

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA
ORDINANCE NO. 154**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER SAUCON
TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING STANDARDS
AND GUIDELINES FOR THE DESIGN, INSTALLATION, OPERATION AND
MAINTENANCE OF GREASE INTERCEPTORS FOR COOKING ESTABLISHMENTS
IN ORDER TO CONTROL THE DISCHARGE OF FATS, OILS AND GREASE INTO
THE SANITARY SEWER SYSTEM IN ACCORDANCE WITH THE NPDES PERMIT
FOR THE TOWNSHIP WASTE WATER TREATMENT PLANT**

I. Legislative Findings.

WHEREAS, pursuant to both federal and State laws and regulations Upper Saucon Township (hereinafter, "Township") operates and maintains a municipal sanitary sewer system consisting of a series of collection lines, interceptors, a waste water treatment plant (hereinafter, "WWTP") and appurtenances relating thereto; and

WHEREAS, pursuant to the Federal Clean Water Act (formerly the Water Pollution Control Act), 33 U.S.C. 1251, *et. seq.*, the Upper Saucon Sewage Treatment Authority (hereinafter, "USSTA") is the Part I NPDES Permittee for the WWTP; and

WHEREAS, pursuant to the Federal Clean Water Act (formerly the Water Pollution Control Act), 33 U.S.C. 1251, *et. seq.* (hereinafter, "Act"), the Upper Saucon Township Municipal Authority (hereinafter, "USTMA") is the Part II Permittee for the municipal sanitary sewer collection system; and

WHEREAS, the Township operates, maintains, repairs, funds and improves the municipal sanitary sewer collection system and the WWTP as leasee; and

WHEREAS, from time to time, either through the land development process or through the conversion of existing structures through the building permit process, plans are submitted for the installation or upgrade of cooking establishments; and

WHEREAS, cooking establishments use fats, oils and grease (hereinafter, "FOG") in the food preparation process; and

WHEREAS, cooking establishments create FOG as a by-product of the cooking process; and

WHEREAS, in the course of the cleaning and sanitizing process (typically at very high water temperatures) FOG liquefies and blends with the water and is discharged into the municipal sanitary sewer system; and

WHEREAS, without pre-treatment before entering the municipal sanitary sewer system, FOG solidifies as a result of contact with lowering water temperatures, thereby causing a build-up of grease in the sewer line and ultimate constriction, and even blocking, which may lead to overflows thereby causing a potential for environmental harm and the possible imposition of fines and penalties against private property owners, the Township, the USTMA and the USSTA; and

WHEREAS, the release of FOG into the WWTP could cause it to fail to meet the federally-mandated NPDES Permit requirements for effluent, thereby leading to the potential for environmental harm and the possible imposition of fines and penalties against the Township, the USTMA and the USSTA; and

WHEREAS, the installation of appropriately sized and designed grease interceptors will cause the high temperature wastewater leaving the cooking establishment to cool and thus allow the FOG to solidify and collect before the wastewater enters the municipal sanitary sewer system; and

WHEREAS, the high degree of potential for harm to public facilities and the environment requires the installation or upgrade of existing grease traps or interceptors which fail to meet current, industry standards and current effluent standards at appropriate times such as at the time of new construction or the expansion or modification of existing cooking establishments; and

WHEREAS, the high degree of potential for harm to the POTW and the environment requires a program of testing and monitoring of the operation and maintenance of grease interceptors; and

WHEREAS, the Board of Supervisors find that an Ordinance specifying the design, construction, operation and maintenance of grease interceptors in connection with cooking establishments is necessary to protect the public health, safety and welfare as well as to ensure compliance with federally mandated pollution controls.

NOW THEREFORE, the Supervisors of Upper Saucon Township hereby enact and ordain that:

II. Ordinance Text.

A. Purpose.

1. This Ordinance establishes uniform requirements for users of the Upper Saucon Township Publicly Owned Treatment Works (hereinafter, "POTW") for the capture and disposal of fats, oils and grease ("FOG") so as to enable Upper Saucon Township, the USTMA and the USSTA to comply with all applicable state and federal laws, including but not limited to the Act and the pretreatment regulations promulgated by the Environmental Protection Agency found at Title 40 C.F.R. Part 403, all for the purpose of preventing sanitary sewer overflows, effluent quality violations and other environmental harm and property damage.

2. This Ordinance is enacted pursuant to the requirements and authorizations of federal and state laws and regulations relating to the operation of municipal sanitary sewer systems and accordingly the provisions of any state law or municipal code setting or authorizing lesser standards are deemed to be in

conflict with the requirements of this Ordinance and are therefore inapplicable as to the subject matter hereof.

