ORDINANCE NO. 8871

AN ORDINANCE AMENDING TITLE XVI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER RELATING TO THE GREASE AND OIL MANAGEMENT PROGRAM, IMPLEMENTING THE REQUIREMENTS OF SUCH PROGRAM AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Title XVI of the Pueblo Municipal Code is amended by the addition of the following new Chapter 8 to read as follows:

[CHAPTER 8 – Industrial Cost Recovery System]

CHAPTER 8 – Grease and Oil Management Program

Sec. 16-8-1. Abbreviations and Definitions

(a) *Best Management Practices* or *BMP* mean a schedule of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b). Prohibitions and maintenance procedures for food and engine service facilities are set forth in Section 16-8-3 of this Chapter.

(b) *Engine Service Facility* means any non-domestic facility which repairs, services or cleans vehicles, machinery or any type of motorized equipment that requires petroleum based lubricants for operation and which may introduce sand and oil into the wastewater collection system. Facilities shall include, but are not limited to: car washes, automotive workshops, gasoline and diesel service stations, machine shops, repair garages and boat repair shops.

(c) *Food Service Facility* means any non-domestic facility which prepares and/or packages food or beverages for sale or consumption, on or off the premises and which may introduce grease into the wastewater collection system. Food service facilities shall include, but are not limited to:"food handling establishments" as defined in Chapter 4 of Title IX even when located in a residence, food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, taverns and all food facilities located within hospitals, hotels, motels, bed and breakfasts, nursing homes, churches, clubs and fraternal organizations, schools and other facilities that prepare, service or otherwise make foods for consumption.

(d) ***Garbage Disposal*** **means a device which shreds or grinds up food and putrescible waste materials into smaller portions for discharge into the City's wastewater collection system.**

(e) ***GMP Official*** **means any City employee assigned to duties in the City's grease management program and designated as a GMP Official by the Wastewater Director.**

(f) ***Gray water*** **means all of the liquid contained in a grease interceptor within the layer below the floating grease layer and above the food solids layer.**

(g) ***Grease*** **means a material, either liquid or solid, composed primarily of fat, oil and grease, and compounds and derivations thereof, from animal or vegetable sources. The terms "fats, oils and grease", "FOG", "oil and grease" or "oil and grease substances" shall all be included within this definition.**

(h) ***Grease Hauler*** **shall mean any person who collects the contents of a grease interceptor, grease trap or sand interceptor and transports it to an approved recycling or disposal facility.**

(i) ***Grease Interceptor*** **means a device usually located outside of a food service facility, which is designed to collect, contain or remove food wastes and grease from the wastestream of a food service facility while allowing the gray water to discharge to the City's wastewater collection system.**

(j) ***Grease Trap*** **means a device located inside a food service facility or under a sink designed to collect, contain or remove food wastes and grease from the wastestream in a food service facility while allowing the gray water to discharge to the wastewater collection system.**

(k) ***Plumbing Code*** **or** ***PC*** **means the current version of plumbing code and appendices thereto, as adopted by the City, as provided in Chapter 4 of Title IV, as amended.**

(l) ***Sand Interceptor*** **means a device to collect, contain, or remove sand, sediment and similar waste material, in addition to any oily or greasy residual wastes contained therein from any engine service facility.**

(m) ***Sand and Oil*** **means any hydrocarbon or petroleum product and sand, grit, gravel or any other aggregate. The terms "petroleum, oils and grease", "POG" or "oil, sand and sediment" shall be included within this definition.**

(n) ***Waste Grease Container*** **means any receptacle used to store liquid waste grease or oils.**

Sec. 16-8-2. Purpose and Applicability

(a) The purposes of this Chapter are:

(1) To prevent the introduction of excessive amounts of grease, sand and oil into the City's wastewater collection system in amounts that, alone or in combination with other discharges, have the potential to disrupt flows in the wastewater collection system or cause interference or pass through in the city's water reclamation facility;

(2) To prevent clogging or blocking of the City's wastewater collection system which may result in backups or sewer overflows upon streets, or within buildings, resulting in expensive clean up costs and potential health risks;

(3) To establish administrative review procedures and reporting requirements; and

(4) To establish enforcement procedures for violations of any part or requirement of this Chapter.

