

ORDINANCE NO. 2587

AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA

WHEREAS, the City Council has determined it is necessary to amend Chapter 52 of the Code of Ordinances to provide for additional requirements and incentives with respect to grease interceptors installed and/or operated by local area foodservice establishments.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, IOWA:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend portions of Chapter 52 of the City Code pertaining to fats, oils and grease to provide for inspection requirements for local area restaurants who have or plan to have grease interceptors installed in their establishments and to provide installation incentives to those who do not currently have such devices in their establishments.

SECTION 2. SECTIONS MODIFIED. Sections 52.038–52.041 of the Code of Ordinances of the City of Clinton, Iowa are amended as follows:

FATS, OILS AND GREASE (FOG)

§ 52.038 INSTALLATION AND MAINTENANCE REQUIREMENTS.

(A) *Installations.*

(1) All establishments subject to this Chapter shall have a grease interceptor installed and in fully operational condition no later than June 30, 2020. Any establishment that demonstrates timely compliance with this subsection shall be entitled to one-time, rebate of fifty percent (50%) of the total cost of installation of the grease interceptor, with the maximum rebate payment not to exceed \$1,500.00. This rebate would only be available to businesses that have installed a compliant grease interceptor between July 1, 2018 and June 30, 2019. No rebates issued pursuant to this section shall be approved or issued for grease interceptors installed after June 30, 2019. However, if an establishment begins installation of a compliant interceptor before June 30, 2019, a rebate shall be approved if the installation of such interceptor is completed within thirty (30) days of commencement of installation, even if such installation is not complete until after June 30, 2019.

(1-2) *New facilities.* Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(2-3) *Existing facilities.* Existing grease interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW.

(3-4) All grease interceptor waste shall be properly disposed of at a facility in accordance with

federal, state, or local regulation.

(B) *Cleaning and maintenance.*

(1) Grease interceptors shall be maintained in an efficient operating condition at all times.

(2) Each grease interceptor when cleaned shall be fully evacuated.

(C) *Self-cleaning; hydro-mechanical grease interceptors only.*

(1) Grease interceptor self-cleaning operators must receive approval from the POTW to remove grease from their own grease hydro-mechanical grease interceptors. The following conditions shall apply:

(a) The grease interceptor is no more than 100 GPM size;

(b) Proper on-site material disposal methods are implemented (e.g. absorb liquid into solid form and dispose into trash);

(c) The local solid waste authority allows such practices;

(d) Grease 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

(e) Detailed records on these activities are maintained.

(2) Grease interceptor self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

(a) Business name and street address;

(b) Grease 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 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 subchapter. 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 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.

(4) Violations incurred by grease interceptors self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(D) *Cleaning schedules.*

(1) Grease 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 interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease interceptors shall be completely evacuated a minimum of every 30 days, or more frequently when:

(a) Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains

floating materials, sediment, oils or greases; or

~~—(b) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or~~

~~(e-b) If there is a history of non-compliance.~~

(3) Any person who owns or operates a grease interceptor may submit to the POTW a request in writing for an exception to the 30 day cleaning frequency of their grease interceptor. The POTW may grant an extension for required cleaning frequency and establish a specific cleaning schedule on a case-by-case basis when—~~(a) The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW., or~~

~~—(b) Less than 25% of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.~~

(E) *Manifest requirements.*

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

(2) 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:

(a) Name, address, telephone, and registration number of transporter;

(b) Name, signature, address, and phone number of the person who generated the waste and the date collected;

(c) Type and amount(s) of waste collected or transported;

(d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

(e) Date and place where the waste was deposited;

(f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;

(g) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

(h) The volume of the grease waste received; and

(i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(3) Manifests shall be divided into five parts and records shall be maintained as follows.

(a) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(b) 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.

(c) One part of the manifest shall go to the receiving facility.

(d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

(e) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(f) One part of the manifest shall go to the local authority.

(g) Copies of manifests returned to the waste generator shall be retained for ~~five~~ three (3) years and be readily available for review by the POTW.

(F) *Bioremediation.* Bioremediation media shall only be used with approved FOG Disposal Systems. The generator must submit a request to utilize bioremediation media and receive written permission from the POTW before implementation of bioremediation media. The request must demonstrate that the generator has an appropriate FOG system in place.

~~(G) *Compliance and penalties.* All testing designed to satisfy the criteria set forth in § 52.038(F) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.~~

~~(H-G) *Prohibited practices.* No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, and other solvents.~~

~~(H) *Compliance monitoring.*~~

(1) *Right of entry.* The POTW shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The POTW shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices. The facility's monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the POTW access to the user's premises shall be a violation of this subchapter.

(2) *Search warrants.* If the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, then the POTW may seek issuance of a search warrant.

§ 52.039 ANNUAL INSPECTION

All establishments subject to the provisions of this Chapter shall permit the POTW to conduct an inspection of its grease interceptor a minimum of once every twelve (12) months. The cost of this annual inspection is \$40.00 and is payable by the owner of the foodservice establishment. In the event the POTW determines that the interceptor is in violation of this Chapter, the foodservice

establishment and/or its owner shall be subject to more frequent inspections until such time as the violations noted at the time of initial inspection are remedied in full. Inspections under such circumstances shall not occur more than once every four (4) weeks. The cost of each and every re-inspection is \$40.00 and is payable by the owner of the foodservice establishment.

§ 52.03940 SCHEDULE OF PENALTIES.

(A) If the POTW determines that a generator is responsible for a blockage of a collection system line, the generator shall owe a civil penalty of ~~\$1,000~~500.00 for the first violation, ~~\$1,500~~750.00 for a second violation, and ~~\$2,000~~1,000.00 for the third violation within a two-year period. Continuous violations ~~shall result in an increase in penalty by \$500 and may also result in~~ termination of services.

(B) Any person violating any of the provisions of this subchapter shall be subject to a written warning for the first violation, a ~~\$1,000~~500.00 civil penalty for the second violation, a ~~\$1,500~~750.00 civil penalty for the third violation, and a ~~\$2,000~~1,000.00 civil penalty for the fourth violation within a two-year period. Consistent violations ~~will result in a \$500 increase in civil penalty and may result in~~ termination of service as per § 52.041.

(C) Any person or entity who fails to comply with § 52.038(A)(1) by June 30, 2020 shall be subject to a penalty of \$50.00 for each day of non-compliance. After July 31st, 2020, daily fines assessed under this subsection shall cease and any person or entity not in compliance with § 52.038(A)(1) shall be subject to termination of service pursuant to § 52.041, in addition to any other penalties provided for in this Chapter, the Iowa Code, or any applicable federal laws or regulations.

§ 52.04041 JUDICIAL ENFORCEMENT AND REMEDIES.

Injunctive relief. When the POTW finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the POTW may petition the District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The POTW may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

(Ord. 2473, passed 6-12-2012)

SECTION 3. REPEALER. All other sections of this Ordinance in conflict with these provisions shall be repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 24th day of July, 2018.

Mark S. Vulich, Mayor

ATTEST:

Lisa Frederick, City Clerk