

City of Biddeford, ME
Thursday, June 4, 2015

Chapter 70. Utilities

ARTICLE V. Fats, Oils and Grease Control

[Added 4-7-2015 by Ord. No. 2015.12]

DIVISION 1. GENERAL PROVISIONS

Sec. 70-240. Purpose and policy.

- (a) The purpose of this article is to facilitate the maximum beneficial public use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) to the sewer facilities, and to specify appropriate FOG discharge requirements for food service establishments (FSEs).
- (b) This article establishes quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sewer backups and/or sanitary sewer overflows (SSOs) or combined sewer overflows (CSOs).
- (c) The specific objectives of this article are to:
 - (1) Prevent the introduction of wastewaters containing fats, oils and grease (FOG) in amounts which may cause excessive maintenance of sewer lines, stoppages or obstruction of flow, or in any other way prevent or inhibit operation of the publicly owned treatment works (POTW), including the sanitary sewer collection system and/or treatment plant;
 - (2) Prevent the introduction of pollutants that may be incompatible with the POTW;
 - (3) Enable the City of Biddeford (City) to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge disposal conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject; and
 - (4) Protect the environment and the health, safety and welfare of the public and the POTW workers by regulating the pretreatment, transport and disposal of FOG-related wastes.
- (d) This article enables the City to protect public health in conformity with all applicable local, state, and federal laws relating thereto, including but not limited to the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). This article shall be interpreted in accordance with the definitions set forth in Sec. **70-241**. The provisions of this article shall apply to the direct or indirect discharge of wastewater or waste containing FOG carried to the sewer facilities of the City.
- (e)

This rule shall apply to all food service establishment (FSE) users and to persons or entities outside the City's political boundary who are, by permit, contract, or agreement with the City, users of the Biddeford POTW wastewater facilities or collection system.

Sec. 70-241. Definitions.

- (a) Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).
- (b) Unless a provision explicitly states otherwise, terms and phrases as defined in Chapter 70, Sewer Use Rule of the City of Biddeford, Maine (most recent version), shall apply.
- (c) Subject to the foregoing provisions, the following definitions shall apply in this article:

ADDITIVES

Enzymes, bacteria and/or other products designed to emulsify FOG and/or biologically treat FOG for grease remediation.

AUTOMATIC GREASE RECOVERY UNIT (AGRU)

A grease control device capable of automatic collection and skimming FOG or diverting collected FOG into a dedicated container.

BEST MANAGEMENT PRACTICES (BMPs)

Schedules of activities, prohibitions, practices, maintenance procedures, and other management practices to prevent or reduce the introduction of FOG to the POTW.

CHANGE IN OPERATIONS

Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by food service establishments in an amount that, alone or collectively, causes or creates a potential for sewer backups and/or SSOs (sanitary sewer overflows).

CITY OF BIDDEFORD CODE ENFORCEMENT OFFICE

Local public codes office responsible for, among other things, implementation and enforcement of the International Plumbing Code.

CITY OF BIDDEFORD WASTEWATER DIVISION

Municipal division charged with operating the City's sewage collection system and wastewater treatment plants.

COMPOSITE SAMPLE

A collection of individual samples obtained from one location (discharger) at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

DIRECTOR OF WASTEWATER (DIRECTOR)

Director or his/her authorized agents or representatives. The Director is responsible for the operation and maintenance of all public wastewater facilities of the City, including oversight of the FOG control program.

DISCHARGER

Any person who discharges or causes a discharge of wastewater directly or indirectly to the POTW. "Discharger" shall mean the same as "user."

EFFLUENT

Any wastewater outflow from the food service establishment that is discharged to the POTW.

FATS, OILS, and GREASE (FOGs)

Any substance such as a vegetable or animal product that is used in, or is a by product of, the cooking or food preparation process, and that turns or may turn viscous or solidify with a change in temperature or other conditions.

FOG CONTROL PROGRAM

The program as outlined in Fats, Oils and Grease (FOG) Control Rule as approved by the Biddeford City Council.

