

ORDINANCE NO. 62-2004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AMENDING PART II OF THE WICHITA FALLS CODE OF ORDINANCES, AT CHAPTER 106, UTILITIES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

SECTION 1. Part II of the Wichita Falls Code of Ordinances, at Chapter 106, Utilities, is hereby amended by the addition of Article X, entitled "Grease Interceptors, Installation and Disposal of Waste," which shall hereafter read as follows:

"ARTICLE X. GREASE INTERCEPTORS, INSTALLATION AND DISPOSAL OF WASTE

Section 106-1000. Purpose, Policy, and Administration.

(a) The purpose of this article is the regulation of the generation and disposal of grease interceptor waste for the protection of the Publicly Owned Treatment Works (POTW) and the environment.

(b) The objective of this ordinance is to reduce the operational and maintenance costs of maintaining the POTW by preventing the accumulation of grease within the collection system lines.

(c) This ordinance shall apply to the City of Wichita Falls and to persons outside the City who, by contract or agreement with the City, are users of the City's POTW.

Section 106-1001. Administration.

(a) Except as otherwise provided herein, the Laboratory/Water Pollution Coordinator of the Wichita Falls/Wichita County Public Health District under the authority and supervision of the City Manager shall administer, implement, and enforce this ordinance and is authorized to promulgate such rules as shall be reasonable and necessary to carry out its provisions.

(b) The City Manager, the Director of Community Development, the Director of Public Works, and the Director of Health, and persons designated and under the

instruction and supervision of any of them, may investigate compliance of this chapter.

Section 106.1002. Abbreviations.

Incorporation of abbreviations by reference. Unless a provision explicitly states otherwise, abbreviations as defined in Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas shall apply to the extent that they are not in conflict with the provisions of this ordinance.

Section 106-1003. Definitions.

Incorporation of definitions by reference. Unless a provision explicitly states otherwise, terms and phrases as defined in Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas shall apply to the extent that they are not in conflict with the provisions of this ordinance.

Section 106-1004. Specialized Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

"Adequately sized grease interceptor" shall mean an interceptor that does not allow a discharge of Oil and Grease in excess of 500 milligrams per liter (mg/l) concentrations, or otherwise has not been found by the Control Authority to be contributing grease in quantities sufficient to cause POTW line stoppages or necessitate increased maintenance on the POTW in order to keep line stoppages from occurring.

"Approval Authority" shall mean the Executive Director of the Texas Commission on Environmental Quality (TCEQ). Where appropriate the term may also be used as a designation for other duly authorized officials, including authorized contractors, acting as representatives of said Director.

"Approved" shall mean accepted as satisfactory under the terms of this article and given formal and official sanction by the Control Authority.

"Biological pretreatment service" shall mean the application of any additive or enzyme or the use of any other biological means to digest waste in an interceptor that discharges into a public sewer system within the City.

"Control Authority" shall mean the Laboratory/Water Pollution Coordinator of the Wichita Falls/Wichita County Public Health District (or another official designated by the City Manager) or his duly authorized deputy, agent or representative.

"Discharge" shall mean the introduction of waste into a POTW.

"Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semi-solid grease interceptor waste, grit interceptor waste, and/or sewage into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

"Disposal facility" shall mean a facility at which liquid waste, including but not limited to, grease interceptor waste, grit interceptor waste, and sewage is received, processed, or treated in a manner compliant with all applicable Federal, State, and local regulations.

"Disposal facility operator" shall mean an individual who is authorized to accept or reject liquid waste at a disposal facility, and who is authorized to sign a trip ticket, regardless of actual title.

"Disposal site" shall mean a permitted site or part of a site at which grease interceptor waste, grit interceptor waste, or seepage is processed, treated and/or intentionally placed into or on any land in a manner compliant with all applicable Federal, State, and local regulations, and at which site said waste will remain after closure.

"Emulsifiers" and/or "De-emulsifiers" shall mean any substance or substances which, when added or placed into a grease trap or grease interceptor, will form an oily substance to a milky fluid in which the fat globules are in a very finely divided state and are held in suspension, giving it the semblance of a solution; as the homogenization of milk emulsifies the fat with the whey forming a smooth milk product.

"Existing facility" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which started before the adoption of this Ordinance.

"Fats" shall mean substances that are primarily fatty acid esters of the alcohol glycerol, also called acylglycerols, neutral fats, natural fats, or glycerides. They are the major components of depot, or storage, fats in plant and animal cells, especially in the adipose (or fat) cells of vertebrates. This term may include any synthesized substance of a like nature.

"Food courts" shall mean areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing facilities.

"Food service establishment" shall mean any facility that cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes and/or which has a local, State, and/or Federal food service permit.

"Garbage grinder" shall mean a device, which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the POTW.

"Generator" shall mean a facility that causes, creates, generates, stores, or otherwise produces waste from on-site process operations, whether domestically or commercially generated, or as a byproduct of some domestic or non-domestic activity. The generator is responsible for assuring that the produced waste is disposed of in accordance with all Federal, State and local disposal regulations.

"Grease" shall mean fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty material from animal or vegetable sources, or from hydrocarbons of petroleum origins, commonly found in wastewater from food preparation and food service. Grease may originate from, but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease-containing materials may exist.

"Grease interceptor" or "interceptor" shall mean a water-tight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict, the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility.

"Grease interceptor waste" shall mean any grease, food particles, or organic or inorganic solid or semisolid waste collected and intercepted by a grease interceptor, usually in layers of floatable, suspended, and settleable substances, which are ultimately removed from a grease interceptor for proper disposal. All layers must be removed for disposal.

