Agenda

ORDINANCE NO. 1113

AN ORDINANCE TO ADD SECTION 13.34 OF THE SPEEDWAY MUNICIPAL CODE PROVIDING FOR FATS, OILS AND GREASE PRETREATMENT PROVISIONS

WHEREAS, the Town Council of the Town of Speedway, Indiana, (the "Town Council"), being the governing body of the Town of Speedway, Indiana (the "Town"), desires to revise the Speedway Municipal Code (the "Code") in order to provide for fats, oils, and grease pretreatment provisions; and

WHEREAS, the Town Council has determined that such revisions to the Code are in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SPEEDWAY, INDIANA THAT SECTION 13.34 OF THE SPEEDWAY MUNICIPAL CODE IS ADDED TO READ AS FOLLOWS:

Section 1. **"Chapter 13.34**
FATS, OILS AND GREASE PRETREATMENT PROVISIONS

Fats, Oils and Grease Pretreatment Ordinance Sections:

SECTION 13.34.010 – PURPOSE

The purpose of this Chapter is to outline the wastewater pretreatment requirements for Retail Food Establishments (as defined in Section 13.34.020) and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow. All facilities that generate and discharge fats, oils and/or greases in their wastewater flow will install, operate and maintain a FOG pretreatment system. This order expressly includes, without limitation, all new and existing Retail Food Establishments and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow, regardless of whether the Facility's or Establishment's wastewater connection was made prior to the adoption of this ordinance and was previously permissible under law or practice applicable or prevailing at the time of connection.

SECTION 13.34.020 - DEFINITIONS

"FOG - FATS, OIL AND GREASE" – means any fats, oils and grease generated from the food preparation process as identified by the most current EPA method as listed in 40-CFR 136.3.

"FOG INTERCEPTOR" – means a passive tank installed outside a building and designed to remove fats, oil and grease from flowing wastewater while allowing wastewater to flow through it, and as further defined herein.

"FOG PRETREATMENT SYSTEM" – means a properly installed and operated FOG Interceptors and other alternate system as approved by the Town.

"NON-RENDERABLE FATS, OILS AND GREASE" - means fats, oils, and grease generated from food preparation processes that have been contaminated during the food preparation process thereby prohibiting this material from being rendered.

"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.

"RENDERABLE FOG CONTAINER" - means a closed, leak-proof container for the collection and storage of food grade fats, oil and grease.

"REGIONAL FOG DISPOSAL FACILITY" - means a publicly owned treatment works or privately owned treatment works that is permitted by the Indiana Department of Environmental Management for the separation and disposal by incineration or other methods of FOG from the wastewater of a facility.

"RETAIL FOOD ESTABLISHMENTS"- means Retail Food Establishments, as defined in 410 IAC 7-24-79, with the potential to discharge fats, oils and greases.

"TOWN" – means the Town of Speedway, Indiana.

SECTION 13.34.030 - APPLICATION TO INSTALL A FOG PRETREATMENT SYSTEM

A) FOG Pretreatment Systems are required for all Retail Food Establishments and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow, including restaurants, cafeterias, diners, and facilities using food preparation processes. This order expressly includes, without limitation, all new and existing Retail Food Establishments and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow, regardless of whether the Facility's or Establishment's wastewater connection was made prior to the adoption of this ordinance and was previously permissible under law or practice applicable or prevailing at the time of connection. FOG Pretreatment Systems are not required for private living quarters or dwelling units.

B) All new Retail Food Establishments and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow as determined by the Town will include the design and specifications for the FOG Pretreatment System as part of the construction permit as described in the Town's Municipal Code (15.04.070).

C) All existing Retail Food Establishments and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow which require a new FOG Pretreatment System, as determined by the Town, will submit an application for the installation of a new FOG Pretreatment System.

D) All existing Retail Food Establishments and other commercial facilities that discharge fats, oils and/or greases in their wastewater flow which have an existing FOG Pretreatment System may, as determined by the Town, keep the existing FOG Pretreatment System in operation if it meets all requirements stated within this ordinance.

E) All costs and related expenses associated with the installation and connection of the FOG Interceptor(s) will be borne by the Food Preparation Establishment or other commercial facility that discharges fats, oils and/or greases in their wastewater flow. The Establishment or other commercial facilities that discharge fats, oils and/or greases in their wastewater flow will indemnify the Town for any loss or damage that may directly or indirectly occur due to the installation of the FOG Pretreatment System.

SECTION 13.34.040 - DISCHARGE LIMITS

No facility will discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) milligrams per liter (mg/l).