FOG WASTEWATER DISCHARGE ORDER

A compliance mechanism issued by the Director or his/her designee subjecting the recipient to requirements and conditions specific to the compliant discharge of FOG-containing waste into the POTW.

FOOD GRINDER

Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by-products prior to discharge.

FOOD SERVICE ESTABLISHMENT (FSE)

Any permanent facility within the boundaries of the City of Biddeford, which prepares and/or packages food or beverages for distribution, sale, or consumption, on or off site, which has any process or device that uses or produces FOG. Excluding private residences, FSEs include but are not limited to food courts, food manufacturers, food packagers, food processors, restaurants, sandwich shops, grocery stores, bakeries, butchers, limited food service establishments, lounges, hospitals, hotels, nursing homes, churches, and school cafeterias.

GRAB SAMPLE

A sample taken from a waste stream at a single point in time, regardless of flow and discharge duration, as required under 40 CFR 136 to monitor for FOG content in wastewater effluent.

GREASE CONTROL DEVICE

Any grease interceptor, grease trap or other mechanism, device, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect, or treat FOG prior to it being discharged into the sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the Director.

GREASE INTERCEPTOR (GI)

A device, usually located underground and outside between a food service establishment and the connection to the sewer system, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the POTW. Each grease interceptor shall constitute a separate device.

GREASE TRAP

A grease control device, usually located inside the building immediately downstream from a sink or other appliance, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system. Each grease trap shall constitute a separate grease control device.

HOT SPOTS

Areas in the sewer collection system that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid interference, blockages, or overflows.

INDUSTRIAL PRETREATMENT COORDINATOR (IPC)

Individual responsible for, among other things, administering the FOG Program.

INSPECTOR

A person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, processing, and/or disposal facility.

INTERFERENCE

Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's sewer system, treatment processes or operations; or is a cause of violation of the City's NPDES permit; or prevents lawful sludge use or disposal.

LIMITED FOOD SERVICE ESTABLISHMENT (L-FSE)

A food service establishment generally engaged only in reheating, hot holding, or assembly of ready-to-eat food products, and as a result, wastewater discharges contain insignificant amounts of FOG. A L-FSE is not engaged in deep frying or grilling.

MANIFEST

A receipt or form which is retained by the generator of wastes for disposing of recyclable wastes or liquid wastes as required by the City. For purposes related to this FOG Control Rule, manifest generally means the receipt from a waste hauler for disposal of FOG waste from a grease interceptor grease trap, or automatic grease recovery unit.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

The permit issued to control the discharge of liquids or other substances or solids to receiving waters of the United States.

NEW CONSTRUCTION (FOOD SERVICE ESTABLISHMENT)

Any work at a new, proposed, or modified food service establishment commencing after the effective date of this article.

NONCOMPLIANCE FEE

One or more fees established by the City and levied against a user as a result of violation(s) against provisions of this article. Noncompliance fees are used to compensate the City for costs of additional inspection and followup, including, but not limited to, sampling, monitoring, lab analysis, cleaning of sewers, administrative inquiries, and administrative processing incurred as a result of the noncompliance.

NONPOLAR FOG

Petroleum-based oil and grease.

PERSON

Any individual, partnership, firm, association, corporation or public agency, including the State of Maine and the United States of America.

POLAR FOG

Animal and/or vegetable-based fats, oils, and grease.

PUBLIC AGENCY

The State of Maine and/or any city, county, other local governmental authority or public body of or within the State of Maine.

PUBLIC SEWER

A sewer owned and operated by the City, or other local public agency, which is tributary to the City's sewer treatment facilities.

REGULATORY AGENCY

Those agencies having regulatory jurisdiction over the operations of the City, including, but not limited to, United States Environmental Protection Agency and Maine Department of Environmental Protection.

REMODELING

A physical change or operational change causing increased FOG generation that exceeds the current amount of FOG discharge to the sewer system by the FSE or construction exceeding a cost of \$25,000 to a food service establishment that requires a building permit and involves any one or combination of the following:

- (1) Under-slab plumbing in the food processing area;
- (2) An increase of 30% in the net public seating area;
- (3) An increase of 30% in the size of the kitchen area; or
- (4) Any change in the size or type of food preparation equipment.

