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DANNEL P. MALLOY




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OFFICE OF THE MAYOR

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MEMORANDUM

TO: Board of Representatives

FROM: Mayor Dannel P. Malloy 

DATE: September 9, 2008

RE: **Proposed Ordinance Requiring the Abatement of Discharge of Fats, Oils and Grease into Public Sewers**

The attached proposed ordinance requires your approval. Kindly place this item on your agenda for your next regularly scheduled meeting.

Thank you for your consideration.

DPM:vl
Attachment



MAYOR
DANNEL P. MALLOY



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RECEIVED

SEP 09 2008

MAYOR'S OFFICE

DATE: September 8, 2008

TO: Dannel P. Malloy, Mayor

FROM: Michael S. Toma, Assistant Corporation Counsel *MST*

RE: Proposed Ordinance Requiring the Abatement of Discharge of Fats, Oils and Grease into Public Sewers

On behalf of the Water Pollution Control Authority, I am submitting for your consideration the attached proposal on the above subject. I have reviewed it and approved it as to form. Any questions relating to the content of the ordinance may be referred to Prakash Chakravarti. If you find the proposal satisfactory, please submit it to the Board of Representatives for its consideration.

Attachment

cc: Jeanette Brown
Prakash Chakravarti
Thomas M. Cassone

ORDINANCE NUMBER ____
SUPPLEMENTAL
ADDENDUM TO CHAPTER 200, SEWERS,
CONCERNING
THE DISCHARGE OF WASTEWATER FROM
FOOD PREPARATION ESTABLISHMENTS

WHEREAS, the Water Pollution Control Authority was created on January 1, 1997; and
WHEREAS, the Water Pollution Control Authority is responsible for the construction, operation, maintenance and repair of the Water Pollution Control Facility, sanitary sewers, pumping stations and hurricane barrier; and

WHEREAS, the Water Pollution Control Authority is responsible for assuring compliance with the General Permit issued by the State of Connecticut for the Discharge of Wastewater Associated with Food Preparation Establishments in The City of Stamford, Connecticut, and

WHEREAS, it is in the best interest of the City of Stamford to enact an ordinance to regulate the manner that food preparation establishments discharge wastewater;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT

Article V be appended to Articles I through IV, of the Code of Ordinances, Chapter 200, Sewers. Article V shall read as follows.

ARTICLE V.

ABATEMENT OF FATS, OILS AND GREASE DISCHARGE INTO PUBLIC SEWERS

Sec. 200-42. Purpose

This Article establishes uniform permitting, maintenance and monitoring requirements for preventing and/or controlling the discharge of grease from food service facilities discharging into the City's public wastewater collection system. The purpose of this article is to prevent clogging of the public sewer lines due to the accumulation of grease in the pipes.

The WPCA is hereby authorized to promulgate regulations, policies and procedures to address technical details related to the control of Fats, Oils and Grease.

Sec. 200-43. Definitions and word usage.

For the purpose of this article, the following words or terms shall have the following meanings. The definitions in Section 200.16 are also incorporated herein by reference.

"Authorized activity" means any activity authorized by this Article.

"WPCA" means the Stamford Water Pollution Control Authority or its designee.

“Authorized discharge” means a discharge authorized under this Article.

“AGRU” or *“Automatic grease recovery unit”* means an interior grease interceptor that separates grease from the wastewater by active mechanical or electrical means.

“BMP” or *“Best management practice”* means a practice, procedure, structure or facility designed to prevent or minimize environmental damage, or to maintain or enhance environmental quality. BMPs include without limitation, treatment requirements, operating procedures, practices to control spillage or leaks, sludge or waste disposal, or providing for drainage from raw material storage.

“Change in ownership” means a change in warranty deed or lease agreement.

“DEP” means the Department of Environmental Protection, State of Connecticut.

“DHSS” means the Department of Health and Social Services, City of Stamford, Connecticut.

“FPE Facility” means any food preparation establishment at which an authorized discharge originates.

“FPE owner/operator” means a person who initiates or maintains a wastewater discharge containing fats, oils or grease at a food preparation establishment.

“Fats, oils or grease” or *“FOG”* means any fats, oils or grease generated from the food preparation process.

“Food preparation establishment” or *“FPE”* means a Class III or IV food service establishment as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil, or grease above the effluent limits provided in this Article, such as but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.

