

Newport Borough Council
Newport Borough
Perry County Pennsylvania

Ordinance # 357

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF NEWPORT, PERRY COUNTY, PENNSYLVANIA AMENDING ORDINANCE #348, CHAPTER 187 OF THE BOROUGH CODE OF ORDINANCES AS AMENDED TO PROVIDE A NEW ARTICLE REGULATING FATS OILS AND GREASE (FOG) ENTERING THE NEWPORT BOROUGH WASTEWATER COLLECTION SYSTEM.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Newport, Perry county, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the Authority of the same, as follows:

Section 1. Chapter 187, Sewer and Sewage Disposal, of the Code of Ordinances of the Borough of Newport, as amended to add the following new Article # IV.

ARTICLE IV

187 -28 Purpose and Policy. The purpose of this Article is to reduce the amount of fats, oils and grease (“FOG”) entering the Borough of Newport Wastewater Collection System in order to comply with the Clean Water Act of 1977 and general pretreated regulations (40CFR, Part 403). This Article applies to the regulation of “FOG” contributors to publicly owned treatment works (“POTW”) through the issuance of permits, inspections, sampling and enforcement of the requirements within this Article shall be applied to, but not limited to all food processing facilities within the Borough that discharge wastewater to be treated by the POTW. The requirements within this Article shall also be applied to residential users within the Borough that discharge wastewater to the POTW and that contribute “FOG” to the Borough’s sewage collection system.

187 – 29 Definitions. The following terms and phrases shall have the designated meaning in the context of this Article.

DAYS – Days shall be considered as calendar days unless otherwise specified.

FOG – All fats, oils and grease whether or not they are created as a byproduct of cooking.

FOG ADMINISTRATOR – A duly authorized agent responsible for the enforcement of this Article.

FOG OVERFLOW REPORT – A report supplied to the FOG Administrator by the Producer with (5) days of a FOG overflow explaining the cause of the overflow, steps taken to contain and clean up the overflow, and measures taken to prevent the overflow from occurring again.

GREASE TRAP-An apparatus located inside the structure that collects and contains the fats, oils and grease and removes a significant portion of it from the wastewater to be discharged.

NOV – Notice of violation. A written notice specifically citing the nature of the violation and a specific time frame for correction.

OIL AND GREASE INTERCEPTOR – An apparatus located outside the structure that collects and contains the fats, oils and grease and removes a significant portion of it from the wastewater to be discharged.

OVERFLOW – A discharge of “FOG” from a grease trap or interceptor into the POTW in a concentration greater than 100mg/L or in the form of visible masses detrimental to the POTW.

POTW – Publicly owned treatment works including the Borough Wastewater Collection and Conveyance System.

PRODUCER – Any commercial or public facility or private residential property that is connected to the Borough POTW and that produces, or is likely to produce, whether directly or indirectly, wastewater containing “FOG” in a concentration greater than defined in the general regulation of this Article. Commercial facilities include, but limited to, restaurants, schools, private clubs, delis, churches and daycare centers. Producers shall be classified as follows:

CLASS 1 PRODUCER – Any Producer who has an oil and grease interceptor on the sewer line.

CLASS 2 PRODUCER – Any producer who has a grease trap.

CLASS 3 PRODUCER – Any residential Producer.

187 – 29 General Regulations. The following regulations apply to all Producers contributing to the Borough POTW.

