

FATS, OILS, AND GREASE (FOG) CONTROL RULE

FOR FOOD SERVICE ESTABLISHMENTS



BUTLER COUNTY WATER & SEWER

(BCWS)

BUTLER COUNTY RULE NO. -

**ADOPTING FATS, OILS AND GREASE (FOG) CONTROL REGULATIONS
APPLICABLE TO FOOD SERVICE ESTABLISHMENTS**

A RULE BY THE BOARD OF COMMISSIONERS OF BUTLER COUNTY, OHIO ADOPTING FATS, OILS AND GREASE (FOG) CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS.

THIS RULE SHALL BE IMPLEMENTED BY BUTLER COUNTY WATER AND SEWER (BCWS).

TABLE OF CONTENTS

TABLE OF CONTENTS	3
SECTION 1 - GENERAL PROVISIONS	4
1.1 PURPOSE AND POLICY	4
1.2 DEFINITIONS	4
SECTION 2 - GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON FATS, OILS, AND GREASE (FOG) DISCHARGES.....	11
2.1 FOG DISCHARGE REQUIREMENT	11
2.2 PROHIBITIONS.....	11
2.3 FOG WASTEWATER DISCHARGE PERMIT REQUIREMENTS	11
2.4 BEST MANAGEMENT PRACTICES REQUIRED.....	11
2.5 FOG PRETREATMENT REQUIRED.....	12
2.6 COMMERCIAL PROPERTIES.....	13
2.7 SEWER SYSTEM OVERFLOWS (SSOs), ABATEMENT ORDERS AND COST RECOVERY	13
SECTION 3 - FACILITIES REQUIREMENTS	14
3.1 DRAWING SUBMITTAL REQUIREMENTS.....	14
3.2 GREASE INTERCEPTOR REQUIREMENTS	14
3.3 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS	14
3.4 GREASE TRAP REQUIREMENTS.....	15
3.5 GREASE TRAP MAINTENANCE REQUIREMENTS.....	16
3.6 MONITORING FACILITIES REQUIREMENTS	16
3.7 REQUIREMENTS FOR BEST MANAGEMENT PRACTICES	16
SECTION 4 - MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS.....	18
4.1 MONITORING AND REPORTING CONDITIONS	18
4.2 INSPECTION AND SAMPLING CONDITIONS.....	19
4.3 RIGHT OF ENTRY	19
4.4 NOTIFICATION OF PLANNED CHANGES	19
SECTION 5 - ENFORCEMENT.....	20
5.1 PURPOSE AND SCOPE	20
5.2 NOTICE OF VIOLATION.....	20
5.3 ENFORCEMENT OPTIONS.....	20
5.4 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS	23
5.5 CIVIL PENALTIES.....	24
5.6 CRIMINAL PENALTIES	24
SECTION 6 - SEVERABILITY	24
SECTION 7 - EFFECTIVE DATE	24

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

- A. The purpose of this Rule is to facilitate the maximum beneficial public use of the County's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) to the sewer facilities, and to specify appropriate FOG discharge requirements for Food Service Establishments (FSE's).
- B. This Rule establishes quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sewer backups and/or sanitary sewer overflows (SSOs).
- C. The specific objectives of this Rule are:
 - 1. To prevent the introduction of wastewaters containing fats, oils and grease (FOG) in amounts which may cause stoppages or obstruction of flow, or in any other way prevent or inhibit operation of a Publicly-Owned Treatment Works (POTW), including the sanitary sewer collection system and/or treatment plant;
 - 2. To prevent the introduction of pollutants into a POTW which may be incompatible with a POTW;
 - 3. To protect the water quality of streams, creeks and other waterways traversing the County;
 - 4. To enable Butler County Water and Sewer (BCWS) to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge disposal conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and
 - 5. To protect the environment and the health, safety and welfare of the public and the POTW workers by regulating the pretreatment, transport and disposal of liquid wastes.
- D. This Rule enables Butler County to protect public health in conformity with all applicable local, state, and federal laws relating thereto, including but not limited to the Clean Water Act (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). This Rule shall be interpreted in accordance with the definitions set forth in Section 1.2. The provisions of this Rule shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer facilities of the County.
- E. In accordance with the authority vested in Butler County Water and Sewer by Ohio Revised Code (ORC) 6111.032(A) and (B), this rule shall apply to all Food Service Establishment (FSE) users of the Butler County wastewater treatment and collection system and to persons or entities outside Butler County's jurisdiction who are, by permit, contract, or agreement with Butler County, users of the Butler County wastewater facilities or collection system.

1.2 Definitions

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water

Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).