"Grease recovery devices" shall mean a type of grease interceptor that mechanically removes grease from the waste-stream for later disposal. Such grease recovery devices shall require a Grease Interceptor Permit. Grease from grease recovery devices shall:

- (a) Be stored on premises in an integral Recovered Grease Container.
- (b) Be stored in such a manner as to minimize odors and insects.
- (c) Not be mixed with edible grease.
- (d) Be removed only by a hauler permitted by the Control Authority.
- (e) This recovered grease shall not be stored on-premises longer than two weeks.

"Incompatible wastes" shall mean wastes that have different processing, storage

or disposal requirements, or whose mixture would inhibit the proper disposal or treatment of each type of waste, or wastes that if mixed may cause a dangerous chemical or physical reaction, including, but not limited to, grease interceptor waste and grit interceptor waste, grease interceptor waste and septic tank waste, seepage and hazardous waste, or any combination or combinations thereof.

"Inspection port" shall mean openings, with easily opened covers, designed to allow inspectors quick access to the inlet flow control device, each compartment of the grease interceptor, and the effluent from the interceptor. A monitoring port is an inspection port large enough to allow temporary installation of monitoring devices such as samplers, strip recorders, flow meters, or other such measuring and/or monitoring devices.

"Inspector" shall mean the Building and Code Administrator, the Director of Public Health, and/or the Director of Public Works, and person or persons designated and under the instruction and supervision of any of them, who are assigned to investigate compliance and detect violations of this chapter.

"Living quarters" shall mean a facility, or an area of a facility, where a person or family has a distinct living area, which includes individual kitchen and bath facilities, utilized solely by that single person or family.

"Manager" shall mean the person, regardless of actual title, immediately on-site at a location conducting, supervising, managing, or representing the activities of a generator, a transporter or a disposer.

"May not" shall prohibit.

"New facility" shall mean:

- (1). Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the adoption of this Ordinance, provided that:
 - a. The building structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing course; or
 - c. The production processes or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining

whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered; or

- d. Any remodeling or modification that results in a new facility as determined by the Building and Code Administration Division of the Department of Community Development.
- (2). Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 106-1004 1.b. or 106-1004 1.c. above, but otherwise alters, replaces, or adds to existing process or production equipment.
 - (3). Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"NPDES" shall mean National Pollutant Discharge Elimination System as administered by the United States Environmental Protection Agency.

"Oil and grease" shall mean any material, but particularly biological lipids and mineral hydrocarbons, recovered as a substance soluble in an organic extracting solvent using an appropriate analytical method approved under 40 CFR 136. It also includes other material extracted by the solvent from an acidified sample and not volatilized during the extraction procedure.

"Permit to operate a Vacuum Truck Cleaning Service" shall mean the formal written control document required and issued by the City to a transporter, which authorizes and entitles the transporter to collect and transport, or transport and dispose

of, grease interceptor waste, grit interceptor waste, seepage, and other liquid wastes at a permitted or registered treatment storage, or disposal site or facility, and regulates such activities.

"Permittee" shall mean a person issued a permit under this article, including any agent, servant, or employee of the permittee.

"POTW" shall mean Public Owned Treatment Works. This definition also includes sewers, pipelines, and other appurtenances if they convey wastewater to a Public Owned Treatment Works.

"Reasonable hours" shall mean any time during which a facility is open for business to the public. It shall also include those times when a facility is closed to the public when a manager, employees, and/or contractors are present at the facility and involved in cleanup or food preparation, or any other business activity.

"Sewage" shall mean the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. The terms "waste" and "wastewater" shall be deemed as sewage by definition.

"Shall not" shall prohibit.

"Spill" shall mean the unpermitted, accidental or intentional loss or unauthorized discharge of grease interceptor waste, grit interceptor waste, seepage, any other liquid waste, a chemical (hazardous or non-hazardous), or any other material that has the potential to contaminate any surface or ground water or in any other manner such that the waste is not duly and legally disposed.

"Shopping Center" shall mean a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operation unit for sale or lease, with on-site parking in definite relationship to the types and sizes of stores at the site.

"Strip Mall" shall mean a line of stores fronted by uniform parking spaces or a small common parking lot. For the purposes of this ordinance, Strip Malls and Shopping Centers are considered to be the same.

"TPDES" shall mean Texas Pollution Discharge Elimination System, as administered by the Texas Commission on Environmental Quality, under which the City's POTW is permitted.

"Transporter" shall mean a user who transfers waste from the site of a generator to an approved site for disposal or treatment. The transporter is responsible for assuring that all Federal, State and local regulations are followed regarding waste transport.

"Trip ticket" shall mean the written, multi-part form used as documentation and required to be in the possession of the generator, transporter, and disposer to document the generation, receipt, transportation, and disposal of grit interceptor waste, grease interceptor waste, seepage, and other liquid wastes enabling legal and proper disposal of hauled grit interceptor waste, grease interceptor waste, and seepage at a permitted or registered disposal site, and specifying the identity of the generator, transporter, and disposal facility operator of liquid wastes and the volume of grit interceptor waste, grease interceptor waste, seepage, and other liquid wastes disposed.

"Under the sink grease interceptor" shall mean a device placed under or in close proximity to sinks or other fixtures likely to discharge grease in an attempt to separate, intercept or hold grease waste to prevent its entry into the POTW. The Building and Code Administration Division of the Department of Community Development shall approve such "under the sink grease interceptors" and documentation shall be provided for the disposal of waste. Refer to Section 106-1011 below for applicability of this form of grease interceptor.

