



# Oregon ACWA Model FOG Ordinance

Surf's Up! Ride the Waves of Change  
Jill Hoyenga, City of The Dalles

# Who Am I? Where am I coming from?



- Jill Hoyenga, City of The Dalles
- Pretreatment Coordinator
  - Program required in NPDES permit
- Oregon Association of Clean Water Agencies Working Group/Pretreatment Committee
- Define fats, oils and grease is the most common cause of SSOs
- Define Sanitary Sewer Overflow (SSO)
  - Reminder of Capacity, Management, Operations and Maintenance (CMOM)

# Who is ready to surf today's waves?

- Pretreatment program coordinator
- Plumbing official
- Public health official
- Vendor/consultant
- Others, shout it out
- SSO responder?
- CMOM self-assessment?



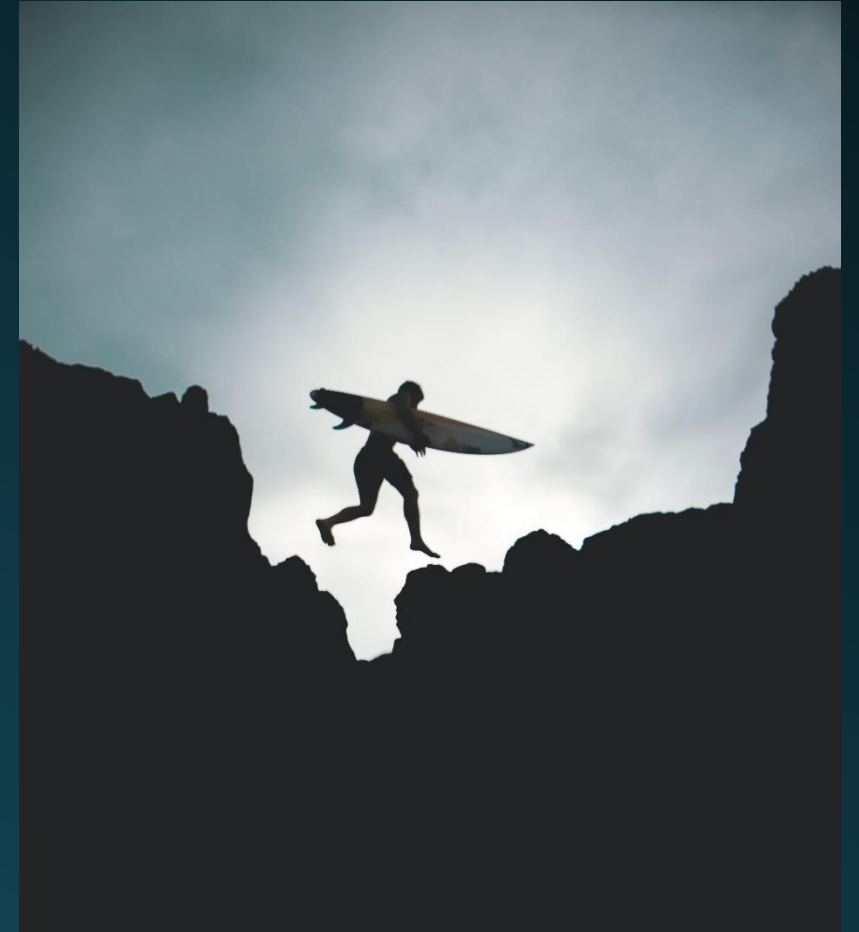
# Why did ACWA update the model?



- Old OR-ACWA Model Ordinance included some problematic language
- Lots of good ideas since the old model ordinance was developed
- Researched several ordinances and resources to develop a new model ordinance

# Where are we now?

- ACWA Pretreatment Committee approved draft at January 2024 meeting
- Sent draft to overlapping jurisdictions for review
  - Oregon Plumbing Official Approval February 2024
- Approved by the OR-ACWA Board March 2024
  - Will be available for download on the ACWA website in mid-April 2024



# Getting all of us on the same wave



- The Model FOG Ordinance Toolkit is part of a comprehensive approach to Capacity, Management, Operation and Maintenance (CMOM) program
- The spreadsheet tool is will soon be available
- This year we plan outreach to interested parties, YOU!

