

WATER AND SEWER SERVICES

Sec. 16-6. Fats, Oil, and Grease (FOG) Management

- (a) *Purpose.* The purpose of this section of the Sewer Ordinance is to aid in preventing the accumulation of fats, oils, and grease into the Town of Cheshire sanitary sewer system thus reducing the potential for sanitary sewer overflows. This Sewer Ordinance outlines the wastewater pretreatment requirements for food service establishments and other commercial facilities that have potential to discharge FOG in their wastewater flow. All new and existing facilities that discharge FOG in their wastewater are applicable to this program. This section of the Sewer Ordinance is an integral part of Cheshire's Ordinances in the application, administration, and enforcement thereof.
- (b) *Definitions.* For the purpose of this section, the following terms shall be defined as follows:

Fats, Oils and Grease (FOG): Any fats, oils and grease from the food preparation process as identified per the most current EPA method as listed in 40 CFR 136.3, as amended.

Food Service Establishment (FSE): Food service establishment means a Class III or Class IV food service establishment as defined by section 19-13-B42 of the State of Connecticut Public Health Code, Class 2,3 or 4 food establishments as defined by the FDA food code adopted by Connecticut Public Act limits in Section 5(c) (1) and (2) of the State of CT General Permit for the Discharge of Wastewater associated with FSE such as but not limited to, restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.

General Permit for the Discharge of Wastewater Associated with Food Service Establishments: The state of Connecticut Department of Energy and Environmental Protection General permit for the Discharge of Wastewater associated with Food Service Establishments issued October 5, 2016, and its subsequent updates. The general permit was formerly titled general permit for the discharge of wastewater associated with Food preparation establishments.

Active Grease Recovery Unit (AGRU): Active Grease Recovery Unit means an interior grease interceptor that separates grease from wastewater by active mechanical or electrical means as described in the general permit or discharge of wastewater associated with FSE issued October 5, 2016.

Super Capacity Grease Interceptor (SCGI): Super Capacity Grease Interceptor means an indoor passive unit, third party certified to retain more than four times the amount of pounds of grease than the flow rating in gallons per minute and is designed to separate FOG from wastewater while allowing water to flow through and meets specifications defined by section 5 (b)(3) of the general permit.

Grease trap/FOG interceptor: Grease trap/FOG interceptor means a minimum of 1,000 gallon outdoor, in-ground passive unit designed to separate fats, oils and grease from wastewater while allowing water to flow through and meets specifications defined in section 5(b)(1) of the general permit and the Town of Cheshire sewer Ordinance.

FOG Management Equipment: FOG management equipment means properly deigned, installed, and operated equipment including AGRU, grease trap/FOG interceptors, SCGI, as approved by Cheshire, designed to meet the effluent limits defined in section 5(b)(1) of the general permit.

Connecticut Department of Energy and Environmental Protection (CT DEEP): CT DEEP is a state organization that oversees the operation of all potentially hazardous facilities in Connecticut. They are also the governing body that drafts policies and gives procedures and best practices for the construction, maintenance, and operation of Food Service Establishments (FSEs).

- (c) *Rules and Requirements.* FSE discharging wastewater into the Town of Cheshire collection system are subject to the following requirements which shall constitute the Town’s FOG program.
1. Compliance with the general permit for discharge of wastewater associated with food service establishments.
 2. Every three (3) years, FSE’s shall complete FOG registration or variance application forms supplied by Cheshire. All registrations and variances are non-transferable and must be submitted to the Town of Cheshire after any change in ownership or significant menu/facility change.
 3. Inspections performed by the Town of Cheshire to verify compliance with these requirements and those requirements of the general permit for the discharge of wastewater associated with FSE.
 4. Payment of any fees associated with this registration, variances, fines or violations, and reimbursement for costs associated with any emergency services provided by the Town of Cheshire.
 5. No FSE shall introduce any additives, including but not limited to, enzymes or surfactants as grease emulsifiers or degradation agents, into the FOG management equipment unless given prior approval by the Town of Cheshire.

