FATS, OILS, AND GREASE ORDINANCE
ORDINANCE NO. 646

AN ORDINANCE AMENDING PART II, MUNICIPAL SERVICES AND FACILITIES, CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES BY ADOPTING REGULATIONS GOVERNING THE DISCHARGE OF FATS, OILS, AND GREASE INTO THE PUBLIC SEWERS OF THE CITY OF UNIVERSAL CITY (CITY); PROVIDING A GRACE PERIOD BEFORE ENFORCEMENT FOR CERTAIN BUSINESSES; PROVIDING THAT ANY VIOLATION SHALL BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES ESTABLISHED HEREIN; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Universal City (CITY) contracts for treatment of wastewater with the Cibolo Creek Municipal Authority (CCMA) and San Antonio River Authority (SARA), serving 5,750 wastewater customers in the Universal City area; and

WHEREAS, this Ordinance will assist in the prevention of sanitary sewer blockages and obstructions that result in sanitary sewer overflows (SSOs) caused by the accumulation of fats, oils, and grease discharged into the sewer system; and

WHEREAS, CITY estimates that historically, 75% of all SSOs in the City are attributed to grease and debris that has been improperly discharged into the sanitary sewers; and

WHEREAS, under federal regulations, the Environmental Protection Agency monitors the incidence of SSOs and may assess fines for such events; and

WHEREAS, the proposed ordinance will apply to food service establishments (FSEs) and food processing establishments (FPEs) located throughout the CITY service area which utilize fats, oils, and grease as part of their food preparation and processing activities; and

WHEREAS, the proposed ordinance will require FSEs and FPEs to install grease trap interceptors; follow procedures in order to properly discard used fats, oils and grease; comply with record keeping requirements; and be subject to periodic inspections; and

WHEREAS, CITY is required to adopt this ordinance by section 26.176 of the Texas Water Code and the regulations set forth herein are in accordance with 30 T.A.C. § 312.2; and

WHEREAS, in accordance with the above authority, CITY has the authority to enforce compliance with the proposed regulations throughout its service area, and within the corporate boundaries of the City and its extraterritorial jurisdiction, and violations of the regulations will be subject to criminal and civil penalties; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

Section 1. That Part II-Municipal Services and Facilities, Chapter 2, Section 2-10, of the Code of Universal City is amended to add an Article to be titled Article IX. -FATS, OILS AND GREASE which shall read as follows:

ARTICLE IX.-FATS, OILS AND GREASE.

SECTION 2-10-158. GENERAL

PROVISIONS.

(a) Purpose. The purpose of this article is to aid in the prevention of sanitary sewer blockages and obstructions caused by the accumulation of fats, oils and grease that are discharged into the sanitary sewer system.

(b) Application. This article shall apply to all food service establishments (FSEs) and food processing establishments (FPEs) that are located within the corporate limits of the City, or that are within the extraterritorial jurisdiction of the City and to all FSEs and FPEs that receive sanitary sewer service from the City of Universal City (CITY) or that discharge any liquids or solids into the City sanitary sewer collection system (SSCS) and have a commercial kitchen. FSEs or FPEs which have a reheat kitchen are non-applicable to this ordinance.

SECTION 2-10-161. DEFINITIONS.

As used anywhere in this Article, the following terms are defined to mean:

City: The City of Universal City, a Texas home rule municipality.

Commercial establishment: Any location where a person manufactures, packages, prepares, provides, serves, or makes available any meals, or food for sale, for monetary compensation, or for non-monetary consideration.

Fats, oils, or grease: Any animal, vegetable, or mineral fats, oils, or greases and any organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.

FPE or FPEs: A food processing establishment or establishments, which are any commercial establishments in which food for human consumption is manufactured or packaged.

FSE or FSEs: A food service establishment or establishments, which are any commercial establishments that prepare, provide, serve, or make available for human consumption meals, or any food.

Grease Trap Interceptor: A device for collecting, containing, or removing food wastes or fats, oils, or grease from a waste stream before entering the POTW.

Person: An individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

Reheat Kitchen: A kitchen utilized for the sole purpose of reheating foods prepared off site.

SSO Sanitary Sewer Overflow: Sanitary Sewer Overflow (SSO): A condition in which untreated sewage is discharged from a sanitary sewer into the environment prior to reaching a sewage treatment facility.

POTW: The publicly owned treatment works that comprise the sanitary sewer system and collection infrastructure, operated by CITY.

