

Marshall County Fiscal Court

Fats, Oils, & Grease (FOG) Management Project

Ordinance #2017-10

PURPOSE:

The Kentucky Department for Environmental Protection has required the Marshall County Fiscal Court (MCFC) to implement a Fats, Oils, and Grease (FOG) Ordinance. This ordinance is intended to facilitate and ensure compliance with MCFC's FOG Management Program. The accumulation of fats, oils, and grease (FOG) within the collection sewer system (sewer lines and pump stations) and the POTW is an increasingly frequent problem for MCFC. These accumulations can cause decreased carrying capacity due to congealed FOG inside the sewer pipes and pumps that make up the collection system. Once these lines become constricted, blockages in the collection system leads to Sanitary Sewer Overflows (SSOs) which significantly degrade the quality of local receiving waters and the environment(surrounding them). Aside from the environmental harm inflicted, SSO's can be potentially harmful to humans and animals as the wastewater expelled during an SSO is untreated and possibly containing dangerous obstructions and overflows caused by the contribution and accumulation of FOG contaminants. SSOs can also lead to sewer back-ups into homes and businesses connected to the MCFC Collection System. SSOs and the back-ups they cause are extremely costly to MCFC. The goal of the FOG Ordinance is to prevent collection system blockages, obstructions and overflows caused by the contribution and accumulation of FOG from Food Service Establishments (FSEs) and other commercial establishments.

Now therefore, be it ordained by the Fiscal Court of Marshall County as follows:

DEFINITIONS:

1. Additives: Include, but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria intended to "break-down" the composition of discharged FOG causing it to more easily pass-through the Grease Control Equipment (GCE).
2. Best Management Practices (BMPs): schedules of activities, prohibitions of practices, maintenance procedures and other management practices that reduce the discharge of fats, oils and grease (FOG) to the building sewer, collection and POTW.
3. Certified Waste Hauler/Plumber: Individuals having received certification from MCFC.
4. Fats, Oils, and Grease (FOG): Organic polar compounds derived from animal and/or plant sources.
5. Food Service Establishment (FSE): Any establishment, business, facility or user engaged in preparing, serving, or making food available for consumption. Single family residences are not a FSE. At the discretion of the governing board, FSEs will be classified as follows:

Class 1: Day Care Facilities (NAICS 624410 & 624120), Delis (NAICS 445210), Beverage Bars engaged in the sale of cold-cut and microwaved sandwich/subs with no frying or grilling on site (NAICS 722213), Ice Cream and Frozen Yogurt Shops (NAICS 321520), Coffee Shops (NAICS 7222135), Mobile Food Vendors (NAICS 722330)

Commercial and Industrial Break Rooms. MCFC reserves the right to add or subtract categories from this class as it seems necessary.

Class 2: Limited Service Restaurants/Fast Food Restaurants (NAICS 722211), Caterers (NAICS 722320), Supermarkets/Grocery Stores (445110), Convenience Stores and Gasoline stores with Convenience Stores that engage in the on-site preparation of food (NAICS 445120 AND 447110), Discount Department Stores that engage in the on-site preparation of food (NAICS 452112). MCFC reserves the right to add or subtract categories from this class as it seems necessary.

Class 3: Full Service Restaurants (NAICS 722110). MCFC reserves the right to add or subtract categories from this class as it seems necessary.

Class 4: Buffet and Cafeteria Facilities (NAICS 722212). MCFC reserves the right to add or subtract categories from this class as it seems necessary.

Class 5: Institutions: Schools (NAICS 611110), Hospitals (622110), Prisons (NAICS 922140), Nursing Care Facilities (NAICS 623110), etc. MCFC reserves the right to add or subtract categories from this class as it seems necessary.