SECTION 13.34.050 - PRETREATMENT SYSTEM REQUIREMENTS

A) An application for the design and installation of a FOG Pretreatment System is subject to review and approval by the Town, and subject to the requirements of all other applicable codes, ordinances and laws.

B) The wastewater generated from Retail Food Establishments or other commercial facilities that discharge fats, oils and/or greases in their wastewater flow is to be treated to remove FOG using a FOG Interceptor.

C) Every structure at the subject facility is to be constructed, operated and maintained, in a manner to ensure that the discharge of food preparation wastewater is directed solely to the FOG Interceptor. No valve or piping bypass equipment that could prevent the discharge of food preparation wastewater from entering appropriate treatment equipment is to be present.

D) The Contact Person at each Food Preparation Establishment or other commercial facility that discharges fats, oils, and/or greases is to notify the Town when the FOG Pretreatment

System is ready for inspection and connection to the public sewer. The connection and testing is to be made under the supervision of the Town of Speedway and/or a Town representative.

E) All applicable local plumbing/building codes are to be followed during the installation of the FOG Pretreatment System.

F) FOG Interceptor Requirements:

(1) The FOG Interceptor is to be installed on a separate building sewer line servicing kitchen flows and is to be connected only to those fixtures or drains which would allow fats, oils, and grease to be discharged. This is to include:

(a) Pot sinks;
(b) Pre-rinse sinks;
(c) Any sink into which fats, oils and grease are likely to be introduced;
(d) Soup kettles or similar devices;
(e) Wok stations;
(f) Floor drains or sinks into which kettles may be drained;
(g) Automatic hood wash units;
(h) Dishwashers without pre-rinse sinks; and
(i) Any other fixtures or drains that are likely to allow fats, oils and grease to be discharged.

(2) No food grinder is to discharge to the FOG Interceptor.

(3) No fixture or drain other than those listed in Paragraph (1) above is to be directly connected to the FOG Interceptor unless approved by the Town.

(4) An outdoor, FOG interceptor is to have a minimum depth of four (4) feet and a minimum detention time of:

(a) At least twenty-four (24) hours of the maximum daily flow from the fixtures described in subparagraph (1) of this section based on water meter records or other methods of calculation as approved by the Town, or
(b) 1000 gallons, whichever is greater.

(5) FOG Interceptors are to have a minimum of two compartments. The two compartments are to be separated by a baffle that extends from the bottom of the FOG interceptor to a minimum of five (5) inches above the static water level. An opening in the baffle is to be located at mid-water level. The size of the opening is to be at least eight (8) inches in diameter but not have an area exceeding one hundred eighty (180) square inches.

(6) FOG Interceptor is to be watertight and constructed of precast concrete, or other durable material. It is to be located so as to be accessible for convenient inspection and maintenance. No permanent or temporary structures or containers are to be placed directly over the FOG Interceptor. FOG Interceptors installed in areas subject to traffic is to be designed to accommodate traffic loading.

(7) FOG Interceptors constructed of precast concrete, are to meet the following requirements:

(a) All concrete FOG Interceptors are to be fabricated using minimum 4,000-psi concrete per ASTM standards with four (4) to seven (7) percent air entrainment.

(b) The FOG Interceptor is to have a minimum liquid depth of thirty-six (36) inches, measured from the bottom of the tank to the outlet invert.

(c) The air space provided between the liquid height and the underside of the tank top is to be a minimum of eight (8) inches.

(d) All structural seams and/or lifting holes are to be grouted with non-shrinking cement or similar material and coated with a waterproof sealant. In areas where seasonal high ground water is at an elevation greater than the bottom of the FOG Interceptor, but below the top of the FOG Interceptor, the exterior top, sides and bottom are to be coated with a waterproof sealant creating a water tight condition for the tank. In areas where seasonal high ground water is at an elevation greater than the top of the FOG Interceptor, the exterior of the manhole extensions to grade are to be coated with a waterproof sealant creating a water tight condition for the extension.

(e) The manhole cover is to be placarded with the warning "Entrance into the tank could be fatal".

(f) Voids between the FOG Interceptors walls and inlet and outlet piping is to be grouted with non-shrinking cement and coated with a waterproof sealant.

(g) The liquid capacity of the tank is to be marked on the top of the tank between the outlet access hole and the outlet wall or on the vertical wall between the top of the tank and the top of the outlet opening.

(h) The invert elevation of the inlet is to be between three (3) inches and six (6) inches above the invert elevation of the outlet.

(8) All non-concrete septic tanks must be approved for use by the Town.

