Sizing Worksheet

The Uniform Plumbing Code Formula

Company		Calculated By		Date		
Project		Location				
Follow these six simple steps to determine grease interceptor size.						
Enter Calculations Here >	No of Meals Per Peak Hours <input type="text"/> Step 1	Waste Flow Rate <input type="text"/> Step 2	Retention Time <input type="text"/> Step 3	Storage Factor <input type="text"/> Step 4	Calculated Interceptor Size <input type="text"/> Step 5	Grease Interceptor <input type="text"/> Step 6
1	Number of Meals Per Peak Hour (Recommended Formula): Seating Capacity <input type="text"/> X Meal Factor <input type="text"/> = Meals per Peak Hour <input type="text"/> Establishment Type: Fast Food (45 min) Meal Factor 1.33 Restaurant (60 min) Meal Factor 1.00 Leisure Dining (90 min) Meal Factor 0.67 Dinner Club (120 min) Meal Factor 0.50				Notes:	
2	Waste Flow Rate: Condition Flow Rate With a Dishwashing Machine 6 Gallons Without a Dishwashing Machine 5 Gallons Single Service Kitchen 2 Gallons Food Waste Disposer Only 1 Gallon				Notes:	
3	Retention Time Commercial Kitchen Waste Dishwasher 2.5 Hours Single Service Kitchen Single Serving 1.5 Hours				Notes:	
4	Storage Factor Kitchen Type Storage Factor Fully Equipped Commercial Hours of Operation 8 Hours 1.00 12 Hours 1.50 16 Hours 2.00 24 Hours 3.00 Single Service Kitchen 1.50				Notes:	
5	Calculate Liquid Capacity Multiply the values obtained from step 1, 2, 3 and 4. The result is the approximate grease interceptor size for this application				Notes:	
6	Select Grease Interceptor Using the approximate required liquid capacity from step 5, select an appropriate size as recommended by the manufacturer.				Notes:	

2. Method B – Manufacturer Recommended Sizing

- a. As new grease trap/interceptor technologies are developed, manufacturers may be able to provide more precise sizing calculations for their product than is provided by Method A.

- b. Prior to receiving City approval, any Food Preparation-Service Facility desiring to use a manufacturer recommended sizing calculation must submit the formula used and rationale for its use.
 - c. This rationale shall include the following:
 - i. All sizing calculations relevant to the requested facility;
 - ii. Site-specific drawings of the proposed grease trap/interceptor installation;
 - iii. Documentation of the ability of the proposed grease trap/interceptor to meet effluent quality requirements, and
 - iv. Manufacturer's documentation describing the methodology for determining the appropriate size of device.
3. Variance to Methods A and B for Food Preparation-Service Facilities with minimal FOG impact to collection system
- a. Per Section 32.402(a)(4) of the FOG Ordinance, a Food Preparation-Service Facility owner can request that the City Building Official and the Director of Water Utilities approve a variance to using Methods A or B if it is anticipated both would provide unnecessary and excessive issues for its unique type of business.
 - b. The Applicant's request for a variance must include in the request the factors which would justify a variance from the UPC or manufacturer's recommended sizing, including the required items listed below, to ensure the variance would not be detrimental to City infrastructure:
 - i. List of the kitchen cooking and cleaning equipment and drains
 - ii. Description of general kitchen operations
 - iii. Type, description and size of proposed grease trap/interceptor
 - iv. Results from calculations derived using Methods A or B
 - v. Maintenance and cleaning plan consistent with outflow quality limits
 - vi. Proposed grease trap/interceptor location relative to facility's internal and property dimensions
 - c. After analysis of this information, the City will conduct a site survey of the facility to finalize its investigation. Questions needing to be addressed may include, but are not limited to:
 - i. Is there sufficient room outside for an appropriately sized gravity grease trap/interceptor
 - ii. Is there sufficient room inside for an appropriately sized hydro-mechanical grease trap/interceptor
 - iii. Are food items prepared onsite using a deep fryer, griddle, grill, stove, oven or wok?

- iv. Are all food items assembled onsite using various prepackaged components, including meat and/or dairy products?
- v. Are all food items prepared offsite and prepped for serving onsite using only a microwave or a counter-mounted appliance?
- vi. Are food and beverages served using washable, reusable tableware or only with disposable tableware?
- vii. Do beverage orders make up 75% or more of total customer orders?
- viii. Is serving capacity greater than 40 seats or 40 onsite-prepared meals per peak hour?
- ix. Is serving capacity less than or equal to 40 seats or on-site prepared meals per peak hour?

d. The applicant will receive a written response either approving or denying the request for a variance to Methods A and B.

