

<Jurisdiction Name>

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# Rules Relating to Fats, Oils and Grease (FOG) Program Compliance

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## **Section 1 Purpose and General Provisions**

### **1.1 Statement of Policy**

The purpose of this rule is to enhance beneficial public use of <Jurisdiction> sewer facilities, prevent blockages of sewer lines resulting from discharges of fats, oils, grease (FOG) and other constituents to the sewer facilities. This rule specifies appropriate FOG requirements for Food Service Establishments (FSEs) and/or property owners where FSEs are located and supports such entities in implementing a cost-effective FOG abatement program. The rule establishes quantity and/or quality standards on all wastewater and/or waste discharges containing FOG as these cause or contribute to the occurrence of sanitary sewer services overflows (SSOs), affect treatment plant operations and increase publicly owned treatment works costs.

In accordance with Title 40, Code of Federal Regulations (40 CFR), Part 403 and <Jurisdiction> [Ordinance, Municipal Code, Rules – Cite Reference here] as amended, the <Jurisdiction> is authorized to determine the compliance status of all FSE/property owners with respect to their discharge of FOG (either vegetable or animal origin) either directly or indirectly into the <Jurisdiction> wastewater collection system.

The following rules reflect requirements of the State and Federal government, including the <Jurisdiction> [Ordinance, Municipal Code, Rules – Cite Reference here], as amended, and the <Jurisdiction> National Pollution Discharge Elimination System (NPDES) permit. The purpose of the rules is to set forth uniform requirements for users of the <Jurisdiction> wastewater collection and treatment system in order to enable the <Jurisdiction> to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, as amended, and by requiring commercial and industrial users to comply with the General Pretreatment Regulations in 40 CFR Part 403, as amended.

### **1.2 Applicability**

The following regulations apply to all food service establishments (FSEs) and properties where FSEs are located, both commercial and/or industrial, having any type of process providing food and/or drink for consumption.

Any pretreatment systems or grease interceptor used to treat FOG shall be approved by the <Jurisdiction> and shall be designed, constructed, installed and maintained such that they comply with all applicable Federal, State and/or <Jurisdiction> discharge limits and with all <Jurisdiction> policies and rules, as amended.

## Section 2 Definitions

- 2.1 **Best Management Practices (BMP);** Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of pollutants, including Fats, Oils and Grease (FOG) to the sewer facilities.
- 2.2 **Change in Operations;** Any change in the ownership, food types, operational procedures, pretreatment devices or plumbing at an FSE/property.
- 2.3 **Decanting;** To draw off grey water (without disturbing the sediment or the lower food solids) from inside a vacuum truck and discharge it back into a grease interceptor or public sewer/storm system.
- 2.4 **Discharger;** Any establishment that discharges or causes a discharge of wastewater directly or indirectly to a public sewer.
- 2.5 **Effluent;** Any liquid outflow from the food service establishment that is discharged to the sewer.
- 2.6 **Fats, Oils and Grease (FOG);** Any substance such as a vegetable or animal product that is used in, or is a byproduct of the cooking or food preparation or cleanup process, and that turns or may turn viscous or solidify with a change in temperature or other conditions.
- 2.7 **FOG Discharge Permit;** A permit issued by the <Jurisdiction> subject to the requirements and conditions established by the <Jurisdiction> authorizing the permittee or discharger to discharge wastewater into the District's facilities or into sewer facilities which ultimately discharge into a <Jurisdiction> facility.
- 2.8 **Food Grinder or Garbage Grinder;** Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation waste.
- 2.9 **Food Service Establishment(FSE);** Facilities maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members, residents, students or employees, and which has any process or device that uses or produces FOG, or grease, vapors, steam, fumes, smoke or odors, including any real property on which the FSE is located.
- 2.10 **Gravity Grease Interceptor (GGI);** A multi-compartmental plumbing apparatus or appliance (commonly known as a grease interceptor), constructed in differing sizes, installed underground and outside the FSE, connected to a sanitary drainage system to intercept FOG from a wastewater discharge and is identified by volume, thirty minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 1000 gallons, and gravity separation. See Attachment A.
- 2.11 **Grease interceptor;** Any gravity grease interceptor, hydro-mechanical interceptor or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect FOG prior to it being discharged into the sewer system. Grease interceptors may also include any other proven physical method to reduce FOG subject to the approval of the District.
- 2.12 **Grab Sample;** A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- 2.13 **Hydro-mechanical Grease Interceptor (HGI);** A plumbing apparatus or appliance (commonly known as a grease trap) typically installed inside an FSE in a sanitary drainage system to intercept FOG from the wastewater discharge, and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydro-mechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:
  - External flow control, with air intake (vent): directly connected;
  - External flow control, without air intake (vent): directly connected;
  - Without external flow control, directly connected;

Without external flow control, indirectly connected.

