

GWINNETT COUNTY FATS, OILS AND GREASE ("FOG")
REGULATION ORDINANCE

TABLE OF CONTENTS

- Section 1. Section 5-2016.1. Short Title.**
- Section 2. Section 5-2016.2. Policy Statement.**
- Section 3. Section 5-2016.3. Definitions.**
- Section 4. Section 5-2016.4. Requirements.**
- Section 5. Section 5-2016.5. Prohibition.**
- Section 6. Section 5-2016.6. Penalties.**
- Section 7. Section 5-2016.7. Grease Trap Regulations – New Facility.**
- Section 8. Section 5-2016.8. Grease Trap Regulations – Existing Facility.**
- Section 9. Section 5-2016.9. Grease Trap Maintenance.**
- Section 10. Section 5-2016.10. Record Keeping by Originator.**
- Section 11. Section 5-2016.11. Grease Trap Inspections by Department of Water Resources**
- Section 12. Section 5-2016.12. Notice of Violation (NOV) by Department of Water Resources.**
- Section 13. Section 5-2016.13. Savings Clause.**
- Section 14. Section 5-2016.14. Authority to Adopt.**
- Section 15. Section 5-2016.15. Severability.**
- Section 16. Section 5-2016.16. Repeal of Prior Code Sections.**
- Section 17. Section 5-2016.17. Code of Gwinnett County.**
- Section 18. Section 5-2016.18. Effective Date.**

**GWINNETT COUNTY FATS, OILS AND GREASE ("FOG")
REGULATION ORDINANCE**

RECITALS

WHEREAS, the Board of Commissioners finds that thousands of tons of fats, oils and grease are generated by commercial, industrial and residential originators in Gwinnett County each year; and

WHEREAS, the Board of Commissioners has determined that fats, oils and grease are pollutants that are regulated by state and federal law; and

WHEREAS, fats, oils and grease that reach the county sewage collection and treatment system pose particular problems that hinder the efficiency of the county's sewer mains, lift stations and wastewater reclamation plants; and

WHEREAS, fats, oils and greases that are introduced into the county wastewater system may either interfere with the operation of the system or contaminate the resulting residual solids; and

WHEREAS, fats, oils and greases that are introduced into the county wastewater system may pass through the system, inadequately treated, into any waters of the state, into the atmosphere, or may otherwise be incompatible with the county wastewater system; and

WHEREAS, to promote reuse and recycling of industrial wastewater and residual solids from the county wastewater system; and

WHEREAS, to protect county personnel who may be affected by sewage, residual solids, and effluent in the course of their employment and to protect the general public; and

WHEREAS, to provide for equitable distribution of the cost of acquisition, operation, maintenance and improvement of the county wastewater system; and

WHEREAS, pollutants must not be disposed into waters of the county, waters of the state of Georgia or waters of the United States except by permit required by the Federal Clean Water Act, as amended, or by the state of Georgia Water Quality Control Act, as amended; and

WHEREAS, Gwinnett County is required by permit conditions in its NPDES permits under the federal Clean Water Act and the Georgia Water Quality Control Act to correct current and future water quality problems, including problems affecting the capacity, management, operation and maintenance of the

county sewage collection and treatment system that may be caused by improper disposal of fats, oil and grease; and

WHEREAS, to ensure that the county complies with its NPDES and nondischarge permit conditions, residual solids use and disposal requirements, and any other federal or state laws and Consent Orders to which the county wastewater system is subject.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Gwinnett County that the following Amendments are to be made to the Gwinnett County Sewer Use Ordinance, Code of Ordinances Appendix B, such Amendments to be known as the Gwinnett County Fats, Oils and Grease ("FOG") Ordinance:

Sec. 5-2016.1. Short Title: This division shall be known and may be cited as the "Gwinnett County Fats, Oil and Grease ("FOG") Ordinance.

Sec. 5-2016.2. Policy Statement. The Gwinnett County Board of Commissioners hereby declares that the objective of this Ordinance is to aid in preventing the introduction and accumulation of fats, oils, and greases into the County wastewater system which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils or greases are subject to this Ordinance. This Ordinance regulates such originators by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof.

Sec. 5-2016.3. Definitions: Those definitions set forth in O.C.G.A. §12-15-20, in Ga. Comp. R. & Regs. r. 391-3-6-.24(2), and in the Gwinnett County Sewer Use Ordinance, Gwinnett County Code of Ordinances, Appendix B, Section 5-2001, all as may be amended from time to time, are adopted and are incorporated by reference into this Ordinance as if fully set forth herein. In addition to the terms defined in said Section 5-2001, the following terms shall apply to the FOG Ordinance:

(a) "DWRSSS" shall mean the current Gwinnett County Department of Water Resources Sanitary Sewer Standards as may be amended from time to time.

