

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSONVILLE REGARDING THE POLICY AND PROCEDURES FOR THE MANAGEMENT OF FATS, OILS AND GREASE

WHEREAS North Carolina General Statutes Chapter 160A Article 16 (“Public Enterprises”) stipulates that the rules for any public enterprise system that the City operates shall be adopted by ordinance and

WHEREAS, the City’s official policy for the management of fats, oils and grease (referred to collectively as FOG) is an on-going concern for the protection of the City’s sewer collection system and associated appurtenances; and

WHEREAS City staff have made a concerted effort over the past three months to review, update and compile various regulations applicable to the proper management of FOG; and

WHEREAS the policy to be included in this new section represents the culmination of those efforts; and

WHEREAS, City staff presented this to the Water and Sewer Advisory Council at their April 24, 2023 meeting and have updated it to reflect the feedback provided.

NOW, THEREFORE, BE IT ORDAINED by City Council of the City of Hendersonville, North Carolina as follows:

SECTION 1. This Ordinance shall be known as “An Ordinance to Provide Policies and Procedures for the Management of Fats, Oils, and Grease.”

SECTION 2. Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 1 – Generally is hereby amended to add the following definition:

Sec. 52-167 – Definitions.

Mobile Food Unit means any self-contained mobile kitchen that is equipped to prepare and/or sell consumable food or drink items; a food establishment designed to be readily moved and vend food.

SECTION 3. Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 4 – General Use Requirements is hereby amended to add the following strength limitation:

Sec. 52-249 – General discharge limitations (local limits).

<u>100</u>	<u>mg/l grease</u>
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SECTION 4. The following sections to be added to Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 4 – General Use Requirements are hereby adopted:

Sec. 52-258. – Policy and Procedures for the Management of Fats, Oils and Grease

(a) The POTW Director shall develop and keep current the Policy and Procedures for the

Management of Fats, Oils and Grease (“FOG Policy”).

- (b) All Food Service Establishments and Mobile Food Units connected to, whether permanent or temporary, the City’s sewer collection system shall comply with the FOG Policy.

Sec. 52-259. – Right of Entry, Inspection

- (a) The POTW Director, or their designee, shall have the right to enter upon the property of and FSE subject to this Article and the FOG Policy for the purpose of inspection, determination, and compliance with this Ordinance and the FOG Policy. The POTW Director, or their designee, shall be provided ready access to all parts of the premises for the purpose of inspection, monitoring, records examination, and the performance of any other duties necessary to determine compliance with this Ordinance and the FOG Policy.
- (b) All Grease Interceptors and Grease Traps shall be easily accessible and shall not be obstructed by landscaping, parked vehicles, or other obstructions. Any temporary or permanent obstruction to access to areas necessary for determining compliance with this Ordinance and the FOG Policy shall be promptly removed at the request of the POTW Director, and the failure to remove such obstruction shall be a violation of this Section.

Sec. 52-260. – FOG Policy Remedies and Enforcement

- (a) Any user who violates the FOG Policy shall be subject to the remedies and penalties contained in Division 8 of this Article.
- (b) The POTW Director, or their designee, shall have the authority to enforce the City’s FOG policy.

SECTION 5. Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 8 – Enforcement is hereby amended to add the following:

Sec. 52-377. – Civil penalties

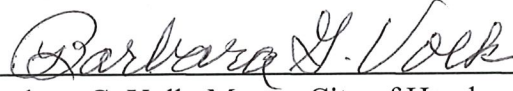
- (d) Any user who violates Sections 52-257 through 52-259 of this Chapter may be assessed a civil penalty in accordance with this subsection (d). Each day that any violation continues shall constitute a separate offense. For the purposes of this subsection, repeat violations occur where the City has issued a civil penalty for any violation of Sections 52-257 through 52-259 within a 12-month period. The following penalties are hereby established:
- (1) First violation: \$250.00
 - (2) Second violation: \$500.00
 - (3) Third and any additional violation: \$1,000.00

SECTION 6. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 7. It is the intention of the city council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 8. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July, 2023.



