

CHAPTER 76C. REGULATION OF FATS, OIL AND GREASE DISCHARGE

76C. REGULATION OF FATS, OIL AND GREASE DISCHARGED BY FOOD SERVICE ESTABLISHMENTS

76C.01. Purpose and Scope. Subdivision 1. The purpose of this ordinance shall be to aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of Fats, Oil, and Grease (FOG) into the Rochester sanitary sewer system. Such discharges from licensed Food Service Establishments (FSEs), where FOG of vegetable or animal origin are discharged directly or indirectly into the Publicly Owned Treatment Works (POTW), can contribute to line blockages and/or backups.

Subd. 2. This ordinance shall apply to all FSEs that are located within the limits of the City. FSEs located outside the City limits that receive sanitary sewer service from the Water Reclamation Plant (WRP) or that discharge any liquids or solids into the POTW shall be required to comply with this ordinance as a condition of continuing service.

76C.02. Definitions. Subdivision 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Subd. 2. "Best management practices (BMPs)" means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this Chapter, best management practices include procedures and practices that reduce the discharge of fat, oil, and grease (FOG) to the building sewer and to the POTW.

Subd. 3. "Design liquid depth" means the depth of liquid in the tank when it's at the normal operating level.

Subd. 4. "Effective date" means the date set forth in the ordinance creating and enacting this Chapter upon which the regulatory provisions of this ordinance take effect.

Subd. 5. "Food Service Establishment (FSE)" means an operation or enterprise subject to licensure by the Olmsted County Public Health, Minnesota Department of Agriculture, or other state licensed agencies, or an establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

Subd. 6. "Grease interceptor" means a device designed and installed so as to separate and retain fats, oils, and grease from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

Subd. 7. "Gravity grease interceptor" means a grease interceptor identified by volume,

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retention time, and gravity separation. For purposes of this ordinance, a gravity grease interceptor has a minimum volume of 1000 gallons, minimum two compartment tank, and typically located underground, usually outside of a building, that reduces the amount of FOG in wastewater prior to its discharge into the POTW.

Subd. 8. "Hydromechanical grease interceptor" means a grease interceptor that incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately. For purposes of this ordinance, a hydromechanical grease interceptor is a small grease capturing device, usually located within a building.

Subd. 9. "Non-routine inspection" means an impromptu, unscheduled inspection of an FSE made without prior notification or arrangement.

Subd. 10. "Person" means an individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

Subd. 11. "Publicly Owned Treatment Works (POTW)" means the publicly owned treatment works that is comprised of the sanitary sewer system, including treatment plant and collection infrastructure, operated by the City of Rochester's Public Works Department.

Subd. 12. "Routine Inspection" means an inspection of an FSE which is scheduled in advance or according to a pre-arranged schedule.

Subd. 13. "Water Reclamation Plant (WRP)" means an arrangement of devices and structures for treating wastewater and sludge, owned and operated by the City of Rochester Public Works Department.

Subd. 14. "WRP Manager" is the manager of the Water Reclamation Plant or his or her designee.

76C.03. Grease Interceptors. Subdivision 1. Waste pretreatment that complies with this ordinance is required before an FSE may discharge fats, oils, or grease into the POTW.

Subd. 2. Except as otherwise provided in this section, any FSE shall discharge all greasy waste from fixtures or sources in food preparation or cleanup areas, including floor drains, trough drains, floor sinks, mop sinks, and 3-compartment (scullery) sinks, through which fats, oils, or grease may be discharged into the POTW into a properly maintained and functioning grease interceptor that complies with the installation and sizing requirements of the Minnesota Plumbing Code as adopted by the State of Minnesota and in compliance with this ordinance.

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- A. When a gravity grease interceptor is installed, the discharge from commercial dishwashers, garbage disposals, and prep sinks shall also flow into the gravity grease interceptor.
- B. Commercial dishwashers not discharging into a gravity grease interceptor shall have an associated 3-compartment (scullery) sink installed to allow for the collection of greasy waste.