"Waste" shall mean the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. The term's "sewage" and "wastewater" shall be deemed as waste by definition.

Section 106-1005. Applicability.

(a) Waste, which contains grease, shall be discharged into the POTW system only under the conditions of this ordinance. The following facilities shall discharge all waste from sinks, dishwashers, drains, and any other fixtures through which grease may be discharged, into an adequately sized, properly maintained and functioning grease interceptor before the discharge enters the POTW, as well as providing a grease interceptor inlet flow control device inspection port and a grease interceptor effluent monitoring port:

1. Every commercial food preparation and food service facility, including but not limited to bakeries, boardinghouses, butcher shops, cafes, clubhouses, commercial kitchens, delicatessens, fat rendering plants, ice cream parlors, hospitals, meat packing plants, restaurants, schools, slaughter houses, soap factories, and similar facilities, especially where meat, poultry, seafood, dairy products or fried foods are prepared or served,
2. All shopping centers that have food processing facilities,
3. All food courts,

4. All other facilities discharging grease in amounts that, in the opinion of the Control Authority, will, alone or in concert with other substances from the discharges of other facilities, have a reasonable chance to impede or stop the flow in the POTW.

(b) All new areas of intensified dwelling, including, but not limited to; adult day care facilities, assisted living facilities, convalescent homes, day nursing and childcare facilities, in which food preparation occurs as defined in Section 1006-005(a)1, homes for the mentally challenged, hotels, maternity homes, motels in which there is a commercial food preparation service, nursing homes, retirement and life care communities and homes, and truck stops with commercial food service, shall be required to have grease interceptors. Modifications to existing facilities that do not add new buildings or new grease generating activities are exempt from this requirement. All such existing facilities may be so required, as determined by subsection (a) 4, of this section.

(c) Interceptors shall not be required for single-family residences, duplexes, triplexes, quadplexes, or apartment complexes, unless the City first determines there are discharges from the property that will create problems in the POTW. The determination shall be made based upon an investigation of the property, and a comparison of the content and amount of discharge from the property with the discharges of other properties similar in size and use. Upon a determination that the discharges will create problems in the POTW, the Control Authority may require the installation of a sufficiently sized grease interceptor to treat the discharges.

Section 106-1006. Compliance Date.

(a) On or after the effective date of the ordinance codified in this chapter, an existing facility (excepting those existing facilities described in section 1005 b above) shall be required to install an approved, adequately sized, and properly operated and maintained grease interceptor when any of the following conditions exist:

1. It is found by the Control Authority to be contributing grease in quantities sufficient to cause sanitary sewer line stoppages or necessitate increased maintenance on the sanitary sewer collection system (POTW) in order to keep main line stoppages from occurring.
2. It is remodeling the food preparation or kitchen waste plumbing facilities in such a manner to be subject to a permit issued by the Department of Community Development.
3. Its interceptor allows a discharge of oil or grease in excess of 500 mg/l.

(b) Existing facilities required by this or other applicable Ordinance to maintain a grease interceptor equipped with an undersized grease interceptor shall, within 36 months of the effective date of this Ordinance, install an adequately sized grease interceptor in accordance with the specifications of this Ordinance.

(c) Existing facilities required by this or other applicable ordinances to maintain a grease interceptor not equipped with a grease interceptor shall, within 18 months of the effective date of this Ordinance, install an adequately sized grease interceptor in accordance with the specifications of this Ordinance.

(d) New facilities required by this or other applicable ordinances to maintain a grease interceptor shall install such a unit prior to commencement of discharge to the POTW.

(e) Any requests for extensions to installation dates must be made in writing to the Control Authority, at least thirty (30) days in advance of the compliance date. The written request shall include the reasons for the grease generator's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The Control Authority shall determine the date for compliance.

Section 106-1007. Discharge Criteria.

In addition to the prohibitions outlined in Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas, the following prohibitions shall apply:

(a) Where oil and grease are a byproduct of food preparation and/or cleanup, reasonable efforts shall be made to separate waste oil and grease into a separate container for proper disposal. Except as contained in byproducts of food preparation and/or clean up, waste oil and grease shall not be discharged to any drains or grease interceptors. Such waste shall be placed in a container designed to hold such waste and either utilized by industry or disposed of at suitable locations.

(b) None of the following agents shall be placed directly into a grease interceptor, or into any drain that leads to the interceptor:

1. Emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any type of product that will liquefy grease interceptor wastes,
2. Any substance that may cause excessive foaming in the POTW, or
3. Any substance capable of passing the solid or semi-solid contents of the grease interceptor to the POTW.

(c) The influent to interceptors shall not exceed 140 degrees Fahrenheit (140° F). The temperature at the flow control device inspection port shall be considered equivalent to the temperature of the influent.

(d) Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.

(e) All waste shall only enter the grease interceptor through the inlet flow control device, then the inlet pipe.

(f) Where food-waste grinders are installed, the waste from those units shall discharge directly into the building drainage system without passing through a grease interceptor. Living quarters, as defined in this ordinance, are exempted from this requirement.

Section 106-1008. Requirements for Grease Interceptors.