# The Model FOG Ordinance Toolkit

“Build a better surf board to ride the waves of change”

- Step 1: Review your existing ordinance
  - Copy existing text relating to each topic into the toolkit



# The Model FOG Ordinance Toolkit

“Build a better surf board to ride the waves of change”



- Step 2: Compare existing ordinance language to the suggested text.
  - Decide to keep existing, modify or add suggested text to your ordinance



# The Model FOG Ordinance Toolkit

“Build a better surf board to ride the waves of change”

- Step 3: Write rationale or notes for recommended changes to existing ordinance (if any).



# Table of Contents

- Order # that correlates with the FOG Ordinance Worksheet
- Section titles
- Sections grouped by Topic or Category

Order #	Section	Topic/Category
1	Purpose statement	Establish jurisdiction
2	Regulatory Authority	Establish jurisdiction
3	Applicability	Establish jurisdiction
4	Administration	Establish jurisdiction
5	Definitions section	Editorial
6	Grease interceptors shall be required, owners expense	Required to install
7	Retrofit at the discretion of the control authority, Requirement may be triggered by change of use	Required to install
8	Interference in POTW: enforcement, costs, fines, required to install	Required to install
9	Accessible for inspection and maintenance	Installation requirements

# FOG Ordinance Worksheet

- Order # and section that correlates with the table of contents.
- Column to copy and paste existing ordinance language
- Suggested text
- Rationale and citations for suggested text
- Columns for preferred text and utility rationale

Order #	Section	Exists in Ordinance (with citation)	Suggested Text	Rationale	Jurisdiction/Citation
	<b>Grease interceptors shall be 6 required, owners expense</b>		Any new or existing facility with a temporary or permanently-plumbed connection to the City sewer system that has the potential to generate discharges of animal and/or vegetable-based fats, oils, or grease (FOG) must install a grease interceptor device at the owner's expense	A statement of where grease interceptors are required is necessary to designate the facilities that must comply.	City of Portland, City of Vancouver, City of The Dalles

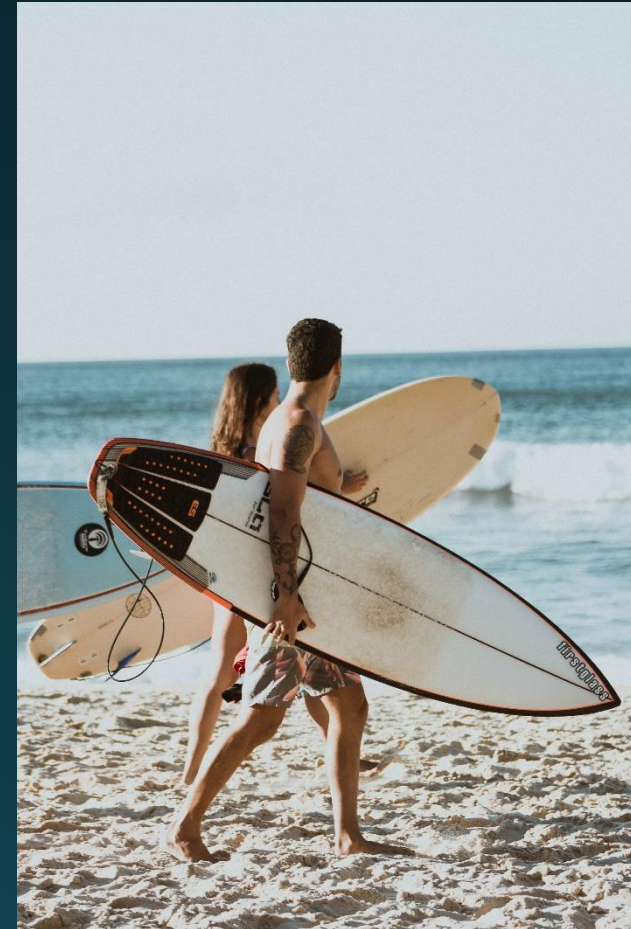
# Model FOG Ordinance Topics



- Establish jurisdiction
- Require to install
- Installation requirements
- Nature of discharge
- Maintenance requirements
- Reporting and records
- Program administration

