

ORDINANCE NO. -

AN ORDINANCE AMENDING CHAPTER 147. SEWER USE OF THE TOWNSHIP CODE TO ADD A NEW ARTICLE VI. WHICH WILL PROVIDE CONTROLS FOR THE DISCHARGES OF WASTEWATERS TO THE TOWNSHIP'S SEWER SYSTEM AND WASTEWATER TREATMENT PLANT CONTAINING FATS, OILS AND GREASES

Chapter 147-Sewer Use

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 - Article II. Regulations
 - Article III. Sewer User Charge System
 - Article IV. EAJSA Wastewater Color Limitations and Rules
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Article VI
Fats, Oils and Greases Control Program

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Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Article shall be as follows below. Any definitions, abbreviations and acronyms used in this Article but not specifically defined below shall be the same as those found in Article I-V. (also referred to as the Sewer Use Ordinance or SUO).

- (a) **AUTHORIZED AGENT** - A certified sewage enforcement officer, code enforcement officer, professional engineer, Easton Area Joint Sewer Authority industrial pretreatment manager, plumbing inspector, health administrator, health officer, or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Article.
- (b) **BEST MANAGEMENT PRACTICE** - Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of fats, oils and greases to the sewer system.
- (c) **BUILDING SEWER** - A pipe that conveys wastewater from the premises of a User to the point of connection with the Township sewer system which could be a lateral or sewer main.
- (d) **TOWNSHIP** – Palmer Township, Northampton County, Pennsylvania.
- (e) **SUPERVISORS**- Board of Supervisors of Palmer Township, Northampton County, Pennsylvania.
- (f) **COMMERCIAL ESTABLISHMENT** - Any room, group of rooms, building or enclosure used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, Article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose.
- (g) **COMMERCIAL DISCHARGE** - A discharge from a Commercial Establishment.
- (h) **COMMERCIAL DISCHARGER OR USER** - A source of a Commercial Discharge.
- (i) **DISCHARGE** - The introduction of wastewater into the Township’s sewer system.
- (j) **DISPOSAL** - The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste including solid or semisolid grease interceptor waste into or on any land or water so that such wastewater or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- (k) **DISPOSAL FACILITY OPERATOR** - An individual who is authorized to accept or reject waste at a disposal site, and who is authorized to sign a manifest.
- (l) **DISPOSAL SITE** - A permitted site or part of a site at which waste, including grease interceptor waste is processed, treated and/or intentionally placed into or on any land in a manner compliant with all applicable federal, state, and local regulation.
- (m) **EMULSIFIERS AND/OR DE-EMULSIFIERS** - Any substance or substances which, when added or placed into a grease interceptor, will transform an oily substance

into 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.

(n) EXISTING FACILITY - Any building, structure or installation from which there is or may be a discharge of wastewater, the construction of which started before the adoption of this Article.

(o) FATS, OILS AND GREASES (FOG) - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136), as may be amended from time to time. All are sometimes referred to herein as “grease” or “oil and grease”.

(p) FOOD COURTS - Areas predominantly found in shopping centers or festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing facilities.

(q) FOOD SERVICE ESTABLISHMENT - Those commercial establishments primarily engaged in activities of preparing, serving, or otherwise making food available for retail sale and consumption by the public such as restaurants, commercial kitchens or caterers, and those portions of the following facilities engaged in similar activities: hotels, schools, colleges, fraternities, churches, social halls, hospitals, prisons, correctional facilities, retirement facilities, and care institutions. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing or any new or existing facility which has a local, state and/or federal food service permit. This definition also includes food handling facilities which may not cook but generate FOG as a waste product as part of their operations. All are sometimes referred to herein as “facility” or “facilities”.

(r) GRAB SAMPLE - A sample that is taken from a wastestream on a one-time basis, with no regard to the flow in the wastestream, taken over a period of time not to exceed fifteen (15) minutes.

(s) GARBAGE GRINDER - A device that shreds or grinds up solids or semisolid waste materials into smaller portions for discharge in the sewer system, including a food scrap disposal system.

(t) GENERATOR - A new or existing facility that causes, creates, generates, stores or otherwise produces wastewater from on-site process operations, whether domestically or commercially generated. The generator is responsible for assuring that the produced wastewater is disposed of in accordance with all federal, state and local disposal regulations.

(u) GREASE INTERCEPTOR - A water-tight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of grease into the sewer system to which the receptacle is directly or indirectly connected, and to separate and retain grease from the wastewater discharged. Grease interceptors are

generally required to be located underground between the food service establishment and the connection to the sewer system.

(v) GREASE INTERCEPTOR MINIMUM DESIGN CAPABILITY - The design features of a grease interceptor having the ability or volume required to effectively intercept and retain FOG from wastewaters discharged to the sewer system in compliance with this Article.