B. Unless a provision explicitly states otherwise, terms and phrases as defined in Sewer Use Rule of Butler County, Ohio (most recent version) shall apply.

C. Subject to the foregoing provisions, the following definitions shall apply in this Rule:

Additives	Enzymes, bacteria and/or other products designed to emulsify FOG and/or biologically treat FOG for grease remediation.
Butler County Water and Sewer (BCWS)	Publicly-owned utility charged with operating Butler County's sewage collection system and wastewater treatment plants, under the direction of the Butler County Board of Commissioners. BCWS is synonymous with Butler County and Industrial Services Section in this Rule.
Butler County Health Department	Local public health agency responsible for, among other things, implementation and enforcement of the International Plumbing Code and oversight of food service operations in Butler County.
Best Management Practices (BMPs)	Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.
Board	The Board of Commissioners of Butler County, Ohio or its administrative agency, Butler County Water and Sewer (BCWS).
Change in Operations	Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for sewer backups and/or SSOs (sanitary sewer overflows) to occur.
Composite Sample	A collection of individual samples obtained from one location (discharger) at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.
County	Butler County, Ohio, or its authorized agents or representatives, including BCWS and its Industrial Services Section.
Director	Director of BCWS, or his/her authorized agents or representatives, as appointed by the Board of Commissioners. The Director is responsible for the operation and maintenance of all public wastewater facilities of the County, including oversight of the FOG Control program.
Discharger	Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.

Effluent	Any wastewater outflow from the Food Service Establishment that is discharged to the sewer.
Engineering Division	BCWS Division responsible for, among other things, ensuring that the sanitary sewer infrastructure stays protected against fats, oils and grease accumulation. Working with Industrial Services, the Engineering Division protects the sewers from FOG buildup by reviewing plans for all future and/or tenant-finish Food Service Establishments (FSE's), and requiring grease control devices as specified by this Rule.
Fats, Oils, and Grease (FOG)	Any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.
FOG Control Program	The program as outlined in 'Fats, Oils and Grease (FOG) Control Rule' as approved by the Butler County Board of Commissioners and administered by BCWS.
FOG Wastewater Discharge Permit	A permit issued by BCWS subjecting the permittee to the requirements and conditions established by BCWS authorizing the permittee or discharger to discharge wastewater into County facilities or into sewer facilities which ultimately discharge into a County facility.
Food Service Establishment (FSE)	Any permanent facility within the boundaries of BCWS' service area, which prepares and/or packages food or beverages for sale or consumption, on or off-site, which has any process or device that uses or produces FOG. Excluding private residences, FSE's include but are not limited to food courts, food manufacturers, food packagers, food processors, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, and schools.
Food Grinder	Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by-products for the purpose of disposing of it in the sewer system.
Grease Control Device	Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the District.
Grease Interceptor (GI)	A device, usually located underground and outside between a Food Service Establishment and the connection to the sewer system, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system by gravity. Generally, a device is considered a grease interceptor if it has a capacity greater than 50 pounds. To be effective, these devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals as defined by this Rule.

Grease Trap	A grease control device, usually located inside the building and under a sink of a FSE, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system by gravity. Generally, a device is considered a grease trap if it has a capacity of 50 pounds or less. To be effective, these devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner at regular intervals as defined by this Rule.
Grab Sample	A sample taken from a waste stream at a single point in time without regard to the flow in the waste stream and without consideration of time, as required under 40 CFR 136 to monitor for FOG content in wastewater effluent.
Hot Spots	Areas in sewer collection system that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages or overflows of sewer system.
Industrial Services Section	BCWS Section responsible for, among other things, administering the FOG Control Program. The Industrial Services Section, as directed by the Environmental Division Head, is responsible for all determinations of compliance with the program, including approval of discretionary variances and waivers. Industrial Services Section is synonymous with Butler County and BCWS in this Rule.
Inflow	Water entering a sewer system through a direct storm water/runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.
Infiltration	Water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
Inspector	A person authorized by BCWS to inspect any existing or proposed wastewater generation, conveyance, processing, and/or disposal facilities.
Interceptor	A grease interceptor.
Interference	Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the County's sewer system, treatment processes or operations; or is a cause of violation of the County's NPDES permit; or prevents lawful sludge use or disposal.
Limited Food Preparation Establishment (L-FPE)	A Limited Food Preparation Establishment (L-FPE) is generally engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, wastewater discharges contain insignificant amounts of FOG. A Limited Food Preparation Establishment will generally be classified as a Risk Level I or II food service operation per Ohio Revised Code Chapter 3701.

