

ORDINANCE NO. 1-2008

CENTER TOWNSHIP
BEAVER COUNTY, PENNSYLVANIA

AN ORDINANCE OF CENTER TOWNSHIP, A SECOND CLASS TOWNSHIP OF
BEAVER COUNTY, PENNSYLVANIA SETTING FORTH STANDARDS FOR
DISCHARGES UNTO THE CENTER TOWNSHIP SEWER AUTHORITY LINES AND
PRETREATMENT AND PERMITTING STANDARDS AND PROVIDING FOR
SEVERABILITY AND REPEAL OF PRIOR INCONSISTENT ORDINANCES

Section 1. Title.

This article shall be hereafter known as the "Center Township Fats, Oils, and Grease Prevention and Remediation Ordinance."

Section 2. Scope and purpose.

To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, grease and other items into the sanitary sewer system from industrial, residential or commercial establishments, particularly food preparation and serving facilities.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

A. FOOD PREPARATION FACILITY - Includes any food establishment in any building, room or place or any portion thereof or appurtenance thereto where human food, foodstuff or beverages is mixed, cooked or otherwise prepared, offered for sale, sold, served or given, with or without charge, to patrons, customers or guests for consumption on the premises; including, among others, hotels, restaurants, cafes, cafeterias, clubs, boardinghouses, ice cream parlors, soda water or soft drink fountains and bars or taverns; any establishment where food, food products and beverages are manufactured, processed, packaged or bottled, or sold for consumption off the premises of the seller, including, among others, bakeries, beverage distributors, bottler, candy and confectionery manufactures, dairies, frozen food locker plants, wholesaler and retailers, and operators of vending machine services. Provided, however, that this does not include the mixing, cooking or other preparation and serving of food in single family dwellings to the resident family or its guests.

B. GREASE TRAP - An interceptor whose flow rate is 35 gpm or less and which is located inside the building. Grease traps shall be rated for a minimum of 22.5 gpm.

C. GREASE INTERCEPTOR - An interceptor whose rated flow exceeds 35 gpm and which is located underground outside the building.

D. RESTAURANT - Includes any public eating place where regular meals are prepared, offered for sale, sold and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words "regular meals" as used herein means meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverage and accompaniments, served at more or less regular intervals.

E. USER - Any person or corporation, including those located outside the corporate limits of Center Township, who contributes, causes or permits the contribution of discharge of wastewater into sewers or the sewer system within the Township boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

F. FATS, OIL & GREASE or "FOG" - Those components of wastewater amenable to measurement by the EPA method 1664A (polar material) and shall include fats, oils and grease and other components extracted from wastewater by this method.

Section 4. Plumbing to be in good repair.

Every building or room occupied or used or used as a public eating place, restaurant or food preparation facility shall be well-drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main public sewer. All drains, sewers, waste and soil pipes, traps and water and gas pipes shall, at all times, be kept in good repair and order so that no gases or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.

Section 5. Installation of grease interceptors and traps.

A. On or before _____, every building, room or space or part thereof used as a restaurant or food preparation facility, whether new or existing, shall install or cause to be installed a grease interceptor or grease trap. The type of installation shall be determined by the total fixture flow through rate of potential grease laden fixtures discharging through the building sewage lines as determined by the Center Township Sewer Authority or its authorized agents. For flow through rates of 35 gpm or less, an internal grease trap may be installed in certain existing structures used as restaurants and food preparation facilities. For flow through rates exceeding 35 gpm, an external underground grease interceptor must be installed in all new structures or changes of use involving restaurants or food preparation facilities.

B. Said grease trap or interceptor shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main

public sewer line. An inspection site tee shall be installed between the interceptor discharge and connect to the public sewer system. All grease interceptors shall be readily and easily accessible for user cleaning and inspection by the Township, the Center Township Sewer Authority, or their authorized agents. All installations shall be in accordance with the International Plumbing Code or other applicable plumbing code and regulations.

C. No solid waste devices, such as waste grinders, disposals, potato peelers, etc. shall discharge through the grease trap or grease interceptor. Only potential grease laden fixtures may discharge through the trap or interceptor.

D. All new restaurants or food preparation facilities shall be required to install an exterior, underground grease interceptor of a minimum of 1,000 gallons, regardless of flow through rate.