RESIDENCE

A private building or space used as a permanent or temporary home by one or more individuals. Each residential unit shall be considered a separate residence.

SANITARY SEWER OVERFLOW (SSO)

An overflow of untreated wastewater from the sanitary sewer system into the environment.

SAMPLE POINT

A location approved by the Director, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

SAMPLING FACILITIES

Structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass and concentrations, to collect a representative sample, or to provide access to plug or terminate the discharge.

SEWAGE

Wastewater.

SEWER FACILITY OR SYSTEM

Any property belonging to the City used for collecting, conveying, pumping, treating and disposing of wastewater and sludge.

SEWER LATERAL

The private wastewater connection between the building's wastewater facilities and the public sewer system.

SLUDGE

Any solid or semisolid from a manufacturing process, utility service, pretreatment facility, or FSE.

TENANT FINISH (FOOD SERVICE ESTABLISHMENT)

A portion of an existing building that is subsequently occupied by a food service establishment, oftentimes requiring building and/or plumbing modification to meet the specifications and needs of the tenant. Tenant finish differs from new construction in that a sewer connection permit may have already been issued for the premises.

TWENTY-FIVE-PERCENT RULE

Requirement for grease control device to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG prior to discharge to the sewer system.

USER

Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. "User" shall mean the same as "discharger."

WASTE

Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of any nature prior to and for the purpose of disposal.

WASTE HAULER

Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

WASTE MINIMIZATION PRACTICES

Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps to minimize wastewater production.

WASTEWATER

The liquid- and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS

The individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

- (d) Words used in this article in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. "Shall" is mandatory; "may" is permissive or discretionary.

DIVISION 2. GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS

Sec. 70-242. FOG discharge limitations.

No food service establishment (FSE) shall discharge or cause to be discharged into the sewer system polar or nonpolar FOG that exceeds a concentration specified in Sec. 70-86 or a lower concentration that accumulates and/or causes or contributes to blockages in the sewer system or at the sewer system lateral which connects the food service establishment to the sewer system.

Sec. 70-243. Prohibitions.

In additions to the prohibitions found in Sec. 70-86, the following prohibitions shall apply to all food service establishments:

- (1) Discharge of wastes through food grinders and/or garbage-disposal-type devices to sewer lines intended for grease control device service is prohibited unless an appropriately sized solids trap is installed immediately after such grinder or device.
- (2) Discharge of food waste, including food grinder waste that cannot pass through a one-quarter-inch sieve, is prohibited.
- (3) Discharge of wastes that do not require separation (e.g., urinals, toilets, wash basins, etc.) to sewer lines intended for grease control device service is prohibited.
- (4) Introduction of any additives into a food service establishment's wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance is prohibited, unless a specific written authorization from the Director is obtained prior to use.
- (5) Disposal of bulk waste cooking oil into drainage pipes connected to the POTW, with or without a grease interceptor, is prohibited. To the extent practical, all waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- (6) Discharge to the POTW of any waste and solid materials removed from a solids interceptor is prohibited. Solids removed from solids interceptors shall be disposed of according to applicable regulations.

Sec. 70-244. FOG pretreatment required.

- (a) All food service establishments, including L-FSEs, shall comply with applicable provisions specified in Division 4 of this article. A limited food service establishment, as defined in this article, may or may not be required to install a grease control device. The Director will make such determinations on a case-by-case basis.
- (b) General compliance shall be established as follows:
 - (1) New construction/tenant finish food service establishments. New construction FSEs shall include and install one or more grease control devices as approved by the Director or his/her designee prior to commencing discharges of wastewater to the POTW, unless otherwise specified. Potential FSE spaces and tenant finish FSE spaces shall provide space and plumbing segregation for the future installation of one or more grease control devices for each tenant space prior to commencing discharges to the sewer system as determined by the Director.
 - (2) Existing food service establishments.
 - a. For existing food service establishments with existing grease control devices, the grease control device shall be properly operated and maintained in accordance with manufacturers' instructions and established BMPs.
 - b. Existing food service establishments with grease control devices which have caused or contributed to grease-related blockage(s) in the sewer system, or which have sewer laterals connected to "hot spots," or which contribute significant FOG to the POTW

based on inspection or sampling may be required to service and clean their grease control devices on a modified, more frequent schedule as determined by the Director.

