

CHAPTER 37: FATS, OILS AND GREASE

Flagg Creek Water Reclamation District - Fats, Oils and Grease

CHAPTER 37: FATS, OILS AND GREASE

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ARTICLE 1. GENERAL PROVISIONS

' 37-1.01 TITLE.

This Ordinance 821 shall be known and may be referred to as the AFlagg Creek Water Reclamation District Fats, Oils and Greases (FOG) and Waste Strength Surcharge Ordinance (WSS) Ordinance@. (Ord. 821, passed 5-27-2022)

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' 37-1.02 AUTHORITY.

This Ordinance 821 is enacted pursuant to the powers and authorities granted to, and exercised by, the Flag Creek Water Reclamation District (FCWRD).
(Ord. 821, passed 5-27-2022)

' 37-1.03 PURPOSE.

(A) The purpose of this Ordinance 821 is to establish certain minimum reasonable rules and regulations for any food processing, food sales or food service facility or user connected to, or applying to connect to, the FCWRD sewer system regarding the collection and disposal of fats, oils and greases (FOG); excessive biochemical oxygen demand (BOD); and excessive total suspended solids (TSS) in wastewater, not otherwise required to obtain and hold an industrial wastewater discharge permit from the U.S. Environmental Protection Agency and/or the State Environmental Protection Agency. Additionally, this Ordinance 821 establishes a discharge limit for ammonia nitrogen, and further establishes certain minimum reporting requirements for waste haulers in the disposal of fats, oils and greases wastes.

(B) Excessive fats, oils and greases in wastewater can and do lead to sewer backups and overflows, creating a public health hazard. Excessive fats, oils and greases in wastewater can and do interfere with the wastewater treatment process at publicly-owned wastewater treatment facilities and plants, and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards. They also increase operation, maintenance and replacement costs.

(C) Excessive biochemical oxygen demand (BOD) and excessive total suspended solids (TSS) in the wastewater process at publicly-owned wastewater treatment facilities and plants and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards. They also increase operation, maintenance and replacement costs. The substantial investment of public funds in sewer systems and wastewater treatment plants, designed to protect public health and the ongoing proper functioning of those public facilities, can and shall be protected by reasonable rules and regulations relating to the design, use and maintenance of grease recovery systems to ensure the proper functioning of the FCWRD sewer system and wastewater treatment process, from contributions and accumulation of fats, oils and greases.
(Ord. 821, passed 5-27-2022)

ARTICLE 2. ADMINISTRATION

' 37-2.01 GENERAL.

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The Executive Director (Director) shall enforce all of the provisions of this Ordinance 821 and shall act on any questions relating to the design or construction of grease recovery systems or devices, except as may otherwise be specifically provided by statute or federal or state regulations(s). The Director shall also act as follows.

(Ord. 821, passed 5-27-2022)

' 37-2.02 APPLICATIONS, PERMITS AND LICENSES.

The Director shall receive applications and issue installation permits and discharge permits, and collect fees therefor, in accordance with the approved fee schedule (see Appendix A following this chapter), for the siting and installation of, or the discharges from, grease recovery systems or devices, for all food processing, food sales and food service establishments as defined herein. The Director shall also review building plans, review grease recovery system(s) design plans, inspect the premises for which such installation permit(s) or discharge permit(s) have been issued, and enforce compliance with the provisions of this Ordinance 821.

(Ord. 821, passed 5-27-2022)

' 37-2.03 NOTICES AND ORDERS.

The Director shall issue all notices or orders necessary to ensure compliance with all ordinance requirements. The Director may revoke, in writing, any permit, license or approval issued or held contrary to this Ordinance 821 or based upon a false statement or misrepresentation in an application.

(Ord. 821, passed 5-27-2022)

' 37-2.04 AUTHORITY TO ENTER PREMISES.

The Director, or his or her authorized agent(s) or representative(s), after identification, shall have the authority to enter any property at any reasonable time to inspect for sanitation purposes and compliance with the provisions of this Ordinance 821. The Director shall conduct an annual inspection of each FOG producing facility, and such other inspection(s) as may be required. The Director may also make any necessary test, measurement or sampling to determine compliance with ordinance requirements. No obstructions shall block access to any grease recovery system.

(Ord. 821, passed 5-27-2022)

' 37-2.05 CREDENTIALS.

The Director, and his or her authorized agent(s) or representative(s), shall carry proper credentials of the respective office for the purpose of inspecting any grease recovery system or device, or carrying out any other duties or responsibilities, in the performance of his or her duties under this Ordinance 821.

(Ord. 821, passed 5-27-2022)

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ARTICLE 3. GENERAL REQUIREMENTS

' 37-3.01 EXISTING FOOD FACILITIES.

Every existing user shall have a grease recovery system. An existing user, serviced by a grease recovery system that is non-compliant with the technical or design standards of this Ordinance 821, shall be permitted to continue discharging to the FCWRD wastewater collection system provided that the user=s FOG, BOD or TSS discharges, as measured at the control manhole, do not exceed the FCWRD daily maximum discharge limit(s), as set forth in Appendices A and B, and is otherwise in compliance with the current FCWRD general sewer use ordinance. The Director may include conditions, restrictions or performance standards on any existing user discharge license where that user is served by a non-compliant grease recovery system to minimize the risk of discharge(s) exceeding maximum pollutant discharge standards.
(Ord. 821, passed 5-27-2022)

' 37-3.02 NEWLY CONSTRUCTED OR REMODELED FACILITIES.