(d) *Fines and Fees.* Any fees associated with the Town of Cheshire’s FOG Management Program shall be due and payable within thirty (30) days of the date of issue, and the Town is authorized but not required to approve an extension of time of the due date up to seven (7) days after the end of the billing period. One percent (1%) interest will be applied monthly to the unpaid balance, including previously applied interest, of all bills outstanding beyond thirty (30) days from issuance.

1. *Annual Fee.* An annual maintenance and inspection fee of seventy-five dollars (\$75.00) will be billed and payable for each FOG Class III or Class IV (or FDA Class 2, 3, and 4) FSE’s. This will also include the review and approval of the Facility Registration Form and all required inspections.
2. *Inspections Violation Fees.* The Town of Cheshire will perform inspections of the FSE to determine compliance with the Connecticut Department of Energy and Environmental Protection (CT DEEP) General Permit for the Discharge of Wastewater Associated with Food Service Establishments. Each day that a violation continues shall be a separate occurrence of the violation.

See the following tables for violation descriptions and their corresponding fines:

| Violation | Fine Amount (\$) |
|--|------------------|
| Failure to Submit Registration or Variance Applications | \$500 |
| Disallow Inspection | \$250 |
| No FOG Management Equipment Installed | \$200 |
| Non-Compliant FOG Management Equipment Installed | \$200 |
| Failure to Maintain Grease Trap Cleaning, Inspection, and Maintenance Records | \$100 |
| Failure to Maintain FOG Equipment in Proper Working Order | \$200 |
| Failure to Clean FOG Management Equipment Quarterly or when 25% of the Depth of the Trap is Filled with Food Solids and FOG, Whichever Comes First | \$200 |
| Failure to Properly Dispose of Brown and/or Yellow Grease | \$200 |
| Source of Sewer Blockage | \$1000 |
| Source of Sanitary Sewer Overflow (Minimum) – Actual Costs Will be Billed to the Facility for the Time and Materials Related to the Overflow | \$1000 |

3. The Town of Cheshire can perform emergency services to relieve grease blockages that result in sewer backups. If the Town determines that the blockage was caused by the business, the business will be billed for the work done to relieve it.

(e) *Equipment Requirements.* Wastewater generated from an FSE shall be treated at the point of discharge to remove FOG using approved FOG Management equipment to meet the requirements of the general permit.

The FOG management equipment shall be connected to those fixtures or drains that would allow FOG to be discharged. This includes, but is not limited to pot sinks, pre-rinse sinks, soup kettles or similar devices,

workstations, floor drains, automatic hood washing units, and any other fixture or drain that are likely to allow FOG to be discharged into the sewer infrastructure.

All FOG Class III or Class IV (or FDA Class 2, 3, and 4 FSEs) are required to install an Active Grease Recovery Unit (AGRU), Super Capacity Grease Interceptor (SCGI), or a minimum 1,000 gallon outdoor in-ground passive grease interceptor. Specifications for this equipment are outlined in the FOG General Permit.

1. *Active Grease Recovery Units (AGRUs)*. AGRUs are a relatively small pretreatment unit located inside of a kitchen to remove grease at the source. These units allow FOG to accumulate locally, which is then moved with pumps (or skimmers) to another tank for disposal by a third-party.

All AGRUs shall be maintained in accordance with the manufacturer's instructions. These typically include a complete cleaning of the system on a quarterly basis, of which the contents shall be placed in a container specifically for grease trap waste, commonly referred to as "brown grease". A written log and proof of all maintenance operations for the unit is required to be kept on site and readily available for review by town staff.

2. *Super Capacity Grease Interceptors (SCGIs)*. SCGIs are passive units that are certified to retain more FOG material than an AGRU, and are typically used in large, commercial kitchens. These SCGIs shall conform to the specifications set in the FOG general permit.

All SCGIs shall be maintained in accordance with the manufacturer's instructions. These typically include a complete cleaning of the system on a quarterly basis, of which the contents shall be placed in a container specifically for grease trap waste, commonly referred to as "brown grease". A written log and proof of all maintenance operations for the unit is required to be kept on site and readily available for review by town staff.

3. *Outdoor In-Ground Grease Interceptors*. An outdoor in-ground grease trap is required to be emptied every 3 months (quarterly), or whenever 25% of the operating depth is occupied by grease and/or settled solids, whichever is more frequent. Following a minimum of one (1) year, the facility may request to extend cleaning beyond the quarterly period if the operating depth is not reached. The facility shall maintain a written log and receipts of any maintenance done to the system.