E. In all existing restaurants or food preparation facilities, there shall be installed a grease interceptor or grease trap as determined by flow through rate, as detailed above. In existing facilities where it is determined by the Center Township Sewer Authority that a grease trap is not sufficient, the Township of Center may require that a grease interceptor (as detailed above) be installed. Such insufficiency shall be evidenced by excessive amounts of grease being discharged into the public sewer system by a facility. All existing restaurants or food preparation facilities shall, at a change of ownership or alteration, install an exterior underground grease interceptor of a minimum capacity of 1,000 gallons. In all existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility there shall be installed a grease interceptor, minimum capacity of 1,000 gallons, regardless of flow-through rate. Each grease interceptor or grease trap shall and must be installed by a licensed plumber.

F. Waiver. A waiver of the requirement of this article may be permitted for new food establishments that do not generate a significant amount of grease or where the installation of a grease interceptor is not feasible due to space constraints. In order to be considered for a waiver, the User must establish that it will not perform any significant preparation of food on the premises. Center Township Sewer Authority shall require, in exchange for the waiver of the one thousand gallon grease trap interceptor, that the commercial enterprise install and maintain an undersink grease trap that provides the flow-through rate of at least 25 gallons per minute. The Center Township Sewer Authority may also authorize the installation of an indoor grease trap or alternative pretreatment technology if an establishment demonstrates that the installation of a grease interceptor is not feasible. Alternate pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the Center Township Sewer Authority or its agents. Said waiver shall be presented to the Center Township Sewer Authority Board for its review and approval.

Section 6. General requirements for wastewater discharges and maintenance of grease intercepts and grease traps.

A. No User shall discharge any wastewater whose total content of fats, oils, waxes, and grease of mineral, petroleum, or unknown origin exceeds 100 ppm downstream of the interceptor or trap at any time as shown by grab sample, or undergoes any form of phase separation due to temperature differentials which involve solid or viscous substances which could impair the sewer systems of Center Township Sewer Authority. The Authority may reduce the above concentration where it is demonstrated that the concentration is causing chronic or adverse effects to the collections system.

B. No User shall discharge or allow any discharges which settle or adhere to a collector pipe, causing a reduction of normal collector hydraulic capacity; obstruct flow; cause premature failure and/or loss of integrity of any component of collection and conveyances systems of the Township; or prevent various equipment from functioning as intended. Such materials include but are not limited to: grease; garbage; or other bulk solids with particles greater than 1/2 inch in any dimension; guts or tissues; manure; bones; hair; hides or fleshing; entrails; whole blood; blood products; feathers; ashes; cinders; sand; spent lime; paint; stone or marble dust; metal; glass; straw; shavings; grass clippings; rags; spent grains; spent hops; waste paper; wood; rubber; plastics; gas; tar; asphalt residues; residues from refining or processing of fuel or lubrication oil; mud; glass or metal filing; polishing wastes; or any material which can be disposed of a solid waste.

C. No grease-laden sources are allowed to be connection to sewer lines intended for grease interceptor service and under no circumstances shall water be added to any wastewater to dilute the wastewater concentration to acceptable levels.

D. No User shall contribute any wastewater which causes a hazard to human life or creates a public nuisance to the wastewater system.

E. All grease interceptors and grease traps shall be maintained and kept in good working order at all times. The interceptor or trap shall limit the amount of grease discharged into the public sewer system to levels not exceeding those permitted by the Center Township Sewer Authority and the Pennsylvania Department of Environmental Protection ("DEP").

F. Upon approval by the Center Township Sewer Authority, a grease trap complying with the provisions of this ordinance must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal.

1. Grease trap sizing and installation shall conform to the International Plumbing Code or other applicable code.

2. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. Accumulated grease can be disposed of by recycling, rendering, or

land application. Under no circumstances should collected grease be introduced into any drainage piping or public or private sewers.

G. It shall be the duty and responsibility of any owner, lessee or agent of any restaurant or food preparation facility to, at a minimum of, monthly inspect the grease interceptor or trap. A written record shall be kept of all inspections. The inspection record shall, at a minimum, list the name (inspector and company), address, phone number of the inspection/disposal company, the method and frequency of cleaning schedule and the data of the cleaning/inspection. Such records shall be presented to the Center Township Sewer Authority upon request. A more frequent cleaning/inspection schedule may be ordered to be performed by the facility when it is determined by the Center Township Sewer Authority that the facility is discharging excessive amounts of grease to the public sewer system.

