

AN ORDINANCE REGULATING THE DISCHARGE OF FATS, OILS AND GREASE (FOGs) INTO THE WASTEWATER COLLECTION SYSTEM OF THE CITY OF CLEVELAND, MISSISSIPPI, ESTABLISHING A GREASE CONTROL PROGRAM, DEFINING TERMS, REQUIRING PERMITS FOR FOOD SERVICE FACILITIES AND ESTABLISHING FEES FOR SUCH PERMITS, PROVIDING FOR BEST MANAGEMENT PRACTICES, PROVIDING REQUIREMENTS FOR GREASE CONTROL DEVICES, ESTABLISHING MAINTENANCE REQUIREMENTS FOR GREASE INTERCEPTORS AND TRAPS, ESTABLISHING COMPLIANCE PROCEDURES FOR THE GREASE CONTROL PROGRAM, PROHIBITING CERTAIN DISCHARGES, REGULATING GREASE HAULERS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Mayor and Board of Aldermen of the City of Cleveland, Mississippi recognize the necessity to regulate the discharge of animal and vegetable fats, oil, and grease to protect the sanitary sewers, storm sewers, and wastewater treatment plant of the City of Cleveland, Mississippi; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Cleveland, Mississippi recognize the necessity to prevent sanitary sewer overflows and increased maintenance costs resulting from grease accumulation in the sanitary sewer system; now therefore,

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Cleveland, Mississippi as follows:

#### **SECTION 1 – Title**

This ordinance may be hereinafter referred to as the City of Cleveland Grease Control Program Ordinance.

#### **SECTION 2 – Definitions**

The following words, terms, and phrases shall have the meaning ascribed to them in this section, except where context clearly indicates a different meaning.

*Alternative grease removal technology* shall mean an automatically operated mechanical device specifically designed to remove grease from the waste stream.

*Applicant* shall mean the owner or agent of any food service facility submitting an application for a Food Service Facility Grease Control Permit to the City of Cleveland Department of Community Development.

*Best management practices* shall mean any program, process, operating method, or measure that controls, prevents, removes, or reduces discharge of FOG.

*City* shall mean the City of Cleveland, Mississippi.

*Department* shall mean the City of Cleveland Department of Community Development.

*Director* shall mean the Director of the City of Cleveland Department of Community Development, his designee, or the person the Director may designate to carry out the functions set forth in the Grease Control Program.

*FOG* shall mean fats, oils, and grease.

**Food** shall mean any raw, cooked, or processed edible substance, ice, beverage, or ingredient intended for human consumption.

**Food service facility** shall mean any facility engaged in the preparation of food for human consumption and/or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places with manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, and similar facilities by whatever named called.

**Fryer oil** shall mean oil that is used and/or reused in fryers for the preparation of foods such as fried chicken and french fries. Discharge of fryer oil into the city sewer system is strictly prohibited.

**Grease** shall mean fats, oils, and grease used for the purpose of preparing food, or resulting from food preparation and includes all elements of FOG. The terms grease and FOG may be used interchangeably.

**Grease interceptor** shall mean an indoor device located in a food service facility or under a sink designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Grease interceptors shall be equipped with a device to control the rate of flow so that the device's rated flow is not exceeded.

**Grease trap** shall mean an outdoor device located underground and outside of a food service facility designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

**Maintenance** shall mean the complete removal of all grease interceptor or trap contents including floatable materials, sludges, and solids. The interceptor or trap must be thoroughly cleaned to remove grease and scum from inner walls and baffles. Interceptor or trap must be filled with cold potable water to complete maintenance operation.

**Mobile food unit** shall mean a self propelled or vehicle mounted unit intended to be used as a food service facility. Mobile food units are not regulated by this program.

**Permit** shall mean written authorization to discharge to the city's wastewater collection system granted by the department to the owner of a food service facility or his/her authorized agent. Permit is also referred to as a Food Service Facility Grease Control Program Permit. Permits are non-transferable. A new owner or operator of an existing food service facility shall apply for and obtain a new permit.

**Sampling vault** shall mean the last point downstream of a grease trap that is specially constructed to allow inspection and sampling prior to discharge of effluent into the city's sanitary sewer collection system.

**Temporary food service facility** shall mean a food service facility that has no permanent sewer connection and operates at the same location for a period of time not to exceed 14 days in conjunction with a single event, such as a fair, carnival, circus, exhibition, festival, or similar temporary gathering. Temporary food service facilities are not regulated by this program.

**User** shall mean the owner or operator of a food service facility that discharges wastewater into the city sanitary sewer.

### **SECTION 3 – Permit Requirements for Food Service Facilities**

Each food service facility shall obtain a permit to enable the inspection and monitoring of facilities which have the potential to discharge FOG to the city sewer system. The annual permit fee for each food service facility shall be fifty dollars (\$50.00) to help offset the cost of inspections for the program.

