ORDINANCE NO. 2010-04
FATS, OILS, AND GREASE ORDINANCE

ORDINANCE AMENDING TITLE 18 OF THE MILLINGTON MUNICIPAL CODE TO ADD PROVISIONS REGARDING REGULATION OF DISCHARGES OF ANIMAL AND VEGETABLE FATS, OILS AND GREASE, FOOD WASTE, SOIL, SAND AND LINT INTO CITY WASTEWATER TREATMENT AND SEWER SYSTEM, AND TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITH ORDINANCE AND FOR DAMAGE TO SUCH SYSTEMS

WHEREAS, Section 9 of the Charter of the City of Millington authorizes the Board of Mayor and Aldermen to provide for the operation and maintenance of sewers and wastewater treatment plants and other public improvements, and to regulate the use thereof; and to define, regulate and prohibit any act or practice conduct or use of property that is detrimental or likely to be detrimental to health or general welfare of inhabitants of the City; and to provide that violation of any ordinance, rule, regulation or order shall be punishable as a misdemeanor; and

WHEREAS, the Board of Mayor and Aldermen believes it is necessary to promote and preserve the health and welfare of inhabitants of the City and the integrity of the City's sewers and wastewater treatment plant to require regular pumping and maintenance of grease traps and proper installation and maintenance of oil/water separators;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, that the Millington Municipal Code be, and the same hereby is, amended to add the following new Chapter 6, Fats, Oils and Grease, to Title 18.

"TITLE 18
CHAPTER 6
Fats, Oils and Grease

Section 18-601. Purpose. The purpose of this Ordinance is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

Section 18-602. Definitions.

A. Grease. Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. For purposes of this ordinance, the words "fats, oil and grease" are all together sometimes called "Grease." Grease does not include petroleum based products.

B. Grease Trap. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the City's sanitary sewer collection and treatment system. Grease traps also serve to collect settable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

C. Food Service Facilities. (1) For purposes of this ordinance, a "Food Service Facility is any facility whose primary activity is preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

(2) In addition, any facility whose primary activity is not preparing, serving or otherwise making available foodstuffs for consumption, but which does prepare serve or otherwise make available for consumption foodstuffs as a secondary activity, shall be classified as a Food Service Facility if it uses a deep fryer.

(3) Food Service Facilities may include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, and all other sewer users that discharge applicable waste into the City's systems, as determined by the City of Millington.

D. Person. As used in this ordinance, "Person" means and includes any individual, business entity, for-profit or non-profit corporation, limited liability company, partnership or limited partnership, and any other entity or association engaged in activities subject to this ordinance.

E. User. Any Person or establishment, including those located outside the jurisdictional limits of the City, who contributes, causes, or permits the contribution or discharge of wastewater into the City's wastewater collection and treatment system, including Persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

F. Oil/Water Separator. An approved and industry standard system that is specifically designed and manufactured toseparate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the City's wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the City of Millington.

Section 18-603. Control Plan for FOG and Food Waste/Grease Trap Requirement.

A. Pumping/Maintenance Control Plan Required. Before undertaking any new construction, renovation, or expansion of a Food Service Facility, the owner, tenant, developer or other intended user of such Facility shall submit to the City a FOG and food waste control plan that shows the User's plan for pumping and maintenance of the grease trap that will effectively control the discharge of undesirable materials into the City's wastewater collection system. This submittal must be included with the application for a building permit.

B. Existing Food Service Facilities. Food Service Facilities in existence as of the effective date of this ordinance shall also be required to submit to the City a FOG and food waste control plan that shows the proposed plan for pumping and maintenance of its grease trap to effectively control the discharge of undesirable materials into the City's wastewater collection system. Existing Food Service Facilities shall have three (3) months after the effective date of this ordinance to submit a control plan as described in Section A above and to implement a control plan.