6. Exemption: A release from the requirement to install grease control equipment (GCE). Exemptions are granted based on on-site inspection of the facility requesting exemption.
7. Existing FSE: A FSE having already began service as an FSE prior to the effective date of the MCFC Ordinance.
8. Fryer Oil: Oil that is used and/or reused in fryers for the preparation of foods, such as fried chicken, french fries, etc. (i.e. waste oil, yellow grease).
9. Garbage Disposal: A kitchen appliance designed to grind food particles into small enough size to dispose to a sink drain.
10. Grease (Brown): Fats, oils and grease that is discharged to the grease control equipment, or is from kitchen or food prep wastewater.
11. Grease (Yellow): Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.
12. Grease Control Equipment (GCE): Devices for separating and retaining FSE wastewater FOG prior to entering collection system. The GCE is constructed to separate and trap or hold fats, oils and grease substances from entering the collection system. GCE should only receive kitchen wastewater. Devices include grease interceptors, grease traps, or other devices approved by the governing board.
13. Grease Interceptor (GI): GCE identified as a large multi-compartment tank, usually 1,000 gallons to 2,000 gallon capacity with the proper inlet and outlet T's, and other necessary components, that provides FOG control for a FSE. No sanitary wastewater (blackwater) line shall be connected to the grease interceptor. Grease interceptors shall be located outside the FSE.

14. Grease Trap (GT): GCE identified as an "under the sink" trap, a small container with baffles or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a 25-gallon per minute/50 pound capacity trap. Grease traps shall have flow control restrictor and a vent pipe.
15. Grease Recycle Container: A container used for the storage of yellow grease.
16. Multi-Unit Facility: A single building or facility with multiple separate but adjoining units, each with separate plumbing and possibly other utilities.
17. NAICS: North American Industry Classification System
18. New FSE: A FSE which begins service as a FSE after the effective date of the FOG Ordinance. (Note: A FSE which has a change in ownership BUT not a change in use is NOT a New FSE.)
19. Publicly Owned Treatment Works (POTW): A sewage treatment plant.
20. Series: (Grease Interceptors Installed in Series): Grease Interceptor tanks are installed one after another in a row and are connected by plumbing pipe.
21. Significant Remodeling: Modifications to an existing FSE sufficient to require issuance of a building permit or the temporary closure of the FSE for building renovations or as deemed "significant remodeling".
22. Single Service Kitchen: A FSE that does not prepare food on-site (heat and serve only) and which uses only disposable service ware (utensils and dishes).
23. Tee or T (Influent and Effluent): A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent and Effluent T's are required to be made of PVC-schedule 40 or equivalent material. Influent T's should extend 2/3 of the grease interceptor water depth and effluent T's should extend within 12" to 15" of the bottom of the interceptor tank to prevent short-circuiting.
24. User: Any person that contributes, causes or permits the contribution or introduction of wastewater or pollutants into the collection system whether intentional or unintentional and whether direct or indirect.
25. Water (Black): Wastewater containing human waste from sanitary fixtures such as toilets and urinals.
26. Water (Gray): Wastewater other than black water defined in this section.
27. Sanitary Sewer Overflow (SSO): A condition whereby untreated sewage is released into the environment prior to reaching treatment facilities thereby escaping wastewater treatment.

RESPONSIBILITIES:

1. All Existing FSEs which discharge to the collection system will receive a FSE FOG Discharge Permit Application.

2. All New FSEs applying for sanitary sewer service will receive an FSE FOG Discharge Permit Application.
3. FSEs which receive a FSE FOG Discharge Permit Application, shall complete and return the form to the governing board.
4. Failure to complete and submit the FSE FOG Discharge Permit Application is a violation of the FOG Ordinance and shall make the FSE subject to enforcement actions and/or fines. Those FSEs receiving an application, which feel they should be exempted from all or some portion(s) of the FOG Ordinance shall contact the district and request a FOG Management Exemption Form.
5. Upon approval, all FSE FOG Discharge Permit Applicants will receive a classification and an appropriate FOG Discharge Permit.
6. FSE FOG Discharge Permits will be valid unless and until there has been a change in ownership or use of the premises
7. If there is more than one (1) FOG inspection per year at any given FSE due to that FSE's failure to comply with any provision of this ordinance, then that FSE will be charged an inspection fee of \$100 for each additional inspection over the annual inspection. FOG Discharge Inspection fees shall be applied to the FSE's sewer service bill.
8. FSEs under the jurisdiction of MCFC or the governing board shall abide by the rules, regulations, and requirements set forth in its FOG Discharge Permit, this FOG Ordinance and any other approved laws.
9. Waste/Wastewater removed from FSE's GCE shall be disposed of in a manner that is in accordance with all applicable federal, state, and local laws.
10. FSEs shall work to ensure that measures are in place to prevent FOG discharges to the collection system in amounts that contribute to a blockage.
11. FSEs that cease operations shall completely evacuate and clean all GIs on the premises and shall fill the GIs with water in order to prevent odors, deterioration and shifting.