(b) The provisions of this Chapter shall be applicable to all existing food and engine service facilities that are located within the corporate boundaries of the City of Pueblo and to all food and engine service facilities that commence operations within said boundaries on or after the effective date of this Chapter. The provisions of this Chapter shall also apply to all grease haulers which provide service to any food and engine service facility located within the City of Pueblo, regardless of where the grease hauler may have its principal place of business.

(c) The requirements of this Chapter shall further apply to persons outside the City who are, by contract or agreement with the City, users of the City's Wastewater collection system including Blende Sanitation District or other sanitation district. Any such district shall adopt any necessary rules and regulations to assure compliance with and enforcement of the requirements of this Chapter.

Sec. 16-8-3. Best Management Practices

(a) Food Service Facility

(1) All food service facilities shall comply with the following Best Management Practices in an effort to minimize the discharge of grease into the City's wastewater collection system:

a. **Employee training shall be provided as part of the normal orientation process and annually thereafter including, at a minimum, the following subjects:**

1. How to scrape excess food into the garbage and "dry wipe" pots, pans, dishware and work areas before washing to remove grease.

2. How to capture accumulated oil during the cleaning of stoves and ventilation exhaust hoods and dispose in a waste grease container.

3. Methods on how to dispose of liquid grease or oils from cooking equipment into a waste grease container without spilling.

4. The location, use and disposal of absorption products to clean any spills under fryer baskets and other locations where grease may be spilled or dripped.

b. **Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be made available for review at any time by the GMP official.**

(2) Drain screens shall be installed on all drainage pipes in food preparation areas.

(3) "No Grease" signs shall be posted above sinks and on the front of dishwashers.

(4) All liquid oil and grease shall be poured into a waste grease container where it can be recycled or disposed of properly in accordance with Federal, State and local regulations.

(5) Food wastes shall be disposed of directly into the trash or garbage and not in the drain. In-sink garbage disposal units shall not be installed in any food service facility. The City discourages the continued use of existing in-sink garbage disposal units, as these can increase the introduction of grease into the City's wastewater collection system. However, if used, garbage disposal units must be connected to a grease trap or grease interceptor. Garbage disposal units shall not be used for disposal of any food wastes that can be disposed as solid waste.

(b) Engine Service Facility BMPs

(1) All engine service facilities shall comply with the following Best Management Practices in an effort to minimize the discharge of oil, sand and sediment into the City's wastewater collection system:

a. Employee training shall be provided as part of the normal orientation process and annually thereafter and shall include, at a minimum, the following subjects:

1. How to sweep floors prior to floor wash down to ensure there is no excessive oil or sand entering the City's wastewater collection system.

2. The location, use, and disposal of absorption products to clean any spills (washing spills into drains is prohibited); and

3. How to properly dispose of oils and other wastes into designated containers without spilling. At no time shall any oils or hazardous wastes be poured directly into the sand/oil interceptor.

b. Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be made available for review at any reasonable time by the GMP official.

(2) Funnels or pumps shall be used to transfer automotive or other commercial or industrial fluids and chemicals, oil and like substances.

(3) Drip pans or containers shall be kept under the vehicles at all times during maintenance. Drip pans or containers shall be kept under stored or out of service vehicles awaiting restoration or service if leakage is suspected.

(4) Spent or spilled automotive or other commercial or industrial fluids and chemicals, oils and like substances shall not be washed down a drain that is tied to the City's wastewater collection system.

(5) Dry cleanup methods shall be used to clean spills of automotive or other commercial or industrial fluids and chemicals, oils and like substances. Absorbent materials shall be available for dry cleanup.