(b) "30% Rule" The "30% Rule" requires that the depth of both bottom solids and oil/grease in a trap shall not equal or be greater than 30% of the total operating depth of the trap. The operating depth of a trap is the internal depth from the inlet or outlet water elevation to the bottom of the trap.

(c) "Food Service Establishment" means and includes establishments for the preparation or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes but is not limited to restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunch rooms; places manufacturing, wholesaling, or retailing sandwiches, salads or other fast foods; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; and similar facilities by whatever name called.

(d) "Grease trap" means a device in which the grease content of non-sanitary sewage is intercepted and congealed, and from which grease is removed for proper disposal. The terms "grease trap" and "grease interceptor" shall be interchangeable.

Sec. 5-2016.4. Requirements:

(a) All food-establishments that discharge to the POTW shall provide a grease trap or interceptor as indicated below. Additionally, the Director may require any originator who generates a wastewater which contains greater than 200mg/L FOG to install a grease trap.

(b) All grease traps and interceptors shall be emptied of all material, including solids and liquids, each time these are serviced. Partial pumping, including skimming, is strictly prohibited. All grease traps and interceptors shall be serviced as specified in Section 5-2016.9 of this FOG Ordinance. All grease traps and interceptors shall be serviced by a state licensed hauler and a completed manifest shall be kept on site by the originator for every service event. All grease waste shall be taken to a licensed and approved disposal facility for disposal and in no manner shall any grease trap or interceptor contents be discharged by a hauler to the Gwinnett County collection system, either sewer or stormwater. Any violation may result in full prosecution under all applicable state and local laws and ordinances on the first offense.

(c) All facilities installed by any originator pursuant to this FOG ordinance shall comply with all other County ordinances and with all building codes that may be enforced in the County from time to time.

Sec. 5-2016.5. Prohibition: Those discharges that are prohibited pursuant to Gwinnett County Code of Ordinances Section 5-2003, "Discharge Prohibitions," are also prohibited by this FOG Ordinance.

Sec. 5-2016.6. Penalties:

(a) Violations: Violating any provisions of Section 5-2016.5 for a total of three (3) violations within 18 months shall be punishable by a fine for each successive violation not to exceed \$1,000.00. Additionally, any originator violating any provision of this FOG Ordinance may be liable to pay restitution in the discretion of the court for:

- 1) The total cost incurred by the county to repair or replace facilities damaged as a result of the violation.
- 2) Any injury or damage to person or property or loss of services resulting from the violation.

(b) Abnormal Occurrences: If in the judgment of the Director, an originator is causing or may cause water pollution to such an extent as to be or become dangerous to the public health, safety or welfare, the Director may require such corrective measures as may be necessary for the protection of the public on an emergency basis, and shall have the power and authority to cause all operation of the originator to cease until appropriate corrective measures have been taken by issuing an order to the owner or operator thereof directing the cessation of the operation, or by ordering the utility providing water service to the originator to cease providing such service.

Sec. 5-2016.7. Grease Trap Regulations - New Facility.

(a) Grease Trap Requirements: All food establishments discharging wastewater containing FOG to the POTW shall install, operate, and maintain at their own expense a sufficiently sized grease trap necessary to achieve and maintain compliance as indicated below. Installation and maintenance shall conform to the current Gwinnett County Department of Water Resources Sanitary Sewer Standards ("DWRSSS").

1. Outdoor Grease Traps: New food establishments shall have a grease trap as outlined in the DWRSSS. A size variance may be issued in an extreme case but shall be verified and documented by inspection. The size variance shall conform to DWRSSS size variance guidelines and is subject to approval by the Director. All scullery sinks, mop sinks, floor drains, dishwashers, hub drains and open receptacles shall drain into the outside grease trap.
2. Outdoor Grease Trap Design: Outdoor grease trap design and installation shall conform to the DWRSSS. The trap shall be located for easy access for originator cleaning, pump-out, and official inspection. Dishwasher and food grinder wastewater should be discharged through a suitably sized solids interceptor prior to the emptying into the outdoor grease trap.

3. Indoor Grease Traps: All indoor grease trap design and installation shall conform to the DWRSSS. All scullery sinks shall discharge into an indoor grease trap.
4. Mechanical Grease Traps: Mechanically operated grease traps (Big Dipper, skimmers, etc.) may not be used by any originator tied to the POTW collection system.
5. Prohibited Discharge: It is prohibited to discharge the following materials into an indoor grease trap:
 - (i) Wastewater with a temperature higher than 120 degrees Fahrenheit.
 - (ii) Acid or caustic trap cleaners.
 - (iii) Any discharge from a dishwasher without approval from the Director.