(a) All commercial and industrial facilities dealing with grease shall, at the permittees' expense and as required by the Control Authority:

1. Provide an adequately sized grease interceptor. Requirements for grease trap sizing and the design criteria are provided in 106-1008 (b).
2. Locate the interceptor in a manner that provides ready and easy accessibility for cleaning and inspection.
3. Obtain a written interceptor service agreement with a licensed transporter for a term of at least one (1) year, or for the duration of the operation of the establishment, whichever is less, to maintain the interceptor in effective operating condition. A service agreement must be in effect as long as the facility has a Grease Trap Permit.
4. Unless otherwise specified by the Control Authority, service the interceptor every 90 days and maintain backup copies of trip tickets and a service log, on the premises of the facility, for at least five (5) years.
5. Report to the Control Authority yearly, as defined in Section 106-1015 of this ordinance regarding items 3. and 4.
6. Allow demand inspection of the facility and of records by

inspectors during reasonable hours.

(b) Requirements for Grease Trap Sizing and Design Criteria

1. Introduction: Information contained within this document is based on standard industry practices. Size, type, and location of grease traps shall be in accordance with the current requirements of City of Wichita Falls Ordinance.
2. Applicability: These requirements are applicable to all commercial food service establishments, including those that are undergoing:
 - a. New construction
 - b. Interior remodeling to accommodate expansion or operational modifications
 - c. Changes of ownership/occupancy
 - d. Facilities, which may be experiencing difficulty in achieving compliance with maintenance and/or wastewater discharge limitations.
3. Sizing Requirements:

Sizing methods described herein are intended as guidance in determining grease trap/interceptor sizes that will afford the City's sanitary sewer system (POTW) a minimum degree of protection against grease and other obstructing materials. Sizing determinations are based on operational data provided by business owners or their contractors. In approving a customer's plumbing or grease interceptor design, the City does not accept liability for the failure of a system to adequately treat wastewater to achieve effluent quality requirements specified under this Ordinance. It is the responsibility of the generator and/or contractors to insure the appropriate level of treatment necessary for compliance with environmental and wastewater regulations.

Minimum acceptable grease trap/interceptor sizing shall be accomplished as follows:

- a. The recommended minimum size of an exterior grease trap is 1,000 gallons. The generator may

supply sizing information for a smaller grease trap. However, under no circumstances should exterior grease traps have a capacity less than 500 gallons.

- b. In the circumstances of “single service kitchens” with no food preparation (heat/serve only), and which use only paper service items, a smaller grease trap may be used and must be approved by the Chief Plumbing Inspector. In these instances, the trap must be readily accessible for cleaning and maintenance. (See Section 4, below).

4. Construction/Installation: All permitting, construction, and inspection activities must be completed in accordance with the current Wichita Falls Plumbing Code.

- a. Grease traps are to be installed at a minimum distance of 10 ft. from sinks and dishwashers to allow for adequate cooling of wastewater. Water temperatures must be less than 140 degrees F. prior to entering grease trap.
- b. All grease bearing waste streams should be routed through an appropriate grease trap/inceptor, including: three-compartment sinks, pot/pan sinks, soup kettles, hand-washing sinks, dishwashers, mop sinks and floor drains.

Notable Exceptions: Drains that receive “clear waste” only, such as from ice machines, condensate from coils and drink stations, may be plumbed to the sanitary system without passing through the grease interceptor with the condition that the receiving drain is a “hub” type that is a minimum of two inches above the finished floor.

- c. Sample port. A sample port shall be installed on the effluent line of each grease trap. The port shall be a minimum of 4” in diameter and be connected to the sewer line at a 90° degree angle to allow for visualization and sampling activities. The port shall be installed in such a manner as to be protected from storm water contamination and maintained in a safe

and proper operating condition. The plug on the sample port must be easily removed from the pipe.

5. Customer (Generator) Responsibilities:

It is the responsibility of the customer (waste generator) to insure compliance with the City of Wichita Falls' discharge limitations.

Hazardous wastes, such as acids, strong cleaners, pesticides, herbicides, paint, solvents, or gasoline should not be disposed of where they would go through grease or grit traps. If commercial dishwashers are discharged through a grease interceptor, care must be taken in system design. Dishwashers use detergents and elevated water temperatures that will melt grease. If the interceptor is either too small or too close to the commercial dishwasher, grease may pass through the interceptor and into the collection system.

Generators are responsible for maintaining grease traps in continuous proper working condition. Further, generators are responsible for inspecting, repairing, replacing, or installing apparatus and equipment as necessary to ensure proper operation and function of grease traps and compliance with discharge limitations at all times.

The generator must have a grease trap/grease interceptor service contract (for pumping, cleaning, and inspection) by a City of Wichita Falls permitted waste hauler, at a minimum frequency of every 90 days to ensure proper function or in accordance with Section 106-1013 (b) 1. The trap shall be maintained more frequently if needed to meet the City's discharge criteria. Records of maintenance are required to be maintained on site for five (5) years. (90-day maintenance frequency assumes proper sizing and installation consistent with this guidance).

Enzymes, solvents, and emulsifiers are not permitted, as they will only change the form of grease, allowing it to be carried out of the trap with the wastewater and deposited in the collection system (POTW). Biological treatment systems must be pre-approved by the Building and Code Administration Division of the Department of Community Development. These systems will not alleviate the necessity for inspection and proper maintenance.

Section 106-1009. Grease Interceptor Construction.

(a) Any person responsible for discharges requiring a grease interceptor shall, at his own expense and as required by the City, provide plans and specifications for equipment and facilities of a design type and design capacity approved by the Building and Code Administration Division of the Department of Community Development of the City of Wichita Falls. The grease interceptor must be in compliance with the current applicable City of Wichita Falls plumbing codes. The person shall locate the interceptor in a manner that provides easy accessibility for cleaning and inspection and maintain the interceptor in effective operating condition. The Building and Code Administration Division of the Department of Community Development shall inspect the interceptor during construction and upon completion. All interested parties, including the Building and Code Administration Division of the Department of Community Development and the Control Authority shall make a final inspection before any service connections are made.