Every newly constructed or remodeled food processing, food sales and food service facility (FOG producing facilities) or user(s) that discharge water or wastes to a FCWRD sewer shall be required to install, operate, clean and maintain an exterior grease recovery system of appropriate size and siting to achieve compliance with the requirements of this Ordinance 821. Each FOG producing facility and high strength waste discharger shall have a control manhole installed and located at a point downstream of the grease recovery system. No person shall construct or install a grease recovery system without the prior approval of the Director and issuance of an installation permit. Such approval shall include the approval of a plan for the proposed grease recovery system, inspection during construction or installation and inspection and approval of the completed installation. Upon completion of the work, and approval by the Director, a discharge permit shall be issued to the user by the Director. Each user facility shall hold a valid discharge permit issued by the Director.
(Ord. 821, passed 5-27-2022)

' 37-3.03 ALL USERS.

Each user shall register its grease recovery system with the Director. Each user shall maintain and possess a valid discharge permit issued by the Director for each FOG producing facility. The discharge from each grease recovery system, as measured from the control manhole, shall not exceed the FCWRD maximum discharge limit(s), as set forth in Appendices A and B. Discharge permit information shall include the name, address and telephone number(s) of owner(s) and on-site manager(s), if different; a scaled sketch/drawing of the location of the grease recovery system on the FOG producing facility premises; location of the access manhole (and control manhole, if different); the components, design and size/capacity of the grease recovery system; and such other information as may be applicable.

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(Ord. 821, passed 5-27-2022)

' 37-3.04 SYSTEM MAINTENANCE.

(A) *General.* All grease recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, so that any discharge therefrom, as measured from the control manhole, does not exceed the FCWRD maximum concentration discharge limit(s).

(B) *Maintenance responsibility.* The owner(s), and any designated agents, shall be responsible for the maintenance of the grease recovery system for a FOG producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

(C) *Maintenance requirements.*

(1) All users shall maintain any grease recovery system so that the fats, oils and grease discharges therefrom, as measured from/at the control manhole, do not exceed the FCWRD maximum concentration discharge limits.

(2) All grease recovery systems shall have all floating material removed at a minimum of 90 days. All grease recovery systems shall be completely pumped out, including sediment, semi-annually or when the contents of the trap exceed the 25% rule. Semi-annual maintenance and maintenance due to exceeding the 25% rule shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. The frequency of maintenance may be increased to comply with the FCWRD daily maximum discharge limit(s) or the manufacturer=s recommendation. The frequency shall be as often as necessary to prevent overflows of fats, oils and greases entering the FCWRD wastewater collection system.

(3) The pump-and-return method of decanting or discharging of removed waste back into the grease recovery system is prohibited.

(4) Any removal and hauling of fats, oils and greases shall be performed by a permitted grease hauler licensed by the state.

(5) If any grease recovery system discharge wastes fail to meet the FCWRD maximum concentration limit(s), the Director is authorized to demand or require the user to repair, replace or upgrade its grease removal system, at the sole expense of the user.

(D) *Maintenance records.* Each user, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility grease recovery system. The following records shall be kept on-site at the FOG producing facility for a minimum two-year period.

(1) *Haulers.* The hauler shall provide the facility manager, at the time of service, a manifest conforming to all state statutes and regulations (see 415 ILCS 5/22.30(e)), and the provisions of this Ordinance 821.

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(2) *Manifest(s)*. The removal of grease recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes, and whether collected from an interior or an exterior grease recovery system.

(3) *Manifest information*. Each manifest shall contain the following information and such other information as may be required by statute:

(a) User information, including name, address, the volume pumped from each grease recovery system and date and time of the pumping;

(b) Hauler information, including company name, address, state license/permit number and disposal/receiving facility location information; and

(c) Receiving facility information, including the facility name and address, date and time of receiving and permit number.

(4) *Manifest/maintenance log*. The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests and other similar records regarding each cleaning or maintenance of the grease recovery system for the previous 24 months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Director, or his or her designated agent(s) or representative(s).

(5) *Manifest/maintenance log reporting requirements*.

(a) The owner(s) of any regular usage FOG producing facility (grease interceptors with capacity of 500 gallons or more) shall annually submit manifest/maintenance logs and any other applicable cleaning and/or service records of their grease recovery system. Said manifest/maintenance records shall be submitted no later than January 31 of every calendar year. Submittals shall include the 12 months of manifest/maintenance logs of the grease recovery system for the preceding calendar year. Failure to submit said manifest/maintenance logs may result in fines and penalties of \$500 per month until said manifest/maintenance logs are received and/or result in an inspection of said FOG producing facility and its grease recovery system. Manifests/maintenance logs may be submitted either by hardcopy through standard mail, directly to info@fcwrd.org, or reported online at www.flaggcreekwrd.org.

(b) Light usage FOG producing facilities such as pre-schools, churches, park district facilities or any FOG producing facility with a total liquid capacity of less than 500 gallon capacity; where the use is very light duty and there are eight or fewer DFUs tributary to the grease trap are not required to annually submit manifest/maintenance logs.

(6) *Permitted waste hauler*. The owner may employ a permitted waste hauler approved by the FCWRD. The permitted waste hauler must provide copies of the required manifest and maintenance information to the owner. This would allow the owner to be compliant with maintaining maintenance records and the records would be available for review by the FCWRD when necessary.

