

**CITY OF HARRINGTON
ORDINANCE NO. 12-13**

AN ORDINANCE AMENDING CHAPTER 330, SEWERS, OF THE CODE OF THE CITY OF HARRINGTON TO ADDRESS FATS, OILS, AND GREASE (FOG) INTERCEPTORS AND TRAPS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARRINGTON IN COUNCIL MET:

Section 1. That Chapter 330 of the Code of the City of Harrington shall be amended by adding the following article:

Article III. Fats, Oils, and Grease Interceptors and Traps

§ 330-12. Fats, oil, and grease (FOG) interceptors and traps required.

- A. Purpose. Fats, oil and grease (FOG) from food service facilities have a significant impact on the operations of the sewer lines, pump stations, wastewater treatment facilities and other associated appurtenances. It is necessary to provide control for oil and grease to protect the property of the City. Oil/Water separators that treat petroleum-based oils and greases are exempt from this section of the requirements.
- B. For all new and existing food service facilities, grease, oil and/or sand interceptors and traps shall be provided for the proper handling of FOG liquid wastes, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living units. All interceptors shall be of a type and capacity approved by the Delaware Department of Health and Social Services, and shall be located so as to be readily and easily accessible for cleaning and inspection.
- C. Yellow grease shall be recycled to the maximum extent practicable using a permitted rendering company.
- D. FOG interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight. They shall be designed as outlined in § 330-14.
- E. A permit from Kent County shall be required for all grease, oil, and sand interceptors. The owner of a grease, oil or sand interceptor shall maintain the interceptor, at his/her/its own expense, in efficient operating condition at all times. Such interceptors shall be readily accessible and open to inspection by the City at any time.

- F. Commercial or institutional facilities that utilize subfloor or exterior-located FOG interceptors and/or traps as an oil or grease removal device prior to wastewater discharge to the City's sanitary sewer shall have each trap serviced at least once every quarter or more frequently as specified in the Kent County permit or required to maintain the operability of the unit, to remove and dispose of oil or grease. All the interceptors shall be serviced by a grease hauler licensed by the State of Delaware to transport such waste, and traps may be serviced by either a licensed hauler or properly trained FSF employees. A grease trap/interceptor maintenance log, as required by Kent County, shall be kept. The log shall contain, at a minimum, the date, time cleaned, name of authorized grease hauler, and quantity of grease removed. This log shall be prominently displayed at the facility, and made available for inspection upon request. All service receipts and maintenance records shall be kept on file by the food service facility for a minimum of two years, and made available for inspection if requested by the City. The service receipt shall, at a minimum, contain the name and address of the facility serviced, the volume of the waste removed, the date/time of service and the name of the waste hauler providing service. Facilities failing to maintain service receipts, the maintenance log, or failing to have oil or grease traps serviced as provided in this section shall be subject to penalties as provided in § 330-13 of the Code. Facilities which knowingly provide false information with regard to providing service receipts are subject to the provisions of § 330-13.
- G. The use of any chemical, enzyme, emulsifier, live bacteria or other grease cutters or additives designed to liquefy, eliminate, or in any way reduce the presence of grease shall not be permitted without the written approval of the Kent County Environmental Program Manager.
- H. The use of grease decanting, where the material is collected in a tank truck and allowed to decant before returning the liquid back to the grease trap, is not permitted. Removal of grease from the interceptor or trap must be complete, and include all liquid and solids from the interceptor and/or trap.
- I. Inspection. The City has the right to inspect all food service facilities on a scheduled or unscheduled basis. A quarterly inspection shall be conducted for all permitted facilities to ensure compliance based on operation and maintenance of fats, oils, and grease interceptors and traps according to the Kent County permit and City of Harrington Code requirements including review of past inspection and/or service logs that are required. The City shall have the right to conduct inspections on a more frequent basis if it is determined by the City Manager, or his/her designee, that more frequent inspections are necessary. The inspection shall incur a cost as outlined in Chapter 180, Municipal Fees. The food service facility shall allow the inspector the right of entry to areas where the grease is generated. Any reinspection shall incur an additional cost as outlined in Chapter 180, Municipal Fees. Inspections shall also be conducted when new or

replacement interceptors are installed; such inspections shall incur a cost as outlined in Chapter 180, Municipal Fees. When the City performs an inspection, a record of the inspection shall be left with the food service facility. The record will note any deficiencies and recommended corrective actions.

- J. Repairs. Each food service facility shall be responsible for the cost and scheduling of all repairs to its grease interceptor(s) or traps. Any necessary repairs, as determined by an inspection, shall be completed within 14 calendar days of the written notice requiring such repairs.
- K. Food service facility FOG interceptor and trap permits.
- (1) All food service facilities, as defined in Kent County Code § 180-5, shall obtain a permit from the County and provide a copy of said permit at the facilities' expense to the City within 30 days of issuance from the County.
 - (2) Records to be kept by the food service facility shall include all as-built drawings of the plumbing system, a copy of the permit, all records of inspections, the maintenance log, service receipts from grease haulers, hauler and disposal information, and any monitoring data. The file shall be made available to any authorized inspector upon request. Service and maintenance records shall be kept for a minimum of two years. Construction records shall be kept for the lifetime of the unit.
 - (3) Authorized brown grease trap haulers must be registered with the State and Kent County pursuant to Kent County Code § 180-11 and must have the appropriate decal that shows they are an authorized grease hauler.
 - (4) Grease traps and interceptors are not mandatory for food service facilities in existence on the effective date of this regulation who cannot physically install a grease trap or interceptor at their location, provided they apply for a permit from Kent County, have a written professional engineer's opinion that one cannot be installed, have and continue to maintain a yellow grease recycling contract and provide an emulsifier, such as a detergent or enzyme product, that keeps the grease suspended in the wastewater.
 - (5) Quarterly inspections shall be conducted at a random time determined by the City to ensure that provisions of this Article are being complied with. Failure to comply with the provisions of this Chapter will result in the penalties outlined in Chapter 180, Municipal Fees.
 - (6) Food service facilities with interior grease traps or interceptors must provide their own hose for the removal of the grease in the

traps/interceptors. This hose must be capable of being connected to a grease hauler truck system located outside the premises.