Section 7. Administrative Enforcement Procedures.

For violations not requiring emergency suspension, the Authority will commence enforcement procedures which may include: a verbal warning, a written Notice of Violation, a Second Notice of Violation, an Action Plan requirement, or Termination of Service. Generally enforcement will follow the above-listed sequence; however, depending on the severity and duration of the violation, enforcement may begin at any step.

A. For isolated violations, the Authority may give a verbal warning to the user advising the user of possible escalating enforcement for future non-compliance.

B. Whenever the Authority finds that any user has violated or is violating any provision of this Ordinance or of a discharge permit other than in isolated incidents, the Authority may serve upon the user a written Notice of Violation. The Notice of Violation will state the nature of the violation and require a written response from the user to explain the reason for the violation, actions taken to mitigate the violation, and steps taken to prevent future similar violations.

C. Continued non-compliance may result in the Authority serving upon the user a Second Notice of Violation. The Second Notice of Violation will reiterate the information in the original Notice of Violation, including any other findings of violation, and inform the user that, if the violations are not immediately corrected, the Authority intends to proceed with the provisions in, Administrative Enforcement Procedures, Section D. and E. and/or, Section 8 Penalties.

D. When the Authority finds that a user continues to violate the provisions of this Ordinance the user may be required to submit an Action Plan to permanently abate the violations. The Action Plan shall include a schedule of compliance outlining specific time periods wherein the user will complete planning, commence construction, and complete construction of new or additional pretreatment technology, or design and implement improved management practices to regain compliance with this Ordinance or discharge permit.

E. If the Authority finds that an Action Plan has not been submitted or implemented in the mandated time-period, the authority may terminate water and/or wastewater service to the user's facility.

Section 8. Penalties.

In addition to the enforcement mechanisms set forth above, any person violating the provisions of this Ordinance shall, upon conviction by a district magistrate, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) together with the costs of prosecution, or imprisonment in the Beaver County Jail for a period of not more than thirty (30) days. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.

A. Cost Recovery - The Authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, as well as the costs of any actual damages incurred by the Authority.

B. Disconnection from the Authority Sewer Lines ("Lines") - In addition to the foregoing penalty, the Authority may require the user to remove from the line the waste being discharged under a wastewater discharge permit, and should the user fail to remove the waste discharge from the lines within five (5) days following written notice, the Authority may physically disconnect the sanitary sewer carrying such waste from the lines, with the cost for such action being charged to the owner of the property which is connected to the line.

C. Separate Offenses - Nothing contained in this Section shall affect, in any way, the provisions of this Ordinance regarding separate offenses for every day any violation occurs.

D. The Authority shall retain the right to pursue injunctive relief and such other equitable remedies as may be appropriate.

Section 9. Right of Entry.

In the discharge of duties, the Center Township Sewer Authority or their authorized representatives shall have the authority to enter, at any reasonable hour, any restaurant or food preparation facility in the jurisdiction to enforce the provisions of this article.

Section 10. Responsibilities of Owners of Improved Property.

The owner of each improved property connected to the wastewater system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this article and requirements.

Section 11. Administration.

The Center Township Supervisors hereby authorize The Center Township Sewer Authority and/or the Authority's Agent to administer and enforce the provisions of this Ordinance on behalf of Center Township.

Section 12. Waiver of Rights.

The failure of the Center Township Sewer Authority to insist upon strict performance of the provisions of this article or any of the terms or conditions thereof shall not be construed as a waiver of any of its rights hereunder.

Section 13. Amendments.

The Township reserves the right to adopt, from time to time, such additional regulations it shall deem necessary and proper in connection with use and operation of the Center Township Sewer Authority, which regulations shall become and shall be construed as part of this article.

Section 14. Severability.

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared as the intent of the Center Township Board of Supervisors that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 15. Repealer.

Any ordinance or part of ordinance conflicting with the provisions of this article be and the same are hereby repealed to the extent of said conflict.

Section 16. Effective Date.

This Ordinance shall be effective immediately upon passage.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Center Township, Pennsylvania, this 3rd day of February, 2007.

CENTER TOWNSHIP
BOARD OF SUPERVISORS

Asst. & Wagoner
Wm. J. Martin
Bill D. Lewis
Michael Smith

ATTEST:

Carolee DeBord