(6) No wastewater, fluids or other substances from commercial and industrial operations containing hazardous wastes, heavy metals, or other prohibited discharge shall enter the interceptor or any drain tied to the City's wastewater collection system.

(7) Signs shall be posted in process areas with floor drains and above sinks prohibiting the discharge of oil and other chemical waste down the drains.

Sec. 16-8-4. General Requirements for Grease Interceptors and Sand Interceptors

(a) All food service facilities shall have one or more adequately sized grease interceptors. All engine service facilities shall have one or more adequately sized sand interceptors. The requirements in this Chapter are in addition to any applicable requirements of the Plumbing and Building Codes and, to the extent of any conflict, supersede the requirements of the Plumbing and Building Codes.

(1) Food and engine service facilities which are newly proposed or expanded, and existing structures which will be renovated to include a food or engine service facility, where such facility did not previously exist shall be required to install, operate and maintain one or more grease interceptors or sand interceptors in accordance with the requirements contained in Sections 16-8-4 and 16-8-5 of this Chapter. The required device shall be installed prior to issuance of the certificate of occupancy.

(2) With respect to the general and technical requirements set forth in Sections 16-8-4 and 16-8-5 of this Chapter, all food and engine service facilities existing within the City prior to the effective date of this Chapter shall be allowed to operate and maintain existing grease interceptors, grease traps, and sand interceptors, provided such devices are functioning and in proper operating condition, and provided the facility has not been issued a written order pursuant to Subsection (a)(3) of this Section.

(3) The GMP official may, by written order issued pursuant to Section 16-8-9 of this Chapter, require an existing food or engine service facility to install, operate and maintain a new grease interceptor or sand interceptor that complies with the requirements of this Chapter, or to modify or repair any noncompliant plumbing or existing grease trap, grease interceptor or sand interceptor. The GMP official may issue such order upon any of the following basis:

a. The facility is found to be contributing grease or sand and oil in quantities sufficient to cause sewer line clogging or necessitate increased maintenance on the wastewater collection system;

b. The facility has an undersized, inoperable or defective grease trap, grease interceptor or sand interceptor;

c. Proposed renovation of the facility's plumbing system which will introduce or permit the introduction of excessive amounts of grease or sand and oil into the City's wastewater system;

d. The facility has failed to implement or otherwise comply with the BMPs set forth in Section 16-8-3 of this Chapter; or

e. There has been a sale, transfer or conveyance of ownership of the existing food or engine service facility.

Sec. 16-8-5. Technical Requirements for Grease Interceptors and Sand Interceptors

(a) **Grease interceptors and sand interceptors shall have a minimum of two (2) compartments and shall be capable of separation and retention of grease and storage of settled solids. Interceptor design shall conform with the requirements of the Plumbing Code. A control manhole over each compartment for monitoring purposes shall be required and installed at the owner/operators sole expense. Covers shall have a gas tight fit. The interceptor shall be designed, constructed and installed for the calculated loading. Flow control devices shall be required where the water flow through the interceptor may exceed its rated flow. Interceptors shall be installed in a location outside the building which provides easy access at all times for inspections, cleaning and proper maintenance, including pumping.**

(b) **Grease interceptors and sand interceptors shall be vented in accordance with the Plumbing Code. The vent shall terminate not less than six (6) inches above the flood-rim level or in accordance with the manufacturers' instructions.**

(c) **Grease interceptor and sand interceptor capacity calculations shall be performed by the food or engine service facility based on size and type of operation according to the formula contained in the Plumbing Code. Where sufficient capacity cannot be achieved with a single unit, installation of interceptors in series is required.**

16-8-6. Maintenance, Record Keeping and Inspections

(a) Maintenance.