(b) Construction of items listed herein in accordance herewith or in accordance to the City's specifications shall not constitute a defense to unlawful discharge and shall not limit the generator's liability for any surcharge stated in this division.

(c) If the Control Authority determines that there is a need for installation or upgrading of sample ports or grease interceptors on an existing establishment, the Control Authority may order the installation or upgrading of such interceptors on that existing establishment. If the Control Authority orders such installation, then the Control Authority shall serve notice of such order upon the grease generator. Within ten (10) days of receipt of such order, the grease generator may demand a hearing to review such order, in which case the Control Authority shall schedule a hearing to review such order within thirty (30) days of receiving the demand for review from the grease or grit generator. If a hearing to review the order is scheduled, the Control Authority shall serve notice of the hearing to review such order upon the grease generator at least ten (10) days before the date of such hearing. At the hearing to review the order, the grease generator may present evidence, and the Control Authority may make new findings and issue new orders concerning the subject of the original hearing. After receiving notice of the order to install or upgrade ports or interceptors on an existing establishment, it shall be unlawful for a grease generator to allow or cause any discharge into the sanitary sewer not in compliance with such order. The Building and Code Administration Division of the Department of Community Development shall approve the sizing and installation of new interceptors.

(d) Where the process wastewaters are generated in only part of the facility, the process wastewaters may, at the option of the Control Authority, discharge into a grease interceptor servicing only those areas that provide a suitable sampling port.

(e) The Control Authority may waive the requirement for a grease interceptor provided the grease generator can verify that only domestic sewage is being

discharged, with no floor drains or process water. The Control Authority may require testing by the user in connection with this request, with all costs for this testing being at the users expense.

Section 106-1010. Service/Inspection Ports and Monitoring Ports.

(a) Except for "under the sink grease interceptors", each interceptor shall be located outside of a building or structure in an area accessible for service, and so installed and connected that it shall be at all times easily accessible for inspection, and for cleaning and removal of the intercepted waste. Inlet flow control inspection ports, interceptor inspection ports, and effluent monitoring ports shall be in areas where vehicles may not temporarily block access to inspection. The use of ladders or the removal of bulky equipment or stored materials in order to inspect inlet flow control devices, inspect or service interceptors, or sample interceptor effluent shall constitute a violation of accessibility. Inspection ports and monitoring ports shall be located so as to allow inspectors quick and easy access to the inlet flow control device, each compartment of the interceptor, and the effluent from the interceptor. An interceptor shall not be installed in any part of a building where food is handled. The location of all inspection ports and monitoring ports shall meet the approval of the Control Authority and shall be shown on the approved building plans.

(b) An inspection port shall be provided for the flow control device regulating flow into the interceptor.

(c) A one-piece removable metal plate covering the entire interceptor shall be preferred as an interceptor inspection port, though at the discretion of the Control Authority, standard manhole ports may be installed over each divider in the interceptor, but in either case all parts of the interceptor shall be easily accessible for cleaning and visual inspection.

(d) A monitoring port shall be provided for ease in sampling the treated effluent from the interceptor and shall be as close as possible to the connection with the City POTW within the bounds of the facility property. The port shall be installed according to the specifications of the Control Authority. The port shall be installed and maintained at the user's expense. A generator shall properly place, monitor, and maintain the monitoring port so that wastewater samples taken from the monitoring port are representative of wastewater leaving the interceptor. It shall be unlawful for a grease generator to divert sewage around a monitoring point into the POTW.

Section 106-1011. Under the Sink Grease Interceptors.

(a) In the event that an outside grease interceptor is not practicable, an "under the sink grease interceptor" may be installed subject to the approval of the Building and Code Administration Division of the Department of Community Development. In addition to the regular requirements of grease interceptors, "under the

sink grease interceptors" are subject to the additional requirements.

(b) Installation requirements.

1. The interceptor may be set on the floor, partially recessed in the floor with top flush with the floor, or fully recessed below the floor to suit piping and structural conditions, as acceptable by the Building and Code Administration Division of the Department of Community Development.
2. There shall be sufficient clearance for the removal of the interceptor cover for cleaning.
3. Unless specifically approved by the Building and Code Administration Division of the Department of Community Development, runs of pipe exceeding 25 feet between fixture and interceptor shall not be permitted.
4. The interceptor shall not be installed in a waste line from a garbage grinder. Any garbage grinder waste shall bypass the interceptor.
5. A suitable flow control fitting shall be installed ahead of the interceptor in the waste line beyond the fixture and as close as possible to the underside of the lowest fixture. When wastes of two or more sinks or fixtures are combined to be used by one interceptor, a single flow control fitting shall be used.
6. Air intake for flow control either shall terminate under the sink drain board as high as possible to prevent overflow, or shall terminate in a return bend at the same height and on the outside of the building.
7. To retain water and prevent siphoning, all interceptors shall have a vented waste, sized in accordance with the Plumbing Code of the City of Wichita Falls.
8. With the approval of the Building and Code Administration Division of the Department of Community Development, one interceptor may be used to serve multiple fixtures if the fixtures are located close together and the interceptor is sized to meet the combined flow of all the fixtures.

(c) Maintenance requirements.