Manifest	That receipt or form which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by BCWS. For purposes related to this FOG Control Rule, manifest generally means either: (1) the receipt from disposal of FOG waste from a Grease Interceptor or (2) BCWS Grease Interceptor Manifest Form (Attachment B).
National Pollutant Discharge Elimination System (NPDES)	The National Pollutant Discharge Elimination System (NPDES); the permit issued to control the discharge of liquids or other substances or solids to receiving waters of the United States.
New Construction (Food Service Establishment)	Any Food Service Establishment structure planned or under construction for which a sewer connection permit has not been issued.
Noncompliance fee	A fee established by BCWS and levied against a user as a result of violation(s) against provisions of this Rule. Noncompliance fees are used to compensate the County for costs of additional inspection and follow-up, sampling, monitoring, lab analysis and administrative processing incurred as a result of the noncompliance.
Permittee	A person who has received a permit to discharge wastewater into the County's sewer facilities subject to the requirements and conditions established by the County.
Person	Any individual, partnership, firm, association, corporation or public agency, including the State of Ohio and the United States of America.
Public Agency	The State of Ohio and/or any city, county, special district, other local governmental authority or public body of or within this State.
Public Sewer	A sewer owned and operated by the County, or other local Public Agency, which is tributary to the County's sewer facilities.
Regulatory Agencies	Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the County, including but not limited to: <ul style="list-style-type: none"> A. United States Environmental Protection Agency, Region V, Chicago, Illinois and Washington, DC (EPA). B. Ohio Environmental Protection Agency, Columbus, (OEPA), and Ohio Environmental Protection Agency, Southwest District Office, Dayton, Ohio (OEPA). C. Butler County, Ohio Health Department
Remodeling	A physical change or operational change causing increased FOG generation that exceeds the current amount of FOG discharge to the sewer system by the Food Service Establishment or construction exceeding a cost of \$25,000.00 (in 2005 dollars) to a Food Service Establishment that requires a building permit, and involves any one or combination of the following: (1) Under slab plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

Sanitary Sewer Overflow (SSO)	An overflow of untreated wastewater from the sanitary sewer system into the environment
Sample Point	A location approved by BCWS, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.
Sampling Facilities	Structure(s) provided at the user's expense for BCWS or user to measure and record wastewater constituent mass and concentrations, to collect a representative sample, or to provide access to plug or terminate the discharge.
Sewage	Wastewater.
Sewer Facilities or System	Any property belonging to the County used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.
Sewer Lateral	A building sewer as defined in the latest edition of the Uniform Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.
Sludge	Any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.
Tenant-Finish (Food Service Establishment)	A portion of an existing building that is subsequently occupied by a Food Service Establishment, oftentimes requiring building and/or plumbing modification to meet the specifications and needs of the FSE tenant. Tenant-finish differs from New Construction in that a sewer connection permit may have already been issued.
Twenty-five percent (25%) Rule	Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG prior to discharge to the sewer system.
User	Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as Discharger.
Waste	Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of any nature prior to and for the purpose of disposal.
Waste Minimization Practices	Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps to minimize wastewater produced.
Waste Hauler	Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

Wastewater	The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.
Wastewater Constituents and Characteristics	The individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

- D. Words used in this Rule in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

SECTION 2 - GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON FATS, OILS, AND GREASE (FOG) DISCHARGES

2.1 FOG Discharge Requirement

No Food Service Establishment (FSE) shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level of 200 mg/l (Oil and Grease) as adopted by the Board or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the Food Service Establishment to the sewer system.

2.2 Prohibitions

The following **prohibitions** shall apply to all Food Service Establishments:

- A. Discharge of wastes through food grinders and/or garbage disposal-type devices to sewer lines intended for grease interceptor/grease trap service is prohibited.
- B. Discharge of wastes that do not require separation (i.e. urinals, toilets, wash basins, etc.) to sewer lines intended for grease interceptor/grease trap service is prohibited.
- C. Introduction of any additives into a Food Service Establishment's wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance is prohibited, **unless a specific written authorization from the Industrial Services Section is obtained.**
- D. Disposal of waste cooking oil into drainage pipes connected to the County sewage collection system is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- E. Discharge of any waste including FOG and solid materials removed from the grease control device or solids interceptor to the sewer system is prohibited. Solids and/or grease removed from solids interceptors and grease control devices shall be disposed of according to all applicable regulations as part of the operation and maintenance requirements for grease interceptors. Disposal shall be properly documented through completion of a Grease Trap / Grease Interceptor/ Solids Interceptor Manifest form or some other appropriate disposal manifest.
- F. Operation of grease interceptors with FOG and solids accumulation exceeding 25% of the design hydraulic depth of the grease interceptor (25% Rule) is prohibited.