- 2.14 **“Hot Spots”**; Public sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.
- 2.15 **Interference**; Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the <Jurisdiction> sewer system, treatment processes or operations; or is a cause of violation of the <Jurisdiction> NPDES (National Pollutant Discharge Elimination System) or discharge requirements or prevents lawful biosolids use or disposal.
- 2.16 **Limited Food Preparation Establishment**; An FSE/property engaged only in reheating, hot holding or assembly of ready to eat food products with no wastewater discharge. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food, nor are any clean-up processes performed.
- 2.17 **Manifest**; The receipt which is retained by the generator of wastes for disposing of recyclable wastes or liquid wastes as required by the <Jurisdiction>.
- 2.18 **NPDES**; National Pollutant Discharge Elimination System; the permit issued to control the discharge of liquids or other substances to surface waters of the United States as detailed in Public Law 92-500, Section 402.
- 2.19 **New Construction**; Any structure planned or under construction for which a sewer connection permit has not been issued.
- 2.20 **OPSC; Oregon Plumbing Specialty Code**
- 2.21 **Permittee**; Any individual, partnership, firm, association, corporation or public agency, including the State of Oregon and the United States of America which has received a permit to perform FOG abatement activities and/or discharge wastewater into the <Jurisdiction> sewer facilities subject to the requirements and conditions established by the <Jurisdiction>.
- 2.22 **Person**; Any individual, partnership, firm, association, corporation or public agency, including the State of Oregon and the United States of America.
- 2.23 **POTW**; Publicly Owned Treatment Works. Inclusive term for a treatment plant and collection infrastructure involved in delivering and treating domestic sewage.
- 2.24 **Preferred Pumper**; A FOG abatement company meeting the criteria of the Preferred Pumper Program as established by <Jurisdiction>.
- 2.25 **Property Owner/Property**; The legal owner of the physical space at which an FSE is located.
- 2.26 **Pumper**; A FOG abatement or plumbing contractor who removes and disposes of FOG from HGIs and/or GGI's (grease interceptors). Can perform activities that may discharge FOG to the public sewer (i.e., FSE line maintenance (jetting)).
- 2.27 **Pumper Permit**; A permit issued by the <Jurisdiction>, subject to the requirements and conditions established by the <Jurisdiction>, authorizing a pumper to perform FOG abatement activities within the <Jurisdiction> jurisdiction.
- 2.28 **Public Sewer**; A sewer owned and operated by the <Jurisdiction>, or other local public agency, which is tributary to the <Jurisdiction> sewer facilities.
- 2.29 **Remodeling**; Changes at an FSE/property involving any one or combination of the following: (1) any plumbing; (2) a thirty (30) percent increase in the net public seating area; (3) any change in the size of the kitchen area; or (4) any change in the size or type of food preparation equipment; (5) changing and/or replacing any grease interceptor.
- 2.30 **R & O; Resolution and Order**
- 2.31 **Sample Point**; A location approved by the <Jurisdiction>, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.
- 2.32 **Sampling Facilities/Inspection Port**; Structure(s) provided at the user's expense for the <Jurisdiction> or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug/terminate the discharge.

- 2.33 **Sewer Facilities or System;** Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.
- 2.34 **SSO;** Sanitary Sewer Overflow
- 2.35 **Stacking;** To flush previous contents from a vacuum truck into the next grease interceptor serviced in order to be transporting less in the truck.
- 2.36 **Sludge;** Any solid, semi-solid or liquid decant, supernate or supernate from a manufacturing process, utility service, or pretreatment facility.
- 2.37 **Waste;** Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.
- 2.38 **Waste Minimization Practices;** Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater produced.
- 2.39 **Waste hauler;** Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.
- 2.40 **Wastewater;** The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