# Model FOG Ordinance Considerations

- Outside jurisdiction
- Outside FOG ordinance
- Adjacent jurisdictions
- Overlapping jurisdictions

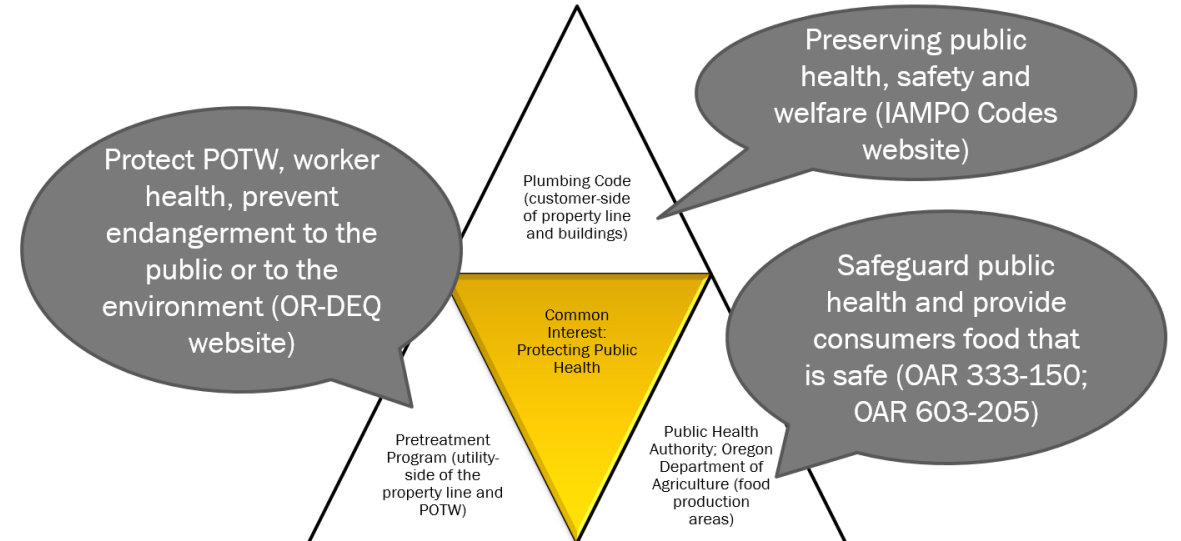


# Establish Jurisdiction

EPA-833-F-12-003 establishes FOG abatement as a requirement of compliance with the General Pretreatment Regulations (40 CFR Part 403).

- Purpose Statement
- Regulatory Authority
- Applicability
- Administration

## OVERLAPPING JURISDICTIONS



The background of the slide features a vertical strip on the left side showing a close-up of ocean waves with white foam, transitioning into a dark teal gradient that covers the rest of the slide.

## Require to Install

A statement of where grease interceptors are required is necessary to designate the facilities that must comply.

- Grease interceptors shall be required, owners expense
- Change of use or operation may trigger installation requirement, Retrofit at the discretion of the control authority
- Interference in POTW: required to install



# Installation Requirements

It is helpful to align requirement statements with overlapping jurisdiction to enhance collaborative enforcement.

- Accessible for inspection and maintenance
- Installed in accordance with OPSC, abandonment
  - Installation, abandonment and removal of a grease interceptor is under the jurisdiction of the Oregon Plumbing Specialty Code (OPSC)
  - Utilities have no authority beyond the point of connection
  - Plumbing permits are required
  - Request a copy of the signed off permit





# Installation Requirements

Wastewater utilities do have jurisdiction at the point of connection.

- Installation at the point of connection
  - Utilities can accept in-premise appurtenances in lieu of installation at the point of connection.
- Quality assurance industry standards
  - When the ordinance includes a statement of installation, quality assurance industry standards are recommended.



## Nature of Discharge

The utility is the authority having jurisdiction regarding pollutants in wastewater discharge and differentiating domestic waste from operations wastewater.

- Domestic waste discharge into grease interceptor is prohibited
  - Aligns with Oregon Plumbing Specialty Code
- Specifies that restaurant equipment cleaning must flow into interceptor
  - The pH must comply with local limits.
  - When degreaser chemicals are used for equipment cleaning they should be diluted with water at a ratio of 10:1 or greater.



