

**ORDINANCE NO. 89445-0705**

**AN ORDINANCE AMENDING THE SEWER USE REGULATIONS  
ORDINANCE OF THE CITY OF MUSCATINE, IOWA**

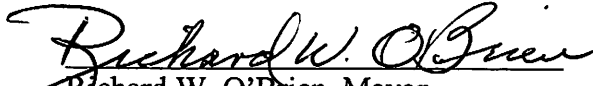
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE,  
IOWA AS FOLLOWS:**

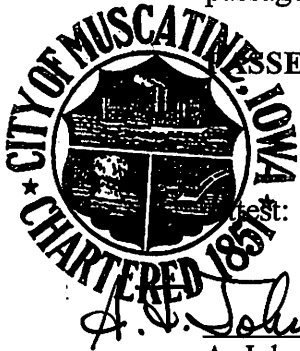
**Section 1.** That the "Fats, Oils, and Grease Control" section be added to Title Four, Chapter Six of the Sewer Use Regulations Ordinance of the City of Muscatine, Iowa.



**Section 2.** That all ordinances or part of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of July, 2005.

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

  
Richard W. O'Brien, Mayor



   
A. Johnson, City Clerk

**Public Hearings:**

1<sup>st</sup> Reading 06/02/05

2<sup>nd</sup> Reading 06/16/05

3<sup>rd</sup> Reading 07/07/05

Publication 07/18/05

## PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk

Ordinance #89445-0705

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

July 18, 2005

Jeff Lee



### STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this  
18<sup>th</sup> day of July, 2005



Susan F. Honts, Notary Public



Susan F. Honts  
Iowa Notarial Seal  
Commission number 153623  
My Commission Expires 10/19/2007

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BY THE CITY COUNCIL  
OF THE CITY OF  
MUSCATINE, IOWA  
Richard O'Brien,  
Mayor  
Attest:  
A.J. Johnson  
Public Hearings:  
1st Reading 06/02/05  
2nd Reading 06/16/05  
3rd Reading 07/07/05  
Publication 7/18/05

4-6-16.0      FATS, OILS, AND GREASE CONTROL

4-6-16.1      Scope and purpose: The scope and purpose of this section shall be to establish uniform permitting, maintenance, and monitoring requirements to aid in the prevention of sanitary sewer blockages and obstructions that result from the discharge and accumulation of fats, oils, and grease into the City of Muscatine Publicly Owned Treatment Works (POTW) from industrial or commercial establishments, particularly food preparation and serving establishments.

(A)      The objectives of this ordinance are to:

- (1) Prevent the introduction of excessive amounts of grease into Muscatine's POTW.
- (2) Prevent clogging or blocking of the City's sewer lines due to grease build-up causing sewer line backup and flooding of streets, residences and commercial buildings, resulting in potential liability to the City.
- (3) Implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of grease blockages,
- (4) Implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences or commercial buildings.
- (5) Issue Grease Discharge Permits (GDPs) to food service establishments to require maintenance, monitoring, compliance, and enforcement activities.
- (6) Establish administrative review procedures and reporting requirements.
- (7) Establish fees for the recovery of costs resulting from the program established herein.
- (8) Establish enforcement procedures for violations of any part or requirement of this section.

(B)      Applicability: The provisions of this section shall apply to all existing food service establishments that are located within the municipal boundaries of the City of Muscatine and to all food service establishments that begin operations within the municipal boundaries of the City of Muscatine on or after the effective date of this Ordinance.

4-6-16.2      Definitions: The following terms, when used in this section, shall have the meanings ascribed to them below:

- (A)    Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this ordinance, Best Management Practices include procedures and practices that reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and to the POTW.
- (B)    Fats, Oils, and Grease means 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".
- (C)    Food Service Establishment: A commercial facility engaged in preparing and/or serving food for consumption by the public, such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution.
- (D)    Grease Discharge Permit (GDP): A permit issued by the City of Muscatine authorizing the discharge of grease laden wastewater to the POTW from a food service establishment.
- (E)    Grease Interceptor: A tank that serves one or more fixtures and is remotely located. Such grease interceptors include, but are not limited to tanks that capture wastewater from dishwashers, floor drains, pot and pan sinks and trenches. For purposes of this Ordinance, a grease interceptor is an outside, underground, multi-compartment tank that reduces the amount of FOG in wastewater prior to discharging into the POTW.
- (F)    Grease Trap: A device designed to retain grease from one to a maximum of four fixtures. A grease trap is not appropriate for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this Ordinance, a grease trap is a small, indoor device.
- (G)    Minimum design capability means the design features of a grease interceptor or grease trap and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.
- (H)    Non-cooking establishments means those food service establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

- (I) POTW means the Publicly Owned Treatment Works in Muscatine, Iowa and includes the collection and drainage system, the pumping stations, and the wastewater treatment plant.
- (J) Restaurant fixture means sinks, dishwashers, garbage grinders, floor drains, trenches, or other equipment discharging wastewater to a grease interceptor or grease trap.
- (K) User means 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 wastewater from mobile sources, such as those who discharge hauled wastewater.