(9) Separate cleanout covers are to be provided over the inlet and outlet of the FOG Interceptor so as to provide easy access for inspection and cleaning. Cleanout ports are to be fitted with manhole extensions to grade. In areas subject to traffic, the extensions are to have ductile iron frames and round manhole covers. Where concrete covers are used, the lid must either weigh a minimum weight of fifty-nine (59) pounds or contain a locking mechanism to prevent unauthorized entrance. The manholes, extensions, and inlet and outlet access holes to the FOG Interceptor are to have a minimum inside diameter of seventeen (17) inches.

(10) The inlet and outlet piping are to be PVC meeting ASTM D 1785 Schedule 40 with rubber compression gaskets or solvent weld couplings. The joints must meet ASTM D 3212 specifications. The Town may approve other piping materials for use. The minimum diameter of the inlet and outlet piping is to be four (4) inches. The inlet and outlet is to utilize a tee-pipe fitting on the interior of the FOG Interceptor. No caps or plugs are to be installed on the tee-pipes. The tee-pipe on the inlet and outlet is to extend to within twelve (12) inches of the bottom of the tank and at least five (5) inches above the static liquid level of the tank.

(11) The FOG Interceptor is to be set at a level of a consolidated, stable base that has been mechanically compacted, with a minimum of six (6) inches of crushed stone so that no settling or tipping of the FOG Interceptor can occur. Select backfill is to be placed and compacted around the FOG Interceptor in a manner to prevent damage to the tank and to prevent movement caused by frost action.

(12) The outlet discharge line from the FOG Interceptor is to be directly connected to the municipal sanitary sewer.

(13) The following minimum-separating distances is to be maintained between the FOG Interceptor and the items listed below.

(a) Property line 10 ft

(b) Building served (no footing drains) 15 ft

(c) Ground water intercepting drains, footing drains and storm 25 ft drainage systems

(d) Open watercourse 50 ft

(14) When necessary due to installation concerns, testing for leakage will be performed using either a vacuum test or water-pressure test.

SECTION 13.34.060 - ALTERNATE FOG PRETREATMENT SYSTEM

A) When it is not practical for the Establishment or other commercial facility to install an outdoor in-ground FOG Interceptor per Section 13.34.050, an Alternate FOG Pretreatment System may be utilized upon approval by the Town and upon receiving a "Notification of Approved Alternative FOG Pretreatment System." Approval of the system is to be based on demonstrated (proven) removal efficiencies and reliability of operation. The Town will approve these systems on a case-by-case basis. The Contact Person may be required to furnish analytical data demonstrating that FOG discharge concentrations do not exceed the limits established in this ordinance.

B) Alternate FOG Pretreatment Systems are to consist of a FOG Recovery Unit meeting the requirements of Paragraph D below, unless there are special circumstances that preclude such installation, as approved by the Town, and in accordance with Paragraph E.

C) Alternate FOG Pretreatment Systems are to meet the requirements of Section 13.34.050, (A through E), and are to be installed immediately downstream of each of the fixtures and drains listed in 13.34.05(F)(1), and are to meet the requirement of Section 13.34.050(F)(2) and (3).

D) Alternate FOG Pretreatment System Requirements:

(1) FOG Recovery Units are to be sized to properly pretreat the measured or calculated flows using methods approved by the Town.

(2) FOG Recovery Units are to be constructed of corrosion-resistant material such as stainless steel or plastic.

(3) Solids are to be intercepted and separated from the effluent flow using a strainer mechanism that is integral to the unit.

(4) The FOG Recovery Unit is to operate using a skimming device, automatic draw-off, or other mechanical/hard wired electrical means to automatically remove

separated FOG. This automatic skimming device is to be controlled using a timer or level control. The operation of the automatic skimming device is to be field adjustable. The FOG Recovery Unit timer is to be set to operate the unit no less than once per day.

(5) FOG Recovery Units are to be fitted with an internal or external flow control device to prevent the exceedence of the manufacturer's recommended design flow.

(6) FOG Recovery Units are to be located to permit frequent access for maintenance, and inspection.

E) Other Alternate FOG Pretreatment System

(1) Other Alternate FOG Pretreatment Systems that do not meet the requirements of Section 13.34.050(F) or Section 13.34.060(D), may be considered for approval by the Town on a case-by-case basis. The application is to include:

(a) Documented evidence that the proposed Alternate FOG Pretreatment System will not discharge FOG concentrations that exceed the discharge limits per Section 13.34.040.

(b) Plans and specifications for the proposed system including plans and profile of system installation, manufacturer's literature, documentation of performance and any other information detailing the proposed alternate system.