C. Grease Trap for Existing Food Service Facilities. Any existing Food Service Facility that is not undertaking new construction renovation or expansion but that does not have a grease trap shall have a period of six (6) months after the effective date of this ordinance to install such a grease trap and notify the City of such installation and to submit its control plan as required under subsection A of Section 18-603. There will be no "grandfathering."

D: City Right to Monitor. The City of Millington shall have the right to monitor the waste haulers who provide service to the Food Service Facilities or other facilities with a grease trap attached to the City of Millington's sewerage system in order to insure property pumping and disposal of pumpage and maintenance of required information and to require their compliance with the applicable provisions of this ordinance.

Section 18-604. General Requirements.

A. Installation requirements. All existing, proposed, or newly remodeled Food Service Facilities inside the City of Millington wastewater service area shall be required to install, at the User's expense, an approved grease trap and to , properly operate and maintain such grease trap at all times.

B. Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C. Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D. Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used, it must be connected to the grease trap. The use of grinders is discouraged, since use of a grinder decreases the operational capacity of the grease trap and requires an increased pumping frequency to ensure continuous and effective operation.

E. Dishwashers. Commercial dishwashers in Food Service Facilities required to have grease traps under this ordinance must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized to allow enough detention time so that water will cool to the temperature at which grease will solidify and float to the top of the trap.

F. Location. Every grease trap shall be installed outside the building and upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without prior written approval by the City of Millington.

G. Pass Through Limits. The current Millington Sewer Use Ordinance applies to those Persons subject to this Ordinance.

H. Waiver. The City reserves the right to waive elements of the general requirements on a case by case basis, at the request of the affected User, and provided the City determines that such waiver will not adversely affect the City's wastewater and sewer system.

Section 18-605. Design Requirements.

A. Construction. Grease traps shall be constructed in accordance with the City of Millington's standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devises or technologies shall be subject to the written approval of the City of Millington. Such approval shall be based on demonstrated removal efficiencies of the proposed device or technology.

B. Access. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to each grease trap shall be provided by two manholes (one on each compartment), which shall terminate at finished grade, with cast iron frame and cover.

C. Load-bearing capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: where there is vehicular traffic in driving or parking areas)

D. Inlet and Outlet Piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

E. Grease Trap Sizing. The size of each grease trap shall be the size required under the Shelby County Code of Ordinances, including any model codes adopted by reference by the County.

Section 18-606. Grease Trap Maintenance and Pumping.

A. Cleaning/Pumping Required The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency and to maintain compliance with Table B - Plant Protection Criteria of Section 18-207 of the Millington Municipal Code.

Maintenance of a grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a

licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or into any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Cleaning/pumping of a grease trap shall include a thorough inspection of the trap and its component parts. Any needed repairs shall be noted and shall be made immediately at the user's expense.

The hauler (party who will clean and pump any grease trap) must notify the City of Millington at least two (2) business days prior to beginning the work. Such notice shall be sent by email to _____ or by telephone to 901-_872-2211.

B. Cleaning/Pumping Frequency. Each grease trap must be pumped out completely a minimum of once every four months, or more frequently, as determined by the City of Millington, as needed to prevent deposit of grease into the City's sanitary sewer system.

C. Disposal. Every waste hauler who removes waste from any grease trap shall dispose of such waste at a facility approved to receive such waste in accordance with the provisions of this ordinance and other applicable law.. No pumpage removed by cleaning and/or pumping shall be returned to any private or public portion of the City's sanitary sewer collection system. All pumpage from grease traps must be tracked by a hauler's manifest, which identifies the pumping, hauling, and disposal of waste from each trap. Every hauler must provide a copy of such manifest to each customer, and every Food Service Facility subject to this ordinance must obtain from the hauler and retain for a period of 24 months a copy of every such manifest.

D. Maintenance Log. A grease trap cleaning/maintenance log showing each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, name and contact information of the hauler, and disposal site. Said log shall be kept in a conspicuous location for inspection by the City during normal business hours. Said log shall be made available to the City of Millington or its representative upon request.

