

ORDINANCE 2384

AN ORDINANCE TO SET FORTH UNIFORM REQUIREMENTS FOR THE DISCHARGE OF FATS, OILS AND GREASE (FOG) INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF THE CITY OF WEST MEMPHIS; AND FOR OTHER PURPOSES.

Section 1. Scope and Purpose.

The objective of this ordinance is to aid in preventing the introduction and accumulation of fats, oils and greases into the City of West Memphis wastewater system which will or tend to cause or contribute to the sanitary sewer blockages and obstructions. Food Service Establishments and other industrial and commercial Establishments generating wastewater containing fats, oils and greases are subject to this ordinance. This ordinance regulates such users by requiring that grease interceptors/traps and other approved strategies be installed, implemented and maintained in accordance with the provisions hereof. All interceptors/traps shall be of a type and capacity approved by the Governing Board. Where a grease interceptor/trap currently exists or is required by the Governing Board, the owner, leaseholder or operator at his expense shall maintain it for continuous, satisfactory and effective operation.

The intent of this ordinance is to ensure compliance with the City of West Memphis NPDES Permit which is required by the Arkansas Department of Environmental Quality (ADEQ) and the United States Environmental Protection Agency (EPA). This ordinance is in no way intended to discourage development, but rather to protect the facilities and the City's infrastructure as it relates to the City's wastewater collection and treatment system.

Section 2. Definitions.

Governing Board. The West Memphis Utility Commission (Utility), which may act through the General Manager, his deputy, agent or representative referred to as the Director of Environmental Quality.

General Manager. The General Manager of the West Memphis Utility Commission is the person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities by this Ordinance, or his duly authorized representative referred to as the Director of Environmental Quality.

Director of Environmental Quality. Authorized representative of the West Memphis Utility Commission and the General Manager of the West Memphis Utility Commission that administers, implements, and enforces the provisions of this ordinance, the Pretreatment Program and Sewer Use ordinance.

Fats, Oils and Greases means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test methods established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease, greases or FOG."

Property Owner and/or Food Service Establishment Owner shall mean an individual, firm, company, corporation, or group upon whose property the building or structure is located or will be constructed.

Food Service Establishments (FSE) means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption food items and that use one or more

of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. 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. These establishments include but are not limited to the following: restaurants, grocery stores, hotels, cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, catering services and correctional facilities.

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

Grease Interceptor/Trap means a device for separating waterborne greases and grease complexes from the wastewater and retaining such greases and grease complexes prior to the wastewater exiting the interceptor/trap and entering the wastewater collection and treatment system. Grease interceptors/traps also serve to collect solids that settle, generated by and from activities that subject users to this ordinance, prior to the water exiting the interceptor/trap and entering the wastewater collection and treatment system.

Common Interceptor/Trap means one or more interceptor/trap receiving fats, oils and grease (FOG) laden wastewater from more than one establishment. These interceptors/traps may be located at multi-tenant spaces and other sites where multiple establishments are connected to a single grease interceptor/trap. The owner of the property on which the common interceptor/trap is located shall be primarily responsible for the maintenance, upkeep and repair of the common interceptor/trap.

Minimum Design Capability is the design features of a grease interceptor/trap and its ability or volume or volume required to effectively intercept and retain greases from grease laden wastewaters discharged to the collection system.

FU fixture unit.

Mg/L Milligrams per liter.

GPM Gallons per minute.

Section 3. Prohibited Discharge.

The following shall be prohibited discharges:

Solid or viscous substances in amounts which will cause obstruction of the flow in the wastewater collection system resulting in interference with the wastewater treatment plant.

Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L as identified by Environmental Protection Agency (EPA) approved methods.

Section 4. Grease Interceptor/Trap Installation, Sizing.

Grease interceptors/traps shall be installed and maintained at the user's expense, when a user operates a Food Service Establishments (FSE). Grease interceptors/traps may be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when the establishment generates wastewater containing fat or grease and the Director of Environmental Quality determines an interceptor/trap is necessary to prevent contribution or accumulation of grease to the collection and treatment system.

When a grease interceptor/trap is required, a detailed plumbing fixture plan must be submitted. All grease interceptors/traps shall be designed according to minimum standards of the Arkansas Plumbing Code, Chapter (Traps, Interceptors and Separators), and be of a type, capacity, and location approved by the Director of Environmental Quality

The Governing Board reserves the right to make determinations of grease interceptors/traps adequacy and need, based on review of all relevant information regarding the grease interceptor/trap performance, facility site and building plan review and to require repairs, modification or replacement of such interceptors/trap.

Access manholes shall be provided over each chamber and sanitary tee. The access manhole shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable cover to facilitate inspection, grease removal and wastewater sampling activities.

No non-grease laden sources are allowed to be connected to wastewater lines intended for grease interceptor/trap waste.

Section 5. General Requirements.

All interceptors/traps shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors/traps are to be maintained in proper operating order by the owner, and at their expense. All grease interceptors/traps shall be routinely maintained to prevent the discharge of any water or waste containing fats, oils, and grease whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit and (0 degrees-65 degrees Celsius) to the City's collection system.

Any Food Service Establishment whose effluent discharge to the wastewater collection system is determined by the Director of Environmental Quality to cause interference in the conveyance or operation of the collection system may be required to sample its grease interceptor/trap discharge and have it analyzed for oil and grease at the expense of the owner, lease-holder or operator. Results of such analyses shall be reported to the Director of Environmental Quality.

