

ORDINANCE NO. 2010-17

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF VALDOSTA, GEORGIA BY AMENDING PART 5 MUNICIPAL UTILITIES, CHAPTER 2. SEWERAGE COLLECTION AND DISPOSAL, ARTICLE A. GENERAL PROVISIONS, SECTION 5-2002. DEFINITIONS; AND FURTHER AMENDING SECTION 5-2086. GREASE, OIL AND SAND INTERCEPTORS; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of the City of Valdosta, Georgia, and it is hereby ordained by authority of same, as follows:

Section 1.

Section 5-2002 of the Code of Ordinances, designated as Part 5 Municipal Utilities, Chapter 2. Sewerage Collection and Disposal under Article A. General Provisions is hereby amended by adding thereto the following definitions to be incorporated therein alphabetically as it appears in the entire ordinance:

Contractual FOG Services. A contractual arrangement with an approved Registered Commercial Waste Transporter which provides a containment device for all FOG related material constituents generated by a food industry customer including scheduled removal of all FOG materials so as none of these FOG constituents enters the sanitary sewer system or publicly owned treatment works.

FOG. Means fats, oils, and grease.

Food Industry Customer. Any restaurant, bakery, deli, meat market, fish/seafood market commercial kitchen or commercial establishment that prepares or cooks food, either for takeout service or to be consumed on-site.

Grease Interceptor. A device designed and installed to separate and retain for removal food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Pretreatment Device. Any device, equipment or system designed to accomplish pretreatment.

Recurrent Maintenance. The removal of the entire contents of the grease interceptor system by pumping the contents of the grease interceptor system no less than once every month. The pumping of contents will be in accordance with State of Georgia Environmental Protection Division Rules and Regulations for Water Quality Control 391-3-6-.24 Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilities.

Registered Commercial Waste Transporter. A business/owner registered by the State of Georgia Environmental Protection Division (EPD) and whose tank trucks are permitted by a local governing authority.

Sand Trap means a structure or device designed primarily for the accumulation and removal of grit or sand.

Upon the amendment thereof said section in its entirety shall read as follows:

Sec. 5-2002. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

Act of the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Ammonia Nitrogen. That fraction of nitrogen in the ammonia form as analytically determined by Standard Methods.

Approval Authority. The Director in a NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment program.

Authorized Representative of Industrial User. An authorized representative of an Industrial User may be (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical Oxygen Demand (BOD). Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, (approved by EPA) five (5) days at 20 degrees centigrade expressed in milligram per liter.

Building Drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW to the public sewer or other place of disposal.

Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standards.

CCF. Hundred cubic feet.

City. The City of Valdosta or the City Council of Valdosta.

City Engineer. City Engineer of the City of Valdosta, or his authorized deputy, agent or representative.

COD. (Denoting Chemical Oxygen Demand). Shall mean the quantity of dissolved oxygen required for the chemical oxidation of decomposable matter under aerobic conditions. COD shall be determined by EPA approved methods.

Collection Sewer. A sewer line less than 12 inches in diameter that receives wastewater from a small geographic area and discharges into an interceptor sewer serving more than one collection sewer area.

Combined Sewer. A sewer receiving both surface runoff and sewage.

Composite. The make-up of a number of individual samples, so taken as to represent the nature of wastewater or industrial wastes.

Constituents. The combination of particles, chemicals, or conditions which exist in the industrial wastes.

Contractual FOG Services. A contractual arrangement with an approved Registered Commercial Waste Transporter which provides a containment device for all FOG related material constituents generated by a food industry customer including scheduled removal of all FOG materials so as none of these FOG constituents enters the sanitary sewer system or publicly owned treatment works.

Control Authority. The term "control authority" shall refer to the "Approval Authority", defined hereinabove; or the Director of Utilities.

Control Manhole. An appropriately located manhole from which a given user's effluent can be effectively sampled by the City's standard methods.

Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Georgia.

Director of Utilities. The Director of Utilities for the City of Valdosta, or his authorized deputy, agent or representative.

Effluent. The discharge of flow of a treatment facility.

Environmental Protection Agency, or EPA. The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator of other duly authorized officials of said agency.

Flammable. Defined by existing fire regulations covering the City.

FOG. Means fats, oils, and grease.

Food Industry Customer. Any restaurant, bakery, deli, meat market, fish/seafood market commercial kitchen or commercial establishment that prepares or cooks food, either for takeout service or to be consumed on-site.

Garbage. Solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the building, storage and sale of produce.

Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease Interceptor. A device designed and installed to separate and retain for removal food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Grease Trap or Interceptor. A fixture through which all of the discharge of a connection flows and which provides a minimum detention period of ten minutes between influent and effluent baffles with 20 percent of the total volume as allowance for a sludge pocket.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Influent. The wastewaters arriving at the wastewater treatment plant for treatment and those structures associated with its initial treatment.

Interceptor Sewer or Trunk Line. A sewer line 12 inches or more in diameter into which one or more collection sewers are tributary.

Interference. The inhibition or disruption of the POTW treatment processes or operation which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Metered Water. The amount of water consumed by the sewer customer, as measured by the City water meter.

mg/l. Milligrams per liter, or the ratio by weight, interchanged with ppm.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial User.

National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New Source. Any source, the construction of which is commenced after the publication of propose regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

Normal. Those values as standards in the measurement of this division; these limits are defined in context.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen

ions expressed in grams per liter of solution.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

ppm. Parts per million, shall mean ratio by weight.

Pretreatment device. Any device, equipment or system designed to accomplish pretreatment.

Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

Public Sewer. A sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.

Receiving Waters. Those waters into which wastes are discharged.

Recurrent maintenance. The removal of the entire contents of the grease interceptor system by pumping the contents of the grease interceptor system no less than once every month. The pumping of contents will be in accordance with State of Georgia Environmental Protection Division Rules and Regulations for Water Quality Control 3913-6-.24 Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilities.

Registered Commercial Waste Transporter. A business/owner registered by the State of Georgia Environmental Protection Division (EPD) and whose tank trucks are permitted by a local governing authority.

Sampling. The collection of a sample of two effluent discharges by a given connection to the system.

Sand Trap. Means a structure or device designed primarily for the accumulation and removal of grit or sand.

Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Septic Tank Waste. That waste which results from the emptying of domestic septic tanks.

Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewage Treatment Plant or Wastewater Treatment Plant. Any arrangement of devices and structures used for treating sewage.

Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.

Sewer. A pipe or conduit for carrying sewage.

Sewer Connection Charge. The charge assessed against the sewer customers within or without the City that are connected to, or have access to, the City sewage system.

Shall. is mandatory: May. is permissive.

Significant Industrial User. Any Industrial User of the City's wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (3) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of (State) Statutes and rules, or (4) is found by the City, (State Control Agency) or the U.S.

Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Slug. Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Standard Methods. Shall mean those procedures or methods established by the latest edition of the "Standard Methods for the Examination of Water and Wastewater", as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

State. State of Georgia.

Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Storm Drain or Storm Sewer. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent. The person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Suspended Solids or Total Suspended Solids. Shall mean the solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by EPA approved methods.

Total Solids. Total weight ppm of all solids; dissolved, undissolved, organic or inorganic.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

User. Any person who contributes, causes or permits the contribution of wastewater into City's POTW.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater Contribution Permit. As set forth in section 1.2 (Chapter 4) of this ordinance.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Section 2.

Said Part 5 Municipal Utilities, Chapter 2. Sewerage Collection and Disposal, Article E. Use of Public Sewers, Section 5-2086. Grease, Oil and Sand Interceptors is hereby repealed in its entirety and in lieu thereof a new Section 5-2086. Grease, Oil and Sand Interceptors is substituted in lieu thereof to read as follows:

Sec, 5-2086. Grease, oil and sand interceptors.

(a) Generally. Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of the type and capacity approved the Department of Human Resources Public Health Chapter 290-5-14-.06, and the City of Valdosta Land Development Regulations Chapter 332, Section 332-31 or as deemed appropriate by the director and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, to prevent the passage of accumulated fats, grease and oil, sludge or sand into the publicly owned treatment works. A regular inspection, cleaning and repair schedule may be imposed when such schedule is reasonably deemed necessary by the director to prevent the passage of grease and oil, sludge or sand into the publicly owned treatment works. Such interception units shall be considered pretreatment devices as defined in section 5-2002. Inspections, cleaning and repairs shall be by the owner, at the owner's expense.

(b) Installation requirements and design criteria.

(1) All new and remodeled food industry customers and institutions with

commercial kitchens shall have a properly designed and maintained grease interceptor or series of grease interceptors meeting the design criteria contained in the City of Valdosta Land Development Regulations Chapter 332, Section 332-31. All outside grease interceptors shall be designed and installed to allow complete access for maintenance and inspection of inner chambers as well as observation and sampling of the wastewater discharged to the sanitary sewer.