(1) Each food and engine service facility shall be responsible for the costs of installing, inspecting, pumping, cleaning and maintenance of a grease interceptor or sand interceptor. Pumping services and disposal shall include the complete removal of all contents, including floating materials, wastewater and bottom sludges and solids. Cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe work. It shall be the

responsibility of each facility to inspect its grease interceptor, or sand interceptors during the pumping procedure to ensure that it is properly cleaned and that all internal fittings and fixtures are in working condition and functioning properly. The solids, grease, and sand shall be disposed of in a solid waste disposal facility authorized to receive such waste or it may be recycled. No grease, solid materials removed or sand and oil shall be returned to any grease interceptor, sand interceptor, private sewer line, or to any portion of the City's wastewater collection system or the City Water Reclamation Facility without prior written permission from the Wastewater Department.

(2) Each food or engine service facility may contract with a grease hauler who has been issued a permit by the City for cleaning services or it may develop a written protocol and perform its own cleaning and maintenance procedures.

(3) Each food and engine service facility shall have its interceptor(s) pumped according to the following criteria for each facility:

a. Food Service Facilities shall determine frequency of pumping of its grease interceptor(s) according to the following criteria;

1. Food service grease interceptors shall be pumped no less than once per month; or

When the floatable grease layer exceeds six inches (6") in depth as measured by an approved dipping method; or

3. When the settled solids layer exceeds eight inches (8") in depth as measured by an approved dipping method; or

4. When the total volume of captured grease and solid material displaces more than 20% of the capacity of the interceptor as calculated using an approved dipping method; or

5. When the interceptor is not retaining/capturing oils and greases; or the removal efficiency of the device, as determined through sampling and analysis, is less than eighty percent (80%).

b. Engine service facilities shall determine their frequency of pumping according to the following criteria;

1. Sand interceptors shall be pumped no less than once every quarter for truck washes, heavy equipment washes, and commercial washes and no less than once every year for all other users; or

2. If the total accumulation of solids, debris and oil exceeds 25% of either the total capacity or 25% of the capacity of any one chamber.

(4) Any chemicals, enzymes, emulsifies, live bacteria or other grease cutters or additives used by a food or engine service facility or the grease hauler must be approved by the Wastewater Director prior to their use. MSDS sheets and manufacturer instructions for use shall be submitted to the City together with a written statement outlining the proposed use of the additive(s) by the facility or grease hauler. Based upon the information received and any other information obtained from the potential user or supplier, the City shall allow or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time. In no circumstance shall the use of additives alone take the place of regular pumping and cleaning.

(b) Record Keeping.

(1) Each food and engine service facility shall keep accurate records of all services performed on a grease and sand interceptor including the identification of the person or persons performing the services, the date and time of the cleaning, maintenance, repairs or other services performed. The records shall be available for inspection by the GMP official upon request.

(2) Each food and engine service facility shall submit a semi-annual report to the City on a form provided by the City. Reports shall be submitted on or before the last day of June and December in each year. Each report shall record the number of times a grease interceptor or sand interceptor has been cleaned since the last report and shall indicate the volume of liquids and solids removed on each occasion and the name and address of the grease hauler. If a variance has been granted under Section 16-8-7 of this Chapter, the alternate cleaning frequency shall also be reported. Each report shall also note any repairs that have been made to a grease interceptor, or sand interceptor including the dates that these repairs were made. Reports shall be submitted to the Pretreatment Division of the Wastewater Department and shall be deemed to be in violation of this requirement if they are received by the City more than 30 days after the deadline for submission. All maintenance records are required to be kept for a minimum of three years.

(c) Inspections.

(1) The City may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with any requirement of this Chapter.

(2) Inspection results will be provided in writing to the facility.

Sec. 16-8-7. Variance.

(a) A conditional waiver of the requirements of a grease interceptor or sand interceptor may be granted by the Wastewater Director upon the following conditions:

(1) The food or engine service facility will have negligible discharge of grease and sand and an insignificant impact to the City's wastewater collection system; or

(2) The installation of a grease interceptor or sand interceptor is not feasible due to lack of adequate space or inadequate slope.