Subd. 3. Except as otherwise provided in this ordinance, new FSEs proposed or constructed after the effective date shall be equipped with a grease interceptor that complies with the requirements of the Minnesota Plumbing Code as adopted by the State of Minnesota and this ordinance prior to commencement of any discharge into the POTW.

Subd. 4. Any permitted construction shall be deemed compliant upon issuance of a certificate of compliance or certificate of occupancy for such construction by the City Building Official or designee.

Subd. 5. Except as otherwise provided in this ordinance, existing FSEs that are not equipped with a grease interceptor or that are equipped with a grease interceptor that does not comply with the most recent Minnesota Plumbing Code as adopted by the State of Minnesota, shall install a compliant grease interceptor on a date deemed appropriate by the WRP Manager after initial inspection of the FSE, when any of the following applies:

- A. An FSE within a building or facility that exists on the effective date and application is thereafter made for a building or plumbing permit for the expansion of the FSE within the facility; or
- B. The FSE discharges necessitate increased maintenance on the POTW in order to keep stoppages from occurring therein as determined by the WRP Manager; or
- C. An FSE is not adequately retaining FOG when quantities above FOG discharge limits of 100 milligrams per liter as found in reference to Standard Methods for the Examination of Water and Wastewater, Oil and Grease, method 5520.

Subd. 6. Existing FSEs that are not equipped with a grease interceptor shall pay a surcharge fee of \$50 per month for additional services required to remove and treat the addition of excessive FOG to the POTW.

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76C.04. Exemption from grease interceptor installation requirement. Any FSE that wishes to be exempt from a grease interceptor installation requirement, must file an exemption form with the WRP Manager who has the authority to approve the exemption if:

- A. The FSE is in a building or facility that operates multiple FSEs and a common gravity grease interceptor may be installed for the entirety of the building in which the building property owner is therein responsible and liable along with the owner of each FSE served by a grease interceptor for the servicing and maintenance of that grease interceptor; or
- B. Only catered meals are distributed and consumed and all dishes, pans, utensils, etc. are removed and cleaned at an approved facility with properly operating and sized grease interceptors; or
- C. Only pre-packaged foods are served and no oil, grease, or other products containing grease are washed down sinks or drains.

76C.05. Installation of grease interceptors. Grease interceptors required by this ordinance shall be installed in accordance with the Minnesota Plumbing Code as adopted by the State of Minnesota and as follows:

- A. Grease interceptors shall be installed at the expense of the building owner or operator of the FSE which is contributing wastewater to the POTW.
- B. All wastewater streams containing FOG within FSEs shall be directed into an appropriately sized grease interceptor before discharge to the POTW.
- C. Grease interceptors shall be designed, constructed, and installed in accordance with the Minnesota Plumbing Code as adopted by the State of Minnesota and in compliance with this ordinance.
- D. A plumbing permit and inspection is required for each grease interceptor installation made pursuant to this ordinance. The plumbing inspector shall review all relevant information regarding the rated performance of the grease interceptor and the building plan and facility site plan for the building and site where the grease interceptor has been installed, and shall approve such grease interceptor installation upon determination

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that the grease interceptor meets all requirements of the Minnesota Plumbing Code, as adopted by the State of Minnesota.