- (2) All existing food industry customers and institutions with commercial kitchens within the City of Valdosta service area are required to conduct their operations so that fats, oils, and grease are separated and captured on the user's premises and then properly disposed. All transportation and disposal of fats, oil, and grease shall be conducted by a Registered Commercial Waste Transporter in accordance with State of Georgia Environmental Protection Division Rules and Regulations for Water Quality Control 391-3-6-.24 Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilities.

(c) Recurrent Maintenance Program

- (1) General Intent. The purpose of the Recurrent Maintenance Program is to minimize the introduction of fats, oil, and grease into the City of Valdosta Publicly Owned Treatment Works through the proper operation and maintenance of grease interceptors. This section establishes the responsibilities of the user, reporting criteria, right of inspection, and legal remedies for non-compliance.
- (2) Recurrent Maintenance Required. All food service customers and institutions with commercial kitchens with outside grease interceptors shall perform recurrent maintenance. Recurrent maintenance shall be the removal of the entire contents of the grease interceptor system by pumping the contents of the grease interceptor system no less than once every month. The pumping of contents will be in accordance with State of Georgia Environmental Protection Division Rules and Regulations for Water Quality Control 391-3-6.24 Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilities.
 - (A) The user shall be responsible for the proper removal and disposal of the grease trap waste and for maintenance of records of disposal as specified in this section.
 - (B) All waste removed from each grease trap must be disposed of at an appropriate facility designed to receive such waste.
 - (C) In no manner shall any grease trap pumpage be discharged to any portion, public or private, of the wastewater collection system.

- (D) Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludges, and solids. Top skimming of outdoor grease traps, decanting or back flushing of the grease trap or its wastes for the purpose of reducing the volume to be hauled is prohibited. Further, the discharge of liquid, semi-solids, or solids into a grease trap from vehicles after servicing is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system.
- (3) Right to Conduct Monitoring. The City reserves the right to conduct monitoring activities for the purpose of documenting compliance with the requirements of this ordinance. Monitoring activities may include:
 - (A) Review of waste hauler manifests
 - (B) Inspection of grease interceptors
 - (C) Sampling and analysis of grease interceptor discharge
- (4) Right of Inspection. The City shall have the right to enter the facilities of any food industry customer to ascertain whether the purpose of this article, and any order issued under this article, is being met, and whether the food industry customer is complying with all requirements thereof. Food service customers shall allow the director or his representatives ready access to all parts of the premises associated with FOG collection and sanitary sewer connections for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a food industry customer (including but not limited to hospitals, prison facilities, schools) has security measures in force which require proper identification and clearance before entry into its premises, the food industry customer shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

- (5) Documentation of Maintenance. Copies of waste hauler manifests documenting the cleaning of grease interceptors shall be maintained by the food industry customer at the business site or by the Registered Commercial Waste Transporter if included as part of the customer's service contract for a period of three years. Upon request by the City the food industry customer or the Registered Commercial Waste Transporter will provide copies of manifests to the City by FAX or electronic copy. Failure to produce copies of waste hauler manifests containing all required information within ten days shall be deemed a violation of this ordinance.

Waste hauler manifests shall contain the following information at a minimum:

- (A) Generator information including business name, address, volume pumped, date and time of pumping, and generator signature.
- (B) Certified waste hauler information including company name, address, telephone number, State of Georgia registration number, driver name and signature.

(d) Enforcement

Option 1:

- (1) Whenever the Utilities Director or his designee determines that a violation of this ordinance exists, said Director may issue to the Food Service Customer a Notice of Violation and an order to clean and inspect the grease interceptor immediately. The Director may also place the Food Service Customer on a probationary status and require monthly reporting of grease interceptor cleaning and inspection.
- (2) If the violation has not been corrected within a reasonable time as determined by the Utilities Director, the City may issue a citation requiring the violator to appear in the Municipal Court of the City of Valdosta.
- (3) The violation of any provision of this ordinance shall be punishable by a fine not exceeding \$250.00 for a first violation; not to exceed \$500.00 for the second violation within twelve (12) months; a third offense within twelve (12) months shall be a fine not to exceed \$1,000.00.
- (4) For any subsequent violations, fines shall be issued on a daily basis and are not to exceed \$500.00 per day or sewer service may be severed. Each day a violation of this ordinance shall continue shall constitute a separate offense.

Section 2.

All other ordinances in conflict herewith are repealed.

Section 3.

This ordinance shall be effective upon the final passage by Mayor and Council.

SO ORDAINED, this 20th day of May, 2010.

Mayor, City of Valdosta

ATTEST:

Clerk of Council