### **Section 3      Prohibitions**

- 3.1 No person (FSE owner/operator) shall discharge or cause to be discharged into the sewer system FOG that may accumulate and cause obstruction to the flow or contribute to blockages in the sewer system or at the sewer lateral that connects the FSE/property to the sewer system.
- 3.2 No person (FSE owner/operator) shall connect food/garbage grinders to a hydro-mechanical grease interceptor (HGI) device unless specifically required by the <Jurisdiction>. Food/garbage grinders are required to be plumbed to gravity grease interceptor (GGI) devices.
  - 3.2.1 No person (FSE owner/operator) shall discharge wastewater with temperatures in excess of one hundred forty (140°F) to any grease interceptor. When needed, a cold water regulator must be installed prior to the grease interceptor in order to achieve this temperature.
- 3.3 No person (FSE owner/operator) shall use any additives (including but not limited to enzymes, bacteria, solvents, surfactants, caustics, acids or emulsifiers) for the purpose of emulsifying FOG or passing FOG through a grease interceptor.
- 3.4 No person (FSE owner/operator) shall dispose of waste cooking oil into any drainage pipe. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- 3.5 Spillage of waste cooking oil while being transported to, while being held in or while being removed from storage receptacles for recycling or bio-fuel manufacturing is prohibited.
- 3.6 Wastes from toilets, urinals, or any other restroom area fixture/drain containing fecal materials is prohibited from being discharged to a grease interceptor and must be discharged directly to the sanitary sewer system.
- 3.7 Discharge of waste (including FOG and solid materials removed from grease interceptors), passive or actively (also known as “jetting”), to the sewer system is prohibited. FSE/property owners will be held financially responsible for jetting activities occurring on their property that discharge FOG or cause SSOs or other downstream obstructions to the sanitary sewer.
- 3.8 FOG removed from grease interceptors is prohibited from remaining at the FSE/property owner’s site. FSE owner/operators shall have waste hauled offsite as part of their operation and maintenance requirements.
- 3.9 FOG-laden wash water from any clean-up process at an FSE/property is prohibited from being discharged to the storm sewer. The wash water must be discharged to a grease interceptor and then into the sanitary sewer.
- 3.10 Owner/operators of Mobile restaurants, food stands and coffee kiosks are prohibited from discharging any cooking process or clean-up wastewater to the storm system. This wastewater must be taken back to a grease interceptor at the restaurateur’s commissary.

- 3.11 The activities of “stacking” and/or “decanting” are prohibited. Any person (pumper, property owner or FSE operator) engaging in such practices shall be subject to the enforcement provisions in Section 12 of this rule.

#### **Section 4 Owners/Operators of FSEs Shall Meet the Following Pretreatment Standards**

- 4.1 Unless granted a conditional waiver (see Section 9), all FSEs/Property Owners are required to install, operate and maintain an approved and adequately sized grease interceptors capable of maintaining compliance with the objectives of this rule. The grease interceptors shall be adequate to separate and remove FOG contained in wastewater discharges from FSE/property prior to discharge to the sewer system and enable the FSE/property owner to sustain a realistic and manageable site specific FOG abatement maintenance program as defined and set by the <Jurisdiction>.
- 4.2 All fixtures, equipment, and drain lines located in the food preparation, alcohol service, clean-up and food service areas of an FSE/property shall be connected to the grease interceptor.
- 4.2.1 The grease interceptor must be appropriately sized to handle the volume of discharge from a dishwasher without causing FOG discharge.
- 4.2.2 Minimum Standards for GGIs: sized appropriately, but at a minimum 1,000 gallon capacity per the design specifications established in Attachment #A. This standard does not preclude the <Jurisdiction> from requiring a GGI above minimum standard due to the type of food served or the number of meals served per day.
- 4.2.3 Wastes from toilets, urinals, or any other restroom area fixture/drain containing fecal materials may not be discharged to a grease interceptor.
- 4.3 Unless granted a waiver, new construction FSE/property owners shall install external (outside kitchen area) grease interceptors appropriately sized.
- 4.4 All existing FSE/property owners within the <Jurisdiction> service area prior to the effective date of this rule shall be allowed to operate and maintain existing GGI and/or HGI devices provided they are in efficient operating condition, comply with Section 4.2 of this rule and prevent the discharge of FOG from the FSE/property owner’s premises.
- 4.5 On or after the effective date of this rule the <Jurisdiction> may require an existing FSE/property owner to install, operate and maintain a new interceptor that complies with the requirements of this rule or to modify, repair or replace a non-compliant GGI/HGI within 90 days of written notification by the <Jurisdiction> when any one or more of the following conditions exist:
- 4.5.1 The facility is found to be contributing FOG to the POTW.
- 4.5.2 The facility does not have a GGI or HGI.
- 4.5.3 The facility has an undersized, non-repairable or defective GGI or HGI.
- 4.5.4 Remodeling of the food service areas, kitchen waste plumbing or seating capacity is performed which requires a building and/or plumbing permit to be issued by the <Jurisdiction>, or County.
- 4.5.5 The existing facility is sold or undergoes a change of ownership.
- 4.5.6 The existing facility does not have plumbing connections to a grease interceptor in compliance with the requirements of current building codes or with this rule.