1. All Class 1 and 2 Producers must have a FOG Permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG Permit Applications. All Class 1 and 2 Producers are required to renew their permit annually.
2. At no time shall any individual or property discharge, or cause to be discharged, any quantity of FOG to the POTW that exceeds the discharge limitation of 100mg/L. At the discretion of the FOG Administrator, sampling by the Borough of a Property’s discharge may occur when the FOG Administrator has evidence that indicates the Individual or Property may not be complying with the requirements of this Article. All Class 1 Producers shall be responsible for providing an adequate sampling port on their grease interceptors. If a Individual or Property is likely to or has discharged an amount of FOG in excess of the discharge limitation, the Individual may be required to install a grease trap or interceptor at Producer’s full expense.
3. The Producer is responsible for cleaning and or having the oil and grease interceptor or grease trap cleaned on a regular basis so as not to discharge fats, oils and grease to the POTW that exceed the discharge limitation of 100mg/L. The frequency of cleaning at a minimum shall be in accordance with the “25% Rule”, as determined by the FOG Administrator and directed in the FOG Permit. The “25% Rule” requires that the depth of oil and grease (floating and settled) in an interceptor or trap shall not be equal to or greater that (25%) of the total operating depth of the inceptor or trap. The operating depth of an interceptor or trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the interceptor or trap. In application of this Rule, the cleaning frequency shall also be determined by the size of the interceptor and inspection of the sewer lines. The Class 1 Producer shall empty and clean the grease interceptor as often as necessary to prevent overflowing of FOG into the POTW.
4. Existing Producers which currently have an internal grease trap shall be required to clean and maintain that trap in an efficient manner. The following is prohibited to be discharged to an internal grease trap:
 - (a) Wastewater with a temperature greater than 140 degrees Fahrenheit.
 - (b) Acid or caustic trap cleaners; this may include enzymes and/or degreasers which liquefy the fats, oils and grease and allow them to pass from the grease trap and deposit in the POTW lines. Therefore, all enzymes and degreasers must be approved by the FOG Administrator or duly authorized representative.
5. An existing Producer’s FOG prevention procedures may be evaluated at any time by the FOG Administrator. If the FOG Administrator determines a Producer requires a grease interceptor, the Producer shall have a maximum of (45) days to install a properly sized grease interceptor by a qualified installation company.
6. Newly built Class 1 Producers or renovated existing Class 1 Producers, or any commercial or industrial property which may have a likelihood of directly or indirectly discharging wastewater containing FOG, shall install a properly sized oil and grease interceptor on the sewer line from the facility. The oil and grease interceptor shall

be approved by the FOG Administrator. The oil and grease interceptor shall have the following design features (as a minimum): a tee inlet in which one (1) tee branch extends a minimum of one (1) foot below the liquid level, an outlet tee with a minimum submergence of two-thirds (2/3) of the liquid depth, a baffle to separate the trap into two (2) compartments, and two (2) manhole access ways for inspection of the inlet and outlet tees. The interceptor shall have cleanouts and shall be located with easy access for pump out and inspection. The Producer may present alternative designs for the FOG Administrator. The FOG Administrator reserves the right to approve or reject the alternative design.

7. All Producers may be inspected by the FOG Administrator at the complete discretion of the FOG Administrator. The FOG Administrator has the authority to access and inspect any oil and grease interceptor or grease trap. The FOG Administrator shall give adequate notice to all Class (3) Producers prior to inspection on their property.
8. Overflowing an oil and grease interceptor on the sewer line or on the sink discharge line is strictly prohibited. In such case, the Producer shall be responsible for the subsequent containment, cleanup and disposal of the overflow material as well as its expense. It is the responsibility of the Producer to immediately notify the Borough FOG Administrator of the incident. The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within (5) days of the overflow, the Producer shall submit to the Borough a detailed written report describing the cause of the overflow, steps taken to contain the overflow, steps taken to prevent it from occurring again and the cleanup of the overflow.
9. Class 1 and Class 2 Producers must keep on site a current grease interceptor and grease trap cleaning log. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of, location of disposal, and manifest if done by an outside hauler. Permit renewals shall require submission of the prior year's cleaning log.
10. The Borough reserves the right to inspect a connected residential user(s) of the POTW if evidence within the POTW indicates that a significant buildup of FOG is occurring within proximity of the residential user(s) and that such evidence cannot be attributed to Class 1 and Class 2 Producers. Sampling will occur at the residential lateral cleanouts whenever possible.

187 – 30 Permit Fees. The following permits shall apply to all Class 1 and Class 2 Producers contributing to the POTW:

- (a) Initial Permit
- (b) Annual Permit Renewal

All permit fees are the responsibility of Producer and must be paid within (30) days. Bills remaining unpaid after the due date will be charged additional interest at the rate of 6% per annum. Producers with unpaid permit fees shall be prohibited from obtaining any further annual permit renewals.

Any change in the rate and/or fees charged shall be made by a Resolution adopted by the Borough Council.

187 – 31 Enforcement.

1. The Borough shall suspend any FOG Permit held by a Producer if the Producer does not adhere to the requirements of this Article. Once the permit is suspended, the Producer shall not discharge to the POTW until the permit is reinstated. The permit shall remain suspended until the Producer demonstrates proof that the noncompliance was eliminated.
2. The methods of enforcement shall include the issuance of a NOV and/or the assessment of a monetary penalty as defined in Sections 187-32 and 187-33.
3. Should the FOG inspector need to sample any Producer, the Producer shall be responsible for the costs required for the analytical laboratory to perform the analysis of the sample. Payment must be paid within (30) thirty days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such (30) day period will be charged interest at the rate of 6% per annum.

4. Any costs incurred by the Borough for cleaning the Producer's FOG from the POTW and/or penalties, fines or other costs incurred by the Borough for the Producer's FOG shall be the responsibility of the Producer. Payment must be paid within (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such (30) day period will be charged interest at the rate of 6% per annum.