1. Interceptors shall be serviced at intervals that are determined by use or as determined by the Control Authority and shall be serviced by a permitted vacuum truck cleaning service. After accumulated grease and waste has been removed, the interceptor shall be thoroughly inspected to make certain that inlet, outlet, and air relief ports are clear of obstructions.
2. Grease and other waste removed from the interceptor shall not be introduced into any drain, sewer, or natural body of water. The waste shall be placed in proper containers for proper disposal. It shall not be mixed with "edible" grease. Grease and waste removed from an interceptor shall not be disposed of in such a manner so as to become food for animals or humans.
3. The grease generator shall maintain adequate documentation that the interceptor is appropriately cleaned and inspected.

Section 106-1012. Requirements for Interceptor Waste Generators.

Grease Interceptor Waste Generators shall meet all applicable requirements regarding the accumulation, generation, and disposal of waste in the Wichita Falls, Texas Code of Ordinances, Chapter 106, Article V, Sewage Disposal Systems.

Section 106-1013. Interceptor Maintenance.

- (a) Interceptor Maintenance Service Contract
 1. All grease generators having interceptors shall perform all business transactions relating to interceptor pumping, cleaning, and servicing, and to liquid waste collection, transportation and/or disposal on a contractual basis via a written contract having a duration of at least one year, and provide copies of all such contracts to the Control Authority. Any modifications or changes to the contract must be submitted to the Control Authority within ten (10) working days of the change or modification. It is a violation for a grease generator to discharge through an interceptor without a service contract.
 2. A Contract shall at a minimum:
 - a. From the customer
 - (1). Contain the customer name, address and telephone number, and the name, address, and telephone number of the facility to be serviced if different.

- (2). Contain the name of a primary and secondary contact person for the facility.
- (3). Contain the Grease Interceptor Permit number of the facility.
- (4). Indicate the size of each interceptor.
- (5). Indicate the precise and unambiguous location of the interceptor or interceptors to be serviced, including a diagram if necessary.
- (6). Indicate the frequency of pumpage required.
- (7). Be signed and dated by an authorized representative indicating acceptance of the terms of the contract.

b. From the Vacuum Truck Cleaning Service

- (1). Contain the vacuum truck company name, address, and telephone number.
- (2). Contain the name of a primary and secondary contact person.
- (3). Provide the TNRCC Permit Number.
- (4). Provide the City Vacuum Truck Cleaning Service Permit number.
- (5). Be signed and dated by an authorized representative indicating acceptance of the terms of the contract.
- (6). The name, address, and telephone number of the disposal site.
- (7). The TNRCC Registration number of the disposal site.
- (8). Additionally, the transporter shall provide a:
 - a). Certificate of Insurance.
 - b). Certificate of Assurance.

c). Certificate of Indemnification.

c. Other

Contain a statement of the duration of the contract, to be not less than one year, or for the duration of the operation of the facility, whichever is less.

(b) Required Pumping Frequency

1. Unless otherwise specified by the Control Authority, each interceptor in active use shall be cleaned at least once every quarter or more frequently as needed to prevent carry over of grease into the POTW, unless it can be demonstrated to the Control Authority that the pumping frequency can be performed at greater intervals. The Control Authority may specify cleaning more frequently when quarterly pumping is shown to be inadequate. Additional pumping may be required during time periods where increased loading is anticipated. Any grease generator desiring a schedule less frequent than quarterly shall submit a request to the Control Authority along with testing (as required by the Control Authority) and copies of the cleaning records for the last four (4) interceptor cleanings, including measurements of the thickness of the surface scum/grease layer.
2. At any time if an inspection finds the interceptor to be full, immediate steps shall be taken by the grease generator to pump out and clean it as soon as is practicable. The inspector shall make an evaluation of the advisability of allowing discharge to continue, and may at his or her discretion order an immediate cessation of all discharge from the facility. In any case, the Wastewater Discharge Permit of the facility may be amended so as to compel more frequent pumping and cleaning of the interceptor.

(c) All interceptors shall be maintained by the grease generator at the grease generator's expense.

(d) Requirement for Increased Pumpage or Servicing

If the Control Authority finds that a change in pumpage or servicing of an interceptor is necessary for an establishment to meet the discharge limits stated in this Ordinance, the Control Authority may order a change in pumpage or servicing of an interceptor. If the Control Authority orders a change in the pumpage or servicing, then the Control Authority shall serve notice of such order upon the generator. Within ten (10) days of receipt of such order, the generator may demand a hearing to review such

order, in which case the Control Authority shall schedule a hearing to review such order within thirty (30) days of receiving the demand for review from the generator. If a hearing to review the order is scheduled, the Control Authority shall serve notice of the hearing to review such order at least ten (10) days before the date of such hearing. At the hearing to review the order, the generator may present evidence, and the Control Authority may make new findings and issue new orders concerning the subject of the original hearing. After receiving notice of an order by the Control Authority to change the frequency and/or methods of pumpage or servicing, it shall be unlawful for a generator to allow or cause any discharge into the sanitary sewer (POTW) not in compliance with such order.

(e) Interceptor Maintenance Log.

1. Every generator having an interceptor shall maintain an Interceptor Maintenance Log indicating each pumping for the previous twelve (12) months. This log shall include the date, time, amount pumped, hauler and disposal site, and shall be kept in a conspicuous location on the premises of the facility for inspection. Food service establishments shall keep the log posted with their Wichita Falls/Wichita County Environmental Health Food Permit. Said log shall be made immediately available to any authorized City inspector.
2. The information required in the maintenance log must be submitted to the Control Authority annually. The reporting period shall be January 1 through December 31 of each year. The report shall be submitted within thirty (30) days after the end of the reporting period to the Control Authority.