3. The objectives of this Ordinance are:

(a). To prevent the introduction of FOG into the POTW which would interfere with its operation and degrade the quality of the effluent;

(b). To prevent sanitary sewer overflows (hereinafter, "SSO"), caused in whole or in part by FOG blockage, where sewerage flows out of a manhole cover and along the ground, causing contamination of the ground, local water bodies and any other property with which the sewerage comes into contact;

(c). To promote reuse and recycling of FOG prior to discharge into the municipal sanitary sewer system; and

(d). To enable the Township to comply with federal, state and local pollutant discharge limits as well as the requirements of its NPDES Permit.

B. Definitions.

1. **Act.** The Clean Water Act, 33 U.S.C. 1251, *et. seq.* (formerly, the Federal Water Pollution Control Act).

2. **Biochemical Oxygen Demand.** The value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater," hereinafter, "**BOD.**"

3. **Chemical Oxygen Demand.** The value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater," hereinafter, "**COD.**"

4. **Cooking Establishment.** Any facility (exclusive of residential facilities) which, whether or not for profit, engages in some or all of the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot, non-potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. A cooking establishment includes, but is not limited to, restaurants, cafeterias contained within a commercial establishment, personal care facilities, school cafeterias (public and private), and daycare facilities in which meals for more than six (6) individuals (including staff) are prepared or otherwise made available for human consumption.

5. **EPA.** The United States Environmental Protection Agency.

6. **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 40 C.F.R. 136, as may be amended from time to time. All are sometimes referred to herein as "FOG."

7. **Generator.** Any person who owns or operates a grease trap or grease interceptor, or whose activities or processes produce FOG.
8. **Grease Interceptor.** A wastewater pretreatment unit that is installed in a sanitary drainage system in order to intercept and remove FOG from wastewater discharge and which is installed outside of the facility.
9. **Grease Trap.** A plumbing appurtenance or appliance that is installed in a sanitary drainage system in order to intercept and remove FOG from wastewater and which is installed inside of the facility.
10. **Grease Waste.** Material (including solids resulting from de-watering processes) collected in and from a grease interceptor or grease trap in the sanitary sewer service line of a cooking establishment.
11. **Indirect Discharge or Discharge.** The direct or indirect introduction of FOG from a cooking establishment by a user into the POTW.
12. **Industrial Pretreatment Program.** The Township's industrial pretreatment program as described in the most current version of the Township's Sewer Use Ordinance or any successor ordinance thereto.
13. **Interference.** A discharge which in whole or in part inhibits or disrupts the POTW, its treatment processes, treatment operations, sludge processes, use or disposal, or is a cause, or potential cause, of a violation of the NPDES Permit.
14. **Kitchen Facilities.** Facilities maintained by a cooking establishment which relate to the preparation or service of foodstuffs and the cleaning or sterilization of cooking and serving equipment (including without limitation serving items such as plates, cups, glasses, eating utensils and cooking utensils).
15. **Non-Cooking Establishment.** Any person or facility engaged solely in the providing or preparation of pre-cooked foodstuffs which do not require or involve any form of cooking and do not generate FOG or grease waste.
16. **NPDES Permit.** The Part I Water Quality Permit (Permit No. PA0053147) issued to the USSTA by PADEP
17. **Person.** Any individual, partnership, limited liability partnership, company, limited liability company, corporation, political subdivision, municipal authority, agency or instrumentality of the United States, or agency or instrumentality of the Commonwealth of Pennsylvania, or any other legal entity including with respect to all of the foregoing where applicable the officers or members thereof.
18. **pH.** The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.
19. **Publicly Owned Treatment Works (POTW).** A sewage treatment plant owned by a state or municipality as defined by Section 212 of the Act, including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. The POTW includes also the sewers, pipes and other conveyances that convey wastewater to the sewage treatment plant. The term includes also the municipality as defined in Section 212 of the Act having jurisdiction over the indirect discharges to, and the discharges from, such a treatment works. For purposes

of this Ordinance, the phrase “municipal sanitary sewer system” and “POTW” may be used interchangeably.

20. **Residential.** A single or multiple family dwelling unit(s) within which cooking facilities are used solely for the preparation of foodstuffs for private consumption.

21. **Sewer Use Ordinance.** Upper Saucon Township Ordinance No. 42-L, as may be amended from time to time and any successor ordinance thereto.

22. **Total Suspended Solids (TSS).** The value of the test for Total Suspended Solids, as described in the most current edition of “Standard Methods for the Examination of Water & Wastewater” or any successor publication thereto. All are sometimes referred to herein as TSS.

23. **Transporter.** A person authorized by law to transport, among other things, grease waste.

24. **Township.** Upper Saucon Township, Lehigh County, Pennsylvania.