(w) GREASE INTERCEPTOR WASTE - Any grease 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 are sometimes referred to herein as “waste”.

(x) GREASE TRAP - A grease control device that is used to serve individual fixtures located inside the food service establishment.

(y) INSPECTION PORT - Openings with easily opened covers, designed to allow authorized agents quick access to the inlet flow-control device, each compartment of the grease interceptor, and the effluent.

(z) INTERFERENCE - A wastewater discharge which, alone or in conjunction with a wastewater discharge or wastewater discharges from other sources, both:

(1) Inhibits or disrupts the function of the sewer system including but not limited to causing or contributing to reduced pumping capabilities, blockages or sanitary sewer overflows or inhibits or disrupts the operation of the wastewater treatment plant including but not limited to the plant equipment, treatment process units, or its sludge process units, sludge use or disposal; or

(2) Therefore is a cause of a violation of any requirement of the Township's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as Resource Conservation and Recovery Act (RCRA), and including State Regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act.

(aa) LATERAL - The pipe, extending from the main sewer (located in a utility right-of-way or municipally dedicated thoroughfare) to the street face of the curb line (or right-of-way boundary line if there is no curb line), that connects to the building sewer.

(bb) LIVING QUARTERS - A new or existing facility, or an area of a new or existing 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.

(cc) MANAGER - The person, regardless of actual title, immediately on site at a location, conducting, supervising, managing, or representing the activities of a generator or a transporter.

(dd) **MANIFEST** - The written, multi-part form used as documentation and required to be in the possession of the generator, transporter and disposal site to document the generation, receipt, transportation and disposal of grease interceptor waste at a permitted or registered disposal site, and specifying the identity of the generator, transporter and disposal facility operator and the volume of grease interceptor waste disposed.

(ee) **MONITORING PORT** - 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.

(ff) **NEW FACILITY** - Any new building, structure, facility or installation from which there is (or may be) discharge of wastewater, the construction of which commenced after the adoption of this Article, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other wastewater source is located;

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of wastewater at the site;

(3) The production processes or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing wastewater 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 facility and the extent to which the new facility is engaged in the same general type of activity as the existing wastewater source, should be considered; or

(4) Any remodeling or modification that results in a new facility as determined by the Township.

(5) Construction on a site at which an existing wastewater source is located results in a modification rather than a new wastewater source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above, but otherwise alters, replaces or adds to existing process or production equipment.

(6) Construction of a new wastewater source as defined under this definition has commenced if the owner or operator has:

(i) 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

(ii) 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 contract, 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 subsection.

(gg) NPDES - National Pollutant Discharge Elimination System as administered by the Pennsylvania Department of Environmental Protection (PaDEP).

(hh) OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

(ii) PERMITTEE - Any person or food service establishment or facility issued a permit under this Article, including any agent, employee or authorized person of the permittee.

(jj) PERSON - Any individual, partnership, company, association, corporation or other group or entity.

(kk) REASONABLE HOURS - 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.

(ll) SEWER SYSTEM - The sanitary sewer system owned by Palmer Township, including mains, interceptors, pumping stations, treatment plant, force mains, and other related wastewater facilities and/or appurtenances.

(mm) SHOPPING CENTER - 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.

(nn) TRANSPORTER - A User who transfers grease interceptor waste from the site of a generator to an approved disposal site. The transporter is responsible for assuring that all federal, state and local regulations are followed regarding wastewater transport.

(oo) TREATMENT PLANT – referring to the Easton Area Joint Sewer Authority Wastewater Treatment Plant.

(pp) TWENTY-FIVE-PERCENT RULE – A widely accepted Best Management Practice which requires that a grease interceptor must be pumped out if the depth of scum and solids in the interceptor exceeds 25% of the usable volume.

(qq) USER - Any person or food service establishment or facility who utilizes the services of the Township's sewer system.

(rr) UNDER-THE-SINK GREASE TRAP - 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 sewer system.

(ss) WASTEWATER - The liquid and water-carried industrial wastes and/or domestic sewage from dwellings, commercial buildings, industrial facilities, or institutions, whether treated or untreated, which are contributed into or permitted to enter the sewer system.

147-38 Prohibitions

The following prohibitions shall apply:

(a) Discharges of solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewer system resulting in interference shall be prohibited.

(b) Discharges of petroleum, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, but in no case shall exceed a total oil and grease value of 300 mg/l or a total petroleum value of 100 mg/l (as described in the Article V of the Township Ordinance) shall be prohibited.

(c) Where fats, oils and greases are a by-product of food preparation and/or cleanup, reasonable efforts shall be made to separate these wastes into a separate container for proper recycling or disposal. Except as contained in by-products of food preparation and/or cleanup, waste fats, oils and greases 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 recycled or disposed of at suitable sites.