E. Other Design Criteria

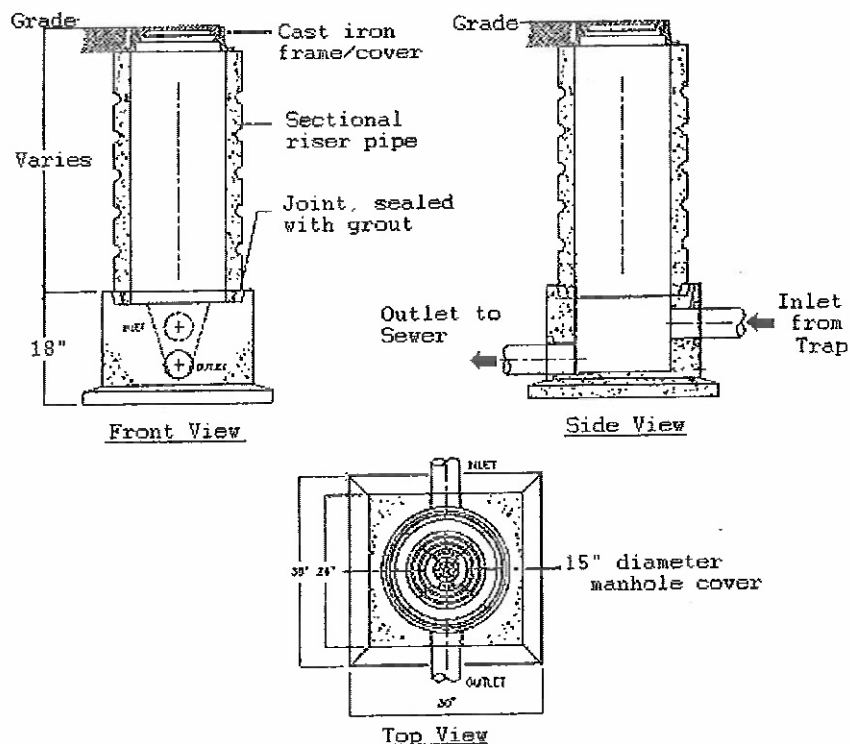
1. A grease-bearing source is any equipment or fixture located within the food preparation areas such as three-compartment sinks, pot/pan sinks, hand-washing sinks, pre-rinse stations, dishwashers, mop sinks, and floor drains which may contain wastewater containing grease.
2. All grease-bearing sources shall be routed through a grease trap/interceptor.
3. A grease trap/interceptor must be installed at a distance of 8 - 10 feet downstream from the last grease-bearing source to allow for adequate cooling of the wastewater, while also preventing grease solidification in the lines.
4. The temperature of the wastewater shall be less than 110 degrees Fahrenheit prior to entering the grease trap/interceptor.
5. Each grease trap/interceptor shall be constructed with a minimum of one baffle wall.
6. Drains that receive "clear waste" only, such as from ice machines, condensate from coils and drink stations, may be plumbed to directly into the sanitary system without passing through the grease trap/interceptor.
7. Grease trap/interceptors shall not receive domestic wastewater or sewage.
8. Grease trap/interceptors must be accessible for service by appropriate vehicles and equipment.

9. A flow control device controls the rate of flow through a grease trap/interceptor (50 gallons or less) so that the grease has sufficient time to cool and separate from the wastewater. Without such a device, a grease trap/interceptor (50 gallons or less) cannot function properly. Existing grease trap/interceptors (50 gallons or less) that do not have a flow control device shall be required to design, install, operate, and maintain such a device in accordance with the FOG Ordinance and this document.

F. Sampling Devices

1. Each grease trap/interceptor must be installed with an effluent sampling well, equivalent to the following:
2. Sampling wells will have a minimum 15" diameter access with ring and lid and a minimum 4" drop from inlet to outlet piping through the sampling well.
3. An existing facility with an interior, above-floor installed grease trap/interceptor may install an effluent valve assembly which allows for sample collection instead of a sampling well.

Figure 2. Typical Sampling Well.



III. Cleaning and Maintenance Requirements

A. Grease trap/interceptors shall be operated and maintained at all times in accordance with the FOG Ordinance and this document.