25. **User.** Any person who owns or operates a cooking establishment. This definition includes the owner of any premises on which a cooking establishment is located.

26. **USSTA.** The Upper Saucon Sewage Treatment Authority.

27. **USTMA.** The Upper Saucon Township Municipal Authority.

28. **Wastewater.** Any liquid waste or liquid-borne waste which contain, in whole or in part, FOG, and, whether treated or untreated, are contributed to the POTW.

C. Grease Interceptor Installation, Maintenance, Record-Keeping and Removal.

1. Industrial Pretreatment Program, Wastewater Discharge Permit Application.

(a). No later than one (1) year following the adoption of this Ordinance, all existing users and existing non-cooking establishments shall apply for a Wastewater Discharge Permit (hereinafter, “WDP”) or an exemption therefrom by completing and submitting to the Township for review and approval a Wastewater Discharge Permit Application (“Application”). This requirement shall not apply to users with existing discharge permits covering FOG in whole or in part.

(b). New users proposing a cooking establishment and persons proposing a non-cooking establishment shall, as part of a building permit or other permit or approval process, apply for a WDP and complete an application on a form prescribed by the Township.

(c). Upon written approval of the Township, a non-cooking establishment may be exempted from the requirements of this Ordinance. To be exempt in accordance with this sub-section, an applicant shall provide a formal request for exemption and include as a part thereof the following documentation relevant to the establishment: blueprints and other design documents, a detailed description of the operations and activities, and a detailed list of all potential sources of FOG.

(d). (1). Upon review of the Application, the Township shall issue a draft, Class 2 WDP in accordance with this Ordinance and the Township Sewer Use Ordinance. The draft Permit shall specify the required pretreatment facilities, including any requirement for installation of a grease interceptor unit.

(2). If the User objects to any of the requirements of the draft Permit, then no later than forty-five (45) days from the date of issuance of the draft Permit, the User shall provide written comments to the Township, citing and providing all data or other material in support of the objection. The Township shall review the comments and issue a final Permit. If changes are made to the Permit as a result of the User's comments, a new draft Permit will issue.

(3). Upon expiration of the 45 day period without comment, or upon notification from the User of no comment, whichever shall first occur, the Township shall issue the final Permit.

(4). The User may appeal from the issuance of the final Permit in accordance with the applicable provisions of the Sewer Use Ordinance.

2. Grease Interceptor Requirements and Specifications.

(a). Grease interceptors and appurtenances shall be designed to limit the introduction, contribution and discharge of FOG into the POTW. The design shall be submitted for review and approval by, the Township or its designee prior to installation in accordance with the USTMA's "*Standard Technical Specifications and Requirements for the Construction of Sanitary Sewers and Appurtenances.*"

(b). Unless specified to the contrary in the Sewer Use Ordinance, grease interceptors shall produce an effluent which with respect to FOG does not exceed a discharge concentration of 100 mg/l.

(c). Grease interceptors shall be installed in such a manner as to pre-treat all wastewater generated by a cooking establishment, and the design shall accommodate appropriate sampling and inspection points.

(d). Any User proposing the installation of a grease interceptor shall clean, in a manner acceptable to the Township, the downstream lateral serving the premises and remove any pre-existing accumulation FOG.

(e). A grease trap shall not be a suitable alternative to a grease interceptor for the purpose of pretreatment of FOG.

3. Cleaning and Maintenance Requirements.

(a). Grease interceptors shall be cleaned once every two months, and all contents removed shall be transported and disposed off-site in accordance with applicable laws and regulations. The introduction of sludge or the scum layer into the POTW is prohibited.

(b). Following one year of continuous operation, and upon written application with supporting data to the Township, a User may request a change in the frequency of cleaning from once every two months to quarterly.

(c). In order to properly inspect and analyze the functioning of the grease interceptor, the User shall supply an accessible entry into each chamber of the interceptor and a downstream sampling point, located upstream of any mixing with other sanitary flows. The sampling point shall be a minimum, eight inch (8") vertical clean-out.

(d). The User shall maintain at the premises detailed records encompassing a period of at least five (5) years which reflect the operation, testing, cleaning, repair and maintenance of the grease interceptor . This information shall include, but not be limited to, dates of service, names of individuals or entities providing service, invoices/receipts reflecting services rendered and invoices/receipts reflecting the hauling of waste by transporters. In addition to these requirements, and not in lieu thereof, every user shall comply with 40 C.F.R. Part 403 as relates to record keeping.