(Ord. 821, passed 5-27-2022)

Flagg Creek Water Reclamation District - Fats, Oils and Grease***ARTICLE 4. GREASE RECOVERY SYSTEMS - DESIGN AND PERFORMANCE STANDARDS*****' 37-4.01 WHERE REQUIRED.**

Registered grease recovery systems shall be operated and maintained or installed in each FOG producing facility that discharges into the FCWRD wastewater collection system. Each FOG producing facility shall have a control manhole.

(Ord. 821, passed 5-27-2022)

' 37-4.02 TECHNOLOGY REQUIRED.

An approved grease recovery system shall consist of one or a combination of the following methods:

(A) Passive technology that is an approved exterior grease interceptor. See Appendix C following this Ordinance 821 for an example of an approved exterior grease interceptor; and

(B) Active technology including:

(1) An approved grease recovery system; or

(2) An approved solids transfer/grease transfer device.

(Ord. 821, passed 5-27-2022)

' 37-4.03 PROHIBITED DISCHARGE.

Waste that does not contain grease, fats or oils and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 150°F shall not be introduced into any grease recovery system. Food waste grinders produce solid waste and shall not discharge into the building drainage system through a grease recovery system.

(Ord. 821, passed 5-27-2022)

' 37-4.04 HIGH TEMPERATURE DISHWATER OR SINK DISCHARGE.

Wastewater that exceeds 150°F is prohibited from being discharged into the FCWRD wastewater collection system.

(Ord. 821, passed 5-27-2022)

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' 37-4.05 DUMPSTERS/DUMPSTER PADS.

Dumpsters/dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:

(A) The dumpster/dumpster pad is covered and constructed to protect the drainage connection from storm water runoff; and

(B) The drain is connected to a grease interceptor of at least 500 gallons= capacity, which will be maintained by the user in the method prescribed by this section for grease interceptors.
(Ord. 821, passed 5-27-2022)

' 37-4.06 GREASE INTERCEPTOR AND PASSIVE EXTERIOR DEVICE (PED) REQUIREMENTS.

(A) Each grease interceptor or PED design, including size, type and location, shall be reviewed and approved by the Director in substantial conformity to a grease interceptor detail as follows:

(1) Shall be sized and engineered based upon the anticipated load and/or conditions of actual use, having a 24-minute retention time under actual peak flow;

(2) Shall be constructed of sound, durable material, not subject to excessive corrosion or decay, and shall be water and gas tight if the grease interceptor or PED is of precast or poured-in-place concrete;

(3) Shall be traffic-worthy with accessibility to both the influent and effluent tee pipes;

(4) Shall contain baffles sufficient to allow a proper separation of grease from water. Baffles shall extend six inches above the water line but cannot flood the inlet pipe;

(5) Baffle wall shall be located a distance from the inlet wall of two-thirds to three-fourths of the total length of the interceptor or PED;

(6) Minimum 2:1 length to width ratio;

(7) Low velocity flow near outlet;

(8) Nine inches of freeboard at grease interceptor or PED top;

(9) The grease interceptor or PED shall have inlet and outlet tees. The outlet tee shall extend 50% into the liquid depth. The inlet tee shall extend 25% into the liquid depth. Inlet and outlet tee shall be a minimum of three inches in diameter;

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(10) There must be access openings over the inlet, outlet and each compartment within the grease interceptor or PED. Each opening shall be 24 inches in diameter and contain pick holes. All covers shall be constructed of cast iron or equivalent traffic bearing material;

(11) Full size cleanouts shall be installed on the inlet and outlet sides of the interceptor and extended to grade. Additionally, a full-size cleanout shall be installed on the effluent pipe, exterior to the grease interceptor, upstream of the sanitary connection. All such cleanouts must be accessible for inspection and cleaning;

(12) Exterior grease interceptors or PEDs must be vented in accordance with the State Plumbing Code with a minimum two-inch diameter vent piping. Vent connections may be made through the top of the interceptor or PED, in which case the bottom of the vent shall extend no closer than six inches to the static water level or may be made through the side of the interceptor=s access opening;

(13) Exterior grease interceptors or PEDs shall receive kitchen wastes. Kitchen wastes include: pot sinks, prep sinks, can wash and, in some buildings, floor drains;

(14) Minimum concrete compressive strength of 3,500 psi;

(15) Joints shall be properly sealed to prevent infiltration or exfiltration;

(16) Grease interceptors and PEDs must meet a minimum structural design of 150 pounds/square foot for non-traffic locations. For installations involving vehicular traffic, the interceptor shall be designed to withstand an H-20 wheel load;

(17) Grease interceptors or PEDs shall meet the following standards: ASTM C-1227 for septic tanks, C-913 for pre-cast wastewater structures, ACI-318 for design and ASTM C-890 for establishing minimum structural design loading;

(18) Grease interceptors or PEDs made of polyethylene or fiberglass shall be able to withstand the appropriate loading (traffic or non-traffic) or perform under a vacuum test to simulate loading and include 12,000 psi ultimate tensile strength, 19,000 psi flexural strength and 800,000 psi flexural modulus of elasticity per ASTM D790. Tanks shall be listed and labeled; and

(19) Shall be a minimum of 500 gallons (unless authorized by the Director) in size. Multiple grease interceptors or PEDs are allowed.

(B) An example of approved grease interceptor detail for an exterior grease interceptor is provided in Appendix C.

(Ord. 821, passed 5-27-2022)

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' 37-4.07 PASSIVE INTERIOR DEVICES (PIDS).

There shall be no PIDs installed in any user=s premises after the effective date of this Ordinance 821, unless authorized by the Director.
(Ord. 821, passed 5-27-2022)

' 37-4.08 SIZING GREASE INTERCEPTORS.

All grease interceptors shall have a minimum capacity of 500 gallons. Internal grease traps shall have a total liquid capacity of not less than 50 gallons. The design shall be in compliance with the following table, where the total number of drainage fixture units determines the minimum grease interceptor or grease trap size:

<i>Number of Drainage Fixture Units (DFUs)</i>	<i>Minimum Grease Trap or Interceptor Size in Gallons</i>
8 or less	500
9 - 21	750
22 - 35	1,000
36 - 90	1,250
91 - 172	1,500
173 - 216	2,000
217 - 307	2,500
More than 308	3,000

(Ord. 821, passed 5-27-2022)

' 37-4.09 WAIVERS TO SIZING GREASE TRAPS.

Food service facilities may be granted a waiver from the sizing requirements listed in ' 37-4.08 if there is insufficient space available for installation of a properly sized grease trap. The owner/applicant may request a waiver from the requirement that internal grease traps shall have a total liquid capacity of not less than 50 gallons where the use is very light duty and there are eight or fewer DFUs tributary to the grease trap. In order to obtain a waiver, the user will be required to submit a written request for the waiver stating the proposed model and size (in liquid gallons capacity) to be installed. If the waiver is granted, the owner/applicant will be required to sign the waiver acknowledging that the District does not waive any rights to require a larger grease trap if discharge limits are not met.
(Ord. 821, passed 5-27-2022)

Flagg Creek Water Reclamation District - Fats, Oils and Grease**' 37-4.10 ACTIVE INTERIOR RECOVERY DEVICE REQUIREMENTS.**

AIRDs may be allowed in lieu of PEDs or other approved grease recovery systems in accordance with the following conditions:

(A) The method of food preparation involves and/or creates little or no discharge of grease;

(B) A technically logistical reason exists as to why an exterior grease interceptor or PED cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor);

(C) The installation or use of all grease recovery systems must be approved by the Director;

(D) Grease recovery systems shall receive all grease-laden waste discharge from the major point sources. A floor plan drain shall not be considered a major point source; and

(E) Grease recovery systems shall be sized based upon the anticipated load and/or conditions of actual use and manufacturer=s recommendation.

(Ord. 821, passed 5-27-2022)

ARTICLE 5. ALTERNATIVE METHODS AND TREATMENT AGENTS**' 37-5.01 ALTERNATIVE TECHNOLOGY/METHODS.**

Engineered alternative technology or methods may be permitted by the Director, only after inspection and review of the technology or method to ascertain that it meets or exceeds the minimum performance standards set forth by this Ordinance 821.

(Ord. 821, passed 5-27-2022)

' 37-5.02 NO BIOLOGICAL OR CHEMICAL TREATMENT AGENTS.

The uses of biological or chemical agents that dissolve grease to permit it to be discharged into the sanitary sewer are not permitted.

(Ord. 821, passed 5-27-2022)

' 37-5.03 NO PUMP AND RETURN METHODOLOGY.

(A) A user, hauler or contractor shall not use a pump and return methodology to service grease recovery systems. The material that is removed in the process of cleaning a grease recovery system shall not be discharged into any part of the public-owned treatment works, any private sewer, any drainage piping or storm sewer system. At no time may any portion of the contents removed from the grease

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recovery system be discharged back into the grease recovery system or the sanitary sewer system. All materials removed shall be handled and disposed of in accordance with federal, state, county and local laws, rules and regulations.

(B) A user, hauler or contractor using a pump and return methodology to service grease recovery systems shall be fined \$1,000 for the first violation, \$2,000 for the second violation and \$5,000 for the third and subsequent violations.

(Ord. 821, passed 5-27-2022)

ARTICLE 6. PERMITS AND LICENSES, PROCEDURES, INSPECTIONS AND FEES

' 37-6.01 PERMITS AND LICENSES - GENERAL.

Installation permits, discharge permits and grease hauler permits issued under this Ordinance 821 are not transferable.

(A) *Installation permits.* An installation permit shall be required for all newly constructed FOG producing facilities, all remodeled FOG producing facilities and for the replacement of any existing grease recovery system. An installation permit shall be valid for a 365-day period following issuance.

(B) *Discharge permits.* A discharge permit, required for each FOG producing facility, shall be valid for a one-year period following the date of issuance. Renewal of a discharge permit shall be in accordance with a registration application provided by the Director. Each user shall keep and maintain a valid, current discharge permit issued by the Director as one of the documents in the manifest/maintenance log required to be kept on the FOG producing facility premises.

(C) *Grease hauler permits (GHP).* A grease hauler permit shall be required for all companies which clean and transport FOGs from any FOG producing facility. The permit fee shall be \$200 annually. Grease hauler permits shall be valid for a one-year period following issuance. No cleaning of FOG facilities, hauling or transportation of FOGs from FOG facilities shall be permitted without a grease hauler permit. Cleaning of FOG facilities, hauling or transportation of FOGs from FOG facilities without a permit shall subject the user to fines, penalties and other enforcement action as set forth in ' 37-8.04.

(D) *Repair permits.* A repair permit shall be required for repairs to any grease recovery system. The permit fee shall be \$75. A repair permit shall be valid only for a specific repair or group of repairs performed simultaneously. Any additional or new repairs shall require a new repair permit.

(Ord. 821, passed 5-27-2022)

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' 37-6.02 PROCEDURES.

(A) *Applications.* The Director is authorized to prepare application forms as may be required for application to obtain installation permits and discharge permits, or renewals thereof. The Director is authorized to establish any minimum submittal requirement(s) to accompany any such applications or renewals. Any refusal to issue a permit, where the applicant has submitted a complete permit, shall be in writing and shall specify any and all reason(s) for non-issuance.

(B) *Authority to revoke.* Where the Director finds that a permit holder is not in compliance with any provision(s) of this Ordinance 821 or is in violation of any provision(s) of this Ordinance 821, following compliance with the enforcement provisions of this Ordinance 821, the Director may revoke such permit. Any revocation of a permit by the Director shall be in writing and shall specify any and all reason(s) for such revocation. Any construction work or wastewater discharge subject to, or covered by, a revoked permit shall immediately cease, and no construction or installation work or wastewater discharge shall occur or be allowed until such time as a new permit has been applied for, and all fees, charges and costs have been paid by the owner(s), permit holder and the Director has issued a new permit.
(Ord. 821, passed 5-27-2022)

' 37-6.03 INSPECTIONS.

(A) *Annual inspections.* The Director, or his or her designated agent(s) or representative(s), shall make or conduct an annual inspection and such other, or additional, inspections as the Director may deem necessary, of each FOG producing facility to evaluate and enforce compliance with the provisions of this Ordinance 821.

(B) *Newly constructed or remodeled FOG producing facilities, and grease recovery system replacement, inspections.* The Director, or his or her authorized agent(s) or representative(s), shall make or conduct those inspections deemed necessary by the Director to assure compliance with installation permits issued. These inspections shall, at a minimum, consist of an initial or in-progress construction or installation site inspection, and a final inspection following completion of the permitted installation.

(C) *Follow-up inspections.* A user charged with a notice of violation (NOV), issued by the Director, shall be re-inspected at any time within 30 days of the date of NOV issuance. Subsequent re-inspection(s) may occur, at any time, for as long as the user is non-compliant under the original NOV. The user shall be responsible for payment of a re-inspection fee for all re-inspections in accordance with the approved fee schedule, attached as Appendix A following this chapter.

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(D) *Demand inspections.* Any time a sewer overflow (SO) or blockage occurs at or downstream of a FOG producing facility, a demand inspection shall be made or conducted by the Director, or his or her designated agent(s) or representative(s). If the user of FOG producing facility is found to be in violation of any provision of this Ordinance 821, and that violation(s) is believed to have caused or resulted in the SO or blockage, the user shall be responsible for the payment of the demand inspections fee, as well as the labor, equipment and material cost(s) to correct the SO or blockage, in accordance with the approved fee schedule, attached as Appendix A following this chapter.
(Ord. 821, passed 5-27-2022)

' 37-6.04 FEES.

The user shall be responsible for the payment of all fees for permits and inspections, and for all other charges as may be imposed by this Ordinance 821, in accordance with the current FCWRD approved fee schedule, attached hereto as Appendix A following this chapter.
(Ord. 821, passed 5-27-2022)

' 37-6.05 FINES AND PENALTIES.

(A) The fees and charges established by this Ordinance 821 shall be payable monthly. If a user fails to pay all fees, charges and fines imposed under this Ordinance 821 by the due date, a penalty of 10% of the amount so billed shall be added thereto. Thereafter, if the amount so billed, or any portion thereof, remains unpaid, a penalty of 1.5% of the amount remaining unpaid shall be added 30 days after the due date, and 1.5% shall be added for each additional 30 days or portion thereof.

(B) In addition to the penalty herein provided, the District may assess such additional administrative and other costs as may be necessary to collect amounts not paid by the due date.
(Ord. 821, passed 5-27-2022)

ARTICLE 7. APPEALS

' 37-7.01 APPEAL PROCEDURE.

(A) Any user, hauler or other person subject to this Ordinance 821 (Aparty@) shall have a right to appeal, to the Executive Director, requirements or restrictions placed upon the party, refusal to issue a permit or other matters related thereto as determined by the District.

(B) All appeals shall be in writing, specifying the reasons for the appeal, addressed to the Executive Director of the District, within 90 days of the action taken or requirements placed upon the party.

(C) The Executive Director will use his or her best efforts to respond in writing to a request for an

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appeal within 45 days of the receipt of a request and shall schedule an appeal meeting.

(D) When a meeting is scheduled by the Executive Director, not later than 14 calendar days prior to the schedule appeal meeting, the party must submit all data pertinent to its appeal.

(E) At the meeting, the Executive Director, or his or her designee (ADirector@), shall attempt to resolve any bona fide claims, disputes or inquiries which the party may have. All determinations made by the Director shall be reduced to writing and transmitted to the party. The Director will use his or her best efforts to transmit these determinations to the user within 60 days of the appeal meeting.

(F) In the event the party does not concur with the determination of the Director, within 30 days after receipt of the Director=s determination, the party may, in writing, petition the Board of Trustees for a hearing.

(G) Within 30 days after receipt of such a petition for an appeal, the Director will advise the party in writing of the date on which the Board of Trustees will consider the petition. The appeal may be heard by the Board of Trustees, or by such persons as it may designate. When such an appeal hearing is conducted by a designee of the Board of Trustees, the designated hearing officer shall submit a written report of findings to the Board of Trustees with respect to the appeal.