TCEQ: Texas Commission on Environmental Quality.

SECTION 2-10-159. GREASE TRAP INTERCEPTORS.

(a) Pretreatment required. Waste pretreatment that complies with this section is required before an FSE or FPE may discharge fats, oils, or grease into the POTW.

(b) Grease trap interceptor required. Each FSE and FPE shall discharge all waste from sinks, dishwashers, drains, and any

other fixtures or sources through which fats, oils, or grease may be discharged into the POTW into a properly maintained and functioning grease trap interceptor that complies with the requirements of City Code of Ordinances and the most current adoption of the International Plumbing Code and appendices as amended that are adopted by the City in that chapter prior to commencement of any discharge into the POTW.

(c) Existing facilities. Existing FSEs and FPEs that are not equipped with a grease trap interceptor that complies with the requirements of City Code of Ordinances and the International Plumbing Code and appendices as amended that are adopted by the City in that chapter shall install such a grease trap interceptor not later than two hundred and seventy (270) days after the effective date of this ordinance.

(d) New facilities. New FSEs and FPEs shall be equipped with a grease trap interceptor that complies with the requirements of City Code of Ordinances and the most current adoption of the International Plumbing Code and appendices as amended that are adopted by the City in that chapter prior to commencement of any discharge into the POTW.

SECTION 2-10-160. MAINTENANCE.

(a) General requirements. Each grease trap interceptor shall be continuously maintained in effective operational condition by and at the expense of the FSE or FPE that is required by this ordinance to utilize or install the grease trap interceptor.

(b) Frequency. All FSEs and FPEs that are required by this article to utilize or install a grease trap interceptor shall evacuate accumulated solids, fats, oils, grease and all other material(s) from each grease trap interceptor at a frequency not less often than every ninety (90) days and within two (2) working days whenever twenty-five (25) percent or more of the wetted height of the grease trap interceptor, measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils, or grease.

(i) FSEs or FPEs that conduct operations for less than one hundred and twenty (120) days in a calendar year may submit a written request to CITY to be permitted to evacuate grease trap interceptors at a frequency less often than every ninety (90) days. The FSE or FPE submitting the request shall comply with Section 3 (b) of this article unless CITY provides written approval of a different frequency for the evacuation of the grease trap interceptors that are the subject of the request. Any revised frequency approved by CITY for the evacuation of a grease trap interceptor shall not affect the requirement that an FSE or FPE shall evacuate a grease trap interceptor

within two (2) working days whenever twenty-five (25) percent or more of a grease trap interceptor contains materials as required by this article.

(c) Grease trap interceptor pumping and evacuation

(i) For each grease trap interceptor that has a capacity greater than one hundred (100) gallons, FSEs and FPEs shall use a liquid waste hauler that is permitted by TCEQ to collect, transport and dispose of liquid waste pursuant to this article, to evacuate a grease trap interceptor. FSEs and FPEs shall cause the wastes in a grease trap interceptor to be completely evacuated by a waste hauler at the time of each grease trap interceptor evacuation that is required by this article. Grease trap interceptor waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.

(ii) For each grease trap interceptor that has a capacity less than or equal to one hundred (100) gallons, FSEs and FPEs will be allowed to dispose of grease in a solid waste receptacle.

(d) Grease trap interceptor inspection. On or before September 30 of each calendar year, each FSE and FPE shall cause a licensed plumber or other qualified professional approved by CITY to inspect each interceptor. After evacuation of the interceptor, the licensed plumber or other qualified professional approved by CITY shall make a visual observation of and shall photograph all inlet and outlet fittings, internal baffles, walls, floor and all other internal structures. Each FSE and FPE shall cause the licensed plumber or other qualified professional approved by CITY conducting the inspection to provide a written report of the inspection to the FSE or FPE that includes the photographs that are required by this section and that provides the name, address and telephone number of the licensed plumber or other qualified professional approved by CITY conducting the inspection, the date of the inspection, and a description of any defects observed during the inspection. All defects shall be corrected by each FSE or FPE within ninety (90) days of each inspection.

SECTION 2-10-161. RECORD KEEPING.

(a) For each grease trap interceptor that has a capacity greater than one hundred (100) gallons, each FSE and FPE shall maintain all records that document each inspection, repair, cleaning, evacuation, service, or pumping of each interceptor as required in the City Code of Ordinances.