(d) None of the following agents shall be placed directly into a grease interceptor, grease trap or into any drain that leads to the grease 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 sewer system.

(3) Any substance capable of passing the solid or semisolid contents of the grease interceptor to the sewer system.

(4) Any substance which can cause or contribute to pass through or interference in the sewer system or treatment plant or any substance prohibited in Chapter 147 of the Township Ordinance.

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

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

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

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

147-39 Applicability

(a) Wastewater that contains fats, oils or greases may be discharged into the sewer system only under the conditions of this Article. The following facilities shall discharge all wastewater from sinks, drains and any other plumbing fixtures through which grease may be discharged into an adequately sized (as determined and documented by a licensed plumber or engineer), appropriately located, properly maintained and functioning grease interceptor before the wastewater enters the sewer system:

- (1) All commercial food service establishments;
- (2) All food courts;
- (3) All other generators discharging grease in amounts that, in the opinion of an authorized agent, will, alone or in concert with other substances from the discharges of other facilities, have a reasonable chance to cause interference in the sewer system.

(b) All areas of intensified dwelling, including but not limited to adult day-care facilities, assisted living facilities, convalescent homes, day nursing and child-care facilities, in which food preparation occurs, 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.

(c) Grease interceptors shall not be required for single-family residences, duplexes, triplexes, quadplexes, or apartment complexes, unless an authorized agent determines there are discharges from the property that may cause interference in the sewer system.

147-40 Compliance Date

(a) An existing facility shall be required, in accordance with a written schedule provided by the Township, to install a new, approved, adequately sized, appropriately located and properly operated and maintained grease interceptor when any of the following conditions exists:

- (1) The facility meets the applicability definition described in Section 147-39 of this Article.
- (2) It is found by an authorized agent that a facility is contributing grease in quantities sufficient to cause interference in the sewer system or necessitate increased maintenance on the sewer system in order to keep interferences from occurring.
- (3) A facility is remodeling the food preparation or kitchen waste plumbing facilities in such a manner that subject the facility to the requirements of this Articles I through VI.

(4) A facility's grease interceptor allows a discharge of oil and grease in excess of the numeric limits described in Chapter 147 Article V of the Township Ordinance (total oil and grease value of 300 mg/l or a total petroleum value of 100 mg/l).

(5) A facility which is required by this or other applicable Articles to maintain grease interceptors but is equipped with an undersized grease interceptor as determined by the Township.

(b) New facilities required by this or other applicable Articles to maintain a grease interceptor shall install such a unit prior to commencement of discharge to the sewer system.

147-41. Requirements for grease interceptors.

(a) All new and existing facilities, both commercial and industrial, dealing with grease shall at the User's expense and as required by the Township:

(1) Provide an adequately sized, and properly constructed and located grease interceptor, as determined and documented by a licensed plumber or engineer.

(2) Maintain copies of best management practice, inspection and/or service logs and hauler manifests on the premises of the existing facility for at least three years.

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

(4) Allow inspection of the facility and records by authorized agents during reasonable hours.

(b) Grease interceptor sizing and design criteria.

(1) Size, type and location of grease interceptors shall be in accordance with the manufacturer's instructions and the requirements of the Township.

(2) Applicability: These requirements are applicable to all commercial food service establishments, including those that are undergoing:

(i) New construction;

(ii) Interior remodeling to accommodate expansion or operational modification;

(iii) Changes of ownership/occupancy; or

(iv) Existing facilities that may be experiencing difficulty in achieving compliance with maintenance and/or wastewater discharge prohibitions.

(3) Sizing requirements. Sizing methods described herein are intended as guidance in determining grease interceptor sizes that will afford the Township's sewer system a minimum degree of protection against grease and other

obstructing materials. In approving a customer's plumbing or grease interceptor design, the Township does not accept liability for the failure of a system to adequately treat wastewater to achieve effluent quality requirements specified under this Article. It is the responsibility of the generator to ensure the appropriate level of treatment necessary for compliance with environmental and wastewater regulations. Minimum acceptable grease interceptor sizing shall be accomplished as follows unless otherwise approved by the Township:

(i) Sizing according to formulas described below.

(ii) Under no circumstances should exterior grease interceptors less than 750 gallons be utilized. Where sizing formulas result in determination of a grease interceptor less than 750 gallons in capacity, this minimum size is required.

(iii) If determined necessary by the Township, in the circumstances of "single service kitchens" with no food preparation (heat/service only) and which use only paper service items, a minimum of fifty-gallons-per-minute (gpm) flow-rated or one-hundred-pound-grease-retention mechanical grease interceptors may be used. In these instances, the grease interceptors is to be installed in an area separate from the food-handling area, and the grease interceptor must be readily accessible for cleaning and maintenance.