2.3 FOG Wastewater Discharge Permit Requirements

FOG Wastewater Discharge Permits are not required to be obtained by Food Service Establishments unless specified by the Industrial Services Section. Issuance of a FOG Permit will be done on an “as needed” basis as determined by the Industrial Services Section for entities that do not fully comply with the terms and conditions of this Rule. FOG permits are designed to bring FSE’s into compliance with this Rule.

2.4 Best Management Practices Required

All Food Services Establishments and other identified entities shall implement Best Management Practices (BMPs) to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices are specified in this Rule and explained in BCWS educational materials. These

may include kitchen practices and/or employee training programs that are effective in minimizing FOG discharge.

2.5 FOG Pretreatment Required

New Food Service Establishments are required to install, operate and maintain an adequately-sized grease interceptor (GI) necessary to maintain compliance with the objectives of this Rule. Requirements for GI's are found in Section 3 of this Rule. For new FSE's, the grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean-up areas of FSE's that are sources of FOG discharges shall be connected to the grease interceptor. The Butler County Health Department has ultimate authority over grease interceptor installation and sizing requirements.

An existing FSE with a grease interceptor is required to operate and maintain its device as specified by this Rule. **An existing FSE without a grease interceptor may be required to install and maintain one at the discretion of the Industrial Services Section.**

If the installation of a grease interceptor is impossible due to site constraints, a new and/or existing Food Service Establishment may be required to install grease trap(s) in the waste line(s) leading from drains, sinks, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage. Requirements for grease traps are found in Section 3 of this Rule. The Butler County Health Department has ultimate authority over grease trap installation and sizing requirements.

All Food Service Establishments shall comply with applicable provisions specified in Section 4 of this Rule. General compliance shall be established as follows:

A. New Construction/Tenant Finish Food Service Establishments

New construction FSE's shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system, unless otherwise specified by the Butler County Health Department. Potential FSE's and tenant-finish FSE's shall provide space and plumbing segregation for the future installation of one grease interceptor for each tenant space prior to commencing discharges to the sewer system.

B. Existing Food Service Establishments

1. For existing Food Service Establishments, existing grease interceptors shall be properly operated and maintained. Included in proper operation and maintenance is the operation and maintenance of the grease interceptor so that no more than 25% of the capacity of the interceptor is filled with grease and/or solids. At minimum, cleaning of FSE GI shall be done at least every 90 days. Routine servicing and cleaning (at least every 90 days) of the grease interceptor shall include removing and properly disposing of all grease and solids from the interceptor, scraping and cleaning baffles, walls and side walls, and submitting proper documentation of the same to the Industrial Services Section.
2. Existing Food Service Establishments with a grease interceptor which have caused or contributed to grease-related blockage(s) in the sewer system, or which have sewer laterals connected to "hot spots", may be required to service and clean their grease interceptor on a modified, more frequent schedule as determined by the Industrial Services Section. Existing FSE's which have been determined to contribute significant FOG to the sewer system by the Industrial Services Section - based on inspection or sampling - may be required to service and clean their grease interceptor on a modified,

more frequent schedule as determined by the Industrial Services Section. More frequent GI maintenance may be a requirement for any FSE deemed to have reasonable potential to adversely impact the sewer system.

Should a FSE not comply with BCWS' requirement to clean their GI on a more frequent basis, the Industrial Services Section may issue the FSE a FOG Wastewater Discharge Permit which will specify the modified cleaning and servicing schedule and could include the assessment of surcharge penalties.

3. Existing Food Service Establishments without a grease interceptor which have caused or contributed to grease-related blockage(s) in the sewer system, or which have sewer laterals connected to "hot spots", may be required to install an appropriately sized grease interceptor. Existing FSE's which have been determined to contribute significant FOG to the sewer system by the Industrial Services Section - based on inspection or sampling - may be required to install an appropriately sized grease interceptor.

Should a FSE not comply with BCWS' requirement to install a GI, the Industrial Services Section may issue the FSE a FOG Wastewater Discharge Permit which will specify grease interceptor installation requirements and could include the assessment of surcharge penalties.

4. Existing Food Service Establishments or Food Service Establishments that undergo remodeling or a change in operations as defined in this Rule and do not currently have a grease interceptor/trap in place shall be required to install a grease interceptor.

A Limited Food Preparation Establishment, as defined in this Rule, may or may not be required to install a grease control device. The Butler County Health Department will make such determinations on a case-by-case basis.