(e). In accordance with the requirements of the final Permit and on a form provided by the Township, every User shall submit an annual report outlining all maintenance activities relating to the grease interceptor and any appurtenance thereto as well as manifest information relating to the transport of grease waste from the premises. The manifest information shall include, but not be limited to the volume of waste transported off-site, the identity of the transporter, the time and date of cleaning, the time and date of waste transport, and the name/location of the disposal site. In addition, copies of the manifests shall be provided and depict the name and signature of the transporter and the name and signature of the responsible party accepting the waste at the disposal site.

(f). Users shall maintain the grease interceptor free of inorganic solids which may clog, or settle in, the interceptor and reduce, or create the potential to reduce, the effective capacity of the interceptor. Examples of inorganic solids include grit, towels, gloves, cigarettes and eating utensils.

(g). Users shall ensure that all waste material removed from grease interceptors is transported and disposed of in compliance with all federal, state and local statutes, rules, regulations, policies and ordinances.

(h). In accordance with federal requirements, the Township may inspect the functioning of the grease interceptor and appurtenances at any time and without prior notice.

D. Approval of Alternatives.

1. An alternative is the remedy by which a User may receive a modification or deferment of a requirement of this Ordinance as it applies to a specific establishment. The approval of an alternative or deferral is based upon individual circumstances and shall not constitute precedent.

2. An alternative or deferral may be approved at the discretion of the Township when the User demonstrates to the satisfaction of the Township all of the following:

(a). the literal enforcement of the Ordinance requirement is unreasonable or will exact undue hardship directly resulting from a peculiar condition of the premises or the facilities, or that the proposed alternative will provide an equal or better result than the Ordinance requirement;

(b). the proposed alternative or deferral is not contrary to the public health, safety and general welfare;

(c). the proposed alternative or deferral will not cause the Township, USTMA or USSTA to violate the requirements of the NPDES Permit, federal law and regulation, state law and regulation and other Township ordinances, including the Sewer Use Ordinance;

(d). the proposed alternative or deferral is consistent with the intent and purpose of this Ordinance and the Sewer Use Ordinance; and

(e). the proposed alternative or deferral represents the minimum relief necessary.

3. The request shall be submitted to the Township in writing at the time of application for a WDP. The request shall identify the specific Ordinance provision(s) from/for which the alternative or deferral is sought and shall state the purpose(s) and the grounds therefore. The request shall be accompanied by all supporting documentation and, where appropriate, sealed by a Pennsylvania-licensed engineer (preferably with waste water experience) or other, qualified professional.

4. If deemed complete by the Township, the request shall be granted, granted with conditions or denied. Notice of the action shall be provided to the applicant at the time of issuance of the draft Permit, and any appeal relating thereto shall be taken in accordance with the requirements of Section 1(d)(4), above.

5. The approval of an alternative or a deferral shall not relieve the User from compliance with the discharge standards and requirements of this Ordinance and the Sewer Use Ordinance; and if at any time following the installation of an approved alternative, or during an approved deferral period, the User fails to meet the requirements of the WDP, this Ordinance or the Sewer Use Ordinance, or if the alternative fails to function as represented, the User shall make all changes to the grease interceptor system necessary to achieve compliance.

E. Enforcement.

Enforcement of this Ordinance shall be in accordance with the enforcement provisions of the current Upper Saucon Township Sewer Use Ordinance and any amendments or successor ordinances thereto.

F. Repeals.

Except as otherwise stated herein, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. The above notwithstanding, in the event of a conflict between this Ordinance and the Sewer Use Ordinance, this Ordinance shall be interpreted in *pari materia* with the Sewer Use Ordinance. Only where there exists a direct conflict between this Ordinance and the Sewer Use Ordinance which cannot be so resolved shall the Sewer Use Ordinance control.

G. Savings Clause.

To the extent that any word, phrase, portion or provision of the text herein is found by any court of competent jurisdiction to be invalid, void or unconstitutional; such word, phrase, portion or provision shall, to the extent possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect, provided that the same can be accomplished without the structure of this Ordinance having been destroyed by elimination of that word, phrase, portion or provision found to be invalid or void.

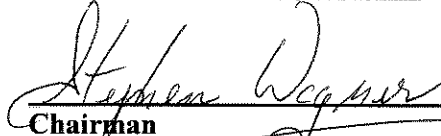
H. Effective date.

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors.


DULY ENACTED AND ORDAINED this 11th day of March, 2013, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS


UPPER SAUCON TOWNSHIP



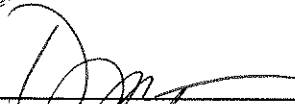
Chairman



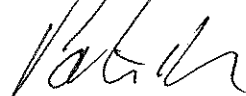
Vice-Chairman



Supervisor

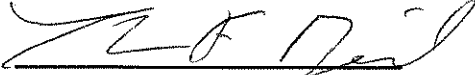


Supervisor



Supervisor

ATTEST:



Secretary