- c. Existing food service establishments without grease control devices which have caused or contributed to grease-related blockage(s) in the sewer system, or which have sewer laterals connected to "hot spots," which contribute significant FOG to the POTW based on inspection or sampling as per Sec. 70-242, may be required to install an appropriately sized grease control device.
 - d. Food service establishments that undergo remodeling or a change in operations, as defined in this article, may be required to install an appropriately sized grease control device.
- (3) Except for specifically identified L-FSEs, all FSEs shall have a FOG control plan.
- a. The facility FOG control plan shall be located at the facility and readily available. The FOG control plan may be in the form of a paper copy or an electronic copy.
 - b. The facility must implement the FOG control plan.
- (4) A FOG control plan shall be a written plan that includes the four minimum elements. In all cases, a copy of published documents, including manufacturers' publications, may be used to satisfy the requirements of a FOG control plan. The four minimum elements of a FOG control plan are as follows:
- a. Written best management practices (BMPs) as identified in Sec. 70 Sec. 70-255(1)b through e.
 - b. Written maintenance and operating procedures for each grease control device, including the maintenance and cleaning schedule.
 - c. Written disposal practices for recovered liquid and solid FOG.
 - d. Written training program, training schedule, and topics to be covered during training.

Sec. 70-245. Commercial properties.

Separate grease control devices shall be installed at food service establishment located on a single real property parcel unless otherwise approved by the Director. Maintenance of grease control devices shall be the responsibility of the FSE operator unless a lease or other contractual document specifies otherwise.

Sec. 70-246. Sewer system overflows (SSOs), abatement orders and cost recovery.

- (a) Food service establishments found to have contributed to increased sewer maintenance due to FOG discharges, a sewer blockage, SSO or any POTW interferences resulting from the discharge of wastewater or waste containing FOG may be ordered to take steps deemed necessary by the Director to prevent future problems, including, but not limited to, the installation and maintenance of a grease control device, and may be subject to a more restrictive operation and maintenance plan to abate the nuisance and future problems. Furthermore, sewer lateral failures and SSOs occurring within the limits of private property caused by food service establishments, alone or collectively, are the responsibility of the private property owner or FSE(s).

- (b) If the City must act immediately to clear a sewer blockage or contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving a FSE, or acts at the request of the property owner or operator, the City's costs for such abatement shall be entirely borne by the property owner or operator, and shall constitute a debt to the City.

Sec. 70-247. through Sec. 70-248. (Reserved)

DIVISION 3. FACILITIES REQUIREMENTS

All food service establishments shall comply with the following requirements, where applicable:

Sec. 70-249. Drawing submittal requirements.

- (a) New and tenant-finish FSEs shall be required to submit three copies of facility site plans, floor plans, mechanical and plumbing plans, and details to show all sewer locations and connections, grease control devices or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation. The submittal shall also include a description of any food processing that is or will occur on site, including but not limited to the type of food service (sit down or take out), types of cooking (saute, deep fry, etc.), a description of the menu, and a list of kitchen fixtures with potential to contribute FOG to the sanitary sewer; schematics of process areas illustrating drains and discharge points connected to the sewer; and specific performance goals and implementation schedule, including cleaning frequency and waste disposal procedures if the business will self-clean grease traps. The submittal may be submitted online or to the Director or Director's designee, in a form and content acceptable to the City for expeditious review prior to construction. The review of the plans and procedures shall in no way relieve the FSE of the responsibility of modifying the facility or procedures in the future, as necessary to produce an acceptable discharge, and to meet the requirements of this article or any requirements of other regulatory agencies. The Director will confer with the Codes Department and IPC to determine the adequacy of the proposed FOG control mechanism(s), and may require changes to the plans when needed.
- (b) The Director or Codes Office may require the drawings be prepared by a Maine registered professional engineer.