(4) Grease interceptor sizing formulas. It is the responsibility of the generator to ensure that his wastewater discharge is in compliance with the Township's discharge limitations as outlined in Articles I through VI. For the purpose of plan review, a general assessment of grease interceptor design and size will be performed using the following formulas which are recommended by the United States Environmental Protection Agency (EPA) for grease interceptor sizing.

(i) Method 1: EPA grease interceptor sizing formula taken from Chapter 8 of EPA's October 1980 Design Manual: On-site Wastewater Treatment and Disposal System; Document No. EPA 625/1-80-012.

(ii) Method 2: Uniform Plumbing Code, a copy of which can be obtained from the Township.

(iii) Method 3: Alternate sizing formulas/proposals. Facilities that propose the use of alternate sizing techniques and/or procedures that result in specifications that differ from calculated requirements must submit formulas and other bases to support proposed grease interceptor size/installation. Submission should also provide documentation of the ability to meet effluent quality requirements. This proposal must be signed by a licensed plumbing contractor or professional engineer licensed in the State of Pennsylvania.

(5) Construction/installation: Unless otherwise approved by the Township, all permitting, construction and inspection activities must be completed in accordance with the current applicable plumbing codes. Additionally, the following specifications must be incorporated into grease interceptor design:

(i) The grease interceptor shall be constructed with a minimum of two chambers or shall have a minimum of two tanks in series. If two-chambered, the dividing wall must extend to within one foot of the bottom of the tank and within two inches of the top and be securely fastened to both sides.

(ii) There must be inlet and outlet tees installed, made of schedule 40 PVC or other noncarbon steel and noncorroding material such as concrete. The inlet tee should extend down approximately 1/3 the depth of the grease interceptor from the top and the outlet tee should be located 12 to 18 inches off of the bottom of the grease interceptor. Inability to visually inspect tees during cleanout of the interceptor will require entry into the interceptor at least once every five years or more frequently as deemed necessary by the Township.

(iii) Grease interceptors are to be installed at a minimum distance of 10 feet from sinks to allow for adequate cooling of wastewater. Water temperatures must be less than 140° F. prior to entering the grease interceptor.

(iv) Grease-bearing waste streams should be routed through an appropriate grease interceptor, including: three-compartment sinks, pot/pan sinks, soup kettles, hand-washing sinks, mop sinks and floor drains. Drains that receive "clear water" only as determined by the Township, including but not limited to water from ice machines, condensate from coils and drink stations, may be plumbed to the sewer 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.

(v) All exterior or recessed grease interceptors are to be installed with an effluent sampling chamber.

147-42. Grease interceptor construction.

(a) Any User responsible for discharges requiring a grease interceptor shall, at his own expense and as required by the Township, provide plans and specifications for equipment and facilities of a design type and design as described herein for approval by the Township. The grease interceptor must be in compliance with the current applicable plumbing codes. The person shall locate the grease interceptor in a manner that provides easy accessibility for cleaning and inspection and maintain the grease interceptor in effective operating condition. The Township's authorized agent shall inspect the grease interceptor during construction and upon completion. All interested parties 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 Township's specifications shall not constitute a defense to unlawful discharge and shall not limit the generator's liability for any additional charges stated in this Article.

(c) If the Township's authorized agent determines that there is a need for installation or upgrading of sample ports or grease interceptors on an existing facility, the Township may order installation or upgrading of such interceptors. If the Township orders such installation, then the Township shall serve notice of such order upon the generator. Within ten days of receipt of such order, the generator may demand a meeting to review such order, in which case the Township shall schedule a meeting to review such order within a reasonable time from receipt the demand for review from the generator. If a meeting to review the order is scheduled, the Township shall serve notice of the meeting to review such order upon the generator at least ten days before the date of such meeting. At the meeting to review the order, the generator may present evidence and the Township may make new findings and issue new orders concerning the subject of the original meeting. After receiving notice of the order to install or upgrade ports or grease interceptor on an existing facility, it shall be unlawful for a generator to allow or cause any discharge into the sanitary sewer not in compliance with such order.

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

(e) Except for under-the-sink grease traps, each grease 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. Inspection ports and 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 access inspection or monitoring ports shall constitute a violation of accessibility. A grease interceptor shall not be installed in any part of a building where food is handled. The location of all grease interceptors, inspection ports, and monitoring ports shall meet the approval of the Township and shall be shown on the approved building plans.

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

(g) A monitoring port, where required by the Township, shall be provided for ease in sampling the treated effluent from the grease interceptor and shall be as close as possible to the connection with the sewer system within the bounds of the existing facility's property. The monitoring port shall be installed according to the specifications of the Township. The monitoring port shall be installed and maintained at the generator'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 grease interceptor. It shall be unlawful for a generator to divert wastewater around a monitoring port into the sewer system.