187 – 32 Notice of Violations. In addition to all other remedies available to it, the Borough shall have the right to issue a NOV(s) and/or impose a monetary penalty(ies), as hereinafter set forth in 187-33, for a violation of any requirements of this Article. The following factors shall be considered in imposing any and all monetary penalties:

- (a) Damage to the air, water and land of the Borough and surrounding Township.
- (b) Damage and/harm to the POTW and/or personnel.
- (c) Past violations and compliance history.
- (d) Producer's willingness and efficiency to comply; response to the NOV in a timely manner; notification to the Borough; and quick, effective corrective action to eliminate the non compliance.
- (e) Magnitude of the violation.

187 – 33 Types of Violations and Penalties. The following is a schedule of violations and maximum penalties to be assessed. Payment must be paid with (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such (30) day period will be issued a citation.

- (a) Failure to clean oil and grease interceptor/grease trap (1st offense) – NOV
- (b) Failure to clean oil and grease interceptor/grease trap (2nd offense) according to schedule – NOV plus up to a two hundred and fifty dollar (\$250.00) penalty.
- (c) Failure to clean oil and grease interceptor/grease trap (3rd offense and thereafter) according to schedule – NOV plus up to a five hundred dollar (\$500.00) penalty for every day the cleaning is not completed.
- (d) Failure to clean oil and grease interceptor/grease trap (4) or more times within a twelve (12) month period – NOV plus up to a one thousand dollar (\$1,000.00) penalty and the revocation of the Producer's permit.
- (e) Failure to keep and maintain cleaning log with necessary hauling manifest (1st offense) – NOV plus up to a one hundred (\$100.00) penalty.
- (f) Failure to keep and maintain cleaning log with necessary manifests (2nd offense) – NOV plus a two hundred dollar (\$200.00) penalty.
- (g) Failure to keep and maintain cleaning log with necessary manifests (3rd offense and thereafter) – NOV plus a three hundred dollar (\$300.00) penalty.
- (h) Failure to keep and maintain cleaning log with necessary hauling manifests four (4) times within a twelve (12) month time period – NOV plus a five hundred dollar (\$500.00) penalty and the revocation of the Producer's permit.
- (i) Overflow of oil and grease interceptor/grease trap – NOV plus a penalty to be assessed by factors set forth in 187-32, plus the violator will be liable for the entire cost of cleanup of site.
- (j) Failure to notify FOG Administrator of overflow immediately – NOV plus up to a one thousand dollar (\$1,000.00) penalty. Within (5) days, an overflow report must be submitted to the FOG Administrator.

- (k) Failure to submit FOG overflow report within (5) days to FOG Administrator – NOV plus up to a two hundred fifty dollar (\$250.00) penalty.
- (l) Deliberately pouring FOG into the sewer system, including pouring anything that will wash out the oil and grease interceptor/grease trap – NOV plus up to a five thousand dollar (\$5,000.00) penalty and also may be required to install a grease trap or interceptor at the expense of the Producer.
- (m) Discharging more than 100 mg/L of fats, oils and grease – NOV plus up to a one hundred dollar (\$100.00) penalty and also may be required to install a grease trap or interceptor at the expense of the Producer.

Section 2. Construction and Severability. In the event any provision, section, sentence, clause or part of this Article shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Article, it being the intent of the Borough Council that such remainder shall be and shall remain in full force and effect.

Section 3. Additional Remedies. Any Producer which refuses or fails to comply with any of the provisions of this Article, in addition to the enforcement proceedings, fines, and penalties set forth in Sections 187-31, 187-32, and 187-33 may suffer discontinuance of water/sewer service and/or subject to all other remedies available to the Borough at law, or equity, or both. Each owner of a regulated facility shall be deemed to have joint and severable liability and responsibility under the provision of this Ordinance.

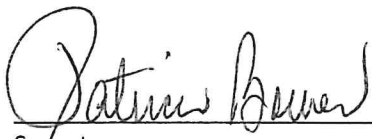
Section 4. Repealer. All ordinances, or parts of Ordinances, of the Borough which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

Section 5. Effective date. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED, this 7th day of April, 2015.

Attest

NEWPORT BOROUGH COUNCIL

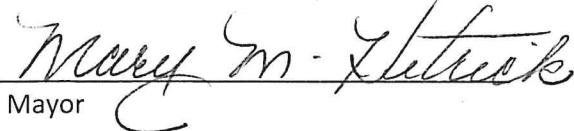


 Secretary



 President Of Council

EXAMINED AND APPROVED THIS 14 day of April, 2015.

BY: 

 Mayor