“Class I” is a food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged precooked food may be heated and served in the original package within four hours.

“Class II” is a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous food is included, except that commercially packaged precooked foods may be heated and served in the original package within four hours, and commercially precooked hotdogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four hours.

“Class III” is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four hours of preparation.

“Class IV” is a food service establishment having on the premises exposed potentially

hazardous foods that are prepared by hot processes and held for more than four hours prior to consumption by the public.

“*General Statutes*” means the Connecticut General Statutes.

“*FOG interceptor or Grease trap/interceptor*” means any device or equipment designed to separate fats, oils and grease from wastewater while allowing water to flow through.

“*Grease trap/interceptor cleaner*” means any person regularly offering to the general public services of cleaning or servicing of grease trap/interceptors including the removal and hauling of fats, oils, grease, and food wastes which are components of sewage.

“*Health Department*” means the Department of Health and Social Services of the City of Stamford, Connecticut.

“*Individual permit*” means a permit issued to a named FPE owner/operator under Section 22a-430 of the General Statutes.

“*Local building official*” means the municipal officer or other designated authority charged with the administration and enforcement of the State Building Code in accordance with Section 29-253 of the General Statutes, or a duly authorized representative.

“*Maximum daily flow*” means the greatest volume of wastewater that is discharged during a 24-hour period.

“*Non-renderable*” means fats, oils and grease generated from the food preparation processes that have been contaminated with other materials, thereby prohibiting this material from being rendered.

“*Passive interceptor*” means an exterior containment with baffles such that FOG gets separated from the wastewater from the FPE before it enters the public sewers.

“*Potentially hazardous food*” means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms, or
- (ii) The slower growth of *Clostridium botulism*.

“*POTW*” means Publicly Owned Treatment Works.

“*POTW authority*” means the Superintendent or Chief Operator or Executive Director of the Publicly Owned Treatment Works.

“*Problem Areas*” means areas or sections of the sanitary sewers that service an area that has been problematic in maintenance and repair. The problems could be repeated sewer blockage due to oils, fats and grease discharged into sewers or the debris through the trash disposer.

“*Regional collection/transfer/disposal site*” means a facility approved in accordance with law for the collection, transfer, separation or disposal by incineration or other methods of fats, oils, grease and food waste from the wastewater of a facility.

“Render” means the process used to clarify or extract fats, oils and greases by melting.

“Renderable FOG” means 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.

“Renderer” means a person who collects and manages renderable FOG.

“Renovation” means any physical modification of the facility's food preparation area, food service area and/or dining area in excess of \$20,000 in any one calendar year or a cumulative total in excess of \$40,000 commencing from the effective date of this Article to July 1, 2011. The dollar value shall be the sum of all renovations for all building permits issued to the facility in a calendar year or from the effective date of this Article to July 1, 2011, for the food preparation, floor service and dining areas, as determined by the local building official.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this Article is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way, which such person controls, and to which the public does not have access shall be deemed the same site.

“Wastewater associated with a FPE facility” means wastewater containing fats, oils and grease from a food preparation establishment.

Sec 200-44. Eligible Discharge from a FPE facility.

All Class III and Class IV FPE facilities, as defined herein, shall be required to obtain a permit to discharge wastewater to the public sanitary sewers, unless exempted by the Executive Director of the WPCA:

The exempt facilities must comply with Section 200-34 of this Chapter. All Class III and Class IV FPE facilities must be registered with and hold a valid permit issued by the Department of Health of the City of Stamford.

Sec 200-45. Permits.

All FPEs shall be issued a FOG Permit by the WPCA for compliance with this Article. FPEs must be registered with the City of Stamford Department of Health.

A FOG permit shall be issued to the each FPE operator. The FPE operator shall be responsible for compliance with the latest revision of the FOG control policies and procedures.

Sec 200-46. Compliance schedule.

Any FPE facility that discharges to the public sewers shall comply with the following schedule:

- (1) Any new FPE facility that first began discharging wastewater after September 30, 2005, shall comply with this Article immediately upon said Article's effective date.