REQUIREMENTS:

1. GCE shall be installed and maintained at the expense of the FSE.
2. Grease Trap(s) may be required based on inspection of the premises.
3. GCE shall be designed in accordance with the provisions of the FOG Ordinance and the following:
 - A. Final GCE sizing determination will be made by the FSE's engineer, architect or contractor (with governing board approval) based on criteria such as, but not limited to, flow rate, discharge rate, fixture ratings, and wastewater retention time.

B. MINIMUM acceptable size of GCE for each FSE classification will be as follows:

Class 1: 25 gallons per minute/50 pound GT

Class 2: 1,000 gallon GI

Class 3: 1,000 gallon GI

Class 4: 1,000 gallon GI

Class 5: 2,000 gallon GI or two 1,000 gallon GI in series

C. There will be a review of GCE sizing information received from the FSE's engineer, architect, or contractor. Governing board will make decisions to approve, or require alteration(s) to, the FSE's GCE.

D. If GCE's are installed in a series, they shall be installed so that the inlet invert of successive tank shall be minimum of 2 inches below the outlet invert of the preceding tank.

4. New FSEs (class 2-5), as well as existing FSE facilities (class 2-5) undergoing significant remodeling, shall install and maintain, at a minimum, an approved 1,000 gallon grease interceptor (GI) located outside the FSE building. Grease interceptors shall be constructed of durable materials able to withstand abrupt and extreme changes in temperature as well as any anticipated load that may be placed upon the GI. GIs shall be water and gas tight. GIs shall have access provided by at least one (1) manhole over each GI division (Baffle chamber) to allow for inspection and cleaning of the GI and its internal pipes and fittings.
5. New FSEs (class 1), as well as existing facilities (class 1) undergoing significant remodeling, shall install and maintain, at a minimum, a GT whose size is rated at 25 gallons per minute/50 pounds capacity.
6. New construction of FSEs shall have separate sanitary (restroom) and kitchen process lines. Kitchen process lines shall be plumbed to appropriately sized GCE. Kitchen process lines and sanitary lines shall not combine prior to the discharge of the GCE.
7. When an existing building and/or building's plumbing is being renovated and the facility is an FSE, internal plumbing shall be constructed/reconstructed to separate sanitary (restroom) flow from kitchen process flow. These lines shall be approved by governing board and discharged separately from the building, not to combine prior to GCE discharge.
8. New multi-unit facility, or "strip mall" facility, owners shall contact the governing board prior to conducting private plumbing work at the multi-unit facility site. Each FSE within a multi-unit facility shall have separate private wastewater lines for sanitary and kitchen process wastewater. Each FSE's kitchen process wastewater line shall discharge to its own appropriately sized GCE.
9. Plans will be evaluated for any new FSE (class 1-5), or existing FSE(class 1-5) undergoing significant remodeling, proposing to discharge to collections system as part of the building permit acquisition process.
 - A. Two (2) sets of the proposed FSE facility plans shall be submitted to the governing board.
 - B. Facility plans shall include, at a minimum, the following sheets: floor plan detailing kitchen prep equipment and showing how grease waste lines discharge to GSE, plumbing sheets and GCE specification sheet(s).
 - C. Plumbing sheets shall include identification of all cooking and food preparation equipment (i.e. fryers, grills, woks, produce sinks, etc.); the number and size(s) of dishwashers,

sinks, floor drains and other plumbing fixtures; grease waste bearing plumbing lines, the location of GCE and specifications of GCE.

- D. Plans will be approved or recommended changes will be made as deemed necessary in order to most efficiently prevent the discharge of FOG from the FSE to its collection system.
 - E. If the plans are approved then the FSE will be notified of its approval.
 - F. FSEs shall contact the appropriate governing board at least forty-eight (48) hours prior to installation of the GCE. (The FSE's GCE must be inspected prior to installation or it will not be approved).
 - G. If the installed GCE is approved then the FSE will be notified of its acceptance.
10. New FSEs and Existing FSEs undergoing significant remodeling, having a dishwasher, shall cause to be installed and utilize a pre-rinse sink/station for the cleaning of ware prior to loading in the dishwasher.
11. Single service kitchens with no onsite food preparation (heat and serve only) and which only disposable service ware (utensils) wishing to be excused from installing and/or maintaining GCE, may complete and submit a FOG Management Exemption Form. However, if kitchen practices change in an exempted FSE or an exempted FSE is found to directly cause or contribute to a grease blockage or SSO in collections system then the exemption will be null and void.
12. In the event that an existing FSE's GCE is deemed to be undersized and/or substandard in design, the FSE owner will be notified of the deficiencies in writing. The FSE owner will see into the required improvements via the administration of a compliance schedule.
13. Certified Waste Hauler Program
- A. All GCE waste haulers wishing to transport GCE waste to a Wastewater Treatment Plant (WWTP) shall:
 - 1. Obtain and maintain a certified waste hauler permit.
 - 2. Agree to be forthright with information regarding FOG removed at FSEs in the format required by the governing board.
 - 3. Agree to completely evacuate all FOG from CGE when servicing such GCE at FSEs (unless prior approval is granted).
 - 4. Agree to provide additional tanker(s) so that FSE's GCE is fully evacuated within a 24-hour period if the volume in the GCE is greater than the tanker capacity.
14. FSEs shall observe and practice Best Management Practices (BMPs) for controlling the discharge of FOG from their facility.
15. Grease Interceptors (GIs) and Grease Trap (GT) Cleaning/ Maintenance Requirements
- A. Cleaning/Pumping: The user at the user's expense shall maintain all grease traps and interceptors. Maintenance of 'under the sink' grease traps shall include the removal of all fats, oils, and grease from the detention compartment of the trap. Removal is usually accomplished by hand-dipping or scooping the collected grease from the trap. Maintenance of grease interceptors shall include the complete removal of all contents,

including floating materials, wastewater and bottom sludges or solids. Decanting or discharging removed wastewater back into the grease interceptor from which the waste was removed for the purpose of reducing the volume to be disposed is prohibited.

- B. **Cleaning/Pumping Frequency:** 'Under the sink' grease traps must be cleaned no less than once every two weeks. If grease traps are more than 50% full when cleaned, the frequency shall be increased. Grease interceptors shall be pumped out completely a minimum of once every 90 days or more frequently as needed to prevent carry-over of grease into the sanitary sewer system, unless it can be demonstrated that the pumping frequency can be extended past the 90-day period. At no time shall the total accumulations of surface FOG (including floating solids) and settled solids within the GI constitute more than 25% of the GI's total liquid depth. Measurement of solids greater than or equal to 25% shall be deemed non-compliance with this FOG Ordinance. Measurement of solids for compliance shall be conducted by a sludge judge or electronic measuring device.
- C. **Disposal of Grease Interceptor Waste:** All waste removed from each grease interceptor must be disposed of at a facility approved to receive such waste. Under no circumstances shall pumpage be returned to any private or public portion of the sanitary sewer collection system.
- D. **Additives:** Any additive(s) placed into the grease interceptor, grease trap, or building discharge line system at a constant, regular, or scheduled basis is prohibited. Such additives shall include, but not be limited to, chemicals, acids, caustics, enzymes, commercially available bacteria, emulsifiers, surfactants, or other additive designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease. Written approval may be given under specific circumstances; however, approved use may be discontinued at any time if grease is found downstream of the FSE.
- E. **Chemical Treatment:** Chemical treatment such as drain cleaners, acids and other chemicals designed to dissolve or remove grease shall not be allowed to enter the grease interceptor.
- F. **Manifest:** All pumpage from grease interceptors must be tracked by manifest. All FSEs having their grease interceptor pumped out shall properly fill out a FSE FOG Waste Manifest which will confirm pumping, hauling, and disposal of waste. The manifest shall be kept with the FSE's FOG related records for a minimum of three (3) years and made immediately available for inspection. Any additional manifest(s) required by the hauler or the disposal site shall be properly submitted in accordance with all applicable Federal, State and/or local laws.
- G. **Maintenance Log:** A GCE Maintenance Log indicating each pumping/cleaning of each grease trap shall be maintained by each FSE for a minimum of three (3) years. This log shall include at a minimum the date, name of person performing the maintenance, the responsible witness' name and signature, volume removed and disposal method/location. The log(s) shall be made available for inspection.