All information contained in the permit application shall be certified by the applicant as true and complete prior to the city's review for approval. The application shall include the grease interceptors and traps located at a facility which are operated by the same owner or manager. Each grease interceptor and trap shall be identified individually on the application by a unique identifier. The director shall review completed applications for approval within thirty (30) days of receipt.

Permit conditions may include, but are not limited to, the following:

1. Permit duration,
2. Permit fee,
3. Permit is non-transferable,
4. Frequency of inspections,
5. Maintenance requirements,
6. Compliance schedule,
7. Requirements for retaining records,
8. Statement of permission for the director and other duly authorized employees of the city to enter upon the user's property without prior notification for the purpose of inspection, observation, photography, records examination and copying, measurement, sampling or testing, and,
9. Other conditions deemed by the director necessary to ensure compliance with this program and other applicable ordinances, laws and regulations.

If a permit application is denied:

1. The applicant will be advised in writing of the specific cause for the denial within thirty (30) calendar days of the decision to deny the permit application.
2. The applicant who is denied a permit under this program shall have the right to appeal such denial to the Cleveland Board of Appeals. The appeal shall be filed within twenty (20) days of receipt of the notice of denial.

## **SECTION 4 – Exemption from Grease Control Program Permit Requirement**

Food service facilities which do not discharge FOG to the sanitary sewer system may file a written request for exemption from permit requirement. Food service facilities which are granted an exemption from the permit requirement are subject to inspection by city inspectors and are required to notify the city if changes are made which generate grease waste. The application for exemption requires a fifty dollar (\$50.00) fee to cover the cost of initial inspection and processing the request. This is a one-time fee based on the exemption being granted. The exemption will be in effect until there is a change in food service operations.

## **SECTION 5 – Requirements for best management practices (BMPs)**

All food service facilities shall develop and implement best management practices (BMPs) to minimize the discharge of FOG to the sanitary sewer system.

## **SECTION 6 – Requirements for Grease Control Devices**

All new food service facilities that discharge FOG into the sanitary sewer system shall install, operate, and maintain properly sized grease interceptors or traps as indicated below. Existing food service facilities may be required to modify existing grease control devices, or to install new or additional grease control devices, and operate, and maintain properly sized grease interceptors or traps as indicated below.

### Grease Traps (Outdoor)

1. Grease traps shall comply with the requirements of the International Plumbing Code as adopted by the City of Cleveland and shall be sized for the needs of the food service facility.
2. Grease traps shall be sized and installed by a licensed Master Plumber.

### Grease Interceptors (Indoor)

1. Indoor grease interceptors are not allowed for any new structure. Existing structures may apply for a permit to allow grease interceptors if the director verifies that the installation of a grease trap is not possible or reasonably feasible.
2. The director may approve the installation of one or more indoor grease interceptors provided the food service facility is not equipped with a dishwasher and/or a food waste grinder.
3. Grease interceptors shall be listed with the Plumbing and Drainage Institute “Certified Grease Interceptors” and shall be sized in accordance with the International Plumbing Code adopted by the City of Cleveland.
4. Discharge of the following materials to an indoor grease interceptor is prohibited:
  - Wastewater with a temperature higher than one hundred forty (140) degrees Fahrenheit,
  - Wastewater discharged from a dishwasher,
  - Acidic or caustic cleaners, and/or

- Wastewater discharged from a food waste grinder (disposal).

## **SECTION 7 – Maintenance Requirements for Grease Interceptors and Traps**

The twenty-five (25) percent rule requires that the depth of oil and grease (floating and settled) in a trap shall be less than twenty-five (25) percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.

Maintenance of outdoor grease traps shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25 percent rule, or at intervals specified in the permit, whichever is more frequent. Maintenance shall be performed at least every ninety (90) days.

Maintenance of indoor grease interceptors shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as required by inspection and/or sampling or at intervals specified in the permit, whichever is more frequent. Maintenance shall be performed at least every fourteen (14) days.

Food service facilities which operate infrequently or only for special events may request a modification to the maintenance schedule specified above. The director may authorize a maintenance frequency related to the operation of the food service facility. The user shall submit a request for a modified maintenance schedule which includes all details of operation for the director to review.

The user shall be responsible for the proper removal and disposal of the grease interceptor or trap waste. All waste removed from each grease interceptor or trap must be disposed of properly at an appropriate facility designed to receive grease interceptor or trap waste. No grease interceptor or trap waste shall be discharged into any City of Cleveland sanitary or storm sewer system.