(b) A variance may be granted from the requirements of a grease interceptor to allow alternative pretreatment technology. Approval shall be conditioned upon the facility establishing the proven removal efficiencies of the proposed alternative pretreatment technology and reliability of operations.

(c) A variance may be granted to the monthly and/or quarterly pumping requirements contained in Subsection 16-8-6(a)(3) of this Chapter where the facility establishes that an extended period will not result in the grease or sand interceptors exceeding the limitations otherwise set forth in Subsection 16-8-6(a)(3) of this Chapter. The City may require inspection by a GMP official to document and verify same.

The applicant for any variance or waiver under this Section has the burden of proof of demonstrating that it meets the conditions for any variance or waiver. All such applications shall be in writing and shall be filed with the Wastewater Director. A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance which shall include compliance with all other requirements of this Chapter including applicable BMPs set forth under Section 16-8-3 of this Chapter. A variance or waiver may be revoked by the director at any time upon his or her determination that any of the terms or conditions for its issuance is not satisfied or if the conditions upon which the variance or waiver was based have changed so that the justification for the variance or waiver no longer exists. The variance or waiver shall be valid so long as the food or engine service facility remains in compliance with the terms and conditions or until the expiration date in the variance or waiver.

Sec. 16-8-8. Grease Hauler Businesses; Permits.

(a) Any person operating as a grease hauler shall obtain a permit to conduct a septic waste business pursuant to the provisions of Chapter 10 of Title XVI of this Code and shall fully comply with the requirements thereof.

(b) All septic waste businesses holding a valid permit under said Chapter 10 may operate as grease haulers without payment of an additional permit fee.

Sec. 16-8-9. Enforcement.

(a) The GMP official is authorized and empowered to administer and enforce this Chapter with authority to issue to any person in violation of any provision of this Chapter a notice of violation and order to correct. An appeal of such notice and order may be taken by filing with the Wastewater Director a written appeal specifying the grounds for appeal. Any such appeal must be filed within fourteen (14) days of service of the notice and order. Upon timely filing of an appeal, the GMP official shall transmit to the Wastewater Director all papers constituting the record upon which the action appealed was taken. The Wastewater Director shall fix a date and time for the hearing of the appeal, give ten (10) days' notice thereof to the parties in interest, and decide the same within a reasonable time.

(b) It shall be unlawful and a class 1 municipal offense for any person:

(1) To knowingly obstruct, hinder or interfere with any GMP official or other employee of the Wastewater Department acting under color of his or her official authority, in the discharge or apparent discharge of his or her duties, by means of physical force or violence, or by threats of imminent physical force or violence;

(2) To fail to make, maintain or produce on demand any record required to be kept as required by this Chapter; or

(3) To fail to install, repair, maintain, clean, or operate any grease interceptor or sand interceptor as required by this Chapter.

(c) It shall be unlawful and a class 1 municipal offense for any person served with a notice and order issued by the GMP official pursuant to Section 16-8-9(a) of this Chapter to fail to comply with the order within the time specified in the order. Failure to comply with an order of the GMP official as herein provided constitutes a separate and independent violation in addition to and not in substitution of any other violation of the provisions of this Chapter. It shall be an affirmative defense to a violation of this Subsection (c) that the order has been duly and timely appealed to the Wastewater Director, and the Wastewater Director has reversed or modified the order after notice and hearing.

SECTION 2.

The officers of the City are directed and authorized to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

SECTION 3.

If any provision of this Ordinance shall be determined to be invalid, inoperative or unenforceable, such determination shall not affect any other provision or provisions of this Ordinance or render same invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 4.

This Ordinance shall become effective one year after final passage and approval.

INTRODUCED: March 23, 2015

BY: Ed Brown
Councilperson

APPROVED: _____
PRESIDENT OF CITY COUNCIL

ATTESTED BY: _____
CITY CLERK

PASSED AND APPROVED: May 26, 2015