(h) The Township may waive the requirement for a grease interceptor, provided the generator can verify that only domestic wastewater is being discharged. The Township may require testing or sampling and laboratory analyses by the generator in connection with this request, with all costs for the testing or sampling and laboratory analyses being the generator's expense.

(i) Exterior grease interceptors shall be cleaned at minimum of every 90 days. Increased maintenance may be required in accordance with the 25% Rule or as deemed

necessary based on visual inspections and/or discharge quality. A cleaning log shall be maintained.

147-43. Under-the-sink grease traps/interior active interceptors.

(a) In the event that installation of an outside grease interceptor is not feasible as solely determined by the Township, an under-the-sink grease trap or interior active interceptor may be installed subject to the approval of the Township. Under-the-sink grease traps/interior active interceptors are subject to the following additional requirements:

(1) General requirements.

(i) The location of such grease traps/interior active interceptors shall be in as close proximity to the source of wastewater as physically possible.

(ii) The lid shall be secured to the body with a single bolt. No wing nuts or screws shall be permitted.

(iii) The lid shall cover the deep seal grease trap/interior active interceptor. The deep seal grease trap/interior active interceptor shall be constructed so as to eliminate the possibility of sewer gas entering the kitchen area.

(iv) Baffle systems and all other internal pieces shall be removable to facilitate cleaning and replacement but must be in place at all other times.

(v) The grease trap/interior active interceptor shall be coated with a powder-coated electrostatically applied cathodic epoxy coating so as to be resistant to corrosion.

(vi) The grease trap/interior active interceptor shall be equipped with a flow-control fitting.

(vii) Wastewater with temperatures in excess of 140 F, or temperatures determined to be causing grease to bypass and inhibit the proper operation of the grease trap/interior active interceptor shall not be discharged to the grease trap/interior active interceptor.

(2) Installation requirements:

(i) The grease trap/interior active interceptor may be set on the floor, partially recessed in the floor with the top flush with the floor, or fully recessed below the floor to suit piping and structured conditions, as acceptable by the Township.

(ii) There shall be sufficient clearance for the removal of the cover for cleaning.

(iii) Unless specifically approved by the Township, runs of pipe exceeding 25 feet between fixture and grease traps/interior active interceptor shall not be permitted.

- (iv) A suitable flow-control fitting shall be installed ahead of the grease trap/interior active 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 grease traps/interior active interceptor, a single flow-control fitting shall be used.
- (v) 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.
- (vi) To retain water and prevent siphoning, all grease traps/interior active interceptors shall have a vented waste, sized in accordance with the current applicable plumbing codes.
- (vii) With the approval of the Township, one grease traps/interior active interceptor may be used to serve multiple fixtures if the fixtures are located close together and the grease traps/interior active interceptor is sized to meet the combined flow of all the fixtures.
- (viii) Under-the-sink grease traps/interior active interceptors less than 100 gallons, at a minimum, should have grease removed weekly and the entire contents cleaned and emptied monthly. Under-the-sink grease traps/interior active interceptors greater than 100 gallons must have maintenance conducted at a minimum of every 90 days or more frequent if the unit has accumulated waste, both floatable and settleable. Alternate cleaning schedules may be applied in accordance with the 25% Rule or as deemed necessary based on visual inspections and/or discharge quality. A cleaning log shall be maintained.

147-44. Fats, oils and greases hauled-waste manifest.

(a) The fats, oils and greases hauled-waste manifest documenting proper disposal of the FOG waste shall contain the following information and be retained on file by the User and made available upon request to the Township:

- (1) Part I: Waste hauler information.
 - (i) Transporter/permittee name.
 - (ii) Permit number.
 - (iii) Name of driver and signature.
 - (iv) Truck license number.
- (2) Part II: Waste generator information.
 - (i) Name of generator.
 - (ii) Permit number (if applicable)
 - (iii) Address.
 - (iv) Phone number.

- (v) Time pumped.
 - (vi) Size of grease interceptor.
 - (vii) Gallon pumped.
 - (viii) Signature of generator.
 - (ix) Date.
- (3) Part III: Waste disposal site information.
- (i) Name of permitted disposal site PaDEP.
 - (ii) PaDEP permit number.
 - (iii) Address.
 - (iv) Phone number.
 - (v) Signature of disposer.

147-45. Grease interceptor maintenance.