## Nature of Discharge

The utility is the authority having jurisdiction regarding pollutants in wastewater discharge. However, OPSC, OHA and ODA have temperature requirements. Specific description of these activities is recommended.

- High temperature water must be cooled
  - OPSC and OHA/ODA rules are the authorities having jurisdiction regarding temperature of wastewater in the building.
  - Plumbing code has provision for tempering water by adding cool water before discharge.
    - This is technically a violation of the pretreatment rule that does not allow dilution. But OPSC is the authority having jurisdiction.



## Nature of Discharge

The utility is the only authority having jurisdiction regarding pollutants added to wastewater and differentiating domestic waste from operations wastewater. Specific description of these activities is recommended.

- Kitchen exhaust hood cleaning wastewater
  - Wastewater from cleaning kitchen exhaust hoods must be hauled off site unless the pH and temperature limits are met and degreaser dilution ratio is maintained.
- Local limits
  - The Control Authority approved local limits for discharge to wastewater may include a limit for fats, oils and grease. Such a limit applies to all facilities required to install grease interceptors.
  - Recommend that utilities avoid specifying a limit in the ordinance. It is better to change the limit only in one place, when the local limits resolution is adopted.

The background of the slide features a vertical strip on the left side showing a close-up of ocean waves with white foam, transitioning into a dark teal gradient that covers the rest of the slide.

# Maintenance Requirements

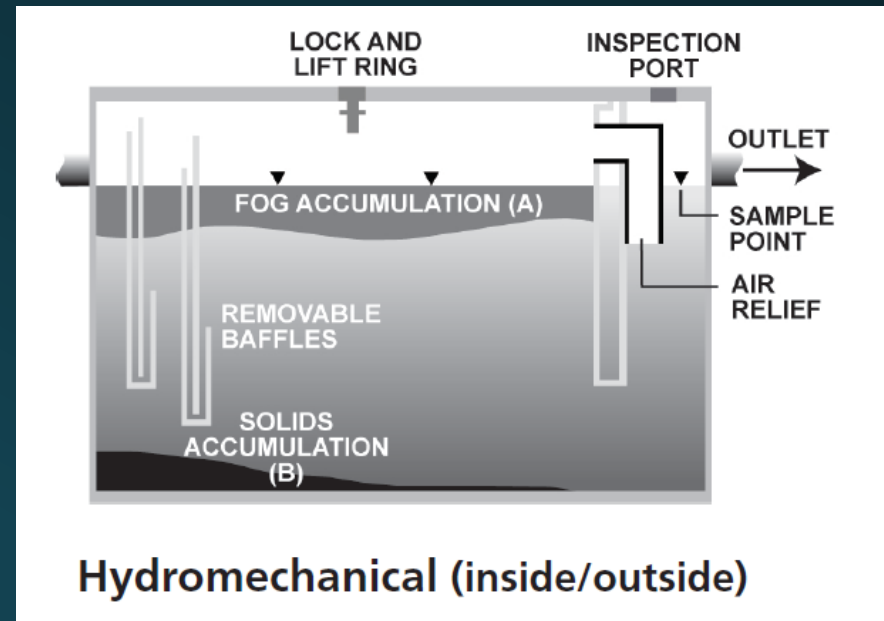
The utility is the only authority having jurisdiction regarding cleaning and maintenance of grease interceptors. Specific description of these activities is recommended.

- The typical provisions found in nearly all ordinances researched
  - Must be cleaned/maintained at owners expense
  - Prohibit use of chemical FOG removal
  - FOG disposal requirements after cleaning
  - Return of liquid or waste to the POTW or sewer is prohibited

# Maintenance Requirements

The utility is the only authority having jurisdiction regarding cleaning and maintenance of grease interceptors. Specific description of these activities is recommended.

- Requires filling with clean water after cleaning
  - Grease interceptors with a hydraulic capacity of less than three hundred (300) gallons must be filled with clean, cold water after evacuation, prior to usage.
  - Rationale: This avoids pass-through during initial fill after cleaning.





# Maintenance Requirements

The utility is the only authority having jurisdiction regarding cleaning and maintenance of grease interceptors. Specific description of these activities is recommended.

