

FREDERICKSBURG SEWER & WATER AUTHORITY

RESOLUTION NO. 2015-2

A RESOLUTION OF THE BOARD OF THE FREDERICKSBURG SEWER AND WATER AUTHORITY AMENDING SECTION I, DEFINITONS AND SECTION IV, ADMINISTRATIVE PROVISIONS, OF THE AUTHORITY'S RULES AND REGULATIONS.

WHEREAS, the Municipality Authorities Act, 53 Pa.C.S. §5601, et. seq., grants the Fredericksburg Sewer and Water Authority (the "Authority") the power to adopt reasonable rules and regulations that apply to the water and sewer systems owned and operated by the Authority and amend the same from time to time.

NOW, THEREFORE, BE IT RESOLVED that the undersigned, an authorized representative of the Authority, hereby certifies that at a meeting held on the 2nd day of February, 2015, after due notice, at which a quorum was present, the Authority adopted the following resolution:

RESOLVED, that the Authority's Rules and Regulations, Section 1, captioned Definitions shall be amended to in include the following, new definition:

SECTION I: DEFINITIONS.

* * *

"Food Service Facility: A Food Service Facility means an operation that prepares, packages, serves or otherwise provides food for human consumption at the wholesale or retail level, including, but not limited to, an operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

- A. A Food Service Facility includes permanent and nonpermanent food facilities, including, but not limited to, the following:
1. Restaurants;
 2. Public Eating Places;
 3. Establishments serving alcohol except those defined as Distributors or Importing Distributors by the Liquor Code;
 4. Food processing or packaging plants;
 5. Public and private school cafeterias;
 6. Licensed care facilities (both day care and residential care for the young, elderly or sick); and
 7. Commissaries.

B. A Food Service Facility does not include any of the following:

1. A private home;
2. Farm stands;
3. Vending machines;
4. A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90 day period; and
5. A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90 day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.”

FURTHER RESOLVED, that the Authority’s Rules and Regulations, Section IV, captioned Administrative Provisions, Paragraphs F.2. and 3., captioned Special Regulations and Charges, shall be amended to state as follows:

SECTION IV: ADMINISTRATIVE PROVISIONS.

“F. Special Regulations and Charges.

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2. Fats, Oils & Grease (“FOG”).

a. This paragraph establishes uniform maintenance and monitoring requirements for controlling the discharge of FOG from Garages and Food Service Facilities discharging into the Authority’s sewer system. The provisions of this paragraph shall apply to all Garages and Food Service Facilities that are, or wish to become, users of the sewer system. The objectives of this paragraph are as follows:

1. To prevent the introduction of excessive amounts of FOG into the Authority’s sewer system.
2. To prevent clogging or blocking of the Authority’s sewer lines due to FOG build-up causing backup and flooding of streets, residences and commercial or industrial buildings, or any other discharge of wastewater into the environment.
3. To implement a procedure to recover the costs incurred by the Authority in cleaning and maintaining sewer lines and disposing of FOG blockages.

4. To implement a procedure to recover costs for any liability incurred by the Authority for damage caused by grease blockages resulting in the flooding of streets, residences or commercial buildings or any other discharge of wastewater into the environment.
5. To establish fees for the reimbursement of costs incurred by the Authority resulting from the program established herein; and
6. To establish enforcement procedures for violations of any part or requirement of these regulations.

b. Grease traps and grease interceptors.

1. All Garages and Food Service Facilities are required to have a grease trap or grease interceptor properly installed in accordance with any and all applicable requirements of the Appendices of these Rules and Regulations.

2. New Garages and Food Service Facilities. Garages and Food Service Facilities which are constructed, or existing commercial establishments which are expanded or renovated to include a Garage or Food Service Facility, including Garages and Food Service Facilities that did not previously exist, shall be required to install grease interceptor(s) or grease trap(s) according to the requirements set forth in the Appendices of these Rules and Regulations, and to operate and maintain the grease trap(s) and/or grease interceptor(s) according to the requirements contained in this paragraph.