#### 4-6-16.3 Grease Traps and Interceptors:

- (A) Requirements: All food service establishments are required to have a grease interceptor or grease trap. The requirements in this section are in addition to any applicable requirements of the City of Muscatine Plumbing Code and the International Plumbing Code.

(1) New Establishments: On or after the effective date of this section, food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service establishment, where such establishment did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap according to the requirements contained in this section. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.

(2) Existing Establishments: All food service establishments existing within the City prior to the effective date of this section shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.

On or after the effective date of this section, the City may require an existing food service establishment to install, operate, and maintain a new grease interceptor or grease trap that complies with the requirements of this section or to modify or repair any noncompliant plumbing or existing interceptor or trap within ninety (90) days of written notification by the City when any one or more of the following conditions exist:

- (a) The establishment is found to be contributing oils and grease in quantities greater than one hundred milligrams per liter (100mg/L).

- (b) The establishment does not have a grease interceptor or grease trap.
  - (c) The establishment has an undersized, irreparable, or defective grease interceptor or grease trap.
  - (d) Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Muscatine.
  - (e) The existing establishment does not have plumbing connections to a grease interceptor or grease trap in compliance with the requirements of this section
  - (f) The establishment fails to submit a completed GDP Application within sixty (60) days after the date of the receipt of an application form from the City of Muscatine.
  - (g) The establishment has not operated as a food service facility for twelve (12) consecutive months prior to receiving the GDP application form.
- (B) Grease interceptors and grease traps shall be installed by users as follows:
- (1) Grease interceptors or grease traps shall be installed at the user's expense, when such user operates a food service establishment. Grease interceptors or grease traps may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed necessary by the Director or his/her designee for the proper handling of liquid wastes containing grease.
  - (2) Grease interceptors shall conform to the standards outlined in the International Plumbing Code adopted by reference in the Plumbing Code of the City of Muscatine, Iowa.
  - (3) Grease interceptors shall provide access manholes with a minimum diameter of twenty-four (24) inches over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.
  - (4) No non-grease-laden sources shall be allowed to connect to sewer lines intended for grease interceptor service.
  - (5) Grease interceptors and grease traps shall be equipped with an accessible sampling port on the effluent side of the interceptor or trap.

(C) Users who are required to pass wastewater through a grease interceptor or grease trap shall:

(1) Operate the grease interceptor or grease trap in a manner so as to maintain such device such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from such grease interceptor or trap shall meet the numerical limit of one hundred milligrams per liter (100mg/L).

(2) Remove any accumulated grease cap and sludge pocket as required when FOG and solids reach twenty-five percent (25%) of the unit's capacity, at the user's expense. Grease interceptors and grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor or grease trap.

(3) Not reintroduce skimmed or pumped wastes or other materials removed from the grease interceptor or grease trap that are treated in any fashion on-site back into the grease interceptor or grease trap as an activity of or after such on-site treatment.

(4) Understand and agree that use of hot water as a grease abatement method is prohibited and the use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this method of grease abatement shall maintain the interceptor or trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the outlet, is consistently achieved.

(5) Understand and agree that the use of an automatic grease removal system is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

(6) Maintain a written record of grease interceptor or grease trap maintenance, including dates and means of disposal, for three (3) years. All such records will be available for inspection by the City at all times.

#### 4-6-16.4 Food Service Establishment Permitting Program

(A) Permitting requirements for food service establishments: Each food service establishment shall be evaluated to determine whether it falls within the definition of a Significant Industrial User (SIU). Establishments classified, as SIUs shall be subject to permitting as provided in Section 4-6-4.0 et. seq. All other food service establishments shall be required to apply for and obtain a Grease Discharge

Permit from the City. The City shall approve, deny, or approve with special conditions all applications for GDPs in accordance with the policies and regulations established in this section. The GDP shall be in addition to any other permits, registrations, or occupational licenses that may be required by Federal, State or local law. It shall be unlawful for any food service establishment identified by the City to discharge wastewater containing fats, oils and grease to the City's POTW without a current GDP.

