

**AMENDING CHAPTER 86 – UTILITIES, ARTICLE III. – CONNECTIONS TO
SYSTEMS, ADDING SEC. 86-107, FATS, OILS AND GREASE (FOG) CONTROL
PROGRAM, OF THE CODE OF ORDINANCES OF THE CITY OF BLAINE**

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

Sec. 86-107 –Purpose.

This ordinance sets forth requirements to aid in the prevention of sanitary sewer blockages, obstructions, and overflows due to the contribution and accumulation of fats, oils, and grease (FOG) into the City of Blaine sanitary sewer system from commercial and industrial businesses, and food service establishments (FSE). The ordinance regulates such businesses and FSEs by requiring that grease interceptors and other devices and equipment be used to control FOG, and by requiring that such devices and equipment be installed, implemented and maintained in accordance with the provisions hereof. The objective is to eliminate FOG related sanitary sewer overflows and sewer line blockages to prevent residential and commercial property damage, decrease sewer maintenance costs, improve sanitary sewer pipe and lift station conditions, and to protect the environment.

(a) Fats, oils and grease (FOG) control program participation required.

- (1) This section applies to all "food service establishments" (FSE), "food manufacturer/processors" (FM/P), and commercial and industrial businesses discharging wastewater containing fats, oils and grease to the City Sanitary Sewer System including, but not limited to, restaurants, grocery stores, meat markets, hotels, correctional facilities, factory and office building cafeterias, public and private schools, hospitals, multiple tenant housing, commercial day care centers, churches, and catering services.
- (2) As of the effective date of this ordinance, from which this section derives and thereafter, no FSE or FM/P shall discharge any substance of any kind into any portion of the City's wastewater system except in accordance with a best management practice (BMP) program which has been approved by the city utility superintendent in writing.
- (3) The city shall, from time to time, establish by resolution the minimum standards for the content of a BMP program.
- (4) No FSE or FM/P shall discharge any substance of any kind into any portion of the wastewater collection system which is not in conformance with the BMP program for that FSE or FM/P.

(b) FOG prohibitions. The following prohibitions apply to all FSE or FM/Ps:

- (1) Installation of food grinders in a plumbing or sewage system in any new construction or renovation of a structure designed to house a FSE or FM/P;

- (2) Discharge any wastewater containing FOG into a wastewater collection system except in compliance with the BMP program for that facility;
- (3) Introduction of any additives into the wastewater collection system for the purpose of emulsifying FOG or biologically or chemically treating any substance introduced into any wastewater system for purpose of treatment or pretreatment of wastewater, unless a specific written authorization by the utility superintendent is obtained;
- (4) Discharge of wastewater from dishwashers to any grease interceptor or grease trap;
- (5) Discharge of wastewater at temperatures in excess of 140 degrees Fahrenheit to any grease interceptor or grease trap;
- (6) Operation of grease interceptors/traps if the unit has accumulated waste, both FOG and food solids, accounting for 25 percent or more of its wetted depth measured from the static water level to the interior tank bottom, with FOG and solids accumulation, exceeding 25 percent of the total operating depth of the grease interceptor/trap; or
- (7) Discharge of any FOG or any other solid materials removed from the grease control device to the wastewater collection system.

(c) Grease interceptor/grease trap installation requirements.

- (1) Except as provided for in subsection (1) below, any structure designed for or intended to be used for an FSE or FM/P must have a grease interceptor/trap installed prior to discharging any wastewater into the wastewater collection system. Such grease interceptor/trap must comply with all conditions as set forth in the State of Minnesota Administrative Code, Section 4715.1115, Exterior Grease Interceptors;
- (2) Property owners of new commercial construction structure designed to house multiple tenants on a single parcel shall be responsible to install and maintain a single grease interceptor/trap to serve each individual tenant unless a property owner demonstrates to the utility superintendent that it is not practically possible to install and maintain a single grease interceptor/trap to serve each individual unit located in the structure in which case the utility superintendent has the discretion to approve a plan for such structure providing for more than one grease interceptor/trap or a combination of grease interceptors and grease traps to service such property, which approval shall be in writing. Said approved plan shall include the minimum number of grease interceptors and grease traps that can reasonably serve the structure and the BMP program shall specifically include service for all approved grease interceptors and grease traps;
- (3) The owner of any structure occupied by more than one FSE or FM/P (strip malls) shall be jointly and severally liable with the owner of each FSE or FM/P served by any grease interceptor or any grease trap for the servicing and maintenance of that grease interceptor or grease trap and for any servicing and maintenance of any wastewater facility located downstream from said structure to remove any accumulations of FOG therefrom;
- (4) The utility superintendent may require existing FSE or FM/Ps and owners of structures in which such FSE or FM/Ps are located which have been identified as introducing FOG into any portion of the wastewater system, and which introduction of FOG, in whole or in combination with other FOG contributors, has been responsible for causing the need

for the city to clean such portion of the wastewater system more than twice in a single calendar year to install grease interceptors or other FOG equipment as deemed necessary to comply with this section. Such installation shall be completed and operational within 180 days of notice by the utility superintendent.

- (d) Maintenance and cleaning of grease interceptors/traps. In the maintaining and routine cleaning of grease interceptors and any other grease control device, the owner of the FSE or FM/P and the owner of the structure in which it is located, if different from the owner of the FSE or FM/P shall be responsible for the proper removal and disposal by appropriate means of the captured material. If not performed by personnel under the direct control and direction of any such owner/manager, such removal and haul shall be performed by currently licensed waste disposal haulers.

The 25-percent rule requires that the depth of oil and grease (floating and settled) in a trap shall be less than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.

- (e) Outdoor grease interceptors. Maintenance of outdoor grease interceptors shall be performed as frequently as necessary to protect the sanitary sewer collection system against the accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25-percent rule. Maintenance shall be performed at least every 90 days.

- (f) Indoor grease traps. Maintenance of indoor grease traps shall be performed as frequently as necessary to protect the sanitary sewer collection system against the accumulation of FOG. Maintenance shall be performed as required by inspection and/or sampling. Maintenance shall be performed at least every 14 days.

- (g) Maintenance process. Maintenance process shall include the following minimum services:

- (1) Complete removal of all grease interceptor or trap contents rather than skimming the top grease layer;
- (2) Thorough cleaning of the grease interceptor or trap to remove grease and scum from inner walls and baffles;
- (3) Filling cleaned interceptor or trap with cold potable water; and
- (4) Completed waste hauler's section of the grease disposal manifest form and delivery to waste disposal site along with the grease interceptor or trap waste.
- (5) Top skimming, decanting or back flushing of the grease interceptor or trap or its contents for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system.

- (h) Maintenance modifications. Food service facilities which operate infrequently or only for special events may request a modification to the maintenance schedule specified above. The utility superintendent may authorize a maintenance frequency related to the operation of the food service facility. The user shall submit a request for a modified maintenance schedule which includes all details of operation for the utility superintendent to review.

- (i) Disposal. The user shall be responsible for the proper removal and disposal of the grease interceptor or trap waste. All waste removed from each grease interceptor or trap must be disposed of properly at an appropriate facility designed to receive grease interceptor or trap waste. No grease interceptor or trap waste shall be discharged into any City sanitary or storm sewer system.
- (j) Maintenance log. The user shall be responsible for retaining records of the maintenance of grease interceptors and traps including manifests, permits, permit applications, correspondence, sampling data and any other documentation that may be requested by the City. This log shall include the dates of service, volume of waste removed, waste hauler, and disposal site of waste. These records shall be kept on-site at the location of the grease interceptor or trap for a period of three years and are subject to review without prior notification.
- (k) The City will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days.

Upon inspection by the City, the user may be required to install, at their expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

- (l) Exception from grease interceptor/trap requirements. If the owner of any FSE or FM/P or of any structure in which an FSE or FM/P is located or is to be located demonstrates to the reasonable satisfaction of the utility superintendent that installation of a grease interceptor/trap is not feasible, the utility superintendent may grant an exception allowing such owner to install grease traps or other alternative treatment technology which will in his or her discretion adequately control the release of FOG from the FSE or FM/P or the structure into the wastewater system. The FSE or FM/P bears the burden of demonstrating that the installation of a grease interceptor/trap is not feasible. The request for an exemption shall include the following information if relevant:

- (1) Evidence of a lack of available exterior space necessary to place an interceptor/trap relative to the location of sewer main and easement;
- (2) Evidence of a lack of adequate slope for gravity flow between kitchen plumbing fixtures in the FSE or FM/P and the wastewater facilities;
- (3) Description and specifications of the alternative grease control equipment that will be installed;
- (4) Evidence that the size, available seating or type of food preparation does not generate any significant volume of FOG.

- (m) Charge for remedial maintenance or repair of the city wastewater system.

- (1) In the event that the owner of an FSE or FM/P or the owner of any structure in which an FSE or FM/P is located is found to have contributed to the partial or complete obstruction of a wastewater facility resulting from the discharge of wastewater or waste containing FOG and that the city is required to act immediately to control a public health hazard because of such blockage, such owner shall be required to reimburse the

city for all costs of abating such condition. In situations where there are multiple owners identified as contributing to FOG causing such obstruction, the utility superintendent will apportion the cost of the cleanup, maintenance or repair costs on a prorated basis, based on each owner's percentage share of the average total sanitary sewer charges for all such owners. Further, should inspection, testing or other sampling activity by the city confirm that any user is contributing excessive FOG (including other harmful ingredients) and is causing the repair or extraordinary maintenance activity to maintain the integrity of the system, the utility superintendent may require retrofitting of the structure with grease interceptors or grease traps, including testing facilities and access thereto sufficient to resolve the problem;

- (2) The costs for curing any private sewer lateral failures and sewer system overflows, including cleaning and other maintenance, caused in whole or in part by FOG introduced into the wastewater collection system by any FSE or FM/P, alone or in conjunction with any other party, are the responsibility of the owner of the FSE or FM/P and the owner of any structure in which the FSE or FM/P contributing the FOG to wastewater system is located.

(n) Compliance.

- (1) Compliance with the grease control program shall be evaluated based on the following criteria:
- (2) All food service establishments who are implementing and documenting BMPs, including employee training and kitchen procedures, and performing and documenting grease retention unit cleaning at the required frequency will be considered to be in full compliance with this policy.
- (3) When an obstruction and/or sanitary sewer overflow (SSO) occur, the records of all FSE or FM/P that discharge to the affected sanitary sewer line may be reviewed in order to determine the responsible party. Any FSE or FM/P found to be in noncompliance with the required grease retention unit cleaning frequency shall be deemed a responsible party for cost recovery. Payment of cost recovery does not preclude further enforcement actions for noncompliance.

(o) Penalties and assessments for FOG program noncompliance. In the event that the owner of an FSE or FM/P or the owner of any structure in which an FSE or FM/P is located is found to have failed to comply with the provisions of this division, the following penalties or assessments or both may be applied:

- (1) For introduction of FOG into any wastewater collection system resulting in obstruction to said system or in a SSO:
 - a. The city may disconnect water and sewer service to the FSE or FM/P and to the structure in which the FSE or FM/P is located;
 - b. City may impose a fine each month until such owner demonstrates that the subject FSE or FM/P or structure is in compliance with the requirements of this section;
- (2) For failure to maintain records as required by the BMP program for any FSE or FM/P, or failing or refusing to timely comply with any request for records required to be provided to the utility superintendent, a fine by the City each day until such records are provided;

(3) For failure to pass the FOG inspection due to lack of or ineffective FOG equipment the utility superintendent may:

a. Require the subject FSE or FM/P to install additional FOG equipment as necessary to resolve the problem and/or;

b. Impose penalties as outlined below:

(aa) For a first violation within any two-year period, a written warning will be issued;

(bb) For a second violation within any two-year period, a fine of \$100 per month;

(cc) For a third violation within any two-year period, a fine of \$200 per month;

(dd) For a fourth or more violation within any two-year period the City will recommend suspension/non-renewal/revocation of any Anoka County food establishment license(s) and any City/State issued alcohol licensing until resolved.

Sec. [~~86-107~~] 86-108 - 86-140. – Reserved.

INTRODUCED AND READ in full the ____ day of ____, 2019.

PASSED by the City Council of the City of Blaine this ____ day of ____ 2019.