

ORDINANCE NUMBER 2006-1449

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE AMENDING THE CODE OF ORDINANCES CHAPTER 102 UTILITIES BY ADDING A NEW ARTICLE IX. FAT, OIL, AND GREASE.

WHEREAS, in order to protect the health, safety and welfare of the citizens of the City of Brownsville, the City deems it necessary to adopt the following provisions in the Code of Ordinances of the City of Brownsville regulating fat, oil, and grease.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BROWNSVILLE;

THAT, from and after the effective date of this Ordinance, Chapter 102, Utilities, Article IX. Fat, Oil, and Grease of the Code of Ordinances of the City of Brownsville, shall read as follows:

Section I. Purpose, Policy, and Administration

- (a) The purpose of this ordinance is the regulation of the generation and disposal of grease trap waste, grease interceptor waste, grit interceptor waste, and oil/water separator waste for the federal and state compliance and protection of the Publicly Owned Treatment Works (POTW) of the City of Brownsville and the environment.
- (b) The objective of this ordinance is to reduce the number of sanitary sewer overflows, reduce excess loading at the POTW, and comply with federal and state regulations.
- (c) This ordinance shall be administered, implemented, and enforced by the Brownsville Public Utilities Board Pretreatment Manager under the authority and supervision of the Director of Environmental Services.

Section II. Applicability and Prohibitions

- (a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW) of the City of Brownsville, as defined in Section III of this Ordinance.
- (b) Grease traps, grease interceptors, grit interceptors, and oil/water separators shall not be required for residential users.
- (c) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use,

and maintain appropriate grease interceptors or grease traps as required in Section IV of this Chapter. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, day care centers, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

- (d) Grease traps and alternative grease removal devices are prohibited for new food service establishments, except for those facilities where:
 - 1) Inadequate space is available for the installation of a grease interceptor, and written approval from the Pretreatment Manager is received.
 - 2) Interior grease traps or alternative removal devices servicing grease discharge points such as the primary pot-washing sinks, the pre-rinse sink at dishwashing, the wok range station or the wet-type ventilation canopy in the cooking area, are used as inside isolation and containment devices to supplement a grease interceptor that is located outside.
 - 3) Less than 40,000 gallons of water is consumed per month, and written approval from the Pretreatment Manager is received.
- (e) Facilities discharging petroleum products, sand, grit, or other inorganic particles as a result of a commercial or industrial automobile service or washing establishment shall install, use and maintain appropriate grit interceptors or oil/water separators as required in Section IV of this Ordinance. These facilities include, but are not limited to, car washes, automotive and body shops and other industrial or commercial facilities.
- (f) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.
- (g) The following facilities are exempt from the requirements herein: a) raspa stands that serve only raspas, elotes, and tostaditas; b) facilities that serve only precooked foods or beverages; c) home care centers with 12 children or less; d) day care centers that provide catered food; e) facilities that are not connected to the POTW system of the City of Brownsville.

Section III. Definitions

- (a) **Act** means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (b) **Best Management Practices (BMPs)** mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the amount of pollution entering the sanitary sewer system.
- (c) **BOD** means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- (d) **Brownsville Public Utilities Board (BPUB)** means the agency of the City of Brownsville designated by City Charter to manage, control, administer, and operate the wastewater collection system, wastewater, and the POTW.
- (e) **City** means the City of Brownsville, Texas, as represented by the official acts of the City Commission and Commission designated entities and representatives.
- (f) **EPA** means the United States Environmental Protection Agency.
- (g) **Fats, oils, and greases (FOG)** means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. All are sometimes referred to herein as "grease" or "greases."
- (h) **Generator** means any person who owns or operates a grease trap, grease interceptor, grit interceptor, or oil/water separator, or whose act or process produces fats, oils and greases; grease trap waste; grease interceptor waste; grit interceptor waste, or oil/water separator waste.
- (i) **Grease interceptor** means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the interceptor and entering the sanitary sewer collection system.
- (j) **Grease trap** means an under-the-sink device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer

collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system.