- (B) Application form: The City shall provide an application form for a GDP. The appropriate form shall be provided to all food service establishments identified by the City. All food service establishments required under the terms of this program to obtain a GDP shall submit a completed application form for a GDP to the City at the address shown on the form within thirty (30) calendar days of receipt of the form. Each application form shall include the following information:

(1) Name, address, telephone number and location, (if different from the address) of applicant, owner of the premises (if different from the tenant when property is leased) from which fats, oils, and grease are discharged, and the name of a representative duly authorized to act on behalf of the food service establishment.

(2) A description of the activities, facilities, and processes on the premises, including a list of all equipment, raw materials and chemicals used or stored at the facility. Material Safety Data Sheets (MSDSs) of all such chemicals shall be included.

(3) A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors, and appurtenances in the user's premises, if known.

(4) The number of employees, the number and times of shifts, and the hours and days of facility operation.

(5) Copies of recent water bills.

(6) Details of all grease interceptor maintenance conducted within the past year.

(7) A signed statement certifying that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this section, as well as any other applicable Federal, State or local regulations governing the food service establishment.

(8) Any other information determined by the Director to be necessary in order to evaluate the GDP application.

- (C) Application procedure: Once a completed application form has been returned to the City, the food service establishment will be inspected prior to the issuance of the GDP. During the pre-permit inspection, the information contained in the application form will be verified and the grease interceptor or grease trap will be inspected. If all information is verified and the grease interceptor or trap is in proper working condition, a GDP will be issued together with a copy of the City's information document entitled "*Fats, Oil and Grease Best Management Practices Manual*".

If the grease interceptor or grease trap requires any maintenance or repairs, or incorrect information has been given, the inspector shall provide a *Notice to Correct* any deficiencies. The Notice shall include a required time schedule for repairs to be effected prior to a second pre-permit inspection. Second pre-permit inspections shall be performed after a minimum of thirty (30) calendar days have elapsed to allow for corrective action by the food service establishment. If the facility is not in compliance at the second pre-permit inspection, charges and fees will be levied.

An application for a permit shall be granted with conditions or denied within sixty (60) days after the date of the last pre-permit inspection in which the applicant's facility is in compliance.

- (D) Grease Discharge Permit: The following criteria apply to all GDPs:

(1) Each GDP shall be effective for a one-year period and shall have an effective and an expiration date.

(2) The GDP must be posted for public view and a copy of the GDP must be kept in the establishment's records file.

(3) The GDP shall be issued to a specific user for a specific operation. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP.

(4) An application for renewal of the GDP shall be submitted at least sixty (60) days prior to the expiration date of the existing GDP by each applicant wishing to continue to discharge wastewater to the POTW. Failure to submit applications in a timely manner shall be a violation of this section.

(5) The terms and conditions of the GDP are subject to modification by the City during the term of the permit, if limitations or requirements in this program are modified. The permit holder shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the GDP shall include a reasonable schedule for achieving compliance.

- (E) Entry: Each food service establishment shall allow the Director or his/her designee or other duly authorized employees or agents of the City bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this section. The refusal of any food service establishment to allow entry to or upon the establishment's premises for purposes of inspection, sampling effluents or inspecting and copying records or performing such other duties as shall be required by this section shall constitute a violation of this section. The Director may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant to this section.
- (F) Inspection: All food service facilities shall be inspected as follows:
- (1) Pre-permit inspections: Pre-permit inspections shall be conducted by City officials as outlined in Section 4-6-16.4(C).
- (2) Inspections: The inspector shall inspect food service establishments on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued to verify compliance with the requirements of this section. The inspector shall also determine if the practices contained in the *"Fats, Oil and Grease Best Management Practices Manual"* issued to the establishment have been implemented. All food service establishments with a current GDP shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor or grease trap. The inspector shall also inspect the interceptor or trap maintenance logbook and file, other pertinent data, the grease interceptor or grease trap, and may check the level of the interceptor or trap contents and/or take samples as necessary. The inspector shall record all observations on a *Compliance Inspection Checklist*. Any deficiencies shall be noted, including but not limited to:
- (a) Failure to properly maintain the grease interceptor or grease trap in accordance with the provisions of the GDP and this section.
- (b) Failure to report changes in operations or wastewater constituents and characteristics.
- (c) Failure to report pumping activities or keep copies of manifest forms or receipts.
- (d) Failure to maintain logs, files, records, or access for inspection or monitoring activities.
- (e) Failure to obtain or renew the GDP in a timely manner.

(f) Any other inconsistency with the program that requires correction by the food service facility concerned.

If any deficiencies are recorded by the inspector during an inspection, the inspector shall provide the food service establishment a written *Notice to Correct* within twenty-one (21) calendar days and a tentative date for a re-inspection.