- (a) Required pumping frequency.
- (1) Unless otherwise specified by the Township, each grease interceptor in active use should be cleaned at a minimum of every 90 days or/in accordance with the 25% Rule or more frequently as determined needed by visual inspection and/or discharge quality to prevent carry over grease into the sewer system. The Township may specify cleaning more frequently when the existing pumping interval is shown to be inadequate. Additional pumping may be required during time periods where increased loading is anticipated. As outlined in 147-43, Under-the-sink grease traps/interior active interceptors less than 100 gallons, at a minimum, should have grease removed weekly and the entire contents cleaned and emptied monthly unless an alternate schedule is deemed appropriate by the Township.
- (2) At any time if an authorized agent finds the grease interceptor to be full, immediate steps shall be taken by the generator to pump out and clean the grease interceptor as soon as is practicable. The authorized agent 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 existing facility. In any case, the existing facility may be required to initiate more frequent pumping and cleaning of the grease interceptor.
- (b) Requirement for increased pumpage or servicing. If the Township finds that a change in pumpage or servicing of a grease interceptor is necessary for a facility to meet the discharged limits stated in this Article the Township may order a change in pumpage or servicing. If the Township orders a change in the pumpage or servicing, then the Township shall serve notice of such order upon the generator. Within ten days of receipt of such order, the generator may demand a meeting to review such order, in which case the Township shall schedule a meeting within a reasonable time of receiving the demand for review from the generator. If a meeting to review the order is scheduled, the Township shall serve notice of the

meeting to review such order at least ten days before the date of such meeting. At the meeting to review the order, the generator may present evidence, and the Township may make new findings and issue new orders 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 sewer system not in compliance with such order.

(c) A generator shall cause the liquid waste hauler, transporter or any other person cleaning or servicing a grease interceptor to completely evacuate all contents, including floating materials, wastewater, and bottom sludges and solids, of all grease interceptors during servicing. Skimming the surface layer of waste material, partial cleaning of the grease 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 grease interceptor shall then be thoroughly scraped and the residue removed. Upon completion of the servicing, the manager of the existing facility shall make an inspection of the interior of the grease interceptor and then personally sign the hauled-waste manifest. The manager shall make an appropriate entry in the maintenance log and file the manifest along with the log on the premises. Said manifests and maintenance logs shall be made immediately available to any authorized agent upon request.

(d) Each grease interceptor pumped shall be fully evacuated unless the grease interceptor volume is greater than the tank on the disposal vehicle, in which case the transporter shall arrange for additional transportation so that the grease interceptor is fully evacuated within a twenty-four-hour period following the transporter's inability to fully evacuate the grease interceptor.

(e) It shall be unlawful for a generator to allow the discharge of liquid, semisolids, or solids back into a grease interceptor during and or after servicing. Decanting or discharging of removed wastewater back into the grease interceptor from which the wastewater was removed or any other grease interceptor, for purpose of reducing the volume to be disposed, is also prohibited.

147-46. Disposal of grease interceptor for waste.

(a) Grease interceptor waste shall be removed and transported by a properly licensed and fully insured waste hauler.

(b) All wastewater removed from each grease interceptor shall be recycled or disposed of at a permitted site. In no way shall the pumped material be returned to any private or public portion of the sewer system.

147-47. Facility closure.

(a) When an existing facility with a grease interceptor closes for business and is subsequently:

(1) Razed or demolished, then any grease interceptor(s) shall be physically removed.

(2) Remodeled or replaced with a type of business that will not utilize the interceptor, then the grease interceptor(s) shall be either physically removed or left in place. If left in place, the grease interceptor(s) shall have all wastewater pumped out, be cleaned thoroughly, left dry and empty; and be:

(i) Replumbed as to bypass the existing grease interceptor(s) either by straight through or bypassing methods, while leaving the empty grease interceptor(s) in place for possible future utilization by another business; or

(ii) Replumbed with a straight line plumbed from the inlet to the outlet, and the remainder of the grease interceptor(s) filled with soil or sand.

(b) In all instances, the owner of the premises shall appropriately inform the Township a minimum of thirty days prior to the closure and schedule and perform the closure at such a time so as to permit an authorized agent to be physically present during the removal or filling of the grease interceptor(s).

147-48. Monitoring; inspection and entry.

(a) It shall be unlawful for a generator, to refuse to allow authorized agents to enter their premises during reasonable hours to determine whether the generator is complying with all of the requirements of this Article or order issued hereunder. A generator shall allow the authorized agent access to all parts of the premises for purpose of inspection, sampling, records examination and copying, and the performance of additional duties. Arrangements for the immediate access of the Township or its designated representative shall have been made ahead of time; however, such failure to make adequate arrangements shall not be considered a legitimate reason to refuse admittance of an authorized agent.

(b) In cases where an existing facility includes private living quarters, the right of access shall extend to all common areas and any other area or areas an employee, including the manager and/or owner, may enter without expressed permission of the residents.