- Service provider vs. Self-cleaning
  - Cleaning of grease interceptors shall be performed by a professional interceptor service company unless approved for self-cleaning.
  - Violations of this Chapter by interceptor self-cleaners are subject to enforcement action including fines and/or removal from the self-cleaner program.



# Reporting and Records

The utility is the only authority having jurisdiction regarding cleaning and maintenance of grease interceptors. It is recommended that the Control Authority establish records retention requirements.

- Maintenance reporting
- Location of records; Records presented upon request
- Records retention
  - These requirements could be aligned with 40 CFR 403.12(o)(2). However, the State of Oregon Secretary of State Municipal General Records Retention Schedule 166-200-0300 (5)(b) requires that "all other records for industrial pretreatment permits" be retained for 5 years.
  - The Control Authority may consider which rules will apply to the FOG abatement program.





# Program Administration

This is usually in the conditions of service for the utility and often in the pretreatment ordinance. This text might be redundant if it is in the FOG section of the ordinance.

- Power and Authority of Inspectors
  - If authority is established in another section of the ordinance, recommend a citation in the FOG ordinance.
- Enforcement authority
  - Establishing authority to develop Best Management Practices and an Emergency Response Plan is recommended.
- Variance process
- Appeal process
- FOG Abatement Program Charges and Fees



## Outside Jurisdiction

Sometimes we want to address problems we find in the field. But we can only fix it if the solution to the problem is within the wastewater utility's jurisdiction.

- Mobile Food Units (Food Trucks)
  - Grease disposal from mobile food units that are not connected to the wastewater collection system are not under the jurisdiction of the sewer ordinance.
  - The Oregon Health Authority requires a wastewater disposal agreement to be on file with the local health department/district.
  - Wastewater utilities that are associated with a City jurisdiction may be able to coordinate mobile food unit requirements with the Business or Land Use sections of the City ordinance.



# Outside FOG Ordinance

Sometimes we want to address problems we find in the field. But we can only fix it if the solution to the problem is within the wastewater utility's jurisdiction.

- Combining Polar and Non-Polar Oil and Grease Enforcement
  - Combustible substance detection meter
    - Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible substance detection meter.
    - General sewer use requirements typically include prohibited discharge standards (don't plug it up, don't blow it up.)
    - Oil/water separators are typically in the storm water ordinance, not the sanitary sewer or pretreatment ordinance.

# Adjacent Jurisdictions

Local Planning Department – Land Use and Development Ordinance (LUDO)

Local Fire Marshal – Oregon Fire Code is an authority having jurisdiction for kitchen exhaust systems (also OHA/ODA)

## Oregon Model Development Code, Edition 3.1

### User's Guide Table of Contents

#### Volume I – Background

	Page
<b>Introduction</b>	<b>U-1</b>
Planning in Oregon's Small Cities	U-1
Oregon's Model Development Code for Small Cities	U-1
<b>The Third Edition</b>	<b>U-2</b>
<b>Before Getting Started</b>	
<b>How to Use the Model Code</b>	
User's Guide	



# Overlapping Jurisdictions

Oregon Health Authority Food  
Sanitation Rules

[https://www.oregon.gov/oha/  
ph/healthyenvironments/foods  
afety/documents/foodsanitati  
onrulesweb.pdf](https://www.oregon.gov/oha/ph/healthyenvironments/foodsafety/documents/foodsanitatorulesweb.pdf)

**Food Sanitation Rules**

**Effective Date: February 1, 2020**

# Overlapping Jurisdictions

Oregon Department of  
Agriculture Retail Food Code  
[https://www.oregon.gov/oda/  
shared/documents/publicatio  
ns/foodsafety/foodcode.pdf](https://www.oregon.gov/oda/shared/documents/publications/foodsafety/foodcode.pdf)