(c) A written Operation and Maintenance Plan, which is to include the schedule for cleaning and maintenance, copies of maintenance log forms, a list of spare parts to be maintained at the subject facility, and a list of contacts for the manufacturer and supplier. Following receipt of written Notification of Approved Alternate FOG Pretreatment System from the Town, the Operation and Maintenance Plan is to be maintained on the premises. The plan is to be made available for inspection on demand by the Town.

(d) A written FOG Minimization Plan, which is to include procedures for all Establishment or facility employees to minimize FOG entering the wastewater collection system.

(e) A description of a FOG Pretreatment Training Program for Retail Food Establishment and facility employees in FOG minimization procedures.

(2) A Notification of Approved Alternate FOG Pretreatment System may be granted for a duration not to exceed three (3) years, with extensions, when demonstrated to the satisfaction of the Town that the proposed Alternate FOG Pretreatment System, Operation and Maintenance Plan, FOG Minimization Plan and FOG Pretreatment Training Program are adequate to maintain FOG concentration in the wastewater discharge below the limits set in Section 13.34.040.

SECTION 13.34.070 - PRETREATMENT EQUIPMENT MAINTENANCE

A) The FOG Pretreatment System is to be maintained continuously in satisfactory and effective operation, at the Retail Food Establishment's or facility's expense.

B) The Establishment or facility is to be responsible for the proper removal and disposal, by appropriate means, of the collected material removed from the FOG Pretreatment System.

C) The Establishment or facility is to ensure that the FOG Interceptor is inspected when pumped to ensure that all fittings and fixtures inside the interceptor are in good condition and functioning properly. The depth of grease inside the tank is to be measured and recorded in the maintenance log during every inspection along with any deficiencies, and the identity of the inspector.

D) The Establishment or facility is to determine the frequency at which its FOG Interceptor(s) is to be pumped according to the following criteria:

(1) The FOG Interceptor is to be cleaned by a subsurface sewage disposal cleaner whenever twenty-five (25) percent of the operating depth of the FOG Interceptor is occupied by fats, oils, grease, and settled solids, or a minimum of once every three (3) months, whichever is more frequent. Cleaning of FOG Interceptors is to include the complete removal of all contents, including floating materials, wastewater and settled sludge. Decanting back into the FOG Interceptor is not to be permitted. FOG interceptor cleaning is to include scraping excessive solids from the wall, floors, baffles and all piping.

(2) If the Establishment or facility can provide data demonstrating that less frequent cleaning of the FOG Interceptor will not result in a grease level in excess of twenty-five (25) percent of the operating depth of the FOG Interceptor, the Town may allow less frequent cleaning. The Establishment or facility is to provide data including pumping receipts for four (4) consecutive cleanings of the FOG Interceptor, complete with a report from the Grease Trap/Interceptor Cleaner indicating the grease level at each cleaning, and the FOG Interceptor maintenance log.

(3) A maintenance log is to be maintained on the premises, and is to include the following information: dates of all activities, volume pumped, grease depth, grease trap/interceptor cleaner's name, location of the waste disposal, means of disposal for all material removed from the FOG Interceptor, and the name of the individual recording the information. A copy of the maintenance log and Grease Trap/Interceptor Cleaner's receipts are to be sent to the Town for inspection within five (5) business days of cleaning. Interceptor cleaning and inspection records are to be maintained on file at the Establishment or facility for a minimum of five (5) years.

E) All material removed and hauled from FOG Pretreatment Systems must be performed by a subsurface sewage disposal cleaner or entity approved by the Town. Pumped material is to be disposed of at a Regional FOG Disposal Facility.

F) The Establishment or facility is to be responsible for the cost and scheduling of all actions. The Establishment or facility is to be notified in writing of violations of this Article by the Town. Actions to comply are to be completed within the time limits as given below:

- Violation Days from Inspection to Correct Violation
- Equipment not registered 30 days
- Equipment not properly installed 90 days
- Major violations (outdoor and indoor) 30 days
- Minor Violations 90 days

The failure of the Establishment or facility to comply with this order within the time limits stated above will result in a fine not to exceed One Hundred Dollars. Each additional day's failure to comply will constitute a separate violation.

SECTION 13.34.070 - FOG MINIMIZATION

A) The Establishment or facility is to make every practical effort to reduce the amount of FOG contributed to the sewer system.

B) Renderable fats, oil and grease is not to be disposed of, in any sewer, septic tank or FOG Interceptor. All renderable fats, oil and grease are to be stored in a separate, covered, leak-proof, Renderable FOG Container, stored out of reach of vermin, and collected by a renderer.

Section 2. This ordinance shall be effective upon passage.