E. Submittal of Records. Each User shall submit all cleaning and maintenance records to the City of Millington twice each year. Such submittals shall be due March 1st and September 1st . The maintenance records shall include the following information:

1. Facility name, address, contact person, and phone number;
2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap;
3. Types of maintenance performed;
4. Dates maintenance was performed;
5. Date of next scheduled maintenance; and
6. Copies of haulers' manifests.

The records shall be submitted to:
City of Millington
Attn. Storm Water Manager
Address: _____
Millington, Tennessee 380__

F. City Inspections. The City of Millington will perform periodic inspections of Food Service Facilities subject to this ordinance and shall notify the User of any additional required maintenance or repairs needed for each grease trap. Upon receipt of written notification by the City, the User shall be required to perform the maintenance and/or repairs and provide the City with a report and records of said maintenance within 14 calendar days. Upon inspection by the City of Millington the User may be required to install, at its expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

Section 18-607. Biological Additives. Any biological additive(s) placed into the grease trap or building discharge line, including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease, shall require written approval by the City of Millington prior to use. The use of such additives shall in no way be considered as a substitute for the maintenance and pumping procedures required herein.

Section 18-608. Chemical Treatment Prohibited. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

Section 18-609. Sand, Soil, and Oil Interceptors.

A. Traps/Interceptors Required. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the City of Millington) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the User's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the City of Millington shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system.

B. Oil/Water Separators. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the City of Millington.

Section 18-610. Commercial Laundry Requirements. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the wastewater collection system of solids ½" or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

Section 18-611. Control Equipment

A. The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed and installed in accordance with the plumbing code as adopted by the City of Millington, the Tennessee Department of Environment and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the City of Millington. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

B. Control equipment shall be maintained by the owner and/or operator of the facility to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

C. If the City of Millington is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof), the owner or operator shall be required to pay to the City, upon presentation of a statement of costs, all costs for labor, equipment, materials, and any overhead costs incurred by the City, in addition to any penalties or fines on account of any sanitary sewer overflow due directly to the stoppage.

D. The City shall have the right to inspect and approve any and all installations of control equipment at all reasonable times.

Section 18-612. Alteration of Control Methods. The City of Millington shall have the right to require additional control measures if existing control equipment is shown to be insufficient to protect the City's wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

Section 18-613. Enforcement and Penalties.

A. This ordinance shall be enforced by the Storm Water Manager of the City of Millington.

B. Any Person who violates this ordinance, in part or whole, shall be guilty of a violation of the Millington Municipal Code. The City may either: (1) issue a citation to City Court, in which case the alleged violator, upon conviction, shall be subject to pay a civil penalty not to exceed $50.00, plus payment to the City of all costs incurred to repair any damage to City property caused by the violation; or (b) bring an action against the alleged violator in state court, in which case alleged violator, upon conviction shall be subject to pay a civil penalty in the amount of up to $1,000.00, plus payment to the City of all costs incurred to repair any damage to City property caused by the violation. In either case, each day that a violation exists shall constitute a separate offense.

C. In addition to imposition of a civil penalty, the City shall be entitled to seek an injunction from a court of competent jurisdiction to require compliance with this ordinance or to enjoin continued operation of a Food Service Facility or a waste hauler subject to this ordinance that is in violation hereof until such violation has been cured.

Section 18-614. Severability. The provisions of this ordinance are declared to be severable. If any provision of this ordinance should be declared by a court of competent jurisdiction to be invalid or unenforceable, the portions of this ordinance not so declared shall continue in full force and effect."

This ordinance shall take effect ten days after its final passage, the public welfare requiring it.

First Reading: January 4, 2010
Second Reading: March 1, 2010
Third Reading: April 5, 2010

Richard L. Hodges, Mayor

Levon M. Womack

Levon Womack, City Clerk