- (2) Any FPE facility that first began discharging wastewater on or before September 30, 2005 with a grease trap/interceptor that is not in compliance with this Article shall be required to comply with this Article no later than July 1, 2010.
- (3) Notwithstanding the previous subsection (2), an FPE shall be required to comply with the provisions of this Article when any one of the following occur:
 - a) There is a change in ownership of the FPE facility. The FPE shall comply with all of the requirements of this Article within 60 days of the change in ownership, unless the Executive Director of the WPCA approves a request for an extension in writing.
 - b) There is a renovation of the FPE facility.
 - c) An area or areas of the sewer system is designated as a problem area as defined in this Article. Such designation shall be by a formal vote of the WPCA Board and shall be based upon evidence of excessive fats, oils or grease in said area of the sewer system, such as sanitary sewer overflows, the need for excessive maintenance, or by means of inspection. Upon notification by the WPCA, all FPE facilities within the problem area designation shall comply with all conditions of this Article within a reasonable time schedule established by the WPCA, which schedule shall not be less than thirty nor more than ninety days.

Sec 200-47. Effluent Limitations

Any discharge from a FPE facility shall comply with the following limitations:

- (1) The wastewater discharged from the grease trap/interceptor, AGRU or other approved unit and prior to mixing with any other wastewater from the facility must meet the standards provided in Sec. 200-34. "Discharge limitations regarding the use of public sewers."
- (2) At no time shall the concentration of fats, oils, and grease in wastewater from the grease trap/interceptor, AGRU, or other approved unit and prior to mixing with any other wastewater from the facility exceed the limits as specified in Sec. 200-34. "Discharge limitations regarding the use of public sewers"

When directed by the WPCA, the FPE owner/operator shall have an analysis performed of a discharge sample and results shall be submitted to the WPCA for review.

Sec 200-48. Pollution Prevention/Best Management Practices (BMP)

The owner/operator of a FPE facility shall endeavor to the maximum extent practicable to prevent discharge of pollutants directly or indirectly into the waters of the United States of America. The BMPs shall include, but are not limited to, treatment requirements, operating procedures, segregation and proper disposal of pollutants. The FPE facility owner/operator shall ensure that:

- (1) No valve or piping bypass equipment that could prevent the discharge of wastewater from entering appropriate treatment equipment shall be present at such facility.
- (2) Renderable fats, oils, and grease shall only be disposed of in separate storage containers for

recycling by a renderer. NO renderable fats, oils, and grease shall be discharged into grease trap/interceptors or AGRUs, sanitary sewers, dumpsters or storm sewers. The FOG from the grease traps/interceptors shall be disposed of at a "Regional disposal site".

- (3) The FPE owner/operator shall on a regular basis inspect all grease trap/interceptors to ensure efficient separation of FOG from the discharge to the sewer main. An outdoor in-ground grease trap/interceptor shall be completely emptied by a licensed grease hauler on a regular basis or as frequently as directed by either the DHSS or WPCA.
- (4) The FPE owner/operator shall empty the solids settled at the bottom of the interceptors at reasonable intervals.

Sec 200-49. Duty to Correct and Report Violations

Upon becoming aware of a violation of a condition of any permit to discharge, a FPE owner/operator shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further violation, and report in writing such violation and such corrective action to the WPCA within five (5) days of the FPE owner/operator's learning of such violation.

Sec 200-50. Duty to Provide Information

Upon any request by the WPCA for any information pertinent to compliance with this ordinance, the FPE owner/operator shall provide such information within thirty (30) days of such request.

Sec 200-51. Certification of Documents

Any document, information or report required by this ordinance to be submitted to the WPCA shall be signed by the FPE owner/operator or by a duly authorized representative of the FPE owner/operator, and the signatory shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

Sec. 200-52. Powers of inspectors.

For the purposes of this article, the powers of inspectors shall include the following:

Inspectors of the WPCA and the City of Stamford bearing proper credentials and identification shall be permitted to enter any FPE during business hours for the purposes of inspection, observation, measurement, sampling and testing in order to determine compliance with the provisions of this ordinance.

Sec. 200-53. Violations and penalties; enforcement.

- a) Any FPE owner/operator, or agent thereof, who violates any provision of this article, shall receive from the WPCA and/or the City of Stamford written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- b) Any FPE owner/operator, or agent thereof, who continues any violation beyond the time limit provided for in the written notice described above shall be fined the dollar amount set by the WPCA Board, which fine shall not exceed ninety dollars per day, unless a higher fine is authorized by state or federal law.
- c) In addition to the other methods of enforcement provided herein, this article may also be enforced by use of the civil citation process.

This ordinance shall take effect upon enactment.