

**WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1042

AN ORDINANCE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES OF WHITEMARSH TOWNSHIP TO ADD REQUIREMENTS FOR FOOD PRODUCING FACILITIES TO REDUCE THE AMOUNT OF FATS, OILS, AND GREASE THAT ENTER THE WHITEMARSH TOWNSHIP AUTHORITY'S WASTEWATER COLLECTION SYSTEM; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Supervisors of Whitemarsh Township has enacted the Code of Ordinances of Whitemarsh Township which contains, *inter alia*, provisions governing the use of sanitary sewers in Whitemarsh Township; and

WHEREAS, the Whitemarsh Township Authority operates a sanitary sewer system in Whitemarsh Township and has requested that Whitemarsh Township enact provisions regulating fats, oils, and grease that enter the Authority's sewer system as a result of cooking and cause damage to the system; and

WHEREAS, the Board of Supervisors has determined that it is in the best interests of the health, safety, and general welfare of the residents of Whitemarsh Township and the Whitemarsh Township Authority to enact the following regulations;

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Whitemarsh Township as follows:

SECTION 1. Chapter 95, Sewers, of the Code of Ordinances of Whitemarsh Township, as amended, is amended to add a new Article VIII as follows:

**Article VIII
Fats, Oils, and Grease Program**

Section 95-53. **Purpose and Policy.** The purpose of this Article is to reduce the amount of fats, oils and grease ("FOG") entering the Whitemarsh Township Authority's wastewater collection system in order to comply with the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403). This Article provides for the regulation of FOG contributors to the wastewater treatment system through the issuance of permits, inspections, sampling, and enforcement. The requirements with this Article shall be applied, but not limited to, all food producing facilities within and outside of the Township that discharge effluent to be treated by the Whitemarsh Township Authority.

Section 95-54. **Definitions.** The following terms and phrases shall have the designated meanings in the context of this Article:

CCTV – Closed circuit television.

CLASS 1 PRODUCER – Any producer who has an external oil and grease interceptor on the sewer line.

CLASS 2 PRODUCER – Any producer who has an internal grease trap.

CLASS 3 PRODUCER – Any producer who has only a grease barrel on site.

EXEMPT – Any producer that produces nominal amounts of FOG.

FOG – Fats, oils, and grease created as a byproduct of cooking.

FOG ADMINISTRATOR – Whitmarsh Township Authority Executive Director and/or any duly authorized agent for the Whitmarsh Township Authority.

FOG HANDLING EQUIPMENT – Any grease interceptor, grease trap, and/or grease barrel.

FOOD PRODUCING FACILITY (FPF) – Any establishment that contributes, directly or indirectly, wastewater containing FOG to the sewer system. This includes, but is not limited to, restaurants, schools, private clubs, delis, religious institutions, and daycare centers.

HOTSPOT – Areas in the sewer system that have experienced blockages and/or require more frequent than normal cleaning.

OIL AND GREASE INTERCEPTOR – An apparatus that collects and contains the FOG and allows water to be discharged.

POTW – Publicly owned treatment works.

SIGNIFICANT NON-COMPLIANCE – Any gross neglect or disregard for the rules and regulations of the FOG Ordinance included but not limited to grease overflow, FOG-related environmental contamination, or redirecting FOG from the POTW.

Section 95-55. **General Regulations.** The following regulations apply to any FPF contributing to the Whitmarsh Township Authority's POTW, and the FPF is responsible for ensuring that it is in compliance with these regulations at all times:

A. Each FPF must have a FOG Permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG Permit Applications and issue appropriate renewal permits every three (3) years. All Permit Applications must be returned within two (2) weeks.