B. Cleaning Schedule

1. Each grease trap/interceptor (more than 50 gallons) shall be cleaned at a frequency as described in the FOG Ordinance and this document.
2. Each grease trap/interceptor (50 gallons or less) shall be cleaned at least monthly, or more often as necessary to insure the wastewater discharge contains no visible grease and meets the BOD, FOG, pH, and TSS discharge limits described herein.
3. Existing facilities without sampling devices
 - a. Since many of the existing grease trap/interceptors do not have sampling devices at the time the FOG Ordinance goes into effect, a Generator at such a facility will have to rely on the 25% rule to determine if the grease trap/interceptor needs pumping. This can be difficult to measure without a sampling pole. Therefore, the City provides this general rule of thumb as a guide to assist Generators in making the determination. In general, the 25% rule has been met when the grease layer (top layer) is 5-6 inches thick for grease trap/interceptor (more than 50 gallons) and 2-3 inches thick for a grease trap/interceptor (50 gallons or less).
 - b. If the 25% rule is met before the next scheduled pump out, then the grease trap/interceptor shall be pumped more often.
 - c. Alternatively, an existing facility may choose to install a sampling device in accordance with the FOG Ordinance and this document in order to base the cleaning frequency on the actual discharge data from their grease trap/interceptor. An existing facility with an interior, above-floor installed grease trap/interceptor may install an effluent valve assembly which allows for sample collection instead of a sampling well.
4. If the 25% rule and sampling results differ for a grease trap/interceptor, the sampling results will prevail since they measure the discharge that is actually leaving the grease trap/interceptor and entering the POTW.
5. Facilities that are seasonal or have irregular operation schedules may request an alternate cleaning schedule that will be appropriate for their facility. Alternate cleaning schedule requests will be addressed by the City on a case by case basis. The request

must be made to the City's FOG Program Manager in writing and include the following:

- a. Business name and street address
- b. Grease trap/interceptor operator name, title, and phone number
- c. Description of operation schedule
- d. Size and location of grease trap/interceptor
- e. Number of meals served during peak hour of operation

C. Cleaning Procedures

1. All cleaning and pumping of grease trap/interceptors shall be conducted by a Transporter as defined in the FOG Ordinance, unless the Generator is a participant in the Self-Cleaning Program as defined in Section III.D.
2. The Generator shall supervise the cleaning and pumping of the grease trap/interceptor.
3. The following cleaning and pumping procedures shall be utilized by the Transporter during each cleaning event:
 - a. Break up and remove grease layer.
 - b. Scrape and wash sides of grease trap/interceptor, removing some of the liquid layer as necessary.
 - c. Verify that all crossover holes are clear and functioning.
 - d. Clean and inspect baffles for damage.
 - e. Completely pump out remaining liquid and solids unless the grease trap/interceptor volume is greater than the tank capacity of the transport vehicle in which case the Transporter shall arrange or provide additional transportation capacity so that the grease trap/interceptor is fully evacuated within a 24-hour period per the FOG Ordinance.
 - f. Skimming the surface layer of the waste material, partial cleaning of the grease trap/interceptor, or use of any method which does not remove the entire contents of the grease trap/interceptor is prohibited as described in the FOG Ordinance.
 - g. Inspect grease trap/interceptor for damage, photograph any areas that may need maintenance or repair, and report findings to Generator.

h. Document findings on the trip ticket.

D. Self-Cleaning Program

1. Grease trap/interceptor self-cleaning operators must receive approval from the FOG Program Manager annually prior to removing grease from their own grease trap/interceptor located inside a building, provided:
 - a. The grease trap/interceptor 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. 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
 - d. Detailed records of these activities are maintained.
2. 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.
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.
 - g. Keep maintenance logs onsite for five years from the date of cleaning.
4. Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

IV. Wastewater Discharge Limits

- A. Wastewater discharge limits shall be monitored at the sampling device by means of a grab sample.
- B. There shall be no visible grease in the grab sample.
- C. The FOG concentration limit is 200 mg/L or less.
- D. The BOD limit is 250 mg/L or less.
- E. The TSS limit is 250 mg/L or less.
- F. The pH must be between 5 and 11.

V. Manifest Requirements

- A. Each pump-out of a grease trap/interceptor by a Transporter must be accompanied by a manifest to be used for record keeping purposes.
- B. 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:
 - 1. name, address, telephone, and TCEQ registration number of Transporter;
 - 2. name, signature, address, and phone number of the Generator and the date collected;

3. type and amount(s) of waste collected or transported;
4. name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
5. date and place where the waste was deposited;
6. identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
7. name and signature of the facility on-site representative acknowledging receipt of the waste and the amount of waste received;
8. the volume of the grease waste received; and
9. a consecutive numerical tracking number to assist Transporters, Generators, and regulating authorities in tracking the volume of grease waste transported.