Sec. 70-250. Grease interceptor installation requirements.

- (a) Grease interceptor sizing shall conform to the specifications of the current edition of the International Plumbing Code, Maine version, as enforced by the Biddeford Code Enforcement Office, as specified by the Director for good cause, or as recommended by the manufacturer, whichever is more stringent. Minimum outside grease interceptor size shall be 1,000 gallons.
- (b) The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

Sec. 70-251. Grease interceptor maintenance requirements.

- (a) New and existing grease interceptors shall be operated and maintained in accordance with established best management practices, manufacturers' instructions, as specified in this article, or as required by the Director, whichever is more stringent. At a minimum, maintenance shall include, but not be limited to, removal of the full contents of the interceptor, including wastewater,

accumulated FOG, floating materials, sludge and solids from interceptor walls, baffles and floors. 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 does not constitute maintenance under this article. The grease interceptor shall be filled with clean water before being returned to service.

- (b) All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the Director pursuant to this section.
- (c) No FOG or sludge removed from a grease interceptor during maintenance activities shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right-of-way.
- (d) The maintenance frequency for all food service establishments with a grease interceptor shall be determined by one of the following methods as determined by the Director:
 - (1) Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 - (2) The Director reserves the right, at any time, to require modification of a food service establishment's FOG plan to increase the cleaning frequency, if the grease interceptor's solids and grease layers exceed 25% of its capacity at any time in the previous 12 months on a twelve-month rolling basis.
 - (3) All food service establishments with a grease interceptor shall fully pump and clean the grease interceptor not less than every 90 days unless a waiver is obtained as per Sec. 70-251(d)(4).
 - (4) If a FSE wishes to clean its grease interceptor less often than the minimum specified in this article (every 90 days), a waiver request is required. The owner/operator of a food service establishment may submit a request to the IPC requesting a change in the maintenance frequency at any time. The food service establishment must demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in Sec. 70-251(d)(1), and that it is in full compliance with the conditions of this article. Upon determination by the IPC and approval by the Director that the requested revision is justified, the maintenance frequency will be amended and documented in a letter to the owner/operator. Upon determination that the requested revision is not justified, the FSE will be required to continue maintaining the grease interceptor at the original frequency.
 - (5) If at any time the FSE becomes aware that the grease interceptor contains FOG and accumulated solids in excess of the 25% rule described in Sec. 70-251(d)(1), the food service establishment shall have the grease interceptor serviced within five business days in accordance with Sec. 70-251(a).
 - (6) If it is determined that an overflow or blockage situation exists, the interceptor shall be serviced immediately.
- (e) Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be properly disposed off site by waste haulers in accordance with federal, state and/or local laws.
- (f) Reporting and recordkeeping requirements related to grease interceptor maintenance are detailed in Division 4.

Sec. 70-252. Grease trap installation requirements.

- (a) Sizing and installation of grease traps shall conform to the specifications of the current edition of the International Plumbing Code, Maine version, as enforced by the Biddeford Code Enforcement Office, as specified by the Director for good cause, or as recommended by the manufacturer, whichever is more stringent.
- (b) The grease trap shall be installed and maintained at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

Sec. 70-253. Grease trap maintenance requirements.

- (a) New and existing grease traps shall be operated and maintained in accordance with established best management practices, manufacturers' instructions, as specified in this article, or as required by the Director, whichever is more stringent. At a minimum, maintenance shall include, but not be limited to, removal of accumulated FOG, floating materials, sludge, and solids from trap walls, baffles and floors. The grease tap shall be filled with clean water before being returned to service.
- (b) All existing and newly installed grease traps shall be maintained in a manner consistent with a maintenance frequency as recommended by the manufacturer and in accordance with site conditions.
- (c) No FOG removed from a grease trap during maintenance activities shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right-of-way.
- (d) New and existing grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow-regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the cleaning and maintenance process. The grease trap shall be filled with water before being returned to service.
- (e) Reporting and recordkeeping requirements related to grease trap maintenance are detailed in Division 4.