(b) Sampling Point: To allow for observation, sampling, and measurement of wastewaters, a sampling point on the effluent discharge side of the grease trap, as required by the DWRSSS, shall be provided at originator's expense. The sampling point shall be maintained and kept safe and accessible to the County at all times.

(c) Variances: All originators tied to the Gwinnett County collection system shall install a minimum 1500 gal exterior grease interceptor. Variances may be granted if the originator can show that they discharge a limited amount of FOG during all aspects of their operation. If a variance is granted, a minimum of a 100 lb. grease trap shall be installed along with an effluent test point that meets the testing requirements of the Gwinnett County grease program. If at any time the originator exceeds the Gwinnett County discharge limit, the originator may be required to upgrade to a minimum of a 1,500 gal outdoor interceptor at the originator's expense. The originator may also be subject to any fines or penalties associated with the illegal discharge at the discretion of the Director.

Sec. 5-2016.8. Grease Trap Regulations – Existing Facility.

(a) Upgrade: If a food establishment in existence prior to codification of this ordinance has no grease trap or, as documented by inspection, it is determined that the current grease trap is insufficient for the volume of food service waste being treated, the Director may require that the establishment upgrade to an adequately sized grease trap and sampling point as outlined in Section 5-2016.7 above.

(b) Best Management Practices (BMP's): In order to enhance the overall efficiency of the grease trap, food establishments should implement BMP's to reduce FOG and solids loading to their grease trap. Examples of BMP's are:

1. Scrape food from pots, pans, plates and utensils into a garbage can.
2. Installation of a solid waste interceptor.
3. Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. The catch basin should be cleaned into a garbage can as needed.
4. Pour all liquid grease and oil from pots and pans into a waste grease bucket stored at the pot-washing sink. Heavy solids buildup of oil and grease on pots and pans should be scraped off into the waste grease bucket.

Sec. 5-2016.9. Grease Trap Maintenance.

(a) General: All grease traps shall be maintained by the owner so as to be in continuously efficient operation. Maintenance shall include the complete removal of all contents by a properly licensed waste hauler. Top skimming, decanting or back flushing of the grease trap or its waste is prohibited. Further, the discharge of liquid, semi-solids, or solids into a grease trap from vehicles after servicing is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system. Cleaning and maintenance of all grease traps shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets, both T's and the cover. Recyclable fats, oils and greases shall not be discharged into the POTW. Any violation in the removal of grease waste shall result in prosecution under state law. Maintenance shall be performed at frequencies as required by Paragraph 1 and 2 below.

1. Outdoor Grease Interceptor: Maintenance shall be performed at intervals of not less than once every 90 days and as required by the "30% Rule". Any solids interceptor should be emptied and cleaned daily. Outdoor grease interceptors shall have a minimum of 1,500 gallon capacity.
2. Indoor Grease Trap: Maintenance shall be performed at intervals not less than once every 30 days. A variance is required to operate an indoor grease trap in place of a 1,500 gallon minimum outdoor interceptor. Indoor grease traps shall have a minimum of 100 lb

capacity. Any current originator tied to the Gwinnett County collection system that currently operates an indoor grease trap, regardless of size, shall prove to the satisfaction of the Director that they are not discharging illegally or upgrade to a 1,500 gallon minimum outdoor grease interceptor. Originators may not operate indoor grease traps with a capacity less than 100 lbs. A solids interceptor tied to an indoor grease trap should be emptied and cleaned daily.

Pumping Variance: Variances may be granted if the originator can prove at their expense to the Director's satisfaction that the discharge from the originator's grease trap or interceptor is meeting the county's discharge limit up to 180 consecutive days for outdoor grease interceptors or 120 consecutive days for indoor grease traps.

(b) Additives: It is specifically prohibited to use any additive, such as enzymes, chemicals, or bacteria as a substitute for grease trap maintenance. The direct addition of such additives to a grease trap is also prohibited.

(c) Waste Removal: The originator shall be responsible for the proper removal and legal disposal of the grease trap waste. All waste removed from each grease trap shall be tracked by an approved 3 part manifest and the contents shall be disposed of at a facility permitted to receive such waste. In no manner shall any grease trap contents be discharged to the Gwinnett County sewer or stormwater system.

(d) Manifest Transmittal: The originator shall maintain a legible copy of the completed 3-part manifest on site for each service event. Failure to provide all manifests for review by Gwinnett County grease inspectors shall result in a \$200.00 fine per violation at the discretion of the Director.