Maintenance shall include the complete removal of all grease interceptor or trap contents including floatable materials, wastewater, sludges, and solids. Grease and scum shall be removed from the interior walls and baffles. Interceptor or trap must be filled with cold potable water after cleaning to complete maintenance operations. Grease interceptors and traps shall be operated in accordance with the manufacturer's specifications and/or in accordance with generally accepted engineering standards and practices.

The user shall be responsible for retaining records of the maintenance of grease interceptors and traps including manifests, permits, permit applications, correspondence, sampling data and any other documentation that may be requested by the City of Cleveland. These records shall include the dates of service, volume of waste removed, waste hauler, and disposal site of waste. These records shall be kept on-site at the location of the grease interceptor or trap for a period of three (3) years and are subject to review without prior notification.

## **SECTION 8 – Compliance with Grease Control Program**

Compliance with the Grease Control Program shall be evaluated based on the following criteria:

- Implementation of Best Management Practices (BMPs),
- Grease control device(s) kept in compliance with 25% rule,

- Regularly scheduled maintenance of grease control device(s),
- Documentation of maintenance and proper disposal, and
- Employee education and training.

## **SECTION 9 – Prohibitions**

The following activities are specifically prohibited:

1. Introduction of bacteriological, chemical, or enzymatic elements into the grease interceptor or trap or any element of the plumbing system is specifically prohibited.
2. Disposal of fryer oil to the city sanitary sewer system is specifically prohibited.

## **SECTION 10 – Grease Haulers**

All grease haulers shall be licensed by the Mississippi State Department of Health (MSDH) in accordance with Chapter 2, Subsection 27 of the Mississippi State Department of Health Regulations and Standards, as authorized by Section 41-67-7 of the Mississippi Code of 1972.

In addition to required State licenses, all grease haulers operating in the City of Cleveland shall obtain an annual City of Cleveland Grease Haulers Permit. A Grease Haulers Permit application may be obtained from the Department of Community Development. The fee for obtaining an approved permit shall be twenty-five dollars (\$25.00) and the permit shall be valid for a period of one year from its issuance. Applicants seeking a permit shall provide documentation of the grease disposal site and information for each vehicle used in the hauling of any grease interceptor or trap waste.

Grease trap waste shall not be combined with septic tank waste and transported to the disposal site as part of a mixed load.

Grease manifests shall accompany all grease interceptor and trap waste to the disposal site. The grease hauler shall complete their portion of the grease disposal manifest and deliver the manifest to the disposal site for completion and return to the food service facility being serviced.

Grease interceptor and trap maintenance shall include the following minimum services:

- Complete removal of all grease interceptor or trap contents rather than skimming the top grease layer,
- Thorough cleaning of the grease interceptor or trap to remove grease and scum from inner walls and baffles,
- Filling cleaned interceptor or trap with cold potable water, and
- Completion of waste hauler's section of the grease disposal manifest form and delivery to waste disposal site along with the grease interceptor or trap waste.

Top skimming, decanting or back flushing of the grease interceptor or trap or its contents for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system.

Grease disposal manifests shall accompany all grease interceptor and trap waste and be delivered to the grease disposal site.

Any vehicle used for the transportation of grease interceptor or trap waste shall be maintained in good working order. All hoses, tanks, pumps, pipes, valves and gauges shall be in good repair and free of any leaks which could cause a spillage or discharge of waste from the vehicle. Safety plugs, safety caps and any other devices approved by the director shall be installed in all hoses of the tank to prevent spillage or leakage.

## **SECTION 11 – Penalties**

Any person found to be violating any provision of this ordinance shall be served by the city with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) or imprisonment of not less than thirty (30) days and not more than ninety (90) days, or both such fine and imprisonment. Each day that a violation continues beyond the time limit provided for shall constitute a separate offense.

Chronic violations of the terms of this ordinance may result in the revocation of permits issued to the violator and/or discontinuance of service.

Any person violating any of the provisions of this ordinance who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the city's wastewater collection system shall be liable to the city for any expense, loss, or damage caused by such violation or discharge. The city shall bill the violator for the cost incurred by the city for any cleaning, repair, or replacement work caused by the violation or discharge in the city. Refusal to pay the assessed costs shall constitute a violation of this ordinance and shall result in the revocation of permits issued to the violator and/or discontinuance of service.

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, manifest, or other document filed or required to be maintained pursuant to this ordinance, shall be subject to the penalties as set out above and may result in the suspension or revocation of permits.

## **SECTION 12 – Effective Date**

This ordinance shall be published and shall become effective and be in force thirty (30) days from and after its passage as provided by law.

## **SECTION 13 – Severability**

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**SECTION 14 – Repeal**

All ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provisions of this ordinance, are hereby repealed in their entirety to the extent of such conflict.

ORDAINED, ADOPTED and APPROVED this the 4th day of January, 2011