- 4.6 Stationary food cart vendors and owners/operators of other “outside” cooking establishments shall have the cooking/clean-up area of their site covered, bermed and drained to an approved on-site grease interceptor. Installation/maintenance of the grease interceptor and appropriate property set-up shall be the responsibility of both the FSE and property owner(s) where the food cart or outside food service resides.
- 4.7 A water source shall be available within 20 feet of an outside grease interceptor for use in maintenance activities.
- 4.8 No landscaping or obstructions are allowed within 8 feet of any access points or manhole covers of any grease interceptor located outside the FSE. Any grease interceptor located inside the facility must be free from obstructions or barriers to access for a distance of three (3) feet in circumference of the grease interceptor.

## **Section 5 Maintenance Standards for Grease Interceptors**

- 5.1 All pretreatment devices shall be maintained in efficient and proper working operation at all times by the owner at the owner’s expense and shall include removal of both floatable solids, oil and settleable solids collected in the grease interceptor along with cleaning the walls and baffles of the device. The maintenance frequency shall be established such that fats, oils, grease or food solids do not leave the grease interceptor and enter the sanitary sewer collection system.
- 5.2 All FOG abatement activities shall be performed by <Jurisdiction> permitted pumpers.
- 5.3 Frequency of cleaning will be determined on an individual basis by the <Jurisdiction> and may be partially based on appropriate accommodation of the volume of material collected. The pumpers, FSEs and property owners are responsible for requesting a FOG inspection for changes or alterations to the cleaning schedule. Such changes/alterations must be approved by the <Jurisdiction> before being enacted.
  - 5.3.1 The maximum amount of time between pump outs for an HGI shall be no more than 30 days.
  - 5.3.2 The maximum amount of time between pump outs for a GGI shall be no more than 90 days.
- 5.4 No FOG or solids that have accumulated in the grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain or public right of way during maintenance activities. The FSE/property owner shall be responsible for the proper removal and disposal, by appropriate and legal means, of the captured material and shall maintain records of the dates, amounts and means of disposal, all of which are subject to review by the <Jurisdiction> at any time.
- 5.5 It is the FSE/property owner’s responsibility for performing routine self-inspection and repair as needed of grease interceptors on their premises.
- 5.6 It is the responsibility of the FSE/property owner for opening and closing a grease interceptor for inspection purposes by the <Jurisdiction>.

- 5.7 Written documentation via a standardized Pump-Out Report form is required to be submitted to the <Jurisdiction> upon the conclusion of each maintenance activity event. <Jurisdiction> may implement an electronic or web-based reporting system, at which time all Pump-Outs shall be reported on this system.
- 5.8 A written training log documenting training of all kitchen staff shall be available at all times for inspection by the <Jurisdiction>. Training logs shall be kept for a period of at least three (3) years.
- 5.8.1 Training materials will be provided by Clean Water Services.
- 5.8.2 All employees are to be initially trained, and then retrained annually thereafter.
- 5.8.3 New hires are to be trained within 30 days of initial hire date.
- 5.9 Written (or electronic) pump out invoices shall be kept at the FSE premises and be available for a period of at least three (3) years and be available at all times for inspection by the District/City.