(f) *Variances*. The following are outlines for qualifying variances.

1. *Equipment Variances*. If an FSE has limited potential for discharging FOG into the sewer infrastructure, the establishment may request a variance for required equipment by contacting the Department of Engineering. If the variance is approved, it is valid for a total of three (3) years.
2. *Treatment Variances*. The Town of Cheshire may grant a variance of treatment requirements for a period of three (3) years. This variance will serve as a waiver to the treatment requirements of Section 5(b)3 of the CT DEEP General Permit and will be granted to FSEs that demonstrate a limited potential for FOG discharge. All requests for treatment variances shall be made to the Department of Engineering for approval.
3. *Reapplication for Variance*. An FSE shall be required to reapply for a variance thirty (30) days prior to the following events: the expiration date of the current variance (3 years after the approval date), any significant menu change, FOG or FDA reclassification, or a change in ownership. All variances are subject to approval by the Department of Engineering.

(g) *Inspections*. FSEs shall be subject to inspection by the Town of Cheshire on a regular basis to determine whether the requirements set forth in this ordinance and the CT DEEP General Permit are being met. Inspection may include but are not limited to: inspections of FOG management equipment, food preparation activities, review of records for the quarterly inspections, grease storage, and review of cleaning and maintenance logs.

- (h) *Discharge Limits.* No FSE shall discharge or cause to be discharges any wastewater with a FOG concentration in excess of one hundred milligrams per liter (100 mg/L), as determined by the currently approved test for recoverable fats and grease. Which is outlined by the Code of Federal Regulations 40 CFR 136.6, as amended.
- (i) *Violations.* In the event the FSE fails to meet the recordkeeping, installation, maintenance and/or operational requirements or discharge limits, the Town of Cheshire will issue a written notice of violation for the non-compliant condition(s). The FSE shall take immediate steps to bring the establishment into compliance. Each day that a violation continues shall be considered a separate occurrence. The Town of Cheshire reserves the right to notify Connecticut DEEP of any establishment that is non-compliant with the FOG Management Program.

Any violation of the town of Cheshire FOG Management Program shall become compliant within the timeframes of the following table. A seventy-five dollar (\$75) daily fee will be issued if an FSE does not reach compliance in the allotted time:

| Violation | Correction Time |
|--|-----------------|
| Equipment Not Registered | 7 days |
| No Grease Trap Installed or Non-Compliant Grease Trap Installed | 30 days |
| FOG Management Equipment in Need of Repair or Cleaning | 7 days |
| Failure to Maintain Written Records of FOG Management Equipment Cleaning and Inspection | 7 days |
| Disallow an Inspection – Inspection Must be Rescheduled Within 7 Days of Initial Inspection Date | 7 days |
| Failure to Clean and Maintain FOG Management Equipment as Required | 7 days |
| Source of Sewer Blockage | 24 hours |
| Source of Sanitary Sewer Overflow | 24 hours |

- (j) *Sewer Stoppages and Maintenance.* In the event of a sewer stoppage or blockage caused by any FOG discharge from a FSE, the Town of Cheshire shall notify said establishment in writing and said establishment shall reimburse the Town any expenses incurred by the Town as a result of the sewer stoppage or blockage. The expenses may include, but are not limited to, the cost of the services of Town employees or contractors for any work or inspection necessary to relieve such stoppage or blockage, and damage to any other properties affected.

If any FOG related stoppage requires emergency action on the part of the Town, the FSE shall be charged a minimum penalty fee per event in addition to the cost of service of the Town’s employees or contractors. An emergency is defined as any event which requires power rodding, snaking, jetting, or any other work required to clear the stoppage. In the event the collection system needs to be cleaned out due to the excess FOG discharged by a FSE, the establishment shall pay to the Town the expense incurred by the Town to clean the sewer or appurtenance, therefore.

- (k) This Sewer Ordinance is subject to modification based on changes in the applicable laws (including the Connecticut General Statutes and Regulations of State Agencies) of the State of Connecticut and modifications approved by the Town Council.