Sec. 70-254. Monitoring facilities requirements.

- (a) The Director or his designee may require a food service establishment to construct and maintain in proper operating condition, at the food service establishment's sole expense, constituent monitoring and/or sampling facilities.
- (b) The location of the monitoring or metering facilities shall be subject to approval by the Director.
- (c) Food service establishments shall be required to provide City inspectors with immediate, clear, safe, and uninterrupted access to the food service establishment's monitoring and metering facilities.

Sec. 70-255. Requirements for best management practices.

All Food Services Establishments and other identified entities shall implement minimum best management practices (BMPs) to minimize the discharge of FOG to the sewer system. Detailed requirements for minimum best management practices are specified in this article and explained in the

Fats, Oils, and Grease Control Program Toolkit (2006), published by the National Restaurant Association. These may include kitchen practices and/or employee training programs that are effective in minimizing FOG discharge.

- (1) All food service establishments shall be required, at a minimum, to comply with the following best management practices:
 - a. Installation of floor drain grates/screens. Approved floor drain grates/screens shall be installed in accordance with the International Plumbing Code on all floor drain pipes in food preparation areas.
 - b. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in receptacles such as barrels or drums. Such receptacles shall be protected from the weather and maintained properly to ensure that they do not leak. Waste cooking oil shall be disposed of through recycling, rendering, fuel conversion, or any other legal method except discharge to the POTW.
 - c. Segregation and collection of waste FOG solids. All waste FOG solids shall be collected and stored properly in receptacles such as barrels or drums. Such receptacles shall be protected from the weather and maintained properly to ensure that they do not leak. Waste FOG solids disposed of through recycling, rendering, fuel conversion, MSW disposal, or any other legal method except discharge to the POTW.
 - d. Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, recycled, or composted, but not disposed of in sinks.
 - e. Employee training. Employees of the food service establishment involved in any aspect of food preparation, bussing, or cleaning shall be trained by ownership/management within 30 days of hire on the following subjects:
 1. How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
 2. How to properly dispose of food waste and solids.
 3. The location and use of absorption products to clean floors under fryer baskets and other locations where grease may be spilled or dripped.
 4. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.
 - f. Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly through a grease interceptor or grease trap. Collected grease solids shall be disposed of through recycling, rendering, or any other method approved by the Director. Grease and oil accumulation on the roof or the exhaust filter discharge shall be evidence of inadequate cleaning methods or cleaning frequency.
 - g. Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

Sec. 70-256. (Reserved)

DIVISION 4. MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

Sec. 70-257. Monitoring and reporting conditions.

- (a) Monitoring for program compliance and general reporting.
 - (1) The Director may require periodic reporting on the status and implementation of best management practices.
 - (2) In the course of determining the source of a FOG-related blockage or interference, the Director may require remote visual or direct visual monitoring, at the sole expense of the FSE or designee, to document the actual conditions of the food service establishment's sewer lateral and sewer lines downstream of the grease control device.
 - (3) Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this article.
- (b) Specific reporting requirements.
 - (1) Food service establishments with grease interceptors shall submit appropriate documentation of all grease interceptor cleaning, pumping and/or maintenance activities to the IPC within seven business days of any such activity. Appropriate documentation includes, but is not limited to, waste hauler manifests, pump-out report, etc. Documentation may be faxed, mailed, e-mailed or hand-delivered to the IPC.
 - (2) Food service establishments with grease traps shall maintain accurate and complete inside grease trap/solids interceptor maintenance logs. A template shall be made available through the City website.
- (c) Recordkeeping requirements. The food service establishment or designee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, and disposal carrier and disposal site location for no less than three years. The FSE or designee shall, upon request, make such documentation available to any City representative or inspector. These records may include:
 - (1) A logbook of grease interceptor, grease trap, solids interceptor or grease control device cleaning and maintenance. At the FSE's option, receipts for cleaning and maintenance may be used to satisfy the requirements of this subsection for grease interceptor recordkeeping.
 - (2) A record of best management practices being implemented, including employee training.
 - (3) Copies of records and manifests of grease interceptor or grease trap waste hauling activities.
 - (4) Records of sampling data and sludge height monitoring for FOG and solids accumulation in grease interceptors (25% Rule).
 - (5) Records of any spills and/or cleaning of the sewer lateral. Any other information deemed appropriate by the Director to ensure compliance with this article.
- (d) Falsifying information or tampering with process. It shall be unlawful to make any false statement or representation, or to submit or prepare a false record, report, plan, or other document that is filed with the City, or to tamper with or knowingly render inoperable any grease control device, monitoring device, or access point required under this article.