(Ord. 821, passed 5-27-2022)

ARTICLE 8. ENFORCEMENT

' 37-8.01 PRE-ENFORCEMENT CONFERENCE.

(A) Upon determination that a violation has occurred, or upon discovery that an alleged violation has probably occurred, or that the party=s permit should be revoked, a notice of the violation is prepared and sent to the user by mail.

(B) The notice of violation (NOV) shall be in writing and include a statement of the reason(s) for its issuance.

(C) If a violation or potential violation has not been cured within the time limit set forth in the initial notice, then a conference date shall be established. The party, and any other appropriate entities, may be notified of the conference date by mail which said notice requires the party to appear at a scheduled pre-enforcement conference which describes the potential violation in sufficient detail for the party to begin abatement action; and which sets forth the time, date and place of the conference.

(D) Pre-enforcement conferences shall be scheduled not less than seven nor more than 21 days from the date notice of the conference has been sent; except that a shorter time may be set in cases of an emergency. Any respondent=s request for a continuance beyond 21 days must be in the form of an affidavit or verified statement setting forth specific reasons why the delay is requested. Said request for continuance shall be granted or denied by the Executive Director in writing and sent to the party.

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(E) The Executive Director may grant continuances on conference dates for good cause shown.

(F) The term **USER** includes the owner of the real estate, the occupant thereof and/or the user of the service. In addition, the District may wish to join lessees, lien holders, mortgage lenders or other persons with an appropriate interest in the subject premises and whose rights in the premises may be affected by continued enforcement proceedings by the District.
(Ord. 821, passed 5-27-2022)

' 37-8.02 CONDUCT OF CONFERENCE.

(A) The pre-enforcement conference shall be conducted by the Executive Director, or his or her designee.

(B) At the conference, the violation shall be explained in sufficient detail for parties to understand the nature of the violation and to begin abatement actions.

(C) No formal evidentiary rules shall apply, and the proceedings will not be transcribed. The purpose of the pre-enforcement conference is an attempt to gain voluntary compliance with the District=s ordinances.

(D) Within five working days following the pre-enforcement conference, a letter shall be issued by the conference officer indicating the results of the conference, and further indicating a plan for abatement of a violation, and a schedule for compliance. The letter may also establish dates for future meetings, as necessary, to monitor progress with compliance.
(Ord. 821, passed 5-27-2022)

' 37-8.03 NO AGREEMENT.

(A) If, during the pre-enforcement conference, the parties are unable to agree upon the nature of compliance or the schedule of compliance, the conference officer may recommend that the party be required to show cause why its permit should not be revoked, and/or its discharge into the public sanitary sewer system should not be disconnected and prohibited, and such further and other action as is deemed appropriate.

(B) The pre-enforcement conference is a process optional at the discretion of the District. The District may, in its discretion, bypass the pre-enforcement conference or terminate the conference at any time after it has been instituted and, in substitution therefor, may institute a show cause hearing procedure or institute a court proceeding for fine and/or injunction whenever the District determines that is in the best interests of the District to so proceed.
(Ord. 821, passed 5-27-2022)

Flagg Creek Water Reclamation District - Fats, Oils and Grease**' 37-8.04 SHOW CAUSE PROCEEDINGS.**

(A) When it has been determined that any person has failed to comply with this Ordinance 821, the Executive Director of the District may order anyone who engages in activity or conduct prohibited by this Ordinance 821 to show cause before the District's Board of Trustees (Board), or its hearing officer designee, why such prohibited activity or conduct should not be discontinued, and/or its permit should not be revoked, and all wastewater discharge subject to, or covered by, a revoked permit shall not be immediately ceased.

(B) A notice of show cause, directed to an authorized agent of a party, is served personally or by certified mail, specifying the time and place of a hearing to be held by the Board, and directing the party to show cause before the Board why an order should not be entered directing discontinuance of such prohibited activity or conduct.

(C) The Board may, itself, conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the District or any other person to issue, in the name of the Board, notices of hearings requesting attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; to take evidence; and to transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of action thereon. At any public hearing, testimony taken before the Board or any person designated by it must be under oath and recorded stenographically, or electronically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) After the Board has reviewed the evidence, it may issue an order to the party directing that, within a specified time period, the prohibited activity or conduct be discontinued unless adequate pretreatment facilities are properly installed and operated to ensure compliance, recommending penalties in the amount of not less than \$100 nor more than \$10,000 for each violation of this Ordinance 821. In addition to such fines and penalties, any sewer or manhole overflow, or sewer back-up, resulting from (a) violation(s) of any provision or section of this Ordinance 821, or an inadequately operating grease recovery system, or lack of an approved grease recovery system, shall result in the imposition of a service charge to the responsible party, including owner(s) or user(s). The service charge shall include the cost(s) of cleaning the blockage out of the immediately adjacent FCWRD wastewater collection system, as well as costs incurred by other property owners incurring damage due to the blockage. Imposition of (a) service charge(s) under this section, shall not preclude other enforcement action(s). In addition, the responsible party, including owners and users shall be responsible for payment of any fine levied by the State Environmental Protection Agency against the FCWRD as a result of any overflow or blockage in the FCWRD wastewater collection system, or NPDES permit discharge violations attributable to the party, including owner or user violation(s) of any provision or section of this Ordinance 821, or an inadequately operating grease recovery system, or lack of an approved grease recovery system. Any orders shall contain specific findings of fact and recommendations for corrective action.