3. Existing Garages and Food Service Facilities grandfathered in some circumstances.

a. As of January 5, 2015 (the date this provision become effective), Garages and Food Service Facilities currently in operation shall be permitted to operate and maintain existing grease interceptors or grease traps, provided their grease interceptors or grease traps are sized correctly and are in effective operating condition. Further, any such Garages and Food Service Facilities shall not be required to install a grease trap or grease interceptor, unless the Garage or Food Service Facility is found to be noncompliant with limitations on FOG contained in the Appendices of these Rules and Regulations.

b. The Authority may require any existing Garages and Food Service Facility to install a new grease interceptor(s) or grease trap(s) that complies with the requirements of the Appendices of these Rules and Regulations, or to modify or repair any noncompliant plumbing or existing grease interceptor(s) or grease trap(s) within 30 days of written notification by the Authority when any one or more of the following conditions exist:

1. The Garage or Food Service Facility is found to be contributing FOG in quantities which, in the sole discretion of the Authority, are sufficient to cause line stoppages or necessitate increased maintenance of the sewer system.
2. The Garage or Food Service Facility has an irreparable, defective, or undersized grease interceptor or grease trap.
3. Remodeling of the food preparation or kitchen waste plumbing system is performed.
4. The Garage or Food Service Facility is sold or undergoes a change of ownership.

4. Plumbing connections. Grease interceptors and grease traps shall be installed in accordance with the Appendices of these Rules and Regulations. Sewage shall not be introduced into the grease interceptor or grease trap under any circumstances.

5. Grease traps. Grease traps shall be installed in accordance with the Appendices of these Rules and Regulations. Each Garage and Food Service Facility shall operate and maintain its grease traps in accordance with the following criteria:

a. Examination, cleaning and maintenance. Each Garage and Food Service Facility shall be solely responsible for the cost of grease trap installation, examination, cleaning, and maintenance. Each Garage and Food Service Facility shall contract with a grease hauler for cleaning services or it may develop a written protocol and perform its own grease trap cleaning and maintenance procedures. Cleaning and maintenance must be performed when the total volume of captured grease and solid material displaces more than 50% of the total volume of the grease trap. Each Garage and Food Service Facility shall determine the frequency at which its grease trap shall be cleaned, but all grease traps shall be opened, examined, cleaned, and maintained at a minimum of once per month.

b. Repairs and replacement. The Garage or Food Service Facility shall be responsible for the cost and scheduling of all repairs or replacement of its grease trap(s). Repairs or replacement required by an Authority official shall be completed within 30 calendar days after the date of written notice of required repairs or replacement is received by the Garage or Food Service Facility. The Authority may authorize an extension of time to achieve compliance for an additional 60 days. If additional time is necessary to come into compliance, the Garage or Food Service Facility may be issued a compliance schedule which establishes a schedule of certain milestones for bringing the food service facility into compliance. If the repair or replacement requires municipal approval and/or permitting, it shall be the responsibility of the Garage or Food Service Facility to obtain such approval or permit prior to repair or replacement.

c. **Disposal.** Wastes removed from each grease trap shall be disposed of at a facility allowed to receive such wastes. Neither grease nor solid materials removed from grease traps shall be returned to any grease trap, private sewer line or to any portion of the Authority's sewer system.

d. **Recordkeeping.** The Garage or Food Service Facility shall maintain records of the date and time of all examinations, cleanings and maintenance of each grease trap, a notation as to where any removed grease was disposed of, and the volume of grease disposed in a logbook and shall make this book available for inspection by Authority officials or agents upon request. The Garage or Food Service Facility shall also maintain the written protocol concerning grease trap cleaning and maintenance procedures and shall make this available to the Authority representative upon request.

6. **Grease interceptors.** Grease interceptors shall be designed and installed in accordance with the Appendices of these Rules and Regulations. Each Garage and Food Service Facility shall operate and maintain its grease interceptor in accordance with the following criteria:

a. **Examination, cleaning and maintenance.** Each Garage and Food Service Facility shall be responsible for the costs of installing, examining, pumping, cleaning, and maintaining its FOG interceptor. All Garages and Food Service Facilities that have grease interceptors shall contract with a grease hauler that performs the following service during each cleaning: initial complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids from the grease interceptor, as well as scraping and removing excessive solids from the walls, floors, baffles and all pipe work.

b. It shall be the responsibility of each Garage and Food Service Facility to examine its grease interceptor during the cleaning procedure to ensure that the grease interceptor is properly cleaned and that all fittings and fixtures inside the grