

ORDINANCE NO. C2013-9

AN ORDINANCE CONCERNING INDUSTRIAL LIQUID WASTE; AMENDING SECTION 8-5-2 AND ENACTING SECTION 8-5-7 OF THE MUNICIPAL CODE OF THE CITY OF GALLUP AS FOLLOWS:

8-5-2: DEFINITIONS: (IS AMENDED TO READ AS FOLLOWS)

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Definitions:

- a) **ACT:** Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- b) **BOD:** The value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- c) **CITY:** The City of Gallup, New Mexico, its city council and all of its officers.
- d) **COD:** The value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
- e) **EPA:** The United States Environmental Protection Agency.
- f) **FATS, OILS AND GREASES (FOG):** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."
- g) **GARBAGE:** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storing and sale of produce.
- h) **GENERATOR:** Any person or entity that discharges FOG, or other prohibited discharge or owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.
- i) **GREASE INTERCEPTOR:** An appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and grease (FOG) from a wastewater. There are two types of Grease interceptors, Gravity Grease Interceptors and Hydro-mechanical Grease Interceptors. For purposes of this ordinance, the terms "trap" and "grease interceptor" may be used interchangeably.
- j) **GREASE INTERCEPTOR, GRAVITY:**

Gravity Grease Interceptor: A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity Grease Interceptors are generally installed outside.

k) GREASE INTERCEPTOR, HYDROMECHANICAL:

Hydro-mechanical Grease Interceptor: A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydro mechanical separation, interior baffling, and/or barriers in combination or separately, and an External flow control, with air intake (vent).

l) GREASE REMOVAL DEVICE (GRD): Any hydro mechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the interceptor, the control of which are either automatic or manually initiated.

m) GREASE WASTE: Material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

n) FOG DISPOSAL SYSTEM: A grease interceptor that reduces nonpetroleum fats, oils, and grease (FOG) in effluent by separation, and mass and volume reduction.

o) INDIRECT DISCHARGE or DISCHARGE: The introduction of pollutants into a POTW from any non-domestic source.

p) INDUSTRIAL LIQUID WASTES: All of the waterborne solids, liquids and gaseous wastes resulting from any industrial manufacturing, food processing operation or other similar commercial processes, other than that from eating establishments, service stations, garages, hospitals, schools, laundries and launderettes. Wastewaters generated in the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage is also considered an industrial liquid waste. Industrial manufacturing processes shall include, but not be limited to, those that are defined in this chapter and accessories; food and allied products; tobacco products; textile mill products; apparel and other finished products made from fabrics and similar materials; lumber and wood products, except furniture; furniture and fixtures; printing, publishing, and allied industries; chemicals and allied products; petroleum refining and related industries; rubber and miscellaneous plastics products; leather and leather products; stone, clay, glass, and concrete products; primary metal industries; fabricated metal products except as otherwise defined in this chapter; machinery and transportation equipment; machinery, except electrical; electrical machinery, equipment and supplies;

transportation equipment; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; miscellaneous manufacturing industries.

q) **INTERFERENCE WITH ANY WASTEWATER FACILITY:** A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's NPDES permit, or permits issued by other jurisdictions for the operation of the POTW and associated processes.

r) **NORMAL DOMESTIC WASTEWATER:** The normal domestic wastewaters in the city sanitary sewer system and those waterborne wastes normally discharged from the sanitary conveniences of buildings, apartment houses, eating establishments, hotels, laundrettes, laundries, hospitals, schools, garages, service stations, office buildings, factories and institutions for which a sanitary sewer service rate/charge is assessed; these wastewaters to be substantially free of storm surface waters and industrial liquid wastes. "Normal untreated domestic wastewater" is defined as having an average biochemical oxygen demand not in excess of two hundred twenty five milligrams per liter (225 mg/l), a chemical oxygen demand not in excess of four hundred fifty milligrams per liter (450 mg/l) and a suspended solids concentration not in excess of two hundred milligrams per liter (200 mg/l).

s) **pH:** The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

t) **POTW or PUBLICLY OWNED TREATMENT WORKS:** A treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

u) **SANITARY SEWER:** The portion of the POTW that receives and transports normal domestic wastewaters, but to which storm, surface and ground waters are not intentionally admitted.

v) **SEWER SERVICE LINE:** The pipe that extends from the POTW collection system to the user's application, building, or facility, and typically is located on the user's private property. The sewer service line is maintained by the user up to and including the point of connection to the City's sewer system which is the main collection line in the street/alley/public right-of-way that includes manhole installation in its construction.

w) **STANDARD METHODS:** The laboratory procedures set forth in the latest edition (at the time of analysis) of "Standard Methods For The Examination Of Water And Wastewater", as prepared, approved and published jointly by the American Public Health Association and American Water Works Association and the Water Pollution Control Federation.

x) **STORM SEWER:** A sewer that carries storm and surface waters and drainage, but that excludes normal domestic wastewaters and industrial liquid wastes.

y) **SUSPENDED SOLIDS:** The total suspended matter (non-filterable residue) in a wastewater, effluent or polluted water, as determined by methods described in standard methods, the results of this test to be given in milligrams per liter (mg/l).

z) **TRANSPORTER or USER:** means a person, or entity, who collects, transports and/or disposes of sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, trap waste, or grease trap or grease interceptor waste. Also, any person, including those located outside the jurisdictional limits of the city, who contributes causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

aa) **TRAP:** A device for retaining sand, silt, grit, mineral material, petroleum solvents, grease or oil by gravity differential separation from a wastewater. For purposes of this ordinance, the terms "trap" and "grease interceptor" may be used interchangeably.

bb) **TSS:** The value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

cc) **UNPOLLUTED PROCESS WATER:** Any water, uncontaminated cooling water or liquid waste that does not contain free or emulsified grease or oil; acid or alkali; phenols or other substances impairing taste and odor to a receiving water; toxic substances in suspension, colloidal state or solution; and noxious or odorous gases.

dd) **WASTEWATER:** Any and all of the used water of the city, including normal domestic wastewaters and industrial liquid wastes, but not storm and ground waters. Wastewater may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

ee) **WASTEWATER FACILITIES:** All of the elements of the city sewerage system, including sewers, structures, equipment, processes and wastewater treatment units required to collect, transport and treat normal domestic wastewater and industrial liquid wastes and to dispose of effluent.

ff) **WASTEWATER TREATMENT WORKS:** An arrangement of devices and structures for treating wastewater, industrial liquid wastes and sludge from these

wastewaters; wastewater treatment works is sometimes used as synonymous with waste treatment plant or sewage treatment plant. (Ord. C66-113, 1-30-1974; amd. 2006 Code)

8-5-7: GREASE INTERCEPTOR/TRAPS FOR CONNECTIONS TO PUBLICLY OWNED TREATMENT WORKS: (IS ENACTED AS FOLLOWS)

8-5-7-A Purpose and Policy:

This sets forth uniform requirements for users of the Publicly Owned Treatment Works to capture and dispose of (FOG) and enables the City to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C., § 1251, *et seq.*; and the General Pretreatment Regulations, Title 40 C.F.R. Part 403, and to protect the POTW. The objectives of this ordinance are:

1. To prevent the introduction of FOG into the Publicly Owned Treatment Works that will interfere with its operation;
2. To prevent the introduction of FOG into the Publicly Owned Treatment Works that could pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To prevent sanitary sewer overflow (SSO), where sewer water flows out of a manhole cover and along the ground. These overflows can then contaminate the ground, local water bodies and any property that the sewerage comes into contact with.
4. To promote reuse and recycling of waste grease (FOG) from the Publicly Owned Treatment Works;
5. To enable the City to comply with Federal, State and local Pollutant Discharge limits.

8-5-7-B Applicability and Prohibitions

1. This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section II of this Ordinance.
2. Grease Interceptors shall not be required for residential users, except Grease Interceptors shall be required for home based businesses.
3. The ordinance shall apply to both new and existing facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease interceptors. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility, including home based businesses preparing, serving, or otherwise making any foodstuff available for consumption.

4. No user may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

8-5-7-C Installation and Maintenance Requirements

1. Installations

- a. **New Facilities.** Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- b. **Existing Facilities.** Existing grease interceptors must be operated and maintained in accordance with this ordinance, and with the manufacturer's recommendations and in accordance with these standards, unless specified in writing and approved by the POTW.
- c. Grease interceptors shall be designed and maintained to limit the discharge to a maximum limit of 100mg/l and to ensure no visible FOG is observable at the discharge into the POTW.
- d. All grease interceptors will be installed in the sewer service line.
- e. All grease interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

2. Cleaning and Maintenance:

- a. Grease interceptors shall be maintained in an efficient operating condition at all times.
- b. Each grease interceptor when cleaned shall be fully evacuated.

3. Self-Cleaning; Hydro-mechanical Grease interceptors only.

- a. Grease interceptor self-cleaning operators must receive approval from the POTW to remove grease from their own grease hydro-mechanical grease interceptors.

The following conditions shall apply:

- i) the grease interceptor is no more than 100 GPM size.
- ii) proper on-site material disposal methods are implemented (e.g. absorb liquid into solid form and dispose into trash);
- iii) the local solid waste authority allows such practices;
- iv) grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
- v) detailed records on these activities are maintained.

b. Grease interceptor self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

- i) Business name and street address;
- ii) Grease interceptor operator name, title, and phone number;
- iii) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease interceptor; and
- iv) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

c. Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

- i) Date the grease trap/interceptor was serviced;
- ii) Name of the person or company servicing the grease trap/interceptor;
- iii) Waste disposal method used;
- iv) Gallons of grease removed and disposed of;
- v) Waste oil added to grease interceptor waste; and
- vi) Signature of the operator after each cleaning that certifies that all grease was removed; disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

d. Violations incurred by grease interceptors' self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

4. **Cleaning Schedules**

a. Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

b. Grease interceptors shall be completely evacuated a minimum of every thirty (30) days, or more frequently when:

i) twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

ii) the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or

iii) if there is a history of non-compliance.

c. Any person who owns or operates a grease interceptor may submit to the POTW a request in writing for an exception to the thirty (30) day cleaning frequency of their grease interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:

i) the grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, or

ii) less than twenty-five (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases

d. In any event, a grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 90 days.

5. **Manifest Requirements**

a. Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes.

b. Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

i) Name, address, telephone, and commission registration number of transporter;

ii) Name, signature, address, and phone number of the person who generated the waste and the date collected;

c. type and amount(s) of waste collected or transported;

i) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

d. date and place where the waste was deposited;

i) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;

ii) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

e. the volume of the grease waste received; and

i) a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

f. Manifests shall be divided into five parts and records shall be maintained as follows.

i) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

ii) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.

iii) One part of the manifest shall go to the receiving facility.

iv) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

v) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

vi) One part of the manifest shall go to the local authority.

vii) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

viii) Alternative Treatment as approved by the POTW.

6. Bioremediation:

Bioremediation media shall only be used with approved Fog Disposal Systems ASME A112.14.4

7. Compliance and Penalties:

All testing designed to satisfy the criteria set forth in Section III (f) (3) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

8. Prohibited Practices:

No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

9. Compliance Monitoring:

a. Right of Entry. The POTW shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

i) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW will be permitted to

enter without delay for the purposes of performing specific responsibilities.

- ii) The POTW shall have the right to set up on the users' property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the users' operations.
- iii) The POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices complying with PDI G102. The facility's monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.
- iv) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.
- v) Unreasonable delays in allowing the POTW access to the users' premises shall be a violation of this ordinance.

b. Search Warrants. If the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, then the POTW may seek issuance of a search warrant.