16. Prohibitions

- A. New FSEs and Existing FSEs undergoing shall not allow dishwashers to be plumbed to a Grease Trap.
- B. New FSEs and Existing FSEs shall not allow garbage disposal(s) to be plumbed to their kitchen process flow nor to their black water (sanitary flow) (unless otherwise allowed).
- C. FSEs shall not introduce "additives" to their waste stream and/or GCE as a grease management and control mechanism (unless otherwise allowed).

- D. Extremely hot liquids shall not be introduced to GCE for the purpose of breaking down FOG, unless specific permission is granted.
- E. Fryer oil shall not be discharged down any drain.
- F. Cleaning of vent hoods and range hoods shall be done in accordance with all applicable Federal, State, and local laws. Wastewater from cleaning of an FSE's vent hoods/range hoods shall not be discharged directly into sanitary sewer lines.
- G. Waste/Wastewater removed from GCE shall not be discharged to private or public sewer.

17. Specific Pollutant Discharge Limits

- A. General Conditions: The following described substances, materials, waters or wastes shall be limited in discharges to the sewer system to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment; will maintain and protect water quality in the receiving stream; and will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The District Operator or his/her designee may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his/her opinion as the acceptability of a discharge, the District Operator or his/her designee shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

B. Restricted Discharges

1. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparations of foods in kitchens for the purpose of consumption on the premises of when served by caterers.
2. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the sewer system to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a categorical pretreatment standard.
3. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits establishment by the sewer system in compliance with applicable state or federal regulations.
4. Any water or wastes which by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
5. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the sewer systems KPDES permit.
6. Wastes or Waters classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a minimum 60-day prior written notification of such discharge to the District Operator. Such written notification must include the name of the

hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The District Operator or his/her designee may prohibit or condition the discharge at anytime.

7. Wastewater identified as causing, along or in conjunction with other sources, the POTW treatment plant effluent to fail a toxicity test.

8. Recognizable portions of human or animal anatomy

9. Any wastes containing detergents, surface active agents, or other substances which will cause excessive foaming in the sewer system.

10. Any water or wastes which have characteristics based on a 24 hour composite sample, grab or a shorter period composite sample, if more representative that exceed the following normal maximum domestic wastewater parameter concentrations:

- a. BOD 300 ppm
- b. TSS 350 ppm
- c. NH3-N 25 ppm
- d. Oil & Grease (total) 200 ppm

Any person discharging wastewater exceeding the maximum allowable concentration as noted above will be subject to a surcharge for each pound loading over and above the set limit. Any other amenable constituents requiring that addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Discharge permit. Exceeding the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

11. The following limitations are established for characteristics of any wastewaters to be discharged into the sewer system. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations.

| <u>Parameter</u> | <u>Maximum Daily Concentration</u> |
|-------------------------|---|
| Arsenic | 0.30 ppm |
| Cadmium | 0.08 ppm |
| Chloride | 10,000 ppm |
| Chromium | 0.70 ppm |
| Copper | 1.30 ppm |
| Cyanide | 0.10 ppm |
| Lead | 0.23 ppm |
| Mercury | 0.02 ppm |
| Nickel | 1.90 ppm |
| pH | 5-10.5 units |
| Silver | 0.80 ppm |
| Zinc | 1.70 ppm |

12. The sewer system has received authority through the U.S. EPA and State Statutes to enforce the requirements of 40 CFR Subchapter N, 20 CFR 403, and 40 CFR Part 35.

Accordingly, in addition to the requirements set forth above, all users shall comply with the requirements of those regulations.

