

CITY OF RIVERBANK

ORDINANCE NO. 2009-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
ADOPTING TITLE V: PUBLIC WORKS, CHAPTER 51: SEWERS,
SECTION 51.40-51.46: FATS, OILS, AND GREASE CONTROL,
OF THE CITY OF RIVERBANK CODE OF ORDINANCES.

The City Council of the City of Riverbank does hereby ordain as follows:

Title V: PUBLIC WORKS, Chapter 51: SEWERS, Sections 51.40-51.46: Fats, Oils, and Greases (FOG), of the Riverbank City Code shall be adopted to read as follows:

Fats, Oils, and Greases (FOG)

- 51.40 Purpose and policy
- 51.41 Definitions
- 51.42 Administration
- 51.43 Regulation
- 51.44 Wastewater Discharge Limitations
- 51.45 Enforcement
- 51.46 FOG Reduction Practices

§ 51.40 Purpose and Policy

To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

§ 51.41 Definitions

Alternative Pretreatment Technology. Includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system.

Fats, Oils, and Greases (FOG). Organic polar compounds derived from animal and/ or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

Grease Control Device. A grease control device for the purpose of this ordinance includes grease traps, grease interceptors, and alternative pretreatment technology.

Grease Trap. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas.

Grease Interceptor. A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are often below-ground units in outside areas and are built as multi-chamber baffled tanks.

Food Service Establishments (FSE). Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public such as restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Minimum Design Capability. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer. Minimum design standards shall be per UPC _____, and as specified in City Standards.

User. Any person, including those located outside the jurisdictional limits of the City of Riverbank who contributes, causes or permits the contribution or discharge of wastewater into sewers within the city's boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

Renderable FOG. Uncontaminated fats, oils and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products such as animal feed and cosmetics.

§ 51.42 Administration

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this subchapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other city personnel.

(A) Food Service Establishment Permit Requirement

All establishments discharging wastewater to the City of Riverbank sanitary sewer collection system are subject to the Permit requirements of 51.26 of this Chapter and following:

(1) Grease Interceptor Requirements: All permitted food service establishments including restaurants, cafeterias, diners and similar non-industrial facilities using food preparation processes that generate FOG are required to install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance.

(2) Implementation

(a) New Establishment: All new food service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain prior approval from the Director of Public Works for grease interceptor sizing prior to submitting plans for a building permit. All grease interceptors shall be readily and easily accessible for cleaning and inspection.

(b) Existing Facilities: Existing facilities with planned modification under a building permit with valuations set forth in the FSE Policy will be required to include plans to comply with the grease interceptor requirements. These facilities must obtain approval from the Director of Public Works for grease interceptor sizing prior to submitting plans for a building permit.

(i) All existing food service establishments, determined by the Director of Public Works, to have a reasonable potential to adversely impact the City's sewer system will be notified of their obligation to install a grease interceptor within the specified period set forth in the notification letter.

(ii) Existing food service establishments which generate, and discharge wastewater containing FOG, and which have an existing non-complying FOG pretreatment system may, as determined by the City, operate the existing FOG pretreatment system. Such facilities shall submit an application for a permit and include applicable information to amend the existing permit or submit an application for a new permit if no permit exists.

(3) Variance from Grease Interceptor Requirements: Grease interceptors required under this Ordinance shall be installed unless the Director of Public Works authorizes the installation of an indoor grease trap or other alternative pretreatment technology and determines that the installation of a grease interceptor would not be feasible.

(4) All costs and related expenses associated with the installation and connection of the FOG Interceptor(s) or Alternate Pretreatment System(s) shall be borne by the Food Service Establishment. The Food Service

Establishment shall indemnify the City of Riverbank and its Agents for any loss or damage that may directly or indirectly occur due to the installation of the FOG pretreatment system.

(B) Conditional Waivers

Existing FSEs that do not meet the requirements set forth in 51.42(A)(2) may apply for a Conditional Waiver. The Conditional Waiver will specify requirements that the FSE must comply with to operate without an interceptor. The Director of Public Works or Designee will continually review FSE compliance with the Conditional Waiver requirements. A Conditional Waiver may be revoked at any time for any of the following reasons:

- (1) Quantity of FOG discharge as measured or as indicated by the size of FSEs based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions have changed since the granting of said waiver such that the FSE is contributing to FOG discharges.
- (2) Identification of the FSE as a significant contributor of FOG into the Sewer System, which is based on inspection or sampling of the FOG discharged from the FSE's sewer lateral to the Sewer System.
- (3) Adequacy of implementation and compliance with Kitchen Best Managements Practices (BMPs).
- (4) Change in sewer size, grade, and condition based on visual information.
- (5) Changes in operations that significantly affect FOG discharge.
- (6) Failure to comply with any of the conditions set forth in the waiver.
- (7) Any other condition deemed reasonably related to the generation of FOG discharges by the Director of Public Works.

(C) Exemptions

Exemption from the FSE Discharge Permit: An exemption may be granted to limited food preparation establishment. A limited food preparation establishment engages only in reheating, hot holding or assembly of ready to eat food products and as a result no wastewater discharge containing a significant amount of fats, oils and grease. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

(D) Pretreatment Requirements

(1) Grease Interceptor Requirements

- (a) Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease.

The grease interceptor may not be installed in any part of the building where food is handled. Location of the grease interceptor must meet the approval of the Director of Public Works.