(b) For each grease trap interceptor that has a capacity less than or equal to one hundred (100) gallons, each FSE and FPE shall maintain all records that document each inspection, repair, cleaning, evacuation, service, or pumping of each interceptor as required by City Code of Ordinances, if

a liquid waste hauler that is permitted by the TCEQ to collect, transport and dispose of liquid waste is used to evacuate an interceptor. If a permitted liquid waste hauler is not used to evacuate an interceptor, then each FSE and FPE shall maintain a cleaning log that lists the location and type of each interceptor, the date and time of each interceptor evacuation, the quantity of material removed from the interceptor, the location where the material removed from the interceptor was disposed of, and the signature of the employee performing the evacuation of the interceptor.

(c) All records required by this article shall be maintained by each FSE and FPE for a period of two (2) years after the date of the event that is the subject of the record. All such records shall be available for inspection on the premises of the FSE or FPE where the interceptor that is the subject of the record is located, unless a written request to store the records at a different location is submitted to CITY and CITY approves the request.

SECTION 2-10-162. PROHIBITIONS.

(a) Prohibited discharge to an interceptor. Discharge into an interceptor of sanitary waste, solvents, emulsifiers, enzymes, chemicals, products, or bacteria that digest, liquefy, dissolve, or emulsify fats, oils, or grease is prohibited.

(b) Removed interceptor waste. Grease, solids, liquids, or any other matter removed from an interceptor shall not be returned to any interceptor, or disposed of in any private sanitary sewer line, any portion of the POTW or any location other than a facility that is authorized by law to receive such wastes.

(c) No bypass. No liquid or solid waste that contains fats, oils, or grease may be discharged directly into the POTW. All liquids and solids that contain fats, oils, or grease that may be discharged by an FSE or an FPE into the POTW must be discharged into an interceptor before any such discharges enter the POTW. Should an interceptor require repair, upon written request to and the receipt of written approval from CITY, a bypass of the interceptor shall be permitted for the duration of the repair, but in no event for more than eighteen (18) consecutive hours. Each FSE or FPE shall create a written record that describes the repairs made to the interceptor, the date and time of the commencement of any interceptor repairs and of any bypass during the repairs, and the date and time of the termination of the repairs and of the bypass.

SECTION 2-10-163. ENFORCEMENT AND VIOLATIONS.

(a) Failure to perform any action that is required by this article or the performance of any action that is prohibited by this article shall constitute a violation of this article.

(b) System-wide enforcement. The following enforcement provisions apply throughout the CITY service area and to all FSEs and FPEs that receive sanitary sewer service from CITY or that discharge into the POTW including within the corporate limits of the city and its extraterritorial jurisdiction.

(i) Access to premises. Employees of CITY or its authorized agents shall have the authority to enter the property of an FSE or FPE to conduct inspections of all or any part of the premises, to

inspect and copy documents that an FSE or FPE is required by this article to generate or maintain, to make photographic documentation and to perform any other action, or to obtain any other information related to compliance with this article. Each FSE and FPE shall allow access to its property and facilities for any of such purposes.

(ii) Notice of violation. Should CITY give written notice of a violation of this article to an FSE or FPE and the violation is not completely remedied within ten (10) business days after the date of the notice, then in that event CITY may terminate water and/or sewer service to the location where the violation occurred.

(iii) Criminal penalty. A conviction for a violation of any provision of this article shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this article shall be fined an amount of not less than two hundred dollars ($200.00) per violation and a maximum of not more than two thousand dollars ($2,000.00) per violation. Each violation of this article shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this article.

(iv) Civil penalty. A civil penalty may be imposed upon a person for each violation of any provision of this article in an amount not to exceed five thousand dollars ($5,000.00) per violation. Each violation of any provision of this article shall constitute a separate violation, and each day a violation continues shall be considered a new violation.

(v) Authorization to enforce. CITY is authorized to take any action authorized by this article and to pursue enforcement against any person violating this article. The grant of authority set out in this section does not in any way diminish the authority of the office of the City attorney to take any action necessary to enforce the terms of this article, to prosecute violations of this article, and to defend the legality of this article, if challenged.

(c) Severability. If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article or chapter which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

This Ordinance shall become effective upon its adoption by the City Council.

PASSED AND ADOPTED the 20th day of June 2017.

John Williams, Mayor

Attest:

Kristin Mueller, City Clerk

THE CITY OF UNIVERSAL CITY TEXAS

Jameene Williams, City Attorney