- E. Gravity grease interceptor installation is preferred over hydromechanical grease interceptors due to lower maintenance costs and better FOG removal as seen through installations at other municipalities with FOG programs. However, the FSE has the option to install the compliant grease interceptor of their choosing and will be required to maintain as specified in this ordinance.
- F. Hydromechanical grease interceptors shall be sized and installed in compliance with the requirements of the Minnesota Plumbing Code as adopted by the State of Minnesota and in accordance with this ordinance.
- G. Gravity grease interceptors shall be sized and installed in accordance with the requirements of the Minnesota Plumbing Code as adopted by the State of Minnesota and in accordance with this ordinance. Gravity grease interceptors shall have a minimum capacity of 1000 gallons and shall not exceed 3000 gallons for a single unit. Where a capacity greater than 3000 gallons is required, several smaller units shall be installed in series. If an FSE wishes to install a gravity grease interceptor smaller than 1000 gallons or larger than 3000 gallons, the owner of the FSE must file an exemption form with the WRP Manager with sufficient evidence that the interceptor can be cleaned and maintained properly.
- H. Gravity grease interceptors shall have access manholes with a minimum diameter of 24 inches over each chamber and sanitary tee. Access manholes shall extend from the gravity grease interceptor to at least the finished surface grade and be designed and maintained to prevent storm or surface water inflow and groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal. If an FSE wishes to install a gravity grease interceptor with manhole lids smaller than 24 inches, the owner of the FSE must file an exemption form with the WRP Manager with sufficient evidence that the interceptor can be cleaned and maintained properly.

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- I. Gravity grease interceptors shall be installed on private property and shall not be installed within a public right of way or public easement unless an application for a revocable encroachment permit is presented to and approved by the City Council.
- J. Gravity grease interceptors shall be designed and manufactured in accordance with the Minnesota Plumbing Code as adopted by the State of Minnesota and this section. Concrete tank gravity grease interceptors shall be constructed out of polymer concrete in order to decrease problems associated with corrosion or decaying of poured concrete in sanitary sewer applications.
- K. Gravity grease interceptors shall be designed, constructed, and installed for adequate AASHTO H-20 vehicle traffic load bearing capacity or greater regardless of installed location for safety purposes.
- L. Where gravity grease interceptors are shared by more than one FSE, the building owner shall be the responsible party for record keeping and maintaining of the interceptor.
- M. Sewer lines that are not grease laden, that are not likely to contain FOG, or that contain sanitary wastes shall not be connected to a grease interceptor.

76C.06. Operation, maintenance and cleaning of grease interceptors. Subdivision 1. The building owner or operator of an FSE that is required to pass wastewater through a grease interceptor shall operate and maintain the grease interceptor so that wastewater exiting the grease interceptor shall not exceed the discharge limit of one hundred (100) milligrams per liter of FOG or cause POTW buildup of FOG.

Subd. 2. The building owner or operator of the FSE shall cause the grease interceptor to be cleaned as hereinafter required when FOG and solids reach 25% of the design liquid depth of the grease interceptor, or sooner if necessary to prevent carry-over of grease from the grease interceptor into the POTW. If prior to cleaning, FOG and solids have exceeded 25% of the design liquid depth in the grease interceptor, cleaning frequency must be increased. At a minimum, all grease interceptors shall be cleaned and inspected at three month intervals.

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Subd. 3. FSEs that have an extended shutdown of operations or have a minimal discharge of grease may submit to the WRP Manager for an exception to clean their grease interceptor(s) at a frequency less often than every three months.

Subd. 4. All personnel cleaning a grease interceptor must complete the course of training offered by the WRP in the cleaning of grease interceptors and maintain certification.

Subd. 5. Any person who cleans a grease interceptor shall do so in accordance with the following procedures and requirements. The person cleaning the grease interceptor shall:

- A. Measure and record the depths of solids on the bottom and FOG on the top of the grease interceptor. Also record the total percent of FOG and solids compared to the design liquid depth.
- B. Completely empty and remove the contents (liquids and solids) of all vaults of the grease interceptor, and remove the grease mat and scrapings from the interior walls.
- C. Dispose of waste and wastewater removed from a grease interceptor at the WRP or at a facility approved for disposal of such waste. Waste and wastewater removed from a grease interceptor shall not be discharged to any public or private sanitary or storm sewer system.
- D. Not deposit waste and wastewater removed from a grease interceptor back into the grease interceptor from which the waste or wastewater was removed or into any other grease interceptor, for the purpose of reducing the volume of waste and wastewater to be disposed of.
- E. Not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease interceptor to dissolve or emulsify grease or as a grease abatement method. Introduction of bacteria as a grease degradation agent is permitted with prior written approval by the WRP Manager.
- F. Not use an automatic grease removal system to clean a grease interceptor without prior written approval of the WRP Manager, and if, the use of an automatic grease removal system is approved, shall operate same in a manner that the grease wastewater discharge limit, as measured from the system's outlet, is consistently achieved.

