

## ARTICLE XII – FATS, OILS AND GREASE REGULATIONS

WHEREAS, pursuant to Chapter 103 of the General Statutes and the Darien Code of Ordinances Section 22-51, the Darien Sewer Commission is the designated Water Pollution Control Authority for the Town of Darien, Connecticut (“Town”), for purposes pertaining to the building, operation, maintenance and financing of the sanitary sewer collection and pumping system for the Town of Darien; and

WHEREAS, the Darien Sewer Commission is responsible for assuring compliance with the General Permit issued by the State of Connecticut for the Discharge of Wastewater Associated with Food Service Establishments in the Town; and

WHEREAS, Connecticut General Statutes § 7-247 confers on the Darien Sewer Commission, in its capacity as a Water Pollution Control Authority, the authority to adopt regulations for the supervision, management, control, operation and use of the Town’s sewerage system as stated therein; and

WHEREAS, the Darien Sewer Commission has determined that it is in the best interest of the Town to exercise the foregoing authority to enact regulations to regulate the manner that food service establishments discharge fats, oil and grease into the Town’s wastewater collection and pumping system.

NOW THEREFORE, the Darien Sewer Commission hereby resolves to adopt, and does adopt, the following Article XII to be appended to Articles I through XI of the Administrative Regulations in Appendix C of the Town’s Code of Ordinances, which Article XII shall read as follows.

### ARTICLE XII FATS, OILS AND GREASE REGULATIONS CONCERNING THE ABATEMENT OF FATS, OILS AND GREASE DISCHARGE INTO PUBLIC SEWERS

#### Sec. 12-1. Purpose.

This Article establishes uniform permitting, maintenance and monitoring requirements for preventing and/or controlling the discharge of fats, oil and grease from food service facilities into the Town of Darien's public wastewater collection and pumping system. The purpose of this article is to prevent clogging of the public sewer lines due to the accumulation of fats, oil and grease in the Town’s sewer system.

#### Sec. 12-2. Authorization.

In accordance with authority vested by chapter 103 of the General Statutes, these fats, oils and grease (FOG) regulations are hereby adopted by the Darien Sewer Commission (“Commission”) for the Town of Darien (“Town”) for the purpose of achieving the objectives set forth in Section 12-1.

Sec. 12-3. Definitions and word usage.

For the purpose of this article, the following words or terms shall have the following meanings:

“Authorized activity” means any activity authorized by this Article.

“Authorized Agent” means the authorized representative of the WPCA or other authorized agent of the municipality.

“Authorized discharge” means a discharge authorized under this Article.

“AGRU” or “Automatic grease recovery unit” means an interior grease interceptor that separates grease from the wastewater by active mechanical or electrical means.

“BMP” or “Best management practice” means a practice, procedure, structure or facility designed to prevent or minimize environmental damage, or to maintain or enhance environmental quality. BMPs include without limitation, treatment requirements, operating procedures, as well as practices designed to control spillage, leaks, sludge or waste disposal, or to provide for drainage from raw material storage.

“Change in ownership” means a change in warranty deed or lease agreement.

“Class I” is a food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged, pre-cooked food may be heated and served in the original package within four hours.

“Class II” is a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous food is included, except that commercially packaged, pre-cooked foods may be heated and served in the original package within four hours, and commercially precooked hotdogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four hours.

“Class III” is a food service establishment having on the premises exposed, potentially hazardous foods that are prepared by hot processes and consumed by the public within four hours of preparation.

“Class IV” is a food service establishment having on the premises exposed, potentially hazardous foods that are prepared by hot processes and held for more than four hours prior to consumption by the public.

“Commission” means the Darien Sewer Commission.

“DEEP” means the Department of Energy and Environmental Protection, State of Connecticut.

“DHD” means the Darien Health Department, in Darien, Connecticut.

“DPW” or “Department of Public Works” means the Town of Darien department that oversees the Sanitary Sewer Department.

“EPA” means the U.S. Environmental Protection Agency.

“FOG interceptor or Grease trap/interceptor” means any device or equipment designed to separate fats, oils and grease from wastewater while allowing water to flow through.

“FOG Permit” means a permit issued by DPW to an FSE to discharge wastewater into the town sewer system and the associated Registration Fee.

“FOG Storage Containers” means closed, leak-proof containers for collection and storage of renderable and non-renderable FOG.

“FSE Facility” means any food service establishment at which an authorized discharge originates.

“FSE owner/operator” means a person who initiates or maintains a wastewater discharge containing fats, oils or grease at a food service establishment.

“Fats, oils or grease” or “FOG” means any fats, oils or grease generated from the food preparation process.

“Food service establishment” or “FSE” means a food service establishment as defined by the General Permit, as amended, or as defined by Section 19-13-B42 of the State of Connecticut Public Health Code, or any other facility discharging fats, oils, or grease above the effluent limits provided in this Article, such as, but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.

“General Permit” means the General Permit for the Discharge of Wastewater Associated with Food Service Establishments issued by DEEP pursuant to Section 22a-430b of the General Statutes, issuance date October 5, 2015, as amended.

“General Statutes” means the Connecticut General Statutes.

“Grease trap/interceptor cleaner” means any person regularly offering to the general public services of cleaning or servicing of grease trap/interceptors including the removal and hauling of fats, oils, grease, and food wastes which are components of sewage.

“Health Department” means the DHD as defined above.

“Individual permit” means a permit issued to a named FSE owner/operator under Section 22a-430 of the General Statutes.

“Local building official” means the municipal officer or other designated authority charged with the administration and enforcement of the State Building Code in accordance with Section 29-253 of the General Statutes, or a duly authorized representative.

“Maximum daily flow” means the greatest volume of wastewater that is discharged during a twenty-four hour period.

“Non-renderable” means fats, oils and grease generated from the food preparation process that have been contaminated with other materials, thereby prohibiting this material from being rendered.

“Passive Interceptor” means an exterior containment with baffles such that FOG gets separated from the wastewater from the FSE before it enters the public sewers or approved equivalent.

“Potentially hazardous food” means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms, or
- (ii) The slower growth of clostridium botulism.

“Problem Areas” means areas or sections of the sanitary sewers that service an area that has been problematic in maintenance and repair. The problems could be repeated sewer blockage due to oils, fats and grease discharged into sewers or due to debris through a trash disposer.

“Regional collection/transfer/disposal site” means a facility approved in accordance with law for the collection, transfer, separation or disposal by incineration or other methods of fats, oils, grease and food waste from the wastewater of a facility.

“Registration Fee” means the fee paid by an FSE on annual basis to register the FSE in a FOG program.

“Render” means the process used to clarify or extract fats, oils and greases by melting.

“Renderable FOG” means uncontaminated fats, oils and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products such as animal feed and cosmetics.

“Renderer” means a person who collects and manages renderable FOG in compliance with local, state and federal regulations.

“Renovation” means any physical modification of the facility’s food preparation area, food service area and/or dining area that requires a building permit as determined by the local building official.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this Article is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-

way, which such person controls, and to which the public does not have access shall be deemed the same site.

“Superintendent of Sewer Services” means the person defined in Article XI, Sec. 1000-2 of the Town’s Administrative Regulations.

“Violation-Major” shall mean any one or more of the following: (a) an FSE not permitted or registered; (b) an FSE that has failed to install grease trap/interceptors; (c) corrections not made to improper plumbing after notice of violation; (d) grease that is being discharged down a drain without going to grease trap; (e) grease that is being emptied into a catch basin or in the parking lot by the FSE owner or staff; or (f) three or more Violations-Minor within any one year period.

“Violation-Minor” shall mean any one or more of the following; (a) grease trap/interceptors are installed and are functioning but the frequency of trap cleaning is inadequate; (b) no cleaning log is maintained; (c) log entries are not complete with date and time of cleaning, cleaning company and disposal site; (d) no evidence of proper dish and pot pre-cleaning procedure; (e) grease around the trap area; (f) hood filters are clogged or dirty; (g) the failure of an FSE to produce receipts, or other proof, for equipment cleaning or FOG pickup; or (h) any other violations of this ordinance not specified as a Violation-Major or Violation-Minor.

“WPCA” means the Water Pollution Control Authority as defined in Chapter 22, Article III, section 22-51 of the Code of Ordinances for the Town of Darien.