Sec. 70-258. Inspection and sampling conditions.

- (a) The Director may inspect and/or sample or order the inspection and sampling of the wastewater discharges of any food service establishment to ascertain whether the intent of this article is being met and the FSE is complying with all requirements.
- (b) The Director shall have the right to place or order the placement on a food service establishment's property or other locations as determined by the Director such devices as are necessary to conduct sampling or metering operations.
- (c) The Director shall have the right to inspect and copy all notices, monitoring reports, waste manifests, and records maintained by the FSE as required by this rule, including, but not limited to, those related to wastewater generation and wastewater disposal.
- (d) Any grab or composite sample taken from a sample point is considered to be representative of the discharge to the POTW at that sampling location.

Sec. 70-259. Notification of planned changes.

The food service establishment or Designee shall notify the IPC at least 90 days prior to any facility change in operations/remodeling or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. The food service establishment or designee shall provide notice to the IPC, in writing, of the proposed change in operations or remodeling and shall submit any additional information needed to evaluate the impact or effect of the changes as may be required by the Director.

Sec. 70-260. through Sec. 70-265. (Reserved)

DIVISION 5. FACILITY REQUIREMENTS

Sec. 70-266. FOG registration.

Registration shall be required for all food service establishments in order to aid the City in the administration and enforcement of this article. Maintaining an accurate and up-to-date list of food service establishments will serve to ensure that the sewer facilities are protected and are able to operate with the highest degree of efficiency, and to protect public health and the environment.

- (1) Registration shall be accomplished by completing a registration form provided by the Director. The registration form shall be submitted on or before the due date specified in 70-266(3). Registration may be submitted through the municipal website (online registration), via mail, or hand delivery.
- (2) For compliance purposes, the registration date shall be the date of the online registration as recorded by the online registration system or in the case of other methods, the postmark (mail deliveries) or date of receipt for hand delivery, faxes, and emails.
- (3) FOG registration shall be required at the following schedule:
 - a. Existing FSE sources. All existing FSEs, including L-FSE, are required to register as a FOG facility no later than June 30, 2015, and annually thereafter by June 30.
 - b.

Modified FSE source. Any FSE undergoing remodeling, modification, or a change in operations after the effective date of this article is required to register as a modified FOG facility at least 30 days prior to initial start-up and annually thereafter by June 30.

- c. New FSE source. Any FSE commencing construction or operation after the effective date of this article is required to register as a FOG facility at least 30 days prior to initial start-up and annually thereafter by June 30.

Sec. 70-267. FOG registration fee.

The Director shall charge a FOG wastewater discharge registration fee of \$75 for any registration submitted after the applicable due date of June 30, 2015, for existing FSEs, any registration renewal submitted after June 30 of any subsequent year, or any registration request by a new FSE or a FSE modification after the initial startup date.

Sec. 70-268. through Sec. 70-269. (Reserved)

DIVISION 6. COMPLIANCE AND ENFORCEMENT

Sec. 70-270. Right of entry.

- (a) Persons or occupants of premises where wastewater is created or discharged shall allow the Director, or other City representatives under the direction of the Director, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open and operating or at any other reasonable time.
- (b) Where a food service establishment has security measures in force, the FSE shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- (c) No person shall interfere with, delay, resist, or refuse entrance to City representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the POTW.

Sec. 70-271. FOG enforcement response plan.