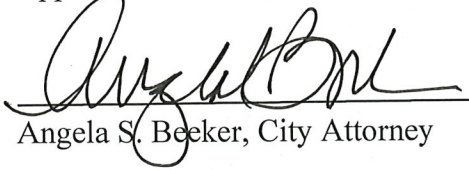
Barbara G. Volk, Mayor, City of Hendersonville

Attest:



Jill Murray, City Clerk

Approved as to form:



Angela S. Beeker, City Attorney

Policy and Procedures



*Management of Fats, Oils and
Grease (FOG)*

Last Updated June 21, 2023

**CITY OF HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA**

*POLICY AND PROCEDURES FOR THE
MANAGEMENT OF FATS, OILS, AND
GREASE (FOG)*

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1. PURPOSE

This Policy and Procedures for the Management of Fats, Oils, and Grease, together with all appendices hereto, is hereinafter referred to as this "Policy."

The purpose of this Policy is to ensure fats, oils, and grease (FOG) discharge compliance with the City of Hendersonville's (referred to throughout this document as 'The City') Sewer Use Ordinance. This Policy is designed to prevent the introduction of excess FOG into the City's sanitary sewer system and wastewater treatment plant. FOG negatively interferes with the collection system, impairs wastewater treatment, and largely contributes to SSOs (sanitary sewer overflows). The following standards specify the maintenance required for all grease management devices connected to the City's sanitary sewer system.

2. SCOPE AND AUTHORITY

- a. This Policy is established pursuant to the authority found in Chapter 52, Article V, Division 4 of the City Code of Ordinances ("City Code").
- b. Sec. 52-246 - General discharge prohibitions. No user shall contribute or cause to be contributed into the POTW (publicly-owned treatment works – wastewater treatment plant), directly or indirectly, any pollutant or wastewater which causes interference or pass through. This general prohibition applies to all users of the POTW whether or not the user is subject to any national, state, or local pretreatment standards or requirements.
- c. Sec. 52-247 – Specific discharge prohibitions (a)(2). Solid or viscous substances in amounts which will cause obstruction of flow or interference in the POTW and Sec. 52-247(a)(14). Fats, oils, or greases of animal or vegetable origin in amounts which in the discretion of the POTW director (wastewater treatment facility manager), may cause interference, pass through, or obstruction to the POTW collection system.
- d. Sec. 52-251 – Right of revision. The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in division 1 of this article or the general and specific prohibitions in division 4 of this article, as is allowed by 40 CFR 403.4 State or local law.

3. DEFINITIONS

Terms not otherwise defined in this Policy shall have the meanings assigned pursuant to City Code Sec. 52-167.

- a. Best Management Practices (BMPs) are the methods that have been determined to be the most effective and practical means of preventing or reducing FOG from entering the City's sanitary sewer system.
- b. Food Service Establishment (FSE) means any food service facility (except for private residences) discharging kitchen or food preparation wastewater such as restaurants, motels, hotels, cafeterias, coffee shops, delicatessens, meat cutting-preparation, bakeries, catering establishments, hospitals, schools, bars, food courts, food manufacturers, food trucks, grocery stores, lounges, nursing homes, churches, bed and breakfast homes and inns, etc. and any other facility that, in the opinion of the utilities director or his or her authorized representative(s), would require a grease trap installation by virtue of its operation. This definition includes, but is not limited to, any establishment required to have a state department of health food service license.
- c. Grease means a material either liquid or solid, composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oil, and grease (FOG)", "oil and grease" or "oil and grease substances" shall all be included within this definition.
- d. Grease Interceptor means devices located underground, outside of the food service establishment designed to collect, contain, or remove food wastes and grease from the wastestream being discharged from the FSE while allowing the balance of the liquid waste to discharge to the City's wastewater collection system. Grease interceptors shall have a means of regular inspection, cleaning, and maintenance.
- e. Grease Trap means devices located under sinks or fixtures of the food service establishment designed to collect, contain, or remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the City's wastewater collection system. Grease traps shall have a means of regular inspection, cleaning, and maintenance. Grease traps are normally sized for under-the-counter use and located inside the establishment under sinks and fixtures.
- f. Hauler is one who transfers waste from the site of a food service establishment to an approved site for disposal or treatment. The hauler is responsible for assuring that all federal, state, and local regulations are followed regarding waste

transport, treatment, and disposal.