## **Section 6 Standards for grease interceptor Servicing Contractors (Pumpers/Plumbers)**

- 6.1 Contractors providing services for grease interceptor pump-out within the <Jurisdiction> service boundaries shall meet specified maintenance criteria established by <Jurisdiction> which may, at a minimum, be more stringent but not exclusive of those for the regionally established Preferred Pumper Program.
- 6.1.1 Standardized and substantiated procedures increase the likelihood that grease interceptors meet manufacturer's cleaning standards and reduce FOG entry into the sewer system.
- 6.1.2 Information regarding the regional Preferred Pumper Program can be found at <http://preferredpumper.org>
- 6.2 Commercial, institutional and industrial FOG generators in the <Jurisdiction> shall use a <Jurisdiction> permitted pumper for maintenance and cleaning. District permitted Preferred Pumpers have signed written agreements to uphold program criteria.
- 6.3 When FOG generators use a registered <Jurisdiction> permitted Preferred Pumper, the pumper assumes responsibility for submitting the required and completed Pump-Out Report to the <Jurisdiction> and submitting the advance schedule notice .
- 6.4 Contractors providing services for grease interceptor pump-out within the <Jurisdiction> service boundaries must be permitted by the <Jurisdiction> and at a minimum shall meet the following standards:
- 6.4.1 Submit a list of facilities pumped out for baseline data collection;
- 6.4.2 Adhere to the <Jurisdiction> pump-out schedule, performing service within five (5) business days of the FSEs scheduled service date;
- 6.4.3 Notify the <Jurisdiction> of changes to any facility accounts within five (5) calendar days;
- 6.4.4 Consistently notify the <Jurisdiction> of the weekly/monthly pump-out schedule and of any unscheduled changes at least the day prior;
- 6.4.5 Accurately complete the FOG Pump-Out Report form and submit to the <Jurisdiction> and the FSE/property owner within five (5) business days;

- 6.4.6 Submit a pump out schedule to the <Jurisdiction> at least seven (7) calendar days in advance of such activities;
- 6.4.7 Perform FOG abatement activities that meet <Jurisdiction> standards.
- 6.5 Failure to consistently meet the performance standards outlined in Section 6 of this rule shall result in pumper permit termination.
- 6.6 If the <Jurisdiction> implements an electronic data submission system, all contractors providing FOG abatement activities within the <Jurisdiction> service boundaries shall be required to utilize such system for any required reporting form and/or data submissions and to adhere to minimum standards set by the <Jurisdiction>.

## **Section 7 Storm Water Issues**

- 7.1 New FSE/property shall cover the garbage and waste oil storage area, berm the entire area and have it drain to the facility's grease interceptor. Spilled oil or grease may be washed to the grease interceptor via the berm and drain (this must be performed within 24 hours of occurrence). In no instance shall spilled grease and oils be washed to the storm water drains or be allowed outside the bermed area.
- 7.2 Existing FSE/property are prohibited from engaging in any wash down activities in any outside area, including but not limited to uncovered garbage or waste oil storage areas. If instances of spilled grease or oil occur in the garbage or waste oil storage area the site will be required to install a roof over the area in accordance with Section 7.1 of this rule.

## **Section 8 Plan Review Process**

- 8.1 All information required in the <Jurisdiction> Design & Construction Standards/Building Code rule, as amended, must be submitted at least fifteen (15) business days before plan review completion is anticipated. Plans submitted without all required materials will be deemed incomplete and will not be acted upon for FOG and grease interceptor purposes. FSE submittal must include but is not limited to a detailed sewer waste line plumbing plan, isometric drawing with pipe sizes, floor plans, fixture and drain detail (i.e., a list of all items connected to the grease interceptor) including peak gpm for each fixture, available seating capacity, menu, a specification cut sheet for the grease interceptor, and the FSE owner's name & contact information.

## **Section 9 Waiver Process**

- 9.1 Conditional Waiver from Requirement to Install a GGI
  - 9.1.1 An FSE/property owner may obtain a conditional waiver from the requirement to install a GGI under the following conditions:
    - 9.1.1.1 The FSE/property owner is a Limited Food Preparation Establishment (single service kitchen with no food preparation) (heat/serve only) and uses only disposable service items and has no clean-up operations;
    - 9.1.1.2 It is impossible or impracticable to install/operate/maintain a GGI because:

- 9.1.1.2.1 There is not adequate space for maintenance/installation;
- 9.1.1.2.2 There is not adequate slope for gravity flow of wastewater between the kitchen plumbing fixtures and the GGI, or between the GGI and the sanitary sewer;
- 9.1.1.2.3 The FSE/property owner provides evidence or demonstrates that an alternative pretreatment technology is equivalent or better than a GGI in controlling any FOG discharge.

## 9.2 Conditional Waiver Request Process

9.2.1 The FSE/property owner shall submit a written request for a conditional waiver from the requirement to install a GGI explaining how one or more of the conditions set forth in Section 9.1.1 of this rule apply to the FSE/property owner.