The Director shall develop a written FOG enforcement response plan (ERP) to include enforcement procedures, enforcement mechanisms and a fine structure in accordance with Secs. 70-272 and 70-273. The ERP shall be posted to the FOG website and be available to all food service establishments. The Wastewater Management Commission may amend or modify the FOG ERP at any time, other than the fee structure, which may only be amended by the City Council. No enforcement procedure is contingent upon the completion of any lesser activity. Nothing in this article or the FOG enforcement response plan shall limit the authority of the Director or his designee to take any action necessary for the protection of the POTW system, the environment, or public health and safety, including termination of sanitary sewer service, without first issuing a notice of violation or other less severe action.

Sec. 70-272. Violations; enforcement.

- (a) In general, the Director or his designee shall determine noncompliance with the provisions of this FOG control rule through registrations, visual inspections, records review, sampling, monitoring, and any other reasonable method.
- (b) Upon review of evidence suggesting a violation may have occurred, the Director or his designee shall conduct an investigation. Inquiries, if required, shall be in writing and submitted in the form of an administrative notice (AN). If the investigation indicates that there is reasonable evidence indicating a violation has occurred, the Director or his designee shall proceed with enforcement. Enforcement may entail a written administrative warning (AW), notice of violation (NOV), or compliance order (CO); each may include a noncompliance fee as established in Sec. 70-273. Failure to respond to an AN shall automatically result in a AW. Failure to comply with the terms and conditions on an AW shall automatically result in a NOV. Failure to comply with the terms and conditions of a NOV shall automatically result in a CO.
 - (1) The Director or his designee may pursue one or more of the following enforcement options:
 - a. Administrative warning (AW). The Director or his designee may issue an administrative warning for a noncompliance event not warranting a notice of violation or compliance order. The administrative warning shall indicate the nature of the noncompliance event, any action required to comply with conditions of the administrative warning, including corrective action, and a specific date upon which a reply is required, if applicable.
 - b. Notice of violation (NOV). The Director or his designee may issue a notice of violation for a noncompliance event, including, but not limited to, failure to respond to an administrative warning or to comply with the terms or conditions of the administrative warning, failure to register, a recordkeeping or reporting failure, or other provisions of this article. The NOV shall indicate the date of noncompliance, if known, the nature of the noncompliance event, any action required to comply with conditions of the NOV, including corrective action, the amount of any noncompliance fees, and a specific date upon which a reply is required.
 - c. Compliance order (CO). The Director or his designee may issue a FOG wastewater discharge compliance order for a documented noncompliance event, including, but not limited to, failure to respond to a NOV or the terms or conditions of a NOV; repeated violations of this article, for discharges resulting in or contributing to a blockage, interference, or SSO; or repeated failure to comply with one or more provisions of this article. Should a compliance order require a cease and desist order, all costs for physical termination of service shall be paid by the owner or operator of the food service establishment or designee as well as all costs for reinstating service.
 - (2) Appeals. A food service establishment or other regulated entity may appeal an administrative warning, notice of violation, or compliance order to the City of Biddeford Wastewater Management Commission (WWMC). The appeal must be submitted, in writing, through the Director within 30 days of the date of the administrative warning, notice of violation, or compliance order. The written notice must reference the document being appealed, the reason for the appeal, and a requested resolution. Failure to submit a complete and timely appeal will result in denial of the appeal. The WWMC shall consider the appeal at the next scheduled WWMC meeting corresponding to the agenda submittal deadline. The WWMC's decision shall be final.

Sec. 70-273. Noncompliance fees.

Noncompliance fees shall be assessed for violations of this article in accordance with the schedule provided in Table 1 Fats, Oils, and Grease Enforcement Response Plan Noncompliance Fees.^[1]

[1] *Editor's Note: Said table is included as an attachment to this chapter.*

Sec. 70-274. through Sec. 70-279. (Reserved)

DIVISION 7. SEVERABILITY

If any section, subsection, subdivision, sentence, clause or phrase of this article is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Rule or any of the remaining portions hereof.

Sec. 70-280. through § 70-290. (Reserved).