(c) If the Township 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 Article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this Article or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Township may seek issuance of a search warrant from any court of competent jurisdiction.

147-49. Administration.

(a) The Township shall fully utilize those powers it possesses through enabling statutes and Articles to effect the purposes of this Article.

(b) The Township may establish all administrative procedures necessary to properly carry out the provisions of this Article.

(c) The Township shall employ authorized agents to carry out the provisions of this Article. The Township may also contract with other private qualified persons or firms as necessary to carry out the provisions of this Article.

(d) All permits, records, reports files and other written material relating to the installation, operation, maintenance, and malfunction of grease interceptors in the Township shall become the property of the Township. Existing and future records shall be available for public inspection during normal business hours at the official Township office. All records pertaining to FOG BMP's, building permits, occupancy permits and all other aspects of this Article shall be made available upon request. The Township will charge a fee for copying.

147-50. Fees.

(a) The Township may charge incurred costs plus 15% for investigations, additional compliance inspections, enforcement, administration, sampling or laboratory analyses costs incurred to by Township personnel to implement a FOG control program pursuant to this Article.

(b) The Township may charge incurred costs plus 15% for reimbursement of maintenance, legal and engineering fees, fines, penalties or any other costs incurred to implement a FOG control program pursuant to this Article.

(c) The Township may charge incurred costs plus 15% for reimbursement for clearing of blockages and sewer line cleaning. These costs will be billed back to the User identified as the cause of the blockage. In the case of multiple Users which could be the cause of a blockage, these costs will be divided equally among the Users.

147-51. Violations and penalties.

(a) A User is considered in violation if they do not comply with any provision of this Article. Specifically including, but not limited to, failure to pay applicable fees, improper operation of a grease trap or interceptor, actions or inactions of the User which causes or permits the plugging of a grease trap or interceptor, interferes with or permits the interference with a grease trap or interceptor, or causes the removal of any flow-constricting devices so as to allow flow to rise above the design of the grease interceptor. The User is also considered in violation if they do not properly implement BMPs or dispose of grease, if their discharge exceeds the Township's numeric wastewater discharge limits or their discharge causes or contributes to interferences in the sewer system or at the treatment plant.

Where a discharge to the Township sewer system reasonably appears to be in violation of this Article, or presents, or threatens an imminent danger to the health and welfare of

persons, or an imminent danger to the environment, or may reasonably appear to have the potential to cause interference with the operation of the Township sewer system, or that may pass through the system, the Township may immediately initiate steps to identify the source of the discharge, and to halt or prevent said discharge. The Township may seek enforcement, including injunctive relief, against the source of such discharge and/or may pursue other available remedies provided for under law.

(b) Whenever it has been determined that any User has violated or is violating this Article, a permit, or any prohibition or limitation or requirement contained herein, the Township may serve upon such User a written Notice of Violation, which shall be sent via certified or registered mail to the last known address of the User, stating the nature of the violation. Within thirty days of the date of the notice, the User shall submit an explanation of the violation and a plan for the satisfactory correction thereof to the Township.

Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Article shall limit the authority of the Township to take any action, including emergency actions or any other enforcement actions without first issuing a Notice of Violation.

(c) It shall be the obligation of any User within two hours of the time when such User knew or should have known that it is violating the provisions of this Article, permit or any regulation issued pursuant to this Article, to notify the Township. In addition, when the violation involves monitoring results which show exceedances of wastewater above local permitted limits, the User wastewater discharge shall be resampled within thirty days of notice to the Township of such violation.

(d) The Township may enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with any User determined by the Township to be in noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document, and may include the payment of civil penalties and reimbursement of costs pursuant to this Article.

(e) The Township may order any User which that the Township believes has violated, or continues to violate, any provision of this Article, or an Order issued hereunder, or any other pretreatment standard or requirement, to show cause before the Township Board of Supervisors why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Township regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Palmer Township Board of Supervisors, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

The Township Board of Supervisors may itself conduct the hearing and take the evidence or may designate any of its members or any officer, employee, or other person to do so and to:

- (1) Issue in the name of the Township notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township Board of Supervisors for action thereon.

At any hearing pursuant to this Article, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the User.

(f) Whenever the Township finds that any User has violated, or continues to violate, any provision in this Article, an Order issued hereunder, or any other pretreatment standard or requirement, the Township Manager and/or their authorized representative, may serve upon such User an Administrative Order containing specific requirements with which the User must comply. If the person does not come into compliance within the time provided, sewer service may be discontinued unless in the Township's opinion, adequate treatment facilities, devices, or other related appurtenances will be installed and properly operated.