“Wastewater associated with an FSE facility” means wastewater containing fats, oils and grease from a food service establishment.

#### Sec. 12-4. Eligible Discharge from an FSE facility.

All FSE facilities, as defined herein, shall be required to obtain a permit to discharge wastewater to the public sanitary sewers, unless exempted by the Superintendent of Sewer Services.

#### Sec. 12-5. Permits.

A. All FSEs shall be issued a FOG Permit by the DPW for compliance with this Article. FSEs must be registered with the DHD.

B. A FOG permit shall be issued to each FSE operator. The FSE operator shall be responsible for compliance with the latest revision of the FOG control policies and procedures.

C. A Registration Fee may be established by the Commission at a duly noticed hearing and upon adoption, shall be posted by the Commission to provide sufficient public notice of the Registration Fee.

#### Sec. 12-6. Compliance schedule.

A. Any FSE facility that discharges to the public sewers shall comply with the following schedule:

1. Any FSE facility discharging wastewater shall comply with this Article immediately upon said Article's effective date.

2. Notwithstanding the previous subsection (1), an FSE shall be required to update its compliance with the provisions of this Article when anyone of the following occur:

a) There is a change in ownership of the FSE facility. The FSE shall comply with all of the requirements of this Article within fourteen (14) calendar days of the change in ownership, unless the Superintendent of Sewer Services approves a request for an extension in writing;

b) There is a renovation of the FSE facility; or

c) An area or areas of the sewer system is designated as a problem area as defined in this Article. Such designation shall be by a formal vote of the Commission and shall be based upon evidence of excessive fats, oils or grease in said area of the sewer system, such as sanitary sewer overflows, or of the need for excessive maintenance, or by means of inspection. Upon notification by the DPW, all FSE facilities within the problem area designation shall comply with all conditions of this Article within a reasonable time schedule established by the DPW, which schedule shall not be more than fourteen (14) calendar days.

#### Sec 12-7. Effluent Limitations.

A. Any discharge from an FSE facility shall comply with the following limitations:

1. The wastewater discharged from the grease trap/interceptor, AGRU or other approved unit and prior to mixing with any other wastewater from the facility must meet the standards provided in Article XI, Sec. 1000-4 of the Town's Administrative Regulations or the applicable minimum effluent limits for permits issued by DEEP pursuant to C.G.S. § 22a-430b and regulations promulgated thereunder.

2. At no time shall the concentration of fats, oils and grease in wastewater from the grease trap/interceptor, AGRU, or other approved unit and prior to mixing with any other wastewater from the facility exceed the lesser of:

a) the limits as specified in Article XI, Sec. 1000-4 of the Town's Administrative Regulations, "Use of Public Sewers",

b) one hundred (100) milligrams per liter, or the limits defined in the General Permit, whichever is less, of FOG concentration as determined by an approved test for total recoverable fats, oils and grease as listed in relevant federal regulations, including Code of Federal Regulations, Part 40, section 136, or

c) concentrations or quantities which will harm the sewers and proper operation as determined by Superintendent of Sewer Services.

B. When directed by the Superintendent of Sewer Services, the FSE owner/operator shall have an analysis performed on a discharge sample by an approved water testing company. The sampling shall be taken during peak flow hours when the fats, oils and grease are being produced. The results shall be submitted to the Superintendent of Sewer Services for review.

#### Sec. 12-8. Pollution Prevention/Best Management Practices. (BMP).

A. The owner/operator of an FSE facility shall endeavor to the maximum extent practicable to prevent discharge of pollutants directly or indirectly into the waters of the United States of America. The BMPs shall include, but are not limited to, treatment requirements, operating procedures, segregation and proper disposal of pollutants.

B. The FSE facility owner/operator shall ensure that:

1. No valve or piping bypass equipment that could prevent the discharge of wastewater from entering appropriate treatment equipment shall be present at such facility.

2. Renderable fats, oils and grease shall only be disposed of in separate storage containers for recycling by a renderer. No renderable fats, oils and grease shall be discharged into grease trap/interceptors or AGRUs, sanitary sewers, dumpsters or storm sewers. The FOG from the grease traps/interceptors shall be disposed of at a Regional collection/transfer/disposal site.