- g. Mobile Food Unit (MFU) is any self-contained mobile kitchen that is equipped to prepare and/or sell consumable food or drink items; a food establishment designed to be readily moved and vend food.
- h. New Source as defined in 40 CFR 403.3(m)(1), including any subsequent amendments and additions.
 - i. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:
 - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - ii. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)a or b of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
 - iii. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
 - 1. Begun, or caused to begin, as part of a continuous on-site construction program:

- a. Any placement, assembly, or installation of facilities or equipment;
 - b. 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
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under this definition.

- i. Publicly Owned Treatment Works (POTW) means a treatment works as defined by section 212 of the Act, (33 USC 1292) which is owned in this instance by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this article, the term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, or in any other way, users of the City's POTW.
- j. Sanitary Sewer Overflow (SSO) is when a sanitary sewer releases raw sewage.
- k. Sewer Use Ordinance (SUO) refers to the City of Hendersonville's Code of Ordinances Part II Chapter 52 Article V.

4. MAINTENANCE REQUIREMENTS

- a. Requirements for Grease Interceptors:
 - i. All grease interceptors must comply with the requirements of City Code Sec. 52-256 et. seq.
 - ii. All grease interceptors shall be cleaned by a permitted grease hauler no less than once every 90 days, but more frequently if conditions require.
 - iii. Grease interceptors should have all solids removed each cleaning.
 - iv. Records of grease pumping should be retained for a minimum of 3 years and should include date of cleaning and signature of hauler. Proof of these records will be required during inspections by the City.

b. Requirements for Grease Traps:

- ii. All grease traps must comply with the requirements of City Code Sec. 52-256 et. seq.
- ii. All indoor grease traps shall be cleaned no less than once weekly, or more frequently if conditions require.
- iii. All solids should be removed from the floating grease layer in each compartment, baffle walls, and bottom of trap each cleaning.
- iv. Records of grease trap cleaning should be kept on site for a minimum of one year. Records should contain name and signature of employee performing the cleaning, time, and date the cleaning was performed, and how the solids were disposed. Proof of these records will be required during inspections.

5. BEST MANAGEMENT PRACTICES (BMPs)

a. Requirements for all FSEs:

- i. Comply with the requirements of City Code Sec. 52-257 et. seq.
- ii. Train kitchen staff and other employees on required BMPs. Retain records on site for all employee BMP training and said records shall be made available for review during inspections by the City.
- iii. Kitchen staff should scrape or wipe off all FOG and food waste using “dry” methods such as a disposable paper towel before rinsing, washing, or sanitizing any cooking or eating utensil.
- iv. Dispose of all waste food into the garbage.
- v. Clean up any spills and work areas using disposable paper towels or reusable cloth towels.
- vi. Pour all liquid grease into a metal waste container and allow to cool before disposing into the garbage or into an approved receptacle to be removed by an authorized FOG removal vendor or contractor.
- vii. Use screens over all drains to capture food waste materials.
- viii. No collected grease shall be introduced into drainage piping or a public or private sewer system or public or private storm water system.

b. Requirements for FSEs with indoor grease traps:

- i. All requirements from section 5.(a) shall be followed.
- ii. Keep a maintenance log on site of all trap cleanings. The log should include the date and time of the cleaning, name and signature of person completing the cleaning, and how solids were disposed.
- iii. If grease traps are more than 50% full when cleaned, the cleaning frequency shall be increased.
- iv. All baffles shall be in place inside the grease trap.