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(E) In cases where a determination has been made that a violation has occurred, the hearing officer may assess the costs of enforcement as part of the recommendations. These costs may include, but shall not be limited to: hearing officers fees, costs of recordation of the proceedings, expert witness fees and independent chemical or laboratory analysis charges.

(F) If a party violates the terms of a Board order, in addition to all other remedies granted to it herein, the FCWRD shall have the right to discontinue water services. The FCWRD shall have the right to terminate the water services whenever any party shall be shown to have violated the terms of a Board order, including the failure to pay fines, penalties, fees, costs, costs to remove blockages in the FCWRD sewer system or costs to other property owners for damages due to the blockage. Once water services are terminated, before water service can be restored, it is required that full payment of all fines, penalties, fees, costs to remove blockages in the FCWRD sewer system and all lost water service revenues which the District is obligated to pay the water provider, including the appropriate reconnection fees, are paid prior to restoring water services. Additionally, the FCWRD may recover in a civil action any fines, penalties, fees, costs or costs to remove blockages recommended by the Board for violations recited in the order. If any fines, penalties, fees, costs or costs to remove blockages imposed by a Board order remain unpaid for more than 30 days, in addition to all other remedies, the FCWRD may file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of 1.5% per month from the date of original billing.

(G) This enforcement procedure is hereby made expressly subject to the Administrative Review Act of the state, as set forth in 735 ILCS 5/3-101 et seq., as amended.
(Ord. 821, passed 5-27-2022)

' 37-8.05 EMERGENCY CONDITIONS.

If user engages in any activity or conduct which is in violation of or prohibited by this Ordinance 821, and which gives rise to hazardous or emergency conditions, without first engaging in pre-enforcement proceedings or show cause proceedings, the District may commence an action or proceeding in the circuit court for the purpose of having such activity or conduct stopped either by mandamus, injunction or other extraordinary remedy.

(Ord. 821, passed 5-27-2022)

' 37-8.06 ADMINISTRATIVE ENFORCEMENT REMEDIES.

When the District (FCWRD) finds a user or party has violated (or continues to violate) any provision of amended Ordinance 821, the FCWRD may assess against that user cumulative fines and penalties as follows:

(A) Fats, oil and grease (FOG) permit revocation letter: \$25;

(B) Pre-enforcement conference: \$50;

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(C) Show cause hearing: \$100; and

(D) Process server (for divisions (B) and (C) above): actual costs.
(Ord. 821, passed 5-27-2022)

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APPENDIX A - FEES AND SURCHARGES

The following schedule of fees shall apply for the FCWRD fats, oils and greases (FOG) ordinance, effective April 30, 2021.

Discharge permit (one-year term, includes annual inspection).....	\$150
Discharge permit - light usage (one-year term, includes annual inspection).....	\$50
(Light usage facilities may be pre-schools, churches and park district facilities)	
Installation permit (interior).....	\$100
Installation permit (exterior).....	\$350
Construction (in progress) inspection.....	\$50
Construction (final approval) inspection.....	\$50
Grease hauler permit (GHP).....	\$100
Repair permit.....	\$75
Follow-up inspection(s) after NOV issued.....	\$250
Emergency inspection fee.....	\$300

Service charge fee for sewer blockage(s) or sanitary sewer overflow (SSO)

Labor/hour, each FCWRD employee.....	\$75/hour
Equipment/hour.....	\$100/hour
Materials.....	\$Actual Cost
Outside (independent) contractors.....	\$Actual Cost

Surcharge Program

The U.S. Environmental Protection Agency (USEPA) requires a user charge system to proportionately spread the costs of operation, maintenance and replacement costs of wastewater collection and treatment among residential, institutional, governmental, commercial and industrial user. A **USER** is defined as any entity that discharges wastewater into the FCWRD collection system. The FCWRD user charge system consists of:

1. A base user charge that all users must pay based upon water usage;
2. Permit fees;
3. Surcharge fees that food, commercial and industrial facilities must pay based on waste strengths that exceed the average domestic sewage waste strengths; and
4. Monthly fees which consist of a service fee assessed to all users.

A surcharge will be levied to all users whose wastewater exceeds the surcharge limits for biochemical oxygen demand (BOD); total suspended solids (TSS); and fats, oils and grease (FOG, hexane extractable materials); and/or ammonia nitrogen (NH₃). The surcharge will be based on water usage as recorded by flow meters or sewer flow meters for all wastes which exceed the surcharge limits. The wastewater service charges will be reviewed annually and revised accordingly in order to assure equitable cost recovery for the collection and treatment of wastewater. Surcharge limits and rates for wastewater pollutants that impact the FCWRD are listed below.

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<i>Pollutant</i>	<i>Surcharge Limit</i>	<i>Surcharge Rates</i>
Ammonia nitrogen	30 mg/L	\$0.775 per pound
Biochemical oxygen demand (BOD)	350 mg/L	\$0.219 per pound
Fats, oils and grease (FOG)	150 mg/L	\$0.542 per pound
Total suspended solids (TSS)	350 mg/L	\$0.153 per pound

In accordance with this Ordinance 821, the surcharge is computed by the following equation:

$$S = (P_s - P_{sl}) \times Q \times 8.345 \times S_r$$

Where: S = Surcharge cost per month;

P_s = Laboratory result of an effluent sample in mg/L;

P_{sl} = Surcharge limit of the pollutant in mg/L;

Q = Flowmeter rate of use in gallons per month;

8.345 = conversion factor of mg/L to pounds per million gallons; and

S_r = Surcharge rate to recover the treatment cost in dollars per pound.