All grease interceptors/traps shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume on the interceptor/trap, but not less often than every ninety (90) days. This must be done by a licensed hauler. The required maintenance frequency can be changed by the Director of Environmental Quality upon written notification from the property owner or food service establishment.

The property owner and/or Food Service Establishments owner/operator shall be responsible for ensuring that no waste or wastewater pumped from the grease interceptor/trap is reintroduced back into the interceptor/trap or to the City of West Memphis wastewater collection system. This is a violation of said ordinance and can result in enforcement action.

The property owner and/or Food Service Establishments owner/operator are required to keep the grease inceptor/trap free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, etc., which could clog or settle in the inceptor/trap, thereby reducing the effective volume or capacity of the interceptor/trap.

The use of biological or other additives as grease degradation or conditioning agent is not considered acceptable interceptor/trap maintenance practices and shall not be used as an alternative to the pumping of said interceptor/trap.

All grease interceptors/traps shall be maintained in efficient operation at all times by the property owner and/or Food Service Establishment at the property owner and/or Food Service Establishment's expense.

If an obstruction of the City's sewer main occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflows or failure of the collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the City's sewer mains, the Director of Environmental Quality will take appropriate enforcement action, as stipulated in the City's Sewer Use ordinance, against the generator or contributor of such action.

Food Service Establishments whose operations cause or allow excessive fats, oils and grease to discharge or accumulate in the City's wastewater collection system shall be liable to West Memphis Utility for costs related to service calls for line blockages, line cleaning, line and pump repairs, etc. This includes all labor, materials and equipment. Failure to pay all service-related charges shall also be grounds for termination of service.

A Food Service Establishment determined to have no immediate adverse impact on the City of West Memphis wastewater collection system because of the business type may be granted an exemption from the grease interceptor/trap installation requirements. The Director of Environmental Quality may, at any time, revoke an exemption and require that a grease interceptor/trap be installed.

To obtain an exemption, a Food Service Establishment must provide a written request to the Director of Environmental Quality stating grounds for the exemption and request an inspection.

Exemption for grease interceptor/trap by virtue of business type:

An establishment serving beverages only;

An establishment serving beverages and/or ready to eat, packaged or unpackaged food items (with or without warming);

Other establishments serving only ready to eat foods with or without food warming.

The Director of Environmental Quality and/or duly authorized representative shall have the right to enter the premises of the Food Service Establishment to determine whether the Food Service

Establishment is complying with the requirement of this ordinance. Food Service Establishment shall allow Director of Environmental Quality or an authorized representative, upon presentation of proper credentials, full access to all parts of the premises or the purpose of inspection, monitoring, and/or record examination. Unreasonable delays in allowing the personnel access to the premises shall be a violation of this ordinance and the City of West Memphis Sewer Use ordinance.

All grease interceptors/traps shall be subject to review, evaluation and inspection by Utility personnel during normal working hours. Inspections will determine proper maintenance, change in operation, proper records and files, ability of interceptor/trap to prevent grease from entering the system and any other factors pertaining to grease management. The Director of Environmental Quality reserves the right to make determinations of interceptor/trap condition and adequacy based on review of all information regarding the interceptor/trap performance and required cleaning, maintenance, modification or replacement. The City may require that the Food Service Establishment install monitoring or additional pretreatment equipment deemed necessary for compliance with the ordinance or the City of West Memphis Sewer Use ordinance.

All records shall be available on site for review by the Director of Environmental Quality for three (3) years. The property owner and/or the Food Service Establishments owner/operator shall maintain the service/pumping records that include the following:

- Food Service Establishment name and physical location
- Date and time grease interceptor were cleaned
- Company or qualified agent providing the service
- Name and signature of grease interceptor/trap service company agent performing said service
- Total volume of waste removed
- Name and signature of Food Service establishment's personnel confirming service completion

Section 6. Enforcement.

Enforcement of the Fats, Oils and Grease shall be in accordance with the provisions of the City of West Memphis Enforcement Response Plan which is attached to the Sewer Use ordinance and the Industrial Pretreatment Program. Failure to comply with any provisions of this ordinance may be grounds for civil penalty imposition and/or discontinuance of sanitary sewer service.

The Enforcement Response Plan for the City of West Memphis contains detailed procedures indicating how the Director of Environmental Quality investigates and responds to instances of non-compliance.

The Enforcement Response Plan is a statement of policy by the City of West Memphis. It is not a regulation, code or statute and the Director of Environmental Quality has the authority to amend policy at any time in order to more effectively implement this ordinance.

Nothing in the Enforcement Response Plan shall limit the authority of the Director of Environmental Quality to take any action, including severance of sanitary sewer service without first issuing a Notice of Violation or other less severe action.

The City of West Memphis is authorized to take the following actions in response to noncompliance with the Fats, Oils and Grease ordinance and/or the Sewer Use ordinance:

Notice of Violation
Consent Orders
Show Cause Hearings

Compliance Orders
Cease and Desist Orders
Administrative Fines

Emergency Suspension
Termination of Discharge

Section 7. Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

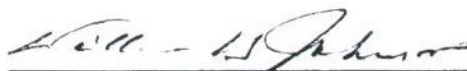
Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address noncompliance; and

Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

Section 8. SEVERABILITY.

The provisions of the Ordinance are severable, and if any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance and the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

PASSED AND APPROVED this 20 day of August, 2015



WILLIAM H. JOHNSON, MAYOR

ATTEST:



PHILLIP PARA, CITY CLERK