- v. If an automated dishwasher is present, it is to be used for sanitizing purposes only. The discharge from the dishwasher shall bypass the grease trap and flow directly into the sanitary sewer system.
- vi. Upon completion of mopping, allow the used mop water bucket to remain still allowing adequate time to then skim off any fats, oils, and grease into the trash prior to disposing of the liquid in a sink.

c. Requirements for FSEs with outdoor grease interceptors:

- i. All requirements from section 5.(a) shall be followed.
- ii. Cleanings shall be performed by a permitted liquid waste hauler.
- iii. To ensure the pumping contractor properly cleans and pumps the grease interceptor, all cleaning and maintenance activities should be witnessed by an employee of the FSE. The FSE is responsible for ensuring the proper cleaning of all grease interceptors.
- iv. If cleaning is found to be inadequate, including if there is visible grease escaping from the interceptor, the City may require the FSE to have the pumping repeated. The FSE is responsible for ensuring the cleaning is completed according to the City's standards (Section 4.a and 5.c.v).
- v. The grease interceptor shall be left empty upon completion of cleaning. No liquids can be reintroduced back into the grease interceptor by the pumping contractor.
- vi. Keep a maintenance log on site of grease interceptor cleanings. The log should include who cleaned the interceptor, signature of the hauler, the date of cleaning, and how the solids were disposed.
- vii. Lids, covers and access portals to the interceptor shall not be covered with asphalt, concrete, landscaping, grass, bulky or stacked equipment or other materials. Additionally, the lid, cover or access portal shall be ~~considered~~ easily accessible in order to provide access to the interceptor for maintenance and inspection. The removal of any of the aforementioned materials to allow routine cleaning or inspection grease interceptors shall constitute a violation of accessibility.

d. Requirements for MFUs:

- i. All requirements from section 5.(b) shall be followed by all MFUs.
- ii. All MFUs must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the health department.
- iii. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public space.
- iv. All MFUs operating within the City's sewer collection system Use

- boundaries shall have an approved grease trap permanently installed on the MFU and shall be maintained in proper working order at all times.
- v. No MFU shall have a permanent connection to the City's sanitary sewer system.
 - vi. MFUs may be allowed to connect to the City's water and sewer system using an approved "quick connect" (temporary) system upon the City's receipt of approval for such connections from the Henderson County Health Department.
 - vii. All water and sewer use by MFUs shall be metered by the City.
 - viii. MFU's with commissary kitchen(s) located outside of North Carolina shall not be permitted to operate within the city limits.

6. REQUIREMENTS FOR NEW SOURCES

a. General Requirements:

i. All FSEs shall submit to the City:

1. Contact information for the person responsible for the interceptor or trap and the licensed plumber installing the interceptor or trap.
 2. Address of the facility.
 3. Drawings showing the location of the building, kitchen, interceptor, and traffic ways.
 4. The manufacturer's model number and specifications for the interceptor or trap.
 5. List of all plumbing fixtures plumbed to the interceptor or trap.
 6. Copy of the kitchen mechanical or plumbing plan showing all fixtures connected to the interceptor or trap.
- ii. All interceptors shall be certified by the Plumbing and Drainage Institute.
 - iii. The design and location of grease traps shall be approved by the City prior to installation. If installed prior to City approval, the City may require the device to be reinstalled in a more appropriate location. The cost for this relocation is the sole responsibility of the FSE owner.
 - iv. "Grandfathering" of any existing FSEs from this policy and its requirements shall not be allowed.

b. Design requirements:

- i. Grease interceptors and traps shall be adequately sized based on the calculation contained in Appendix A – Interceptor and Trap Sizing Form. Notwithstanding the foregoing, no outdoor interceptor shall be less than 1,000 gallons total capacity.
- ii. Retention time in all interceptors shall be no less than 30 minutes.
- iii. All interceptors, whether singular or two tanks in series, shall have each