(f) Cleaning Procedures

1. The owner or an employee of the facility shall supervise the interceptor cleaning, and shall be physically present and observe the entire cleaning operation.
2. A generator shall cause the liquid waste hauler, transporter, or any other person cleaning or servicing an interceptor to completely evacuate all contents, including floating materials, wastewater, and bottom sludges and solids, of all grease and/or grit interceptors and other interceptors during servicing. Skimming the surface layer of waste material, partial cleaning of the interceptor or use of any method that does not remove the entire contents of the collection device is prohibited. The suction of the floating materials shall be done prior to removal of other contents. After complete evacuation, the walls, top, and bottom of the interceptor shall then be

thoroughly scraped and the residue removed. The interceptor shall then be washed down and the residue removed. Upon completion of the servicing, the manager of the facility shall make an inspection of the interior of the interceptor and then personally sign the trip ticket. The manager shall make an appropriate entry in the facility Interceptor Maintenance Log, and post the generator section of the trip ticket in a conspicuous place with the log on the premises. Food service establishments shall keep all trip tickets posted with their Wichita Falls/Wichita County Environmental Health Food Permit. Said trip tickets and maintenance logs shall be made immediately available to any authorized City inspector.

3. It shall be unlawful for a generator to allow, the discharge of liquid, semi-solids, or solids back into an interceptor during and/or after servicing. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other interceptor, for the purpose of reducing the volume to be disposed, is prohibited.
4. Each interceptor pumped shall be fully evacuated unless the interceptor volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the interceptor is fully evacuated within a twenty four (24) hour period following the transporter's inability to fully evacuate the interceptor.

(g) Disposal of Interceptor Pumpage.

All waste removed from each interceptor shall be disposed of at a facility permitted and authorized to receive such waste in accordance with all applicable Federal, State, and local regulations. In no way shall the pumpage be returned to any private or public portion of the POTW, without prior written approval from the Control Authority, nor may it be returned to any portion of the POTW not specifically designated by the Wastewater Collections/Treatment Superintendent. Additionally, grease removed from an interceptor shall not be recycled so as to become a food product or part of a food product for animal or human consumption.

(h) Vacuum Truck Cleaning Service

It shall be unlawful for a grease or grit generator to allow grease or grit interceptor waste to be removed from his premises by a transporter who does not have all applicable Federal, State, or local permits or registrations, including at a minimum a Vacuum Truck Cleaning Service Permit from the Control Authority, and a TNRCC waste hauler's permit.

Section 106-1014. Permit Requirements.

(a) It is unlawful for any facility to discharge effluent from a grease interceptor without authorization from the Control Authority. Authorization shall be given in the form of a "Grease Interceptor Permit." Application for a permit shall be made to the Control Authority. If, after examining the information contained in the grease interceptor permit application, it is determined by the Control Authority that the proposed discharge does not conflict with the provisions of this Ordinance, or any other Federal, State, or local requirement or regulation, and the permit fee is paid, a permit shall be issued allowing the facility to discharge into the POTW. Each grease interceptor permit shall be issued for a time not longer than one year from the date of the permit. The grease generator shall apply for permit reissuance prior to the expiration of the grease generator's existing permit. The terms and conditions of the permit may be subject to modification by the Control Authority at any time during the term of the permit as limitations or requirements as identified in this chapter are modified or other just causes exist. The grease generator shall be informed of any proposed changes in the issued permit at least thirty days prior to the effective date of the change(s). Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(b) As a condition precedent to the granting of a permit, the permittee under this section will agree to hold harmless the City and the City's employees from any liabilities arising from the permit holder's operations under this permit.

Section 106-1015. Required Reporting.

All permitted interceptor waste generators shall, at a frequency and time determined by the Control Authority, but in no case less than once per year, submit to the Control Authority:

(a) Copies of all manifests made by liquid waste transporters servicing their grease interceptor during the reporting period;

(b) A copy of the Interceptor Maintenance Log;

(c) A copy of the Interceptor Service Contract; and

(d) Any other information required by the Grease Interceptor Permit, including analysis of the discharge to the POTW of such pollutants as the Control Authority may require. Such analysis shall be in accordance with requirements of Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas.

Section 106-1016. Grease Interceptor Treatment Products.

(a) Use of grease interceptor treatment products, including bacteria, designed to digest grease, is specifically prohibited without prior written consent of the Control Authority.

(b) Acceptance of such products for use may be considered only where a valid screening test, showing the product's ability to treat the waste and to produce an influent in compliance with this ordinance, has been performed in accordance with methods outlined by the Control Authority.

(c) Screening tests for such grease interceptor treatment products shall be designed by the Control Authority.

(d) The results of screening tests shall be subject to technical review by the Control Authority.

(e) All costs of screening tests shall be borne by the facility whether or not the product is accepted for use.

(f) If a product is accepted for use, each facility shall obtain written permission from the Control Authority to use the product.

(g) Complete descriptions of the chemical composition of all products must be disclosed to the Control Authority.

(h) The Control Authority may revoke permission to use such products where the effluent from the interceptor or basin in which the product is used fails to meet the requirements of the ordinance.

Section 106-1017. Mobile Treatment Processes.