8-5-7-D Amortization of Nonconforming Existing Facilities and Credit for Early Compliance.

1. Upon the passage, publication and the effective date of adoption of this ordinance, nonconforming existing facilities shall comply as follows:

a. Expansion or Remodel. Any expansion, remodel or other alteration of a nonconforming existing facility will require full compliance with this ordinance.

b. Lapse. Should the nonconforming existing facility discontinue or abandoned operation of a business for a period of six (6), the same shall not reopen without full compliance with this ordinance.

c. Amortization. Any ongoing nonconforming existing facility that continues with the operation of a business shall conform within two (2) years of the date of adoption of this ordinance.

d. Credit for Early Compliance. Any business which has an existing facility generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service which is covered by this ordinance, and installs a new

grease interceptor to conform to this ordinance prior to the end of the two year amortization shall be entitled to the following credit on its/their City of Gallup utility bill:

- i) Within four (4) months of the effective date – up to 50% of the cost, not to exceed a total credit of \$2,000.00.
- ii) Between five(5) months and eight (8) months of the effective date - up to 40% of the cost, not to exceed a total credit of \$1,500.00.
- iii) Between nine (9) months and eighteen (18) months of the effective date - up to 30% of the cost, not to exceed a total credit of \$1,000.00.
- iv) Between eighteen (18) months and the two (2) year deadline of the effective date - up to 15% of the cost, not to exceed a total credit of \$500.00.

8-5-7-E Schedule of Penalties

1. If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services. The generator shall also be required to reimburse the City of Gallup for all costs associated with testing/inspection and cleanup of blockages and spills.

2. Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service. The generator shall also be required to reimburse the City of Gallup for all costs associated with testing/inspection and cleanup of blockages and spills.

8-5-7-F Judicial Enforcement Remedies

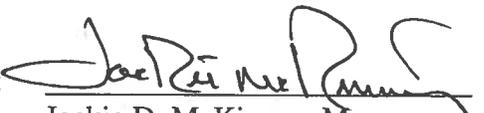
1. **Injunctive Relief.** When the POTW finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the POTW may petition the Eleventh Judicial District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The POTW may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO, that:

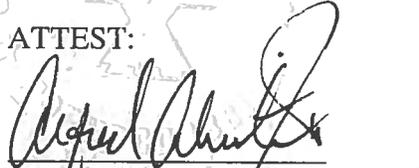
This ordinance shall become effective after its passage and publication by title and summary as provided by law.

PASSED, ADOPTED AND APPROVED THIS 26th DAY OF NOVEMBER, 2013.

CITY OF GALLUP

BY: 
Jackie D. McKinney, Mayor

ATTEST:


Alfred Abeita, City Clerk

LEGAL NOTICE

NOTICE OF ORDINANCE PASSAGE BY TITLE AND SUMMARY ORDINANCE NO. C2013-9

PUBLIC NOTICE IS HEREBY GIVEN that the governing body of the City of Gallup, New Mexico, at its regular meeting of November 26, 2013 passed, adopted and approved the following entitled Ordinance:

AN ORDINANCE CONCERNING INDUSTRIAL LIQUID WASTE;
AMENDING SECTION 8-5-2 AND ENACTING SECTION 8-5-7 OF THE
MUNICIPAL CODE OF THE CITY OF GALLUP

The purpose and subject matter of the Ordinance is contained in the title and provides for new and amended definitions applicable to the Industrial Liquid Waste Ordinance and sets forth uniform requirements for users of the publicly owned treatment works to capture and dispose of fats, oils and greases. A complete copy of the Ordinance is on file in the Office of the City Clerk, City Hall.

CITY OF GALLUP, NEW MEXICO

By: /s/ Alfred Abeita II, City Clerk

PUBLISH:

Saturday, November 30, 2013