2.6 Commercial Properties

Property owners of commercial properties or their official designee(s) shall be responsible for the installation of a separate grease interceptor for each Food Service Establishment tenant located on a single real property parcel. Maintenance of grease interceptors shall be the responsibility of the FSE operator..

2.7 Sewer System Overflows (SSOs), Abatement Orders and Cost Recovery (Clean-Up Costs)

Food Service Establishments found to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, may be ordered to install and maintain a grease interceptor, and may be subject to a more restrictive plan to abate future problems. Furthermore, sewer lateral failures and SSOs caused by Food Service Establishments alone or collectively, are the responsibility of the private property owner or FSE(s).

If the County must act immediately to clear a sewer blockage or contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving a Food Service Establishment, or acts at the request of the property owner or operator of the Food Service Establishment, the County's costs for such abatement shall be entirely borne by the property owner or operator of the Food Service Establishment, and may constitute a debt to the County as specified in Section 5.

SECTION 3 - FACILITIES REQUIREMENTS

All Food Service Establishments shall comply with the following requirements, wherever applicable as defined in Section 2:

3.1 Drawing Submittal Requirements

- A. New and Tenant-Finish FSE's shall be required to submit three copies of facility site plans, floor plans, mechanical and plumbing plans, and details to show all sewer locations and connections, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation. The submittal shall be to BCWS' Engineering Division, in a form and content acceptable to the County for expeditious review prior to construction. The review of the plans and procedures shall in no way relieve the Food Service Establishments of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable discharge, and to meet the requirements of this Rule or any requirements of other Regulatory Agencies. BCWS' Engineering Division will confer with the Butler County Health Department to determine the adequacy of the proposed FOG control mechanism(s), and may require changes to the plans when needed.
- B. The County may require the drawings be prepared by an Ohio Registered Mechanical or Plumbing Engineer.

3.2 Grease Interceptor Requirements

- A. All Food Service Establishments shall provide wastewater acceptable to the County under the requirements and standards established herein before discharging to any public sewer. Any Food Service Establishment required to provide FOG pretreatment shall install, operate, and maintain an adequately sized grease interceptor necessary to maintain compliance with the objectives of this Rule. Grease interceptor specifications are provided in Attachment A.
- B. Grease interceptor sizing shall conform to the specifications of the current edition of the International Plumbing Code, Ohio version, as enforced by the Butler County Health Department. Minimum outside grease interceptor size shall be 1000 gallons. GI installation shall conform to the current edition of the International Plumbing Code, Ohio version.
- C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

3.3 Grease Interceptor Maintenance Requirements

- A. New and existing Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids from interceptor walls, baffles and floors.
- B. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the Industrial Services Section pursuant to this section.
- C. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.

- D. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined by one of the following methods as determined by BCWS' Industrial Services Section:
1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 2. All Food Service Establishments with a Grease Interceptor shall fully pump and clean out their grease interceptor not less than every 90 days or as determined by BCWS
 3. If a FSE wishes to clean its GI less often than the minimum specified in this Rule (every 90 days), a waiver request is required. The owner/operator of a Food Service Establishment may submit a request to the Industrial Services Section requesting a change in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in Section 1, and that it is in full compliance with the conditions of this Rule. Upon determination by the Industrial Services Section that the requested revision is justified, the maintenance frequency will be reduced and documented in a letter to the owner/operator. Upon determination that the requested revision is not justified, the FSE will be required to continue maintaining the GI at the specified frequency.
 4. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in Section 3.3.D.1, the Food Service Establishment shall be required to have the grease interceptor serviced within five (5) business days such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If it is determined that an overflow or blockage situation exists, the interceptor shall be serviced immediately. If deemed necessary, the Industrial Services Section may also increase the maintenance frequency of the grease interceptor from the current frequency.
- E. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be properly disposed off site by waste haulers in accordance with federal, state and/or local laws.
- F. Food waste disposal units shall not be connected to or discharged into any grease interceptor.
- G. Reporting and recordkeeping requirements related to GI maintenance are detailed in Section 4.

3.4 Grease Trap Requirements

- A. New and/or existing Food Service Establishments may be required to install grease trap(s) in the waste line(s) leading from drains, sinks, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- B. Sizing and installation of grease traps shall conform to the current edition of the International Plumbing Code, Ohio version and/or more stringent local requirements, as enforced by the Butler County Health Department.