Any person wishing to make use of a mobile treatment process or of an on-site process to clean or service grease interceptors or grit interceptors shall demonstrate the process to the satisfaction of the Control Authority. Included with the demonstration shall be a written explanation of the treatment process. Any costs to the City associated with the demonstration, such as, but not limited to sampling and analysis, shall be recovered. Complete descriptions of the chemical composition of all products must be disclosed to the Control Authority.

Section 106-1018. Facility Closure.

When a facility with a grease interceptor closes for business, and is subsequently:

(a) Razed or demolished, then any grease interceptor or interceptors or traps shall be physically removed.

(b) Remodeled such that the grease interceptor will not be used, then the grease interceptor or interceptors or traps may be left in place, however:

1. The grease interceptor or interceptors or traps shall have all effluent pumped out, the trap cleaned thoroughly, and the grease interceptor or interceptors or traps left dry and empty, and

2. Be re-plumbed as to bypass the existing grease interceptor or interceptors or traps, either by straight through or by bypassing methods, while leaving the empty trap and in place for possible future utilization by another business, or

(c) Replaced with a type of business that will not utilize the grease interceptor, then that business may have any existing grease interceptor or interceptors or traps:

1. Physically removed, or

2. Re-plumbed as to bypass the existing grease interceptor or interceptors or traps, either by straight through or by bypassing methods, while leaving the empty trap and in place for possible future utilization by another business, or

3. Re-plumbed with a straight line plumbed from the inlet to the outlet, and the remainder of the grease interceptor or interceptors or traps filled with soil or sand.

In all instances, the owner of the premises shall appropriately inform the Control Authority and perform the closure at such a time so as to permit an inspector to be physically present during the removal or filling of the interceptor.

Section 106-1019. Monitoring, Inspection and Entry.

(a) It shall be unlawful for a grease generator, whether or not the grease generator possesses a Grease Interceptor Permit, to refuse to allow inspectors to enter their premises during reasonable hours to determine whether the grease generator is complying with all of the requirements of this Ordinance and permit or order issued hereunder. A grease generator shall allow the inspectors access to all parts of the premises for purposes of inspection, sampling, records examination and copying, and the performance of additional duties. The right of access of the Control Authority shall be considered at least as extensive as the authority provided under Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas. Arrangements for the immediate access of the Control Authority or his designate representative shall have been made ahead of time, and such failure to make adequate arrangements shall not be considered a legitimate reason to refuse admittance of the Control Authority.

(b) In cases where a facility includes private living quarters, the right of access shall extend to all common areas, and any other area or areas a facility

employee, including the manager and/or owner, may enter without expressed permission of the residents of such a facility.

(c) *Search Warrants.* If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Control Authority may seek issuance of a search warrant from any court of competent jurisdiction

Section 106-1020. Confidentiality and Proprietary Information.

(a) Information and data on a grease generator, or any other entity, obtained from reports, surveys, grease interceptor permits, and monitoring programs, and from the Control Authority's inspection and sampling activities, and any other information submitted to the Control Authority pursuant to this ordinance, shall be available to the public without restriction, at least to the extent provided by Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas.

(b) Any grease generator, or any other entity, may claim any such information to be confidential and proprietary no more to the extent provided by Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas, and using the procedures specified thereunder.

Section 106-1021. Timing.

All written reports, applications, and any other such material required by those regulated under this Ordinance will be deemed to have been submitted on the date postmarked. For material, which is not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt shall govern.

Section 106-1022. Fees.

The City may adopt, by separate ordinance, charges, surcharges, and fees for application, operation, enforcement, administration, and reimbursement of costs incurred pursuant to this Ordinance.

Fees:

- (a) The Control Authority, with the approval of the City Council shall establish permit fees under this ordinance.
- (b) The fees for such permits shall be for a permit issued for a period of one

year. The control authority may prorate the amounts for permits with shorter durations. All permits will expire at 12:00 midnight on the date specified on the permit as determined by the Control Authority.

Section 106-1023. Violation.

(a) It is unlawful for any grease generator to discharge into the POTW in any manner that is in violation of this Ordinance, or of any condition set forth in this Ordinance. Additionally, a person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference of a grease interceptor or the POTW, including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the interceptor.

(b) No person, and/or facility shall discharge grease in excess of 500 mg/l to the POTW. If such discharge occurs, the person or facility shall be considered in violation of this ordinance and subject to the remedies described herein. This includes non-permitted facilities.

(c) The Control Authority and/or City may suspend water or sewer service when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge which:

1. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
2. Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
3. Causes interference to the POTW; or
4. Causes the City to violate any condition of its NPDES or TPDES permit.

(d) Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. The City shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the grease generator describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

(e) In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation, association, limited liability company (LLC), or limited liability partnership (LLP) legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment.

(f) Any person, operator, or owner who shall violate any provision of this ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each violation and each day a violation continues, shall constitute a separate offense and shall be punished accordingly.

(g) A permittee is liable to the City for any expense, loss, or damage occasioned by the City for reason of appropriate clean-up and proper disposal of said waste materials. Additionally, an administrative fee equal to one-half (1/2) of assessed clean-up costs shall be levied by the City against the guilty party.

Section 106-1024. Mobile Treatment Processes.

The remedies provided for in this Ordinance are not exclusive. The Control Authority may take any legally authorized actions against a noncompliant permittee or generator, including, but not limited to, all applicable remedies enumerated in Chapter 106, Article VII of the Code of Ordinances, City of Wichita Falls, Texas.

Section 106-1025. Severability.

If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the remaining parts of this chapter. The governing body declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid.”

PASSED AND APPROVED this the 17th day of August 2004.

MAYOR

ATTEST:

CITY CLERK