**OREGON DEPARTMENT OF  
AGRICULTURE  
RETAIL FOOD CODE**

**2023**

OAR 603-025-0030



**OREGON  
DEPARTMENT OF  
AGRICULTURE**

**OREGON DEPARTMENT OF AGRICULTURE  
FOOD SAFETY PROGRAM**

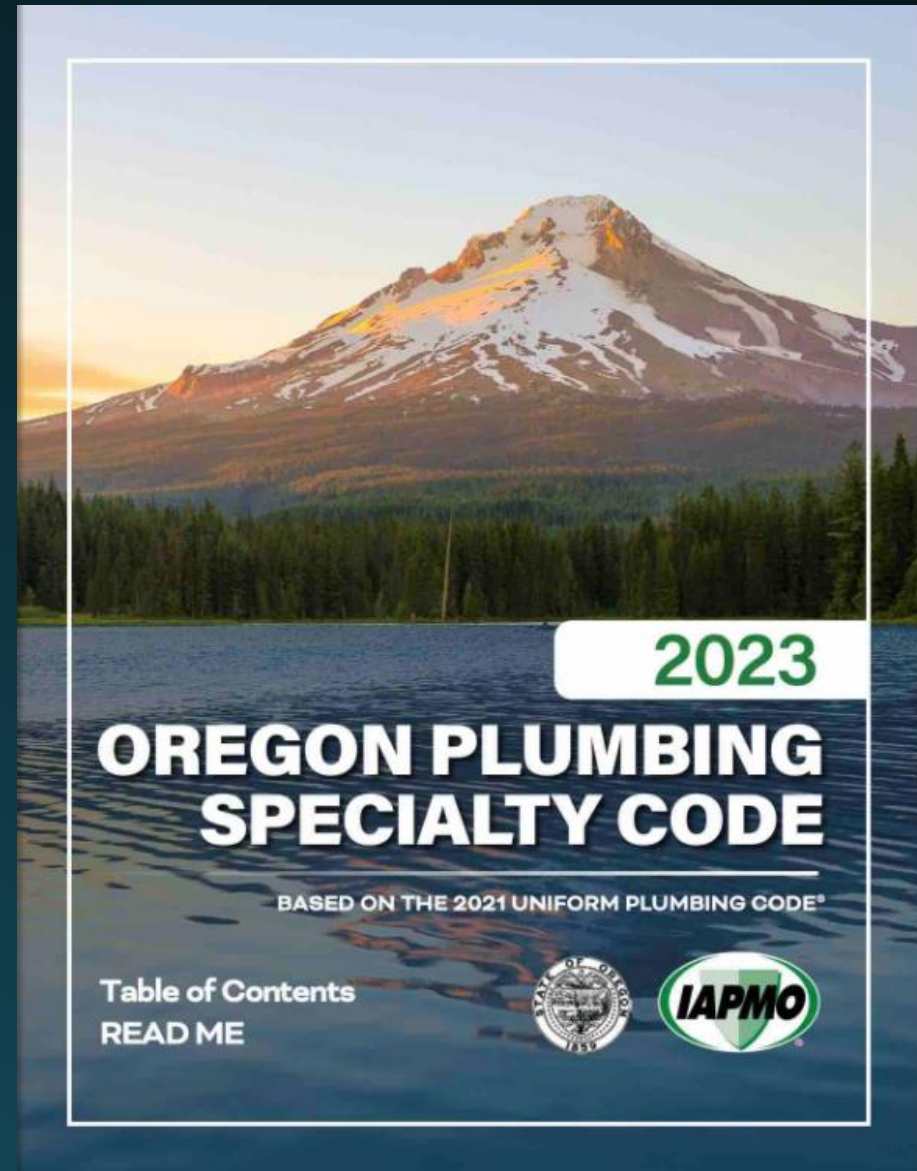
635 Capitol St. NE  
Salem, OR 97301

Amended 2-1-2023

# Overlapping Jurisdictions

Oregon Plumbing Specialty Code Chapter 10: Traps and Interceptors

<https://www.oregon.gov/bcd/codes-stand/pages/plumbing.aspx>



# We are all in this together



- Everyone is surfing the waves of change
- For best results, update your FOG ordinance in collaboration with adjacent and overlapping jurisdictions
- Use the update of your FOG ordinance as an opportunity for relationship building



# Questions?

Contact: [jhoyenga\(at\)ci\(dot\)the\(dash\)dalles\(dot\)or\(dot\)us](mailto:jhoyenga@ci.the-dalles.or.us)



For best results, collaborate with adjacent and overlapping jurisdictions

Picture Credit: Guy Kawasaki on Unsplash