3.5 Grease Trap Maintenance Requirements

- A. New and existing grease traps shall be properly maintained in efficient operating condition by thoroughly cleaning and removing accumulated grease on a monthly basis, or as determined by BCWS.
- B. If a Food Service Establishment wishes to clean its grease trap less often than the minimum specified in this Rule (every 30 days), a waiver request is required. The owner/operator of an FSE may submit a request to the Industrial Services Section requesting a change in the maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating changes based on the average FOG accumulation over time and meets the requirements described in section A, and that it is in full compliance with the conditions of this Rule. Upon determination by the Industrial Services Section that the requested revision is justified, the maintenance frequency will be reduced and documented in a letter to the owner/operator. Upon determination that the requested revision is not justified, the FSE will be required to continue maintaining the grease trap at the specified frequency.
- C. New and existing grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process. Materials removed from grease traps shall be disposed of properly and NEVER discharged to BCWS' sewage collection system.
- D. New and existing grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow-regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the cleaning and maintenance process.
- E. Food waste disposal units shall not be connected to or discharged into any grease trap.
- F. Reporting and recordkeeping requirements related to grease trap maintenance are detailed in Section 4.

3.6 Monitoring Facilities Requirements

- A. The County may require the Food Service Establishments to construct and maintain in proper operating condition, at the Food Service Establishment's sole expense, constituent monitoring and/or sampling facilities as approved by the Industrial Services Section.
- B. The location of the monitoring or metering facilities shall be subject to approval by the Industrial Services Section.
- C. Food Service Establishments may be required to provide immediate, clear, safe and uninterrupted access to the Industrial Services Section and/or BCWS inspectors to the Food Service Establishment's monitoring and metering facilities.

3.7 Requirements for Best Management Practices

- A. All Food Service Establishments shall implement Best Management Practices in accordance with the requirements and guidelines established by the County under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.

B. All Food Service Establishments shall be required, at a minimum, to comply with the following Best Management Practices:

1. Installation of floor drain grates/screens. Approved floor drain grates/screens shall be installed in accordance with the International Plumbing Code on all drainage pipes in food preparation areas.
2. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.
3. Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks. Double-bagging food wastes that have the potential to leak in trash bins is highly recommended.
4. Employee training. Employees of the food service establishment shall be trained by ownership/management at least annually, on the following subjects (Upon request, BCWS can provide BMP training videos to FSE's to assist with this requirement):
 - a. How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
 - b. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - c. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - d. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.
5. Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly through a grease interceptor or grease trap.
6. Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

SECTION 4 - MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

4.1 Monitoring and Reporting Conditions

A. Monitoring for Program Compliance and General Reporting

1. The Industrial Services Section may require periodic reporting of the status of implementation of Best Management Practices.
2. The Industrial Services Section may require visual monitoring at the sole expense of the FSE or Designee to observe the actual conditions of the Food Service Establishment's sewer lateral and sewer lines downstream.
3. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Industrial Services Section to ensure compliance with this Rule.

B. Specific Reporting Requirements

1. Food Service Establishments with a **grease interceptor** shall submit appropriate documentation of all grease interceptor cleaning, pumping and/or maintenance activities to Butler County Water and Sewer (BCWS), within five (5) business days of any such activity. Appropriate documentation includes, but is not limited to, waste hauler manifests, BCWS Grease Interceptor Manifest Form (Attachment B), receipts and invoices. Documentation may be faxed, mailed, e-mailed or hand-delivered to BCWS.
2. Food Service Establishments with a **grease trap** shall submit appropriate documentation of all grease trap cleaning, pumping and/or maintenance activities to Butler County Water and Sewer (BCWS), within five (5) business days of any such activity. Appropriate documentation includes, but is not limited to, waste hauler manifests, BCWS Grease Trap/Solids Maintenance Log Form (Attachment C), receipts and invoices. Documentation may be faxed, mailed, e-mailed or hand-delivered to BCWS.

C. Record Keeping Requirements

The Food Service Establishment or Designee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, and disposal carrier and disposal site location for no less than three (3) years. The FSE or Designee shall, upon request, make the manifests, receipts and invoices available to any County representative or inspector. These records may include:

1. A logbook of grease interceptor, grease trap, solids interceptor or grease control device cleaning and maintenance practices.
2. A record of Best Management Practices being implemented, including employee training.
3. Copies of records and manifests of grease interceptor or grease trap waste hauling activities.

4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
5. Records of any spills and/or cleaning of the lateral or sewer system.
6. Any other information deemed appropriate by the Industrial Services Section to ensure compliance with this Rule.

D. Falsifying Information or Tampering with Process

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the County, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Rule.