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Subd. 6. As part of each cleaning of a grease interceptor, the building owner or operator of the FSE, or the licensed waste hauler employed by the building owner or operator, shall perform the following maintenance activities:

- A. Check that the sanitary “tees” on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.
- B. Verify that the baffle is secure and in place.
- C. Inspect the grease interceptor for any cracks or other defects.
- D. Check that lids are securely and properly seated after completion of cleaning.
- E. Check that the flow restrictor is secure.
- F. Completely fill out the Cleaning and Maintenance Log Sheet provided by the WRP and kept at each FSE.

Subd. 7. The WRP Manager may make exceptions to the above requirements, or may approve alternative operational requirements or cleaning and maintenance methods, provided that such exceptions or approvals shall be made in writing by the WRP Manager.

76C.07. Records and record keeping. Subdivision 1. Required Records. The building owner or operator of an FSE which is required to pass wastewater through a grease interceptor shall maintain a written record of grease interceptor maintenance, including a log containing the dates upon which the grease interceptor was inspected and the dates upon which FOG waste and wastewater was removed from the grease interceptor and disposed of along with the percentage of FOG and solids of the design liquid depth. The log shall also contain the location and means of such disposal of waste and wastewater, the name and employer or the person or persons performing each of said tasks and any maintenance issues that required correction. FSE owners shall also record inspection of the grease interceptor to check for maintenance and cleaning issues and keep records in the same log.

Subd. 2. Record Keeping. The log shall at all times be kept and maintained, so as to show a record of inspections and waste and wastewater removal and disposal for a continuous period of three years. All such records shall be kept secure at the premises of the FSE for a continuous period of three years and shall be made available for non-routine inspection by the City, the WRP and its operating contractor, or the employees and agents of any of them at any time during normal business hours.

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76C.08. Inspection of grease interceptors and related sewers and equipment. The building owner or operator of an FSE which is required to pass its wastewater through a grease interceptor shall allow for an inspection by City personnel at least once a year and shall:

- A. Provide, operate and maintain, at its expense, safe and accessible monitoring facilities for sampling of the wastewater discharged from the grease interceptor or building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling.
- B. Allow personnel authorized by the WRP Manager or by the City Building Official or designee, bearing proper credentials and identification, to enter upon or into any building, facility or property housing an FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this division.
- C. Upon request by the WRP Manager, open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, including but not limited to, baffles, influent and effluent tees, and that all grease interceptors and related equipment and piping is maintained in efficient operating condition.
- D. Accommodate compliance inspections and sampling events by the WRP Manager or of the city building official. The WRP Manager may conduct routine inspections and sampling events of any FSE. Non-routine inspection and sampling events shall occur more frequently when there is a history of noncompliance with this ordinance and when blockages occur in the city's sanitary sewer system downstream of the FSE.

76C.09. Best Management Practices. All persons disposing of FOG shall use the following best management practices:

- A. Train all kitchen staff on proper fats, oil, and grease management.

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- B. Scrape dishes and pans or “dry wipe” before putting them in the sink or dishwasher.
- C. Place food scraps from dishes into trashcans and garbage bags and dispose of properly.
- D. Never pour grease, oils, oily sauces, syrups, or dressing down the drain.
- E. Never “hot flush” oil and grease down sinks and drains.
- F. Dispose of FOG in covered collection containers;
- G. Have FOG picked up by a certified hauler for disposal.
- H. Allow FOG to cool first before it is skimmed, scraped, or wiped off of all preparation and servicing surfaces;
- I. Cover the kitchen sink drain and floor drain with screening and empty debris into the garbage as needed;
- J. Recycle used fryer oil.
- K. Inspect and clean grease interceptors regularly.
- L. Keep records for all FOG related cleaning, maintenance and inspection.
- M. Never discharge any material removed from a grease interceptor into the sanitary sewer line.
- N. Do not pour chemical or additives into the grease interceptor.