- L. The use of food grinders in food service facility sinks is prohibited since they tend to transport FOG and the resultant FOG can block piping and cause backups and sanitary sewer overflows, thus creating serious public health issues.

§ 330-13. Violations and Penalties.

- A. Violation and penalties covering oil and grease interceptor and trap requirements.

- (1) The City Manager, or his/her designee, shall have the authority, upon notice to Kent County permitted oil and grease interceptors, to set fines for prohibited discharges as established in Chapter 180, Municipal Fees. Each day of continued violation shall be considered a separate violation.
- (2) Manner of assessment of fines. Fines shall be imposed on a graduated basis giving effect to the number of prior offenses, and the seriousness of each offense, on the following basis:
 - (a) Least serious offenses. For a first violation of the least serious types of offenses (including but not limited to failure to apply for an oil and grease interceptor permit from Kent County as required in this Code), there shall be a fine as established in Chapter 180, Municipal Fees. Each day of continued violation shall be considered a separate violation.
 - (b) Moderately serious offenses. For a first violation of a moderately serious type of offense (including but not limited to, not maintaining the grease removal log, etc.) there shall be a fine as established in Chapter 180, Municipal Fees. Each day of continued violation shall be considered a separate violation.
 - (c) Most serious offenses. For a first violation of the most serious type of offense (verbal or physical threatening of or intimidation of City employees, intentional falsification of forms and applications, and grease removal log sheets), there shall be a fine as established in Chapter 180, Municipal Fees. Each day of continued violation shall be considered a separate violation.
 - (d) For any violation determined to have been shown, whether or not contested or established by a hearing, the City Manager, or his/her designee, shall recover, in addition to any fines or other

penalties, an amount equal to any monies expended by the City in prosecution of any offense under this section of the Chapter.

B. Criminal prosecution.

- (1) A user who willfully or negligently violates any provisions of this Article, a wastewater discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine as established in Chapter 180, Municipal Fees, or imprisonment for not more than one year, or both. Each day of continued violation shall be considered a separate violation.
- (2) A user who willfully or negligently introduces any substance into the wastewater treatment system which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty as established in Chapter 180, Municipal Fees, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under Delaware law. Each day of continued violation shall be considered a separate violation.
- (3) A user who knowingly makes false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punished by a fine as established in Chapter 180, Municipal Fees, or imprisonment for not more than one year, or both. Each day of continued violation shall be considered a separate violation.
- (4) In the event of a second conviction, a user shall be punished by a fine as established in Chapter 180, Municipal Fees, or imprisonment for not more than one year, or both. Each day of continued violation shall be considered a separate violation.
- (5) Justices of the Peace or other judges shall not have the authority to suspend some or all of any fines imposed under this section of the Chapter for the moderate or more serious offenses detailed above.

C. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

- D. As an alternative, upon violation of this Article, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tank, sewage disposal systems, pipe or drains, to restrain, correct or abate such violation, to prevent the occupancy of any building, structure or land where said violations of this Article are found.
- E. If any provision, paragraph, word, section or article of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.
- F. All other codes and parts of other codes inconsistent or conflicting with any part of this Article are hereby repealed to the extent of such inconsistency or conflict.
- G. Remedies nonexclusive. The remedies provided for in this Article are not exclusive. The City Manager, or his/her designee, may take any, all or a combination of these actions against a noncompliant user. The City Manager, or his/her designee, may take other action against any user when the circumstances warrant. Further, the City Manager, or his/her designee, is empowered to take more than one enforcement action against any noncompliant user.

§ 330-14. Grease Interceptor and trap design criteria.

- A. All food service facilities are required to have a grease trap or interceptor that meets the Delaware Plumbing Code and the Standard Plumbing Code.
- B. Plumbing connections. Grease interceptors or traps shall be located in the food service facility's lateral sewer line between all fixtures that may introduce grease into the sewer system and the connection to the City's wastewater collection system. Such fixtures shall include, but not be limited to, sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into grease interceptors or traps.
- C. Grease traps. Grease traps shall conform to the standards in the Plumbing and Drainage Institute (PDI) Standards G101. They shall be installed in strict accordance with manufacturer's instructions, and equipped with a removable cover that can be opened for inspection, sampling and maintenance. The capacity and flow through rate shall meet PDI and DNREC requirements. A flow control device shall be installed to control the rate of flow through the unit, and the trap shall be properly vented.

D. Grease interceptors. Grease interceptors shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. They shall conform to the Delaware Plumbing Code and be certified by the PDI. They shall be sized in accordance with the Delaware Plumbing Code and the PDI G101 standards. The minimum capacity shall be 1,000 gallons and maximum shall be 3,000 gallons. Where sufficient capacity is not possible in a single unit, installation of interceptors in series is required.

Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.


Robert E. Price, Jr., Mayor

Attest: 
Kelly Blanchies, Clerk of Council

Date of Adoption: September 4, 2012

SYNOPSIS

This Ordinance amends Chapter 330 to establish requirements for controlling fats, oils, and grease (FOG).

First Reading: July 16, 2012

Public Hearing: August 6, 2012

Second Reading: September 4, 2012