4.2 Inspection and Sampling Conditions

- A. The Industrial Services Section may inspect and/or sample or order the inspection and sampling of the wastewater discharges of any Food Service Establishment to ascertain whether the intent of this Rule is being met and the FSE is complying with all requirements. The FSE shall allow the County access to the premises, during normal business hours, for purposes of inspecting the Food Service Establishment's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- B. The Industrial Services Section shall have the right to place or order the placement on the Food Service Establishment's property or other locations as determined by the Industrial Services Section, such devices as are necessary to conduct sampling or metering operations. Where a Food Service Establishment has security measures in force, the FSE shall make necessary arrangements so that representatives of the County shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- C. The Industrial Services Section shall have the right to inspect and copy all notices, monitoring reports, waste manifests, and records maintained by the FSE including, but not limited to, those related to wastewater generation and wastewater disposal. All such records shall be kept by the FSE for a minimum of three (3) years.
- D. Any grab or composite sample taken from a sample point is considered to be representative of the discharge to the public sewer.

4.3 Right of Entry

Persons or occupants of premises where wastewater is created or discharged shall allow the Industrial Services Section, or other County representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open and operating or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to County representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the County's sewer system.

4.4 Notification of Planned Changes

The Food Service Establishment or Designee shall notify BCWS at least 90 days in advance prior to any facility change in operations/remodeling or process modifications that may result in new or substantially

increased FOG discharges or a change in the nature of the discharge. FSE or Designee shall notify BCWS in writing of the proposed change in operations or remodeling and shall submit any information requested by BCWS for evaluation of the effect of such changes on FOG discharge to the sewer system. FSE changes may require the installation of a grease interceptor or other grease control device.

SECTION 5 - ENFORCEMENT

5.1 Purpose and Scope

- A. The Board of Commissioners finds that specific enforcement provisions must be adopted to govern discharges to the County's system by Food Service Establishments to ensure that the County's sewer facilities are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment.
- B. In general, the County will determine noncompliance with the provisions of this FOG Control Rule through visual inspections, records review, sampling, and/or monitoring of Food Service Establishments.
- C. When a Food Service Establishment is found to be in noncompliance with one or more of the provisions of this Rule, the County will generally issue a written Notice of Violation (NOV) to the FSE. If the FSE fails to properly address the causes and/or sources of the noncompliance, then the County may pursue additional enforcement options.

5.2 Notice of Violation

- A. Notice of Violation
 - 1. A written Notice of Violation (NOV) may be issued by the County to a Food Service Establishment for failure to:
 - a. Properly maintain and clean grease interceptor (failure to comply with 25% Rule), including failure to make necessary repairs
 - b. Properly maintain and clean grease trap, including failure to make necessary repairs
 - c. Implement Kitchen Best Management Practices (BMPs) for FOG control
 - d. Maintain appropriate records
 - e. Submit appropriate records to BCWS within the specified period of time, as detailed in Section 4.
 - f. Comply with any other provision as defined in this Rule.
 - 2. Upon receiving a Notice of Violation, the FSE shall have fifteen (15) days to complete corrective action and submit evidence of compliance to the Industrial Services Section.

5.3 Enforcement Options

Should a Food Service Establishment fail to respond to an NOV, or fail to respond adequately, the Industrial Services Section may pursue one or more of the following enforcement options:

A. Assess noncompliance fees to the FSE

A Food Service Establishment determined to be in noncompliance with the provisions specified in this Rule shall pay a noncompliance fee. A noncompliance fee in the amount of \$150.00 will be placed on the water bill of the FSE. Failure to pay the noncompliance fee will result in BCWS following standard non-payment procedures which may result in discontinuation of water service. FSE's that are not BCWS water customers will receive an invoice in the amount beginning at \$150.00. This fee will be paid by the property owner or person responsible for paying the water and sewer bill. The amount of the noncompliance fee can and will increase based on the compliance history of the FSE. The purpose of the noncompliance fee is to compensate the County for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, and administrative processing incurred as a result of the noncompliance, and shall be in addition to, and not in lieu of, any penalties as may be assessed pursuant to Sections 5.5 and 5.6.

Pursuant to R.C. 6111.09, BCWS may assess fines up to \$10,000.00 per day, per violation, and retroactive to the first known day of noncompliance as needed.

B. Put the FSE under permit

1. FOG Wastewater Discharge Permit Requirement

- a. Food Service Establishments proposing to discharge or currently discharging wastewater containing FOG into the County's sewer system may be issued a FOG Wastewater Discharge Permit by BCWS.
- b. FOG Permits will be required on an "as needed" basis, as determined by BCWS, for FSE's that do not fully comply with the terms and conditions of this Rule. FOG permits are designed to bring FSE's into compliance with this Rule.
- c. BCWS shall develop all necessary FOG Permits for Food Service Establishments. FSE's are required to provide accurate information to the County, as requested.
- d. The conditions of FOG Wastewater Discharge Permits shall be enforced by BCWS' Industrial Services Section in accordance with this Rule and applicable State and Federal Regulations.