C. Manifests shall be divided into five parts and records shall be maintained as follows:

1. One part of the manifest shall have the Generator and Transporter information completed and shall be given to the Generator at the time of waste pickup.
2. 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.
3. One part of the manifest shall go to the receiving facility.
4. One part shall go to the Transporter, who shall retain a copy of all manifests showing the collection and disposition of waste. The manifests shall be readily available for review by the City.
5. One copy of the manifest shall be returned by the Transporter to the Generator within 15 days after the waste is received at the disposal or processing facility.
6. Copies of manifests returned to the Generator shall be retained on-site by the Generator for five years and be readily available for review by the FOG Program Manager.

VI. Administrative Authority and Enforcement

A. All administrative authority, including right of entry, inspection, and sampling, as well as enforcement procedures and criteria as described in the FOG Ordinance are valid within this document and are incorporated herein.

B. Enforcement Actions

1. Voluntary Compliance – The City may instruct a Violator that commits any acts prohibited by the FOG Ordinance or this document to achieve voluntary compliance as determined by the City. The City may provide a reasonable amount of time, specific to the occurrence, to remedy the violation.
2. Notice of Violation – If the City determines that a Generator or Transporter has violated, or continues to violate, any provision of the FOG Ordinance or this document, a written notice of violation will be provided to the Violator, unless an emergency condition exists.
 - a. The notice shall state the measures required to come into full compliance and shall specify the time within which such measures shall be completed.
 - b. Failure to comply within the time specified shall be a separate offense and subject to the penalties described in the FOG Ordinance.
 - c. Issuance of a notice of violation shall not be a bar against, or a prerequisite for, taking any other action against the Violator.
3. Stop Work Orders
 - a. The City shall retain the authority to issue stop work orders to any Violator that commits any acts prohibited by the FOG Ordinance or this document.
 - b. If the City determines that voluntary compliance is not feasible, and that a facility is operating in a manner that may lead to a sanitary sewer overflow or damage to the POTW, a written stop work order may be issued and such work shall be immediately terminated.
 - c. The stop work order shall be provided to the Violator and shall state the conditions required to come into compliance. Work may not be resumed until the City has verified that the conditions of the stop work order have been met.
 - d. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the Violator.

4. Suspension of Service

- a. The City may suspend the water supply and/or sanitary sewer connection for any Violator who continues to violate a previous notice to cease discharge into the POTW and fails to comply with the FOG Ordinance or this document. The water supply and/or sanitary sewer connection will be subject to suspension if such measures would abate or reduce the discharge.
- b. The City will notify a Violator of the proposed suspension of its water supply and/or sanitary sewer connection. The Violator may petition the City for a reconsideration hearing and then may petition the municipal court if dissatisfied with the City's decision.
- c. The City shall not reinstate the suspended water supply and/or sanitary sewer connection services to the Violator until:
 - i. The Violator presents satisfactory evidence to the City that the non-complying wastewater discharge has been eliminated and its cause determined and corrected; and
 - ii. The Violator reimburses the City for all costs incurred in suspending and reinstating the water supply and/or sanitary sewer connection. The Violator shall be responsible to the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the POTW incurred by the City while responding to, abating, and remediating the unlawful discharge.
- d. Emergency Suspension of Service - The City may, without prior notice, suspend the water service and/or sanitary sewer service to a Generator to stop an actual or threatened discharge which:
 - i. Presents or may present imminent substantial danger to the environment or to the health or welfare of persons;
 - ii. Presents or may present imminent substantial danger to the POTW (including pass through or interference), municipal storm water drainage system, or waters of the United States; or

As soon as practicable after the emergency suspension of service, the City shall notify the Violator of the suspension of service. Service shall be reinstated as per Section VI.B.4.c above.

- e. A Generator commits a separate offense if the Generator reinstates water service and/or sanitary sewer service to the premises suspended or disconnected pursuant to this section, without the prior written approval of the City.
- f. Suspension of service shall not be a bar against, or a prerequisite for, taking other action against a Violator as allowed by law.

PART 2: That the Fats, Oils, and Grease (FOG) Guidelines and Procedures be amended by making various changes primarily to Section II. Installation Requirements by providing methodologies A and B for selecting and sizing of grease trap/interceptors and Methodology C for requesting a variance to Methods A and B, as set out in Exhibit "B", attached hereto and made a part of this ordinance for all purposes.

PART 3: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 4: That any person, firm, or corporation violating the provisions of this Ordinance, shall be subject to escalating enforcement actions and schedule of penalties described in this Article VIII.

Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 4th day of November, 2021.

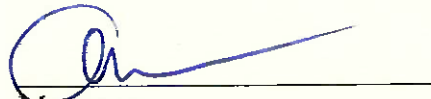
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 14th day of November, 2021, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 18th day of November, 2021, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 18th day of November, 2021.

ATTEST:




City Secretary



Mayor

APPROVED:



City Attorney