3. The FSE owner/operator shall, on a regular basis, inspect all grease trap/interceptors to ensure efficient separation of FOG from the discharge to the sewer main. An outdoor in-ground grease trap/interceptor shall be completely emptied by a licensed grease hauler as required by the General Permit or as frequently as directed by either the DPW or DHD.

4. The FSE owner/operator shall empty the solids settled at the bottom of the interceptors at reasonable intervals.

#### Sec. 12-9. Duty to Correct and Report Violations.

Upon becoming aware of a violation of a condition of any permit to discharge, an FSE owner/operator shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further violation, and report in writing such violation and such corrective action to the DPW within seven (7) calendar days of the FSE owner/operator learning of such violation.

#### Sec. 12-10. Duty to Provide Information,

Upon any request by the DPW for any information pertinent to compliance with this ordinance, the FSE owner/operator shall provide such information within fourteen (14) calendar days of such request.

### Sec. 12-11. Certification of Documents

Any document, information or report required by this regulation to be submitted to the DPW shall be signed by the FSE owner/operator or by a duly authorized representative of the FSE owner/operator, and the signatory shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

### Sec. 12-12. Powers of Authorized Agents.

Authorized Agents of the DPW and the Town of Darien bearing proper credentials and identification shall be permitted to enter any FSE during business hours for the purposes of inspection, observation, measurement, sampling and testing in order to determine compliance with the provisions of this article.

### Sec. 12-13. Violations and penalties; enforcement.

A. An FSE owner/operator or a property owner on which an FSE is operating who violates any provision of this article and refuses to comply with any order made hereunder within fourteen (14) calendar days after notice of such order or failing to correct any violation as required under section 12-9 within fourteen (14) days, shall be fined in accordance with the following schedule, unless the Superintendent of Sewer Services grants an additional fourteen (14) calendar day extension:

1. Unless otherwise provided, any FSE owner/operator or property owner on which an FSE is operating who is found to be violating any provision of these regulations shall be served by the Superintendent of Sewer Services or, when there is reason to believe that a health hazard exists, the director of DHD, with a written notice stating the nature of the violation and providing a reasonable time limit not to exceed fourteen (14) calendar days for the satisfactory correction thereof. The alleged offender shall, within the period of time stated in such notice, permanently cease all violations and take such action as is recommended or necessary to ensure there will be no reoccurrence of such violation. All of such work in connection therewith shall be performed by said person without delay and without expense to the town.
2. For each Violation-Major, a fine in the sum of \$250.00.
3. For each Violation-Minor, a fine in the sum of \$100.



4.. Each occurrence of a violation, and each such calendar day that such violation shall continue, shall constitute a separate violation and shall be subject to a separate penalty.

5. Any FSE owner/operator or property owner on which an FSE is operating who violates any of the provisions of these regulations shall become liable to the Town or Commission, for any expense, loss, or damage resulting to the Town or Commission by reason of such violation, so that if the Superintendent of Sewer Services shall have caused the disconnection of the building sewer or drain from the public sewer system, the Town may collect the cost of making such disconnection from any person responsible for such violation of the requirements of these regulations, or from the owner of the premises, and may thereafter refuse to permit the restoration of the former connection or of any new connection until the claim of the Town shall have been paid in full, with interest and reasonable overhead.

6. Where immediate action is necessary, the Superintendent of Sewer Services may disconnect, or otherwise act to prevent the building sewer from the premises in which said violation of the requirements of these regulations shall have occurred, from discharging into the public sanitary sewer system.

7. Any alleged offender may have the right to appeal any order of the Superintendent of Sewer Services or the director of DHD to the Commission, provided such request is received by the Commission no later than ten days after the date of mailing the order by the Superintendent or director. The Commission shall hear the appeal at its next regularly scheduled meeting, provided the appeal is received by the Commission at least seven (7) days prior to the meeting date. If the Commission receives a timely filed appeal less than seven (7) days before the Commission's next regularly scheduled meeting, the Commission shall hear such appeal at its following regularly scheduled meeting. In its decision, the Commission shall provide a reasonable time limit for the satisfactory correction of any violation that it finds.

These regulations shall take effect upon its enactment following public hearing on September 1, 2020 and ratification as moved in regular meeting of September 1, 2020 by the Darien Sewer Commission.