(b) All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume. These devices should be inspected annually at minimum. Users who are required to maintain a grease interceptor shall:

(i) Provide for a minimum hydraulic retention time to facilitate the separation of oils and grease to the extent that oil and grease concentrations in wastewaters discharged to the sewage system owned, operated and maintained by the City of Riverbank, do not exceed established discharge limitations set by City of Riverbank as defined in Section 51.44.

(ii) Remove any accumulated grease caps and sludge pockets as required. Grease interceptors shall be kept free of inorganic solid materials which could settle into this pocket and thereby reduce the effective volume of the device.

(iii) Be serviced (pumped, cleaned, and inspected) by a City of Riverbank permitted liquid waste hauler, at a minimum frequency to ensure proper function. Records of grease interceptors shall be in accordance to 51.42(E) of this section.

(c) Except as provided herein, for a period of one year following adoption of this Ordinance, although installation of grease interceptors will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on grease discharges from grease interceptors. However; if, during this one year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City of Riverbank will take appropriate enforcement actions, as stipulated in the Sewer Use Ordinance 51, against the generator or contributor of such grease.

(2) Grease Trap Requirements

(a) Upon approval by the Director of Public Works, a grease trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal.

(b) Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.

(c) Except as provided herein, for a period of one year following adoption of this Ordinance, although installation of grease traps will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on grease discharges from the facility. However; if, during this one year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City of Riverbank will take appropriate enforcement actions, as stipulated in the Industrial Pretreatment Enforcement Plan and Sewer Use Ordinance, against the generator or contributor of such grease.

(E) Compliance Monitoring

(1) City personnel may inspect the facilities of any establishment required to have a grease interceptor or similar device, to determine whether the requirements set fourth in this Ordinance document are being met. Compliance monitoring shall be conducted pursuant to 51.29 and as follows:

(a) City personnel will inspect or order the inspection and sample the wastewater discharges of any Food Service Establishment annually. Failure of the inspection and cause for re-inspection shall be at the expense of the User subject to the inspection fee outlined in Section 51.03.(H).

(2) The establishments shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, inspection, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three (3) years. The establishment shall, upon request, make the manifests, receipts, invoices and any other applicable documentation available to the Director of Public Works or his designee.

(F) Requirements to Self-Monitor

(1) The City may require establishments to construct and maintain in proper operating condition at the establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.

(2) Those establishments discharging under a conditional waiver may be required by the Director of Public Works to install sampling facilities for compliance monitoring.

(3) The location of the monitoring or metering facilities shall be subject to approval by the Director of Public Works.

(4) Establishments may also be required by the Director of Public Works to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device.

(5) Establishments shall not increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance.

§ 51.43 Regulation

(A) Prohibition

(1) Introduction of any additives into any establishment's wastewater system for the purpose of emulsifying FOG is prohibited.

(2) Disposal of waste cooking oil into drainage pipes is prohibited. 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) Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.

(4) Discharge of wastewater with temperatures in excess of 110°F to any grease control device, is prohibited.

(5) The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited, unless written approval for the Director of Public Works is obtained.

(6) Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.

(7) Discharge into the sewer system of any waste which has FOG as well as solid materials removed from the grease control device is prohibited. Grease removed from grease interceptors shall be waste hauled periodically as part of the operation and maintenance requirements for grease interceptors. Licensed waste haulers or an approved recycling facility must be used to dispose of FOG, including waste cooking oil.

(8) Installation of food grinders are prohibited unless specifically allowed in writing by the Director of Public Works.

(9) No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.

(B) Consent by the operator of the FSE for the City and other Regulatory Agencies to inspect the FSE to confirm compliance with these requirements, the Sewer WDRs and other applicable laws, rules and regulations, including any NPDES permit applicable to the City.

(C) Additional requirements as otherwise determined to be reasonably appropriate by the Director of Public Works to protect the City's system or as specified by other Regulatory Agencies.

(D) Other terms and conditions, which may be reasonably applicable to ensure compliance with these requirements as determined by the Director of Public Works.

§ 51.44 Wastewater Discharge Limitations

No user shall allow wastewater discharge concentration from subject grease interceptor, grease trap or alternative pretreatment technology to exceed 300 milligrams per liter, as defined by method EPA test method 1664.

§ 51.45 Enforcement

Enforcement shall be conducted as specified in section 51.32.

§ 51.46 FOG Reduction Practices

(A) All establishments shall implement Best Management Practices in accordance with the requirements and guidelines established by the City in an effort to minimize the discharge of FOG to the sewer system.


(B) Renderable fats, oils, and grease shall not be disposed of in any sewer or FOG Interceptor. All renderable fats, oils, and grease shall be stored in a separate, covered, leak-proof, Renderable FOG Container, stored out of reach of vermin, and collected by a renderer.

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on June 22, 2009. Said ordinance was given a second reading at a regular meeting of said Council on July 13, 2009, and Councilmember Sandra Benitez seconded by Councilmember Jesse James White, moved the adoption of said ordinance, and upon roll call was carried by the following vote of 3-0:

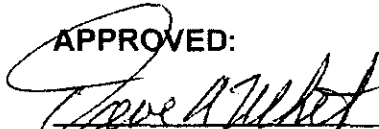
AYES: Councilmembers: Benitez, J. J. White, and Vice Mayor D. White
NAYS: None
ABSENT Councilmember: Fielder
ABSTAIN: None

ATTEST:



Linda Abid-Cummings, CMC
City Clerk

APPROVED:



Dave A. White
Vice Mayor