2. FOG Wastewater Discharge Permit Fee

BCWS will charge an annual FOG Wastewater Discharge Permit fee of \$250.00 per permit, to be paid by the Food Service Establishment.

3. FOG Wastewater Discharge Permit Conditions

- a. A FOG Wastewater Discharge Permit may contain any of the following conditions or limits:
 1. Limits on discharge of FOG and other priority pollutants.

2. Requirements for installation, proper operation and maintenance (cleaning) of grease interceptors and other grease control devices.
 3. Requirements for implementation of Best Management Practices.
 4. Requirements for maintaining and reporting status of Best Management Practices.
 5. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests.
 6. Requirements to self-monitor.
 7. Requirements for the Food Service Establishment to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.
 8. Additional requirements as otherwise determined to be reasonably appropriate by the Industrial Services Section to protect the County's system or as specified by other Regulatory Agencies.
 9. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Rule.
4. FOG Wastewater Discharge Permit Modification of Terms and Conditions
- a. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the Industrial Services Section during the life of the permit based on:
 1. The discharger's current or anticipated operating data;
 2. The County's current or anticipated operating data;
 3. A determination by the Industrial Services Section that such modification is appropriate to further the objectives of this Rule.
 - b. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The Industrial Services Section shall review the request, make a determination on the request, and respond in writing.
 - c. The Permittee shall be informed of the acceptability of the request within thirty (30) days of receipt of the request.
 - d. The Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
5. FOG Wastewater Discharge Permit Termination

- a. An issued permit may be terminated by the Industrial Services Section during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;
 - 2. The County's current or anticipated operating data;
 - 3. Recent compliance history of the Food Service Establishment;
 - 4. A determination by the Industrial Services Section that such modification is appropriate to further the objectives of this Rule.
- b. The Permittee may request permit termination. The request shall be in writing stating the requested termination, and the reasons for the termination. The Industrial Services Section shall review the request, make a determination on the request, and respond in writing.
- c. The Permittee shall be informed of the acceptability of the termination request within thirty (30) days of receipt of the request.

6. FOG Wastewater Discharge Permit Duration and Renewal

- a. FOG Wastewater Discharge Permits shall be issued for a period not to exceed five (5) years, but generally in a cycle corresponding to the NPDES permit of the receiving wastewater treatment facility.
- b. FOG Wastewater Discharge Permits that are not renewed prior to their expiration shall remain in effect until formal termination or renewal.

7. FOG Discharge Permit Compliance Schedule

As part of a FOG Wastewater Discharge Permit, BCWS may enter into a Compliance Schedule with a Food Service Establishment. A Compliance Schedule may contain terms and conditions including but not limited to requirements for installation of a grease control device, immediate and regular pumping and maintenance of grease control device, submittal of drawings or reports, submittal of waste hauling records, implementation of best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Rule. The Industrial Services Section shall not enter into a Compliance Schedule until such time as all amounts owed by the FSE to the County, including user fees, noncompliance sampling fees, and/or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the Industrial Services Section.

C. Notify the local Health Department of the FSE's noncompliance.

D. Terminate water and/or sewer service.

All costs for physical termination shall be paid by the owner or operator of the Food Service Establishment or Designee as well as all costs for reinstating service.

5.4 Damage to Facilities or Interruption of Normal Operations

Any person who discharges any waste which causes or contributes to any sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to the County's sewer facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the County to resume normal operations.

A surcharge of forty percent (40%) of the County's costs shall be added to the costs and charges to reimburse the County for miscellaneous overhead, including administrative activity and record keeping. The total amount shall be payable within forty five (45) days of invoicing by the County.

5.5 Civil Penalties

Civil penalties related to this FOG Control Rule shall be the same as civil penalties described in the Butler County Sewer Use Rule, current edition.

5.6 Criminal Penalties

Criminal penalties related to this FOG Control Rule shall be the same as criminal penalties described in the Butler County Sewer Use Rule, current edition.

SECTION 6 - SEVERABILITY

If any section, subsection, subdivision, sentence, clause or phrase of this Rule is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Rule or any of the remaining portions hereof. The Board of Commissioners hereby declares that it would have passed this Rule, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sees, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 7 - EFFECTIVE DATE

This Rule shall take effect _____, 2007, and a summary shall be published in a newspaper of general circulation as provided by law.

PASSED AND ADOPTED by the Board of Commissioners of Butler County, Ohio on this _____ day of _____, 2007.