C. Dilution of Wastewater Discharge

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any pollutant specific limitation developed by the sewer system or the state.

D. Protection from Accidental and Slug Discharges

1. Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner's or user's cost and expense. Once every two (2) years, the MCSD #2 will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the sewer system determines that a slug control plan or revision is necessary, the plan shall contain the following:

- a. Description of discharge practices
- b. Description of stored chemicals
- c. Procedures for notifying the POTW
- d. Prevention procedures for spills

2. In the case of all actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the sewer system of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

3. Within five (5) days following an accidental and/or slug discharge, the user shall submit to the District Operator or his/her designee a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

4. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

E. State Requirements

State Requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance.

F. Sewer System's Right of Revision

The sewer system reserves the right to establish more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance.

G. Categorical Pretreatment Standards

Upon the promulgation of categorical pretreatment standards for a particular industrial subcategory, the standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately and automatically supersede the limitations imposed under this ordinance

17. Inspection and Monitoring

- A. District Operator or his/her designee shall have the right to enter the premises of all FSEs unannounced (at reasonable times) in order to determine whether the FSE is complying with the rules, regulations and requirements set forth in its FOG Discharge Permit, this ordinance and all other Rules and Regulations.
- B. The sewer system shall have the right to observe/inspect FSI's GCE and their contents.
- C. The sewer system shall have the right to observe/inspect any and all FSE records related to, and/or deemed necessary to determine compliance with the FOG Ordinance.
- D. FSEs shall maintain all FOG-related records on-site for a minimum of three (3) years.

18. Violations and Enforcement Action

- A. Violations of an FSEs FOG Discharge Permit, includes, but is not limited to, failure to clean or pump grease control equipment, failure to maintain grease control equipment including installation of properly functioning effluent-T and baffle, failure to install grease control equipment, failure to control FOG discharge from the FSE, failure to produce and maintain required FOG-related documentation, failure to certify the grease interceptor or trap, responsible for causing a sewer main obstruction, responsible for causing a sanitary sewer overflow, and use of additives so that FOG is diluted and pushed downstream of the FSE.
- B. When it is determined that a grease interceptor or trap is in need of installation, pumping, repairs, maintenance, or replacement, a non-compliance notification or notice of violation (NOV) will be Issued stating the nature of the violation(s) and timeframe for corrective actions.
- C. If the FSE fails to initiate action in response to a non-compliance notification or NOV, a second notice will be issued and additional fees will be assessed. Fees may include costs associated with service calls for sewer line blockages, line cleaning camera trucks, line and pump

repairs, including all labor, materials and equipment. Further non-compliance will result in escalation of enforcement actions and can include discontinuance of service.

- D. Immediate discontinuance of service of water and/or wastewater service may be issued if the facility presents an imminent endangerment to the health or welfare of persons or the environment, causes blockages, sanitary sewer overflows, or excessive maintenance to the sanitary sewer system, causes blockages, sanitary sewer overflows, or excessive maintenance to the sanitary sewer system, causes significant interference with the wastewater treatment plant, or causes a violation to any condition of its KPDES permit. Service shall be reinstated when such conditions have been eliminated and all associated fines have been paid in full.
- E. In addition to any inspection or violation fees, any user who is found to have violated any provision of this ordinance may be assessed an administrative penalty not to exceed one thousand dollars (\$1,000) per violation. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment and all other fees may be added to the FSEs next scheduled water/wastewater bill. Discontinuance of service may be issued for fines not paid in full within thirty (30) days of issuance of said fines.
- F. If inspections and field investigations determine that any FOG interference or blockage in the sanitary sewer system or wastewater treatment plant is caused by a particular FSE, that FSE shall reimburse for all labor, equipment, materials, and disposal costs incurred to clean the Interference or blockage. The charges will be added to the FSE's water/wastewater bill. Failure to reimburse may result in termination of water and/or wastewater service.

This Ordinance will take effect upon enactment by the Fiscal Court.

APPROVED this _____ day of _____, 2017

Marshall County Judge Executive

Marshall Fiscal Court Clerk

First Reading: _____

Second Reading: _____