9.2.1.1 If the applicant is a new FSE/property owner, the request shall include a physical explanation of why the GGI cannot be installed, the FSE seating capacity, number of meals anticipated to be served on a weekly basis, proposed menu, and documentation of Best Management Practices to be used at the site.

9.2.1.2 If the applicant is an existing FSE/property owner, the request shall include a physical explanation of why the GGI cannot be installed, the FSE seating capacity, number of meals served on a weekly basis, menu, water usage, dollar amount of on-site consumption of prepared foods, documentation of all Best Management Practices used at the site, and a history of maintenance on the existing grease interceptor/pretreatment device.

9.3 The process to grant a conditional waiver shall occur in two steps: a preliminary conditional waiver and a final conditional waiver.

9.4 Preliminary Conditional Waiver. Determination of grants shall be based upon, but not limited to, evaluation of the FSE/property owner's application, any other requested records, and any information gathered from inspections performed for conformance with the following criteria:

9.4.1 Quantity of FOG discharge as measured, or probable FOG discharge as indicated by the size of the FSE/property based on seating capacity, number of meals served, menu, water usage, dollar amount of on-site consumption of prepared foods and other conditions that may reasonably be shown to contribute to FOG discharges;

9.4.2 Best Management Practices implementation and compliance history;

9.4.3 Sanitary sewer size, grade, condition based on visual information, FOG deposit in the sanitary sewer by the FSE/property, and/or history of maintenance and spills in the receiving sanitary sewer;

9.4.4 Changes in operations that significantly affect FOG discharge.

9.5 If a preliminary conditional waiver is granted, the FSE/property owner shall install an alternative pretreatment device approved in the preliminary conditional waiver process as follows:

9.5.1 If a waiver is granted under Section 9.1.1.2.1 of this rule, the FSE/property owner shall install an HGI. The HGI shall be installed and maintained in accordance with the OPSC and all provisions of this rule.

9.5.2 If the waiver is granted under Section 9.1.1.2.2 or 9.1.1.2.3 of this rule, an HGI shall be installed and maintained in accordance with the manufacturer, OPSC and all provisions of this rule. If there is adequate space, the FSE/property owner must preserve adequate space and plumbing segregation to allow for installation of a GGI at a future time.

- 9.5.3 Any HGI installed must have at least 140 lb capacity and be designed to retain a minimum of 50% of the total volume of the device before FOG and/or settleable solids are discharged to the public sanitary sewer system. The HGI must have an inspection port.
- 9.6 Final Conditional Waiver. After a preliminary conditional waiver is granted, the <Jurisdiction> may grant a final conditional waiver after evaluating the effectiveness of the alternative pretreatment device as follows:
- 9.6.1 Twelve (12) months after a preliminary conditional waiver is granted and the approved alternate pretreatment device is installed, the FSE/property owner shall demonstrate that no visible accumulation of FOG in the FSE/property lateral and/or tributary downstream sanitary sewer lines exist by performing recorded video inspection and submitting an unedited copy of the recorded inspection (at the FSE/property owners expense) to the <Jurisdiction>. The FSE/property owner shall not service the sanitary sewer line during this twelve (12) month period.
- 9.6.2 Failure to demonstrate that no visible accumulations of FOG in the FSE/property lateral and /or tributary downstream sanitary sewer lines exists will result in a denial of the final conditional waiver and a revocation of the preliminary conditional waiver.
- 9.6.3 In no case shall any waiver be transferred to another FSE owner, partnership or corporation.
- 9.7 In the event that the FSE/property owner satisfies the conditions set forth in Section 9.6.1 of this rule, the request for a final conditional waiver shall be granted.
- 9.7.1 The terms of the final conditional waiver are as follows:
- 9.7.1.1 A final conditional waiver shall have a maximum term of four (4) years;
- 9.7.1.2 A new application for waiver must be submitted at least sixty (60) days prior to the current waiver's expiration date;
- 9.7.1.3 Conditions for issuance of a final conditional waiver shall be set forth and identified in any permit issued to the FSE/property owner;
- 9.7.1.4 Notwithstanding the foregoing, a waiver may be revoked at any time when any of the terms and conditions for its issuance are not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists.
- 9.8 In the event that the FSE/property owner does not satisfy the conditions set forth in Section 9.6.1 of this rule, the request for a final conditional waiver shall be denied.