Administrative Orders also may contain other requirements to address the noncompliance, including additional monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer, as well as civil penalties and assessments of costs. An Administrative Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an Administrative Order relieve the User of liability for any violation, including any continuing violation. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(g) The Township may immediately suspend a User's discharge when such suspension is necessary in the opinion of the Township to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, including employees of the sewer system, or to the environment, or may cause interference to the sewer system, or pass through, or which may cause the Township to violate any State/Federal requirements, or when, in the opinion of the Township, the User has demonstrated the inability or unwillingness to comply with Articles I through VI.

Any User notified of a suspension of its discharge or permit under this section shall immediately stop or eliminate the discharge. In the event of a failure of the User to comply voluntarily with the suspension order, the Township may take steps as deemed necessary to prevent or minimize damage to the sewer system or endangerment to any individuals, or to assure compliance. The Township may reinstate the discharge upon proof of the elimination of the non-complying discharge by User, proof of compliance with this ordinance, payment of any damages, fines, penalties, or costs associated with the discharge, and the submittal of a detailed written statement describing the causes of the discharge, or noncompliance, and the measures taken to prevent any future recurrence. This statement must be submitted to the Township within five (5) days of the date of occurrence.

Additionally, any User is subject to suspension of its discharge granted under this Article for violation of applicable state and federal regulations or by reason of the commission of any of the following acts:

- (1) Failure to report factually on discharge wastewater constituents and characteristics;
- (2) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal to permit reasonable access to the premises for inspection and monitoring;
- (4) Violation of any of the conditions of its permit, or this Article; or
- (5) Failure to pay applicable fees.

The Suspension/Termination of a permit by the Township shall not be a bar against, or a prerequisite for, taking other action against a User.

(h) When the Township finds that a User has violated, or continues to violate, any provision of this Article, a permit or Order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Township may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements; and
- (2) Take appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking other action against the User.

(i) A User, upon receipt of notification of suspension of its discharge permit, an Administrative Order, or a Cease and Desist Order, may appeal the decision in writing to the Township with a statement of reasons therefore within ten days of receipt of the notice or order. An appeal shall not stay the effect of any such notice or order unless specifically agreed to in writing by the Township Manager, or their authorized representative, other than the requirement to pay any assessment of civil penalties and costs pursuant to this Article. Failure to appeal within this time period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty or costs.

(1) After receipt of an appeal by the Township, and upon receipt of notice in writing given to the User or any agent or officer thereof at least five days prior to the time fixed therefore, the Board of Supervisors, shall convene and conduct a hearing on the propriety or lack thereof of the notice or order during which the appellant and the Township may present testimony and evidence. A stenographic recording of the proceeding shall be made. The full cost of the stenographic transcript of such a proceeding shall be borne by the Appellant who shall pay, to the Township, a fee of Five Hundred Dollars (\$500.00) within 48 hours of its receipt of notice of the date of the hearing from the Township. The Township shall assess the appellant any additional costs associated with the stenographic recording, over and above \$500.00, or it shall reimburse appellant any unused portion, thereof less \$100.00 to cover administrative costs.

(2) The findings and determinations of the Township shall be in writing and shall be mailed by means of certified or registered mail to the User or to his duly

authorized representative within thirty days of the hearing, unless extended for good cause, with a certified copy thereof to be filed with the Township, which determination shall be binding both upon the Township and all parties in interest.

(3) The User may appeal the Township's decision in accordance with applicable law.

(j) When the Township finds that a User has violated, or continues to violate, any provision of this Article, or Order issued hereunder, or any other pretreatment standard or requirement, the Township may petition the Court of Common Pleas of Northampton County for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, Order or other requirement imposed by this Article on the activities of the User.

The Township may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(k) A User who willfully or negligently violates any provision of this Article, or Order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the sewer system in violation of this Article, or Order issued hereunder, or any other pretreatment standard or requirement, or any User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or document filed, or required to be maintained pursuant to this Article, or Order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device of a method required under the Article, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. Article 101 et seq.

(l) The Township may decline to reinstate the discharge to any User who has failed to comply with any provision of this Article, or Order issued hereunder, or any pretreatment standard or requirement, unless such User first files a satisfactory bond, payable to the Township, in a sum not to exceed a value determined by the Township Manager, or their authorized representative, to be necessary to achieve consistent compliance.

(m) The Township may decline to reinstate the discharge to any User who has failed to comply with any provision of this Article, or Order issued hereunder, or any pretreatment standard or requirement, unless the User first submits proof, to the Township's reasonable satisfaction, that it has obtained financial assurances sufficient to restore or repair damage to the sewer system caused by its discharge.

ORDAINED AND ENACTED by the Township Supervisors of Palmer Township on this
_____ DAY OF _____, 2017.

Palmer Township

Attest:

Township Secretary

Board of Supervisors, Chairman

APPROVED by the XXX of Palmer Township this
_____ DAY OF _____, 2017.

XXX