For example, if a grease recovery system of the sample restaurant had an average effluent discharge of 450 mg/L of BOD, at a flowmeter rate of 600 (1,000-gallon units), the values would be inserted into the equation as follows:

$$S = (450-350) \text{ mg/L} \times 600,000 \text{ gal/month} \times 8.345 \text{ pounds/million gallons} \times \$0.219 \text{ per pound; and}$$

$$S = \$109.65 \text{ per month.}$$

If sample results indicated other pollutants exceed the surcharge limits, each pollutant would have a similar equation. The monthly bill would include the total surcharge of all pollutants that exceed their limits.

Where a user's discharge exceeds the limit for BOD and/or TSS, and its grease discharge, is below the limit for grease, the user can request the Executive Director to issue a grease interceptor maintenance waiver (Awaiver@) of the surcharge(s). The Executive Director can grant the waiver if he or she is satisfied that the user has taken reasonable steps to decrease the excessive discharge, including: 1) Whether the user practices kitchen procedures that would decrease the admission of BOD and TSS producing substances into its grease interceptor; 2) Whether the grease interceptor is sufficiently sized; 3) Whether the user is cleaning its grease interceptor with sufficient frequency; and 4) Any other factors that would indicate that the user is attempting to comply with the discharge limit for BOD and TSS. Where the user's discharge exceeds the limit for TSS and/or BOD, and the excessive discharge(s) is (are) less than 1,050 mg/L, the Executive Director may require the user to increase the frequency with which the user's grease interceptor is cleaned. Where the user's discharge exceeds the limit for TSS and/or BOD, and the excessive discharge(s) is (are) greater than 1,050 mg/L, but less than 1,550 mg/L, the user will be required to clean its grease interceptor bi-monthly. Where the user's discharge exceeds

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the limit for TSS and/or BOD is (are) greater than 1,550 mg/L but less than 2,050 mg/L the user will be required to clean its grease interceptor monthly. The user will not be entitled to a waiver where its discharge of either BOD or TSS is greater than 2,050 mg/L. In order to maintain the waiver, the user will continue to make efforts to decrease BOD and TSS discharges to a level below the limits set forth in this Ordinance 821. If the waiver is granted, and later testing shows that the user's discharge exceeds the limit for grease, or that the user does not maintain kitchen procedures calculated to decrease BOD and TSS discharges, fails to clean and empty its grease interceptor as required by the Executive Director, or that there are other factors that would indicate that the user is not attempting to comply with the discharge limit for BOD and TSS, then the waiver is null and void, and the user will be assessed all appropriate surcharges as set forth in this Ordinance 821. The user will be required to sign the waiver and agrees to provide grease interceptor cleaning invoices when requested.

A user will be allowed a waiver of waste strength surcharge for a period of up to 120 days for a new, properly installed grease interceptor.

Any facility determined by the Executive Director to have the potential to exceed the normal concentrations for FOG and/or BOD and/or TSS for which an inspection manhole is not available, or which for any reason it is not possible to calculate the surcharge using the above-referenced formula in order to ascertain actual waste strength, shall be surcharged at the flat rate (FOG, BOD and TSS combined) of \$2.95 per 1,000 gallons of metered water consumption, in addition to the basic user rate. In the example above, if Ps could not be determined, the surcharge would be calculated as follows:

$$S = \$2.95 \times 600 \text{ (1,000-gallon units/month)} = \$1,770 \text{ per month.}$$

It is, therefore, in the best interests for the food facility to have an inspection pipe or manhole to determine an accurate sample and cost.

(Ord. 821, passed 5-27-2022)

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APPENDIX B - DISCHARGE LIMITS

FCWRD wastewater maximum discharge limit(s):

Fats, oils and greases.....150 mg/L

PH.....5.5 to 9.5

Temperature.....Does not exceed 150°F

(Ord. 821, passed 5-27-2022)

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APPENDIX C - GREASE INTERCEPTOR DIAGRAM

Standard Detail of a 1,500 Gallon, Exterior, Grease Interceptor

(Ord. 821, passed 5-27-2022)

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SECTION A-A - GREASE INTERCEPTOR REQUIREMENTS

Neenah R-1772 frames and seal tight lids with recessed pick hole. Frames shall be embedded in mortar and place in the center of the trap. Size: A 1,500-gallon interceptor shall have a 1,500-gallon holding capacity. Interior minimum length of each compartment 42 inches by interior minimum width 42 inches by six feet deep. Depth shall be measured from the bottom of the outlet pipe to bottom of the grease interceptor. The grease interceptor shall have an influent and effluent four-inch PVC, SDR 26 or thicker clean-out for cleaning and sampling.

Location: Outside and easily accessible for cleaning and inspection. Interior piping and tees shall be PVC SDR 26 or thicker. Baffle runs from floor to ceiling with a one foot high by two feet wide slot placed in the center of the baffle located 18 inches above floor. Baffles may be constructed of concrete, fiberglass or plastic provided it is suitable for exposure to fats, oils and grease. Drawing is not to scale and is for illustration purposes only.

(Ord. 821, passed 5-27-2022)

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