B. No FPF shall contribute, or cause to contribute, any FOG to the POTW. An oil and grease limitation of 100 mg/l shall apply to the discharge from the FPF. At the discretion of the FOG Administrator, sampling by the Whitmarsh Township Authority of the discharge shall occur when the FPF is not complying with the requirements of the program. The FPF shall be responsible for providing an adequate sampling port on the grease trap. The FPF shall be responsible for the costs incurred for the analytical laboratory to perform the analysis of any sample. The FPF is also responsible for ensuring that the FPF is in compliance with these regulations.

C. All FOG Handling Equipment shall be installed and properly and continuously maintained in a satisfactory and effective operational manner by the owner at the owner's expense. The FPF is

responsible for cleaning and/or having the applicable Fog Handling Equipment cleaned on a regular basis so as not to contribute FOG to the POTW. The FPF is responsible for ensuring that if an outside grease hauler is used, the FOG Handling Equipment is cleaned properly and completely.

D. Existing FPF which currently has internal FOG Handling Equipment shall be required to clean and maintain the FOG Handling Equipment in an efficient manner. The following is prohibited from being discharged to FOG Handling Equipment:

1. Wastewater with a temperature greater than one hundred forty (140) degrees Fahrenheit.
2. Wastewater from a food grinder/garbage disposal.
3. Any use of enzymes or other grease solvents, emulsifiers, grease consuming bacteria, etc. is prohibited and shall not be considered acceptable grease trap maintenance practice.
4. Dishwasher discharge that travels less than ten (10) feet prior to entering internal FOG Handling Equipment.

E. Whenever any FPF's are newly built or renovated, or any FPF's experience a change in ownership, each FPF shall install a properly sized Oil and Grease Interceptor, approved by the FOG Administrator on the sewer line from the facility, in accordance with these regulations and the Plumbing and Drainage Institute Standards, International Plumbing Code, or other applicable method. After a thirty (30) day grace period, the FPF shall be fined fifty (\$50) dollars each day the Oil and Grease Interceptor is not installed.

With respect to design features, an external Oil and Grease Interceptor shall, at minimum, have a baffle to separate the trap into two (2) compartments, a manhole to access and inspect the influent and a sampling box on the effluent line to access, inspect and sample the effluent. The interceptor shall have cleanouts and be locked for easy access for pump out and inspection.

With respect to design features, an internal Oil and Grease Interceptor shall, at minimum have a baffle, and a viewing port to inspect the effluent.

F. All Oil and Grease Interceptor sizing shall be in accordance with the Plumbing and Drainage Institute Standards, International Plumbing Code, or other applicable method. A copy of the current Uniform Plumbing Code Formula – Grease Interceptor Sizing Worksheet is attached hereto as Exhibit "A".

G. At the discretion of the FOG Administrator, each FPF is required to have an employee present during FOG inspections. The FOG Administrator is not responsible for faulty equipment or damage sustained during inspections. The FPF has the option of opening their FOG Handling Equipment for each inspection. The FPF is required to provide tools and materials to open all FOG Handling Equipment if the FOG Administrator does not have the required tools and materials.

H. In all cases, the FOG Administrator may at his/her discretion, increase or decrease the frequency of routine inspections for the FPF. The FOG Administrator may take into account a FPF's willingness to comply with the FOG Program. FPF's which consistently comply with the requirements of the FOG Program may be permitted to reduce the number of inspections per year, at the discretion of the FOG Administrator. FPF's violating any of the previous requirements, however,

shall be subject to more frequent inspections, monetary penalties, as well as sampling of the discharge and any Administrative Orders.

I. An Oil and Grease Interceptor which overflows into the sewer line or on the sink discharge line is strictly prohibited. In such case, the FPF shall be responsible for the subsequent containment, cleanup, and disposal of the overflow material. It is the responsibility of the FPF to immediately telephone the POTW of the incident at 484-524-3043. The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within five (5) days of the overflow, the FPF shall submit to the Authority receipts of the spill cleanup.

J. The FPF must keep on site a current Oil and Grease Interceptor cleaning log as provided by the Authority if cleaning is performed in-house. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of and location of disposal. Any Oil and Grease Interceptor being serviced by an outside hauler must have cleaning manifests on site available for inspection.