## **Section 10 Permitting**

- 10.1 All FSE/property owners may be required to apply for and receive a general permit for FOG pretreatment.
- 10.2 All pumping and/or plumbing contractors providing FOG abatement activities of any type within the <Jurisdiction> service boundaries will be required to apply for and obtain a permit for FOG abatement activities.
- 10.2.1 The <Jurisdiction> will provide the application forms and permit format.

## Section 11 Right of Access

- 11.1 Persons or premises where wastewater with the potential to contain FOG is created or discharged shall allow <Jurisdiction> personnel, or their alternate designees, reasonable and safe access in order to carry out inspections or other actions authorized by this Ordinance.
- 11.2 It is the FSEs or property owner's responsibility to open all grease interceptor access points for <Jurisdiction> inspection activities.
- 11.3 No person shall interfere with, delay or refuse entrance to such personnel attempting to inspect or enforce upon any facility involved directly or indirectly with the discharge of wastewater to the <Jurisdiction> sewer system.
- 11.4 The <Jurisdiction> or its designees are authorized to collect samples of any waste stream, including the discharge from the facility and any grease interceptor. Failure to grant access shall result in an additional inspection fee and may result in suspension of sewer services provided by the <Jurisdiction>.

## Section 12 Enforcement

- 12.1 Failure to comply with the provisions of this ordinance is considered a violation of this rule and subject to enforcement actions under <Jurisdiction> Ordinances and **Resolutions & Orders**. In addition to these enforcement actions, the <Jurisdiction> is authorized to take the following actions to achieve compliance with this **R & O**:
  - 12.1.1 Mandatory grease interceptor Service – The <Jurisdiction> may issue an order requiring the FSE/property owner to conduct grease interceptor maintenance services within a mandatory time period. The cost of the services shall be the direct responsibility of the FSE/property owner.
  - 12.1.2 The <Jurisdiction> reserves the right to contract maintenance services, the cost of which is borne by the FSE/property owner, if conditions at the site may cause an SSO, there are blockages of the sanitary sewer or storm sewer lines or there is gross negligence of the grease interceptor.
- 12.2 Cost Recovery – The <Jurisdiction> may assess the FSE/property owner the amount of those expenditures made by the <Jurisdiction> to clean up or prevent sewer blockages and overflows caused by the discharge from a food service establishment.
  - 12.2.1 The <Jurisdiction> may assess fees for re-inspection of FSE/property requiring inspections outside the FOG program's normal schedule, or of FSEs/properties who are experiencing blockages.
- 12.3 Administrative Penalties – Notwithstanding any other section of this rule, any FSE found to violate any provision of this rule, permits or Orders issued hereunder shall be assessed a penalty by the <Jurisdiction> in an amount designated in **Appendix B**, or if not specified therein, a penalty matrix identified in the <Jurisdiction> FOG Enforcement Response Plan may be used to establish the appropriate penalty amount. Such a penalty shall be assessed on a per violation, per day basis. See **Attachment B** for Administrative Penalty Schedule.

- 12.3.1 Unpaid fines and penalties may be added to the FSEs next scheduled sewer service charge bill. The <Jurisdiction> shall have any collection remedies as may be available for service charge fees, fines and penalties, together with any other remedies provided by law. A lien against the property owner will be sought for unpaid charges, fines, and penalties.
- 12.3.2 Issuance of an administrative fine shall not be a bar against, or a prerequisite for taking any other action against the user.

### **Section 13 Administrative Appeals of Enforcement Actions**

- 13.1 An FSE/property owner wishing to appeal an enforcement action resulting from Section 12 of this Ordinance shall follow appeal procedures defined in <Jurisdiction> code appeal process, as amended.
- 13.2 Users desiring to dispute such fines must file a written request for the <Jurisdiction> to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit the <Jurisdiction> may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The <Jurisdiction> may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

### **Section 14 Severability**

- 14.1 In the event that any provision of this Ordinance or the application thereof to any person or circumstance is rendered or held to be invalid, illegal, or unenforceable under the laws of the State of Oregon or the United States of America in any respect, such invalidity, illegality, or unenforceability shall not affect the validity of this Ordinance as a whole, or the validity of any remaining provision of this Ordinance which can be given effect without the invalid, illegal or unenforceable provision or application, or any application of the provision to other persons or circumstances. To this end, the provisions of this chapter are declared to be severable.

### **Section 15 Effective Date**

- 15.1 This Ordinance shall take effect ten (10) days after filing of a certified copy of this Ordinance with the governing body of <Jurisdiction>.