Sec. 5-2016.10. Record Keeping by Originator. It shall be a violation of this ordinance for an originator to allow the removal of their grease trap waste without documentation by an approved 3-part manifest. The originator shall be responsible for maintaining a copy of these manifests on site for a period of Three (3) years and subject to the Director's review without prior notification. The manifest shall contain the information listed below:

Food Service Establishment

- Facility Name, Address, and Telephone Number
- Trap Type and Size
- Date and Volume Removed from the Trap
- Authorized Signature (verifying the grease trap was cleaned and in operable condition)

Service Company Information (Waste Hauler)

- Pumper Name, Address, and Telephone Number

Pumper Permit Number
Date and Volume Removed from the Trap
Disposal Method
Authorized Signature of Pumper

Disposal Site

Facility Name, Address, and Telephone Number
Facility EPD Permit Number

Date and Volume Received
Authorized Signature Verifying Receipt of Waste

Sec. 5-2016.11. Grease Trap Inspections by Department of Water Resources.

(a) Inspection: Inspection of a grease trap shall be performed according to the "30% Rule" as defined herein.

(b) Failed Inspection: If a grease trap fails the initial inspection, the inspector may notify the originator that the grease trap shall be cleaned out within Seven (7) calendar days. After 7 calendar days, the grease trap should be re-inspected.

(c) Failed Re-Inspection: If at the first re-inspection, the grease trap is found to still be in non-compliance, a Notice of Violation (NOV) may be issued and the originator may be told that the grease trap shall be cleaned **immediately**. After Three (3) working days (Monday through Friday, inclusive), the grease trap may be re-inspected.

(d) Mechanical Grease Traps: Mechanically operated grease traps may not be used by any originator tied to the Gwinnett County collection system.

Sec. 5-2016.12. Notice of Violation (NOV) by Department of Water Resources.

(a) Issue of Notice of Violation (NOV): As outlined in Section 5-2004(b)(9) of the Gwinnett County Code of Ordinances, whenever the Director discovers a violation of any provision of this ordinance, a written NOV may be issued to the originator. If satisfactory remedy has occurred within the time frame specified in the NOV, the requirement for a written explanation of the violation and a plan for satisfactory correction and prevention by the originator may be waived by the Director.

(b) Disregard of Notice of Violation (NOV): If an originator served with a NOV fails to initiate/complete corrective action within the time frame specified within the NOV, the Director may pursue one or more of the following options:

1. Have the grease trap pumped and place the appropriate charge on the originator's monthly sewer/water bill.
2. Terminate water and sewer service to the establishment.
3. File an appropriate action in the courts to compel compliance.
4. Any combination of the above enforcement actions.

Sec. 5-2016.13. Savings Clause. All other provisions of the Gwinnett County Sewer Use Ordinance, Gwinnett County Code of Ordinances Appendix B, Sections 5-2001 through 5-2015, inclusive, other than those provisions that are expressly amended as set forth herein, shall continue in full force and effect.

Sec. 5-2016.14. Authority to Adopt. Gwinnett County has authority to adopt this Ordinance pursuant to the Georgia Constitution, Article IX, Section II, Paragraph I(a) and Article IX, Section III, Paragraph a)(6) and to express authority delegated by the Georgia General Assembly in O.C.G.A. §12-15-24.

Sec. 5-2016.15. Severability. If the provisions of any Article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any Article, section, subsection, paragraph, subdivision or clause of this Ordinance.

Sec. 5-2016.16. Repeal of Prior Code Sections. All other prior Code sections and all ordinances or parts of ordinances that may be inconsistent with the terms and conditions of this Ordinance are hereby repealed.

Sec. 5-2016.17. Code of Gwinnett County. It is the intention of the Gwinnett County Board of Commissioners and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Gwinnett County, Georgia. The provisions of Section 1 through Section 18, inclusive, of this Ordinance shall be codified as Gwinnett County Code of Ordinances Section 5-2106.1 through 5-2016.18, inclusive.

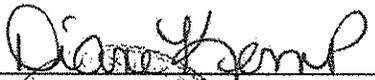
Sec. 5-2016.18. Effective Date. This Ordinance shall become effective upon adoption by the Gwinnett County Board of Commissioners on the date set forth below.

BE IT RESOLVED this 20th day of May, 2008.

BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA

By: 
CHARLES BANNISTER, CHAIRMAN

ATTEST:


DIANE KEMP
COUNTY CLERK
[SEAL]

APPROVED AS TO FORM:


FORREST FIELDS
SENIOR ASSISTANT COUNTY ATTORNEY