K. The FPF is responsible for any blockages in the FPF's lateral line. The FPF shall have to pay to have the blockage removed. If the blockage causes a restriction or overflow in the Whitemarsh Township Authority sewer line and it can be proven that the FPF caused the blockage, then the FPF will incur the cost of removing the blockage, cleaning up the overflow and penalty from the Pennsylvania Department of Environmental Protection (PADEP) or the Environmental Protection Agency (EPA).

L. Surrounding municipalities contributing to the Whitemarsh Township Authority POTW shall have the option of performing the required inspections of any FPF in their respective municipalities or allowing the Authority FOG Administrator to complete the inspections.

Section 95-56. Classifications. All FPFs shall be classified and inspected by the FOG Administrator in the following way:

Hotspot – the FPF shall be inspected by the Authority using CCTV.

Class 1 Producer – The inspection frequency shall be at least two (2) times per year by the FOG Administrator and at least one (1) time per year by the POTW Collection Department. Manifests must be sent to the Authority for the remaining quarter.

Class 2 Producer – The inspection frequency shall be at least two (2) times per year by the FOG Administrator.

Class 3 Producer – The inspection frequency shall be at least one (1) time per year by the FOG Administrator.

Exempt – No inspections are needed. The facility update shall be sent to the FOG Administrator at the beginning of each permit cycle.

Section 95-57. Fees and Rates. All FOG Program fees shall be payable monthly. All bills are the responsibility of the FPF and must be paid within thirty (30) days. Bills remaining unpaid after the due date will be charged additional interest in accordance with the Authority's finance department regulations.

Section 95-58. Enforcement. The Authority shall suspend any FOG permit for which the FPF does not adhere to the requirements of the Program. Once the permit is suspended, the FPF shall not discharge in to POTW until the permit is reinstated. The permit shall remain suspended until the FPF shows proof that the non-complying requirement was eliminated. The following shall be the methods of enforcement:

- A. Notice of Violation (NOV) – Necessary when the FPF has violated any part of the FOG permit, this Article, and/or the FOG Program, the Authority may serve the FPF with a notice of violation specifically citing the nature of the violation. NOV's follow the regular calendar year and are reported to the PADEP and EPA yearly through the MIPP Report.
- B. Monetary Penalty – When the FPF fails to adhere to the requirements of any part of the FOG permit, this Article, and/or the FOG Program on numerous occasions, penalties shall range from a specific fee to correct an action to costs involved to have an Oil and Grease Inspector involved.
- C. Administrative Order – When a violation occurs, the Authority may subject the FPF to an Order to correct the violation within a specified time frame.

Section 95-59. Penalties. In addition to all other remedies available pursuant to this Chapter, the Authority shall have the right to issue a Notice of Violation (NOV) and/or impose a penalty, as hereinafter set forth, for a violation of any requirements of any part of the FOG permit, this Article, and/or the FOG Program. To assess a penalty, the following factors shall be considered:

- A. Damage to the air, water, and land of the Whitemarsh Township and surrounding municipalities.
- B. Damage and/or harm to the Authority's wastewater treatment plant, POTW and its personnel.
- C. Past violations, compliance history.
- D. Producer's willingness and efficiency to comply; response to an NOV in a timely manner, notification to the Authority and quick, effective corrective actions to eliminate the non-compliance.
- E. Magnitude of the violation.

An FPF charged with any penalty shall have thirty (30) days to pay the penalty in full or appeal the penalty and/or the cause of the violation.

The following is a schedule of violations and the maximum penalty to be assessed:

- A. Significant Non-Compliance and Grease Overflow.
 - 1. Satisfactory Level 1 – The FPF properly notified the FOG Administrator of the violation, adhered to the cleaning schedule contained in the FOG Permit and made a major effort to eliminate the violation: \$300.00.
 - 2. Satisfactory Level 2 – The FPF did not properly notify the FOG Administrator of the violation, but adhered to the cleaning schedule contained in the FOG Permit and made a major effort to eliminate the violation: \$400.00.