76C.10. Fees. The Manager of the Water Reclamation Plant is hereby authorized under this ordinance to assess and collect fees in the amounts and according to the procedures set forth in this section. The fees provided for in this subdivision are separate and distinct, and in addition to any other fee assessed by the POTW.

- A. Reinspection fees. An FSE that is attempting to gain compliance with an outstanding notice of violation shall pay a reinspection fee of \$100.00 to

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the Water Reclamation Plant for the first reinspection, \$200.00 for the second reinspection and \$300.00 for each subsequent reinspection needed to confirm that the violation has been corrected. The reinspection fees are in addition to any other enforcement action to compel compliance with this article.

- B. Surcharge fees. Any FSE that does not have a grease interceptor installed shall pay a \$50.00 per month surcharge fee for additional services required to remove and treat the addition of excessive FOG to the sewer system. The fee will be assessed on the FSE's monthly utility bill.
- C. Exemption application fees. Any FSE that files for an exemption from installation of a grease interceptor must submit an exemption form and all necessary supporting documents along with a one-time exemption application fee of \$50.
- D. Notice of Violation. Any FSE that has been issued a Notice of Violation shall submit a correction plan to the satisfaction of the WRP Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. The FSE is subject to fines and a violation correction process as outlined in City Ordinance 76A.
- E. Failure to Maintain. Grease interceptors shall be inspected, cleaned, maintained, and properly recorded in accordance with the provisions of this ordinance. Any FSE violating this section may be issued an administrative citation under RCO chapter 5. The administrative civil fine provided in this section is in addition to any other fees.

76C.11. Enforcement. The WRP Manager is authorized to enforce this ordinance as hereinafter provided. This shall not be construed to prohibit any other City officer, including the City Engineer and Building Official, from enforcing the provisions of this ordinance related to their specific functions. The city building official or designee, or such other governmental official hereafter designated by the WRP, is also authorized to enforce this ordinance.

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76C.12. Falsifying Information. No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance. No person shall tamper with or knowingly render inaccurate any monitoring device or method required under this Ordinance.

76C.13. Service of Notice of Violation. Whenever the WRP Manager or other City official determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, they shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Include a statement of the violation or violations for which the notice is being issued;
- D. Specify a reasonable time for the performance of any act it requires; and
- E. Be served upon the owner or the operator of the FSE as the case may require. Such notice shall be deemed to be properly served upon such owner, operator, or occupant if personally served on any of them; or if a copy is left at the location of the FSE with a person of suitable age and discretion; or by depositing in the United States Post Office, the notice addressed to the owner at the owner's last known address with postage prepaid thereon; or if service cannot be made by any one of the above means then such notice shall be deemed served if a copy of such notice be posted and kept posted for 48 hours in a conspicuous place on the premises affected by such notice. Such notice may contain an outline of remedial actions, which if taken, will effect compliance with the provisions of this ordinance.

76C.14. Violations. Subdivision 1. No owner or operator of an FSE shall, except when an exception has been granted by the WRP Manager, do any of the following:

- A. Operate an FSE without a compliant grease interceptor;
- B. Fail to maintain the grease interceptor as required by this Chapter;
- C. Fail to keep records related to the maintenance of the grease interceptor;

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- D. Knowingly make any false statements, representation or certification in any application, maintenance record, or other document filed or required to be maintained pursuant to this Chapter; or
- E. Fail to comply with the provisions of a notice of violation or conditions of an exception issued by the WRP Manager.

Subd. 2. Violations of this ordinance shall be a misdemeanor.

76C.15. Additional remedies. The WRP or the City is not precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief or for recovery of investigational or remedial costs resulting from a non-complying discharge. Nothing in this Chapter shall be construed to require that formal charges be brought in order for the City to pursue its other civil remedies.

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