(3) Re-inspections: The inspector shall re-inspect food service establishments that receive a *Notice to Correct*. The inspector shall inspect any repairs or other deficiencies and shall note compliance on the *Compliance Inspection Checklist*. In the event that the food service establishment has returned to compliance with all of the deficiencies, there shall be no charge for the re-inspection. In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the food service establishment. A first re-inspection shall be performed after a minimum of twenty-one (21) calendar days have elapsed to allow for corrective action by the food service establishment to be completed.

- (G) Monitoring: The City shall have the right to sample and analyze the wastewater from any food service establishment at any time to determine compliance with the requirements of the Sewer Use Regulations. If violations of the oil and grease limit are detected, enforcement action may be initiated and monitoring costs may be billed to the food service establishment.

#### 4-6-16.5 Grace Period

- (A) Except as provided herein, for a period of ninety (90) days after the effective date of this section, although installation of grease interceptors or grease traps will be required, no enforcement actions will be taken under this section for failure to achieve limits on grease discharges from grease interceptors or grease traps.
- (B) If, during this grace period, an obstruction of a City sewer main(s) occurs that causes a sewer overflow to the extent that a hazard to human health or the environment is realized and that such overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the City's sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City's Industrial Pretreatment Program Enforcement Response Plan and Sewer Use Regulations, against the generator or contributor of such grease.

4-6-16.6 Fees

- (A) The charges and fees provided for in this section are separate and distinct from all other fees chargeable by the City. The City shall adopt and periodically review reasonable charges and fees for the recovery of the costs of operating the City's Fats, Oils, and Grease Control Program. These fees and charges shall be adopted by resolution and published per Section 362.3 of the Iowa Administrative Code. These charges and fees may include:

- (1) Fees for a Grease Discharge Permit application including the cost of processing such applications.
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a food service establishment's wastewater discharge and reviewing monitoring reports.
- (3) Fees and charges for reviewing construction and responding to accidental discharge.
- (4) Fees for filing and review of appeals.
- (5) Other charges and fees as the City may deem necessary to carry out the requirements contained herein.

4-6-16.7 Schedule of Fees

- (A) Grease Discharge Permit fees: Grease Discharge Permit (GDP) fees shall be determined according to a schedule as follows:

Table 1  
Consumption On The Premises

Annual Gross Sales	GDP Fee
Less than \$50,000.00	\$50.00
\$50,000.00 to less than \$100,000.00	\$85.00
\$100,000.00 to less than \$250,000.00	\$175.00
\$125,000.00 to less than \$500,000.00	\$200.00
\$500,000.00 or more	\$225.00

Table 2  
Consumption Off The Premises

Annual Gross Sales	GDP Fee
Less than \$10,000.00	\$30.00
\$10,000.00 to less than \$250,000.00	\$75.00
\$250,000.00 to less than \$500,000.00	\$115.00

- (1) Food service establishments covered by both fee schedules shall be assessed permit fees not to exceed seventy-five (75) percent of the total applicable fees.
- (B) Pre-permit inspection fees: The charge for the initial pre-permit inspection shall be included as part of the permit application fee. A fee of \$150 may be charged for the second inspection if a third inspection is required to resolve pre-permitting noncompliance. A fee of \$250 shall be charged to a food service establishment for a third pre-permit inspection fee. If a fourth or more inspections are required, a fee of \$500 shall be charged to the food service establishment to recover the cost for each inspection. Such fees shall be in addition to any enforcement actions.
- (C) Inspection and re-inspection fees: There shall be no charge for random inspections conducted by inspectors of a food service establishment with a current GDP. If a grease interceptor or trap has to be re-inspected because of deficiencies found during the previous inspection by the inspector and all of the deficiencies are found to be corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a second inspection fee of \$150 may be charged to the food service establishment. If a third inspection is required, an inspection fee of \$250 shall be charged to the food service establishment if all of the deficiencies have still not been corrected. If a fourth or more inspections are required an inspection fee of \$500 for each successive re-inspection shall be charged to the food service establishment in addition to other enforcement actions if all of the deficiencies have still not been corrected.
- (D) Monitoring fees: Fees for any monitoring, sampling, and analysis of wastewater discharges deemed necessary for the protection of the POTW shall be charged to the food service establishment in the amount established in Section 4-5-3(B).
- (E) Administrative Order fee: A fee of \$500 shall be charged to any food service facility or grease hauler that is issued with an administrative order as required by Section 4-6-10.0.
- (F) All fees shall become immediately due and owing to the City upon receipt of invoice(s) for rendition of services or expenditure by the City and shall become delinquent if not fully paid within thirty (30) days after receipt. Any delinquent amount shall be subject to a late charge of fifteen (15) percent.