3. Unsatisfactory Level 3 – The FPF properly notified the FOG Administrator of the violation and made a major effort to eliminate the violation, but did not adhere to the cleaning schedule contained in the FOG Permit: \$500.00.

4. Unsatisfactory Level 4 – The FPF made a major effort to eliminate the violation, but did not properly notify the FOG Administrator of the violation and did not adhere to the cleaning schedule contained in the FOG Permit: \$600.00.

B. Log not maintained according to the FOG Permit or manifests not provided for internal Oil and Grease Interceptors:

First Offense: \$50.00

Second Offense: \$100.00

Third Offense: \$150.00

Fourth Offense \$200.00

C. Manifests not provided proving external Oil and Grease Interceptors were not cleaned according to the FOG Permit:

First Offense: \$150.00

Second Offense: \$300.00

Third Offense: \$450.00

Fourth Offense: \$600.00

D. Failure to allow access to FOG Handling Equipment in a timely manner: \$50.00.

E. Failure to respond to correspondence in a timely manner by email, telephone or mail: \$25.00.

Section 95-60. Rules and Regulations. The FOG Administrator shall have the power to establish appropriate Rules and Regulations for the administration and enforcement of the provisions of the FOG Program.

Section 95-61. Appeals Procedure. Any appeal under this Article, including monetary penalty or other action by the Authority, shall be governed by the procedure described in Section 95-31 of Article III of this Chapter.

SECTION 2: Repealer. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

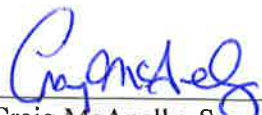
SECTION 3: Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Whitemarsh Township.

SECTION 4. Effective Date. This Ordinance shall become effective at the earliest date permitted by the Whitemarsh Township Charter.

ENACTED and ORDAINED this 11th day of July, 2024.

ATTEST:

**BOARD OF SUPERVISORS OF
WHITEMARSH TOWNSHIP**



Craig McAnally, Secretary



Fran McCusker, Chair

EXHIBIT A

Uniform Plumbing Code Formula – Grease Interceptor Sizing Worksheet

Grease Interceptor Sizing Worksheet

The Uniform Plumbing Code Formula

Company		Calculated By		Date		
Project		Location				
Follow these six simple steps to determine grease interceptor size.						
Enter Calculations Here >	No of Meals Per Peak Hours	Waste Flow Rate	Retention Time	Storage Factor	Calculated Interceptor Size	Grease Interceptor
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	Number of Meals Per Peak Hour (Recommended Formula): Seating Capacity X Meal Factor = Meals per Peak Hour Establishment Type: Fast Food (45 min) 1.33, Restaurant (60 min) 1.00, Leisure Dining (90 min) 0.67, Dinner Club (120 min) 0.50				Notes:	
	Waste Flow Rate: Condition: With a Dishwashing Machine 6 Gallons, Without a Dishwashing Machine 5 Gallons, Single Service Kitchen 2 Gallons, Food Waste Disposer Only 1 Gallon				Notes:	
3	Retention Time Commercial Kitchen Waste Dishwasher 2.5 Hours, Single Service Kitchen Single Serving 1.5 Hours				Notes:	
	Storage Factor Kitchen Type: Fully Equipped Commercial Hours of Operation: 8 Hours 1.00, 12 Hours 1.50, 16 Hours 2.00, 24 Hours 3.00, Single Service Kitchen 1.50				Notes:	
5	Calculate Liquid Capacity Multiply the values obtained from step 1, 2, 3 and 4. The result is the approximate grease interceptor size for this application				Notes:	
6	Select Grease Interceptor Using the approximate required liquid capacity from step 5, select an appropriate size as recommended by the manufacturer.				Notes:	