- chamber directly accessible from the surface to provide means for servicing and maintaining the interceptors in working order and operating condition.
- iv. All interceptors shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of the effluent discharged to the sewer system. These chambers shall not be visually obscured with soil, mulch, floorings, or pavement of any substance.
 - v. Where automatic dishwashers are installed, the discharge from those units will discharge directly into the building drainage system without passing through a grease interceptor or grease trap. If plumbed to the grease trap or grease interceptor, the City may require that the dishwasher wastestream plumbing be relocated to bypass the grease trap or grease interceptor. The cost for this relocation is the sole responsibility of the FSE owner.
 - vi. Grease interceptors are not to be installed within a drive through pick up area or underneath menu boards or in the vicinity of menu boards.
 - vii. The inlet chamber of interceptors will incorporate an open sanitary tee, which extends 16 inches below the operating water level of the vessel. The outlet chamber of the interceptor will incorporate an open sanitary tee that extends to within 12 inches of the bottom of the vessel. The sanitary tees (both inlet and outlet) will not be capped but open for visual inspection of the wastestream.
 - viii. Stainless steel support hangers shall be required if either the inlet or outlet piping of tee assembly extends greater than 12 inches from the interceptor's interior wall.
 - ix. A baffle or diverter is necessary to increase the retention time to 30 minutes and avoid short-circuiting.
 - x. Grease traps and interceptors shall be designed by an appropriately licensed professional and shall at a minimum be designed to permit the discharge of no more than 100 mg/l of FOG.

7. VIOLATIONS

Pursuant to City Code Sec. 52-260, violations of this Policy are subject to the penalties and remedies contained in City Code Sec. 52-376 et. seq. including but not limited to: (i) revocation of the user's discharge permit, (2) civil penalties, (3) criminal penalties, (4) injunctive relief, and (5) revocation of the user's water service.

8. CONFLICT

In the event of a conflict between the City Code and this Policy, the provisions of the City

Code shall prevail.

9. SEVERABILITY

If any provision, paragraph, word, section, or chapter of this Policy is invalidated, the remaining provisions, paragraphs, words, and sections, shall not be affected and shall continue in full force and effect.

APPENDIX A – INTERCEPTOR AND TRAP SIZING FORM

To get values for any given FSE, refer to 2021 UPC or most current version of this publication.

Variables	Value	Units
Number of Meals per Peak Hour		Meals per hour
Waste Flow Rate		gal
Retention Time		hours
Storage Factor		Category
Multiply above values to get result:		gal

**Minimum allowed capacity is 1,000 gallons.*

This form is subject to change at any time without advance notice by the City.

APPENDIX B – PERMIT TO CONSTRUCT OUTDOOR GREASE INTERCEPTOR

Grease Interceptor Form

Owners Name *

First

Last

Owners Email *

Owners Phone *

Owners Address

Address Line 1

Address Line 2

City

State



Zip Code

Plumber Name *

First

Last

Plumbers License # *

Plumbers Phone *

Plumbers Email *

Address of Interceptor *

Address Line 1

Address Line 2

City

State



Zip Code

Interceptor Model # *

Plumbing Fixtures Connected to the Interceptor *

Dish Pre-rinse Sink

Wash Section of Triple Sink

Sanitize Section of Triple Sink

Meat Prep Sink Hand Wash Sinks

Mop Sink Floor Drain

Other

This form is subject to change at any time without notice by the City.

APPENDIX C - AMENDMENTS (REVISION TABLE)

This policy and any portions, parts, sections, or subsections of it may be modified, amended, supplemented, or deleted at any time by the POTW Director. All modifications, amendments, and additions shall carry the same force and effect as these policies. All such revisions shall appear in the table below and shall have the same force and application as all other sections of this policy once adopted.

ORD #	TITLE	DESCRIPTION	AFFECTED SECTIONS	DATE ADOPTED

REFERENCES

- City of Hendersonville Code of Ordinances ([Chapter 52 – Utilities](#))
- [33 U.S. Code § 1292 Section 212 of the Act](#) “Publicly-Owned Treatment Works”
- [40 CFR 403.4](#) “State or local law”
- [40 CFR 403.3\(m\)\(1\)](#) “New source”