- (k) **Grease Interceptor or Grease Trap Waste** means material collected in and from a grease interceptor or grease trap in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.
- (l) **Grit Interceptor** means a device designed to use the differences in specific gravities to separate and retain high density liquids, automotive and industrial oils and greases, and solids prior to the wastewater entering the sanitary sewer collection system.
- (m) **Grit Interceptor Waste** means sand, grit, petroleum products and other inorganic particles collected in an interceptor in the sanitary sewer line of a commercial or industrial automotive service or washing establishment, such as car washes, automotive and body shops and other industrial washing facilities.
- (n) **Indirect Discharge or Discharge** means the introduction of pollutants into the POTW from any non-domestic source.
- (o) **Interference** means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the BPUB's Texas Pollutant Discharge Elimination System (TPDES) permit.
- (p) **NELAC or National Environmental Laboratory Accreditation Conference** is cooperative association of States and Federal Agencies, formed to establish and promote mutually acceptable performance standards for the operations of environmental laboratories. The standards cover both analytical testing of environmental samples and the laboratory accreditation process. **The goal of NELAC is to foster the generation of environmental laboratory data of known and acceptable quality on which to base public health and environmental management decisions.**
- (q) **Oil/Water Separator** means a device designed to use the differences in specific gravities to separate and retain non-soluble, non-emulsified petroleum and allied petroleum products prior to the wastewater entering the sanitary sewer collection system.

- (r) **Oil/Water Separator Waste** means petroleum or allied petroleum products collected in a separator in the sanitary sewer line of a commercial or industrial establishment.
- (s) **Pass Through** means a discharge that exits the POTW into waters of the United States or of the State in quantities or concentrations which, alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the BPUB's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation).
- (t) **Person** means any individual, corporation (including a government corporation), organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body, business, trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall indicate the plural where indicated by the context.
- (u) **pH** means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.
- (v) **POTW or Publicly Owned Treatment Works** means a treatment works as defined by section 502(4) of the Clean Water Act, which is owned, in this instance, by the City of Brownsville. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to the POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.
- (w) **Pretreatment Manager** means the person designated by the BPUB to supervise the operation of the Pretreatment Program and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
- (x) **Shall** is mandatory; "may" is permissive.
- (y) **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

- (z) **Transporter** means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.142.
- (aa) **TSS** means the value of the test for Total Suspended Solids, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”
- (bb) **User** means any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

Section IV. Installation and Maintenance Requirements

(a) Installations

- 1) **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 trap or grease interceptor in accordance with the BPUB sizing formula and specifications listed in Section V of this Ordinance, unless the facility is exempt as listed in Section II of this Ordinance. Commercial and industrial automotive service and washing facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include an automotive service or washing facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grit interceptor or oil/water separator in accordance with the BPUB sizing formula and specifications listed in Section V of this Ordinance. Additionally, a sample collection point shall be installed according to BPUB specifications for any grease trap, grease interceptor, grit interceptor or oil/water separator. Grease traps, grease interceptors, grit interceptors and oil/water separators shall be inspected by the BPUB Pretreatment Department prior to issuance of a certificate of occupancy.
- 2) **Existing Facilities.** Existing grease traps, grease interceptors, grit interceptors and oil/water separators must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this Ordinance, unless specified in writing and approved by the BPUB Pretreatment Manager. Additionally, a sample collection point shall be installed

according to BPUB specifications for any grease trap, grease interceptor, grit interceptor or oil/water separator.

- 3) Existing undersized, inoperable, or defective grease traps, grease interceptors, grit interceptors or oil/water separators may be required to be replaced, repaired or upgraded within a reasonable time.
- 4) All grease trap, grease interceptor, grit interceptor and oil/water separator waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(b) Cleaning and Maintenance

- 1) Grease traps, grease interceptors, grit interceptors and oil/water separators shall be maintained in an efficient operating condition at all times.
- 2) Each grease trap, grease interceptor, grit interceptor or oil/water separator pumped shall be fully evacuated unless the trap or interceptor volume is greater than the tank capacity on the vacuum truck, in which case the transporter shall arrange for additional transportation capacity so that the grease trap, grease interceptor, grit interceptor or oil/water separator is fully evacuated within a 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.
- 3) The Brownsville PUB Pretreatment Department encourages the use of approved Best Management Practices (BMPs) for commercial establishments to reduce the amount of pollution introduced into the sanitary sewer system.

(c) Self-Cleaning

- 1) Generators with grease traps may self-clean provided:
 - (A) The grease trap is completely evacuated a minimum of every (7) days or as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap.
 - (B) The grease trap is no more than fifty (50) gallons in liquid/operating capacity;
 - (C) Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);

- (D) The local solid waste authority allows such practices;
 - (E) Grease trap 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
 - (F) Activities are recorded and maintained on a self cleaning report provided by the BPUB Pretreatment Department.
- 2) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in this Section, to ensure compliance with this ordinance. A self cleaning report shall be kept by self cleaners that indicates, at a minimum, the following information:
- (A) Date the grease trap was serviced;
 - (B) Name of the person or company servicing the grease trap;
 - (C) Waste disposal method used;
 - (D) Gallons of grease removed and disposed of; and
 - (E) Signature of the person servicing the grease trap after each cleaning that certifies that all grease was removed, disposed of properly, grease trap was thoroughly cleaned, and that all parts were replaced and in operable condition.
- 3) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or the requirement to in the future have the grease trap periodically cleaned by a Transporter.

(d) Cleaning Schedules

- 1) Grease interceptors, grit interceptors and oil/water separators shall be completely evacuated a minimum of every ninety (90) days or as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor, grit interceptor or oil/water separator; to ensure the discharge is in compliance with local discharge limits; to ensure no visible oil and/or grease is observed in discharge; or when the following conditions exist:
- (A) Twenty-five (25) percent or more 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; or

(B) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the BPUB; or

(C) If there is a history of non-compliance.

2) Any person who owns or operates a grease interceptor, grit interceptor or oil/water separator may submit to the BPUB Pretreatment Manager a request in writing for an exemption to the ninety (90) day pumping frequency of their grease interceptor, grit interceptor or oil/water separator. The BPUB Pretreatment Manager may grant a written extension for required cleaning frequency on a case-by-case basis when:

(A) The grease interceptor, grit interceptor or oil/water separator has been sized according to the BPUB sizing formula and the grease interceptor, grit interceptor or oil/water separator owner/operator has demonstrated the specific grease interceptor, grit interceptor or oil/water separator 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 BPUB, or

(B) Less than twenty-five (25) percent of the wetted height of the grease interceptor, grit interceptor or oil/water separator, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases

3) In any event, grease interceptors, grit interceptors and oil/water separators shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(e) Manifest Requirements

1) Each pump-out of a grease interceptor, grit interceptor, oil/water separator, or grease trap that is not self-cleaned as described in Section IV(c) above , must be accompanied by a manifest to be used for record keeping purposes.

2) Persons who generate, collect and transport grease trap waste, grease interceptor waste, grit interceptor waste, or oil/water separator 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 TCEQ registration number of transporter;
 - (B) Name, signature, address, and phone number of the generator of 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 (TCEQ 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 trap waste, grease interceptor waste, grit interceptor waste or oil/water separator 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 shall 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 parties before distribution of the manifest.
 - (C) One part of the manifest shall be submitted to the receiving facility.

- (D) One part shall be submitted 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 generator within 15 days after the waste is received at the disposal or processing facility.
 - (F) One part of the manifest shall be submitted to the BPUB Pretreatment Department, the local authority.
- 4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the BPUB.
- (f) Alternative Treatment
- 1) A person commits a violation if he introduces, causes, permits, or suffers the introduction of any surfactant, solvent, bacteria, or emulsifier into a grease trap, grease interceptor, grit interceptor or oil/water separator. Surfactants, solvents, bacteria, and emulsifiers are materials which allow the grease to pass from the grease trap, grease interceptor, grit interceptor or oil/water separator, into the collection system, and include but are not limited to, enzymes, microbial agents, soap, diesel, kerosene, terpene, and other solvents.
 - 2) It is an affirmative defense to an enforcement of Section IV. (f) (1) that the use of reasonable amounts of surfactants or soaps is incidental to normal kitchen hygiene operations.

Section V. Sizing and Design Criteria

- (a) Grease Traps
- 1) Grease traps shall have a minimum capacity of fifty (50) gallons.
 - 2) Grease traps shall not receive liquid waste from a dishwasher.
 - 3) Grease traps shall be installed in strict accordance with the manufacturer's instructions. Grease traps shall be equipped with a cover and a mechanism for secure closure.
 - 4) Grease traps shall be installed such that they are easily accessible for inspection, cleaning and removal of FOG and solid material.

- 5) A sample collection point shall be installed according to BPUB specifications.

(b) Grease Interceptors

- 1) Grease interceptors must capture liquid waste from dishwashers, pre-rinse/pre-wash sinks or sinks in dishwashing areas, compartment sinks, wok stoves, self-cleaning ventilation hoods, kitchen floor drains, floor sinks, mop sinks, food prep sinks, hand sinks, garbage disposals and garbage grinders.
- 2) Grease interceptors shall be sized according to the BPUB sizing formula. Where the sizing formula calculates a grease interceptor size less than five hundred (500) gallons, the size shall be five hundred (500) gallons.
- 3) Grease interceptors shall have a minimum of two (2) compartments with fittings designed for grease retention.
- 4) Grease interceptors shall have a manhole for each compartment to provide access for cleaning all areas of the interceptor. Manhole covers shall be gas tight in construction having a minimum opening dimension of twenty (20) inches.
- 5) In areas where vehicle traffic exists, the grease interceptor shall be designed for adequate load bearing capacity.
- 6) Grease interceptors shall be installed such that they are easily accessible for inspection, cleaning and removal of grease interceptor waste.
- 7) A sample collection point shall be installed according to BPUB specifications.

(c) Grit Interceptors and Oil/Water Separators

- 1) Grit interceptors and oil/water separators shall be designed, constructed and installed in accordance with the BPUB sizing formula and specifications.
- 2) Grit interceptors and oil/water separators shall have a manhole for each compartment to provide access for cleaning all areas of the interceptor. Manhole covers shall be gas tight in construction having a minimum opening dimension of twenty (20) inches.

- 3) In areas where vehicle traffic exists, the grit interceptor or oil/water separator shall be designed for adequate load bearing capacity.
- 4) Grit interceptors and oil/water separators shall be installed such that they are easily accessible for inspection, cleaning and removal of grit and oily waste.
- 5) A sample collection point shall be installed according to BPUB specifications.

Section VI. Excess Strength Waste Surcharge

- (a) Any generator discharging sewage that has a concentration of TSS and/or BOD in excess of the normal strength concentration shall be assessed a monthly surcharge fee, based on the analytical results for the six month surcharge period and monthly water consumption. The excess strength waste surcharge shall be calculated by the following formula:

$$[(\text{BOD} - \text{nBOD}) \times \text{A} + (\text{TSS} - \text{nTSS}) \times \text{B}] \times 8.34 \times \text{VOL}$$

Where:

- BOD: BOD strength concentration in mg/L;
- TSS: TSS strength concentration in mg/L;
- nBOD: Normal strength sewage BOD concentration in mg/L;
- nTSS: Normal strength sewage TSS concentration in mg/L;
- A: BOD charge in dollars per pound of excess strength BOD;
- B: TSS charge in dollars per pound of excess strength TSS;
- VOL: Volume of discharge in million gallons.

The applicable values for nBOD, nTSS, A and B shall be set forth in the BPUB's Schedule of Charges and Fees.

- (b) To determine BOD and TSS concentrations, the BPUB Pretreatment Department will sample the facility at the sampling port. The sampling frequency will be at a minimum once every six months. If the facility lacks a sampling port, then the surcharge will be determined by averaging the analytical results for BOD and TSS concentrations from all facilities.

- (c) If a facility does not agree with BPUB analytical results, then the facility has the option of hiring an independent TCEQ and/or NELAC certified laboratory to collect and analyze one additional sample at the user's expense. The BPUB Pretreatment Department must be notified at (956) 983-6515 five (5) business days prior to the additional sampling event to make arrangements to witness the sampling procedure and obtain split samples for BPUB independent analysis. The results from the additional sampling will be averaged with the routine BPUB six month surcharge period results as soon as the additional sampling results become available. The averaged results will be used from the month the average was calculated to the end of the six month surcharge period.
- (d) The BPUB may assess monitoring fees associated with sampling events, cost of analyses, shipping and any other related fees deemed necessary to carry out the requirements.

Section VII. Schedule of Penalties

- (a) If the BPUB determines that a generator is responsible for a blockage of a collection system line the BPUB is entitled to recover all reasonable operation and maintenance costs associated with removing the blockage, including associated administrative, technical consulting and legal support charges.
 - (b) Any person violating any of the provisions of this Ordinance shall be subject to a civil penalty up to \$2,000.00 as determined by a municipal court judge.

INTRODUCED AND PASSED at First Reading and ADOPTED, APPROVED, AND ENACTED on this the 7th day of March, 2006.

PASSED at Second and Final Reading and ADOPTED, APPROVED, AND ENACTED on this the 21st day of March, 2006.



ATTEST:

Estela Von Hatten
 ESTELA VON HATTEN,
 CITY SECRETARY

CITY OF BROWNSVILLE
 BY: Eddie Trevino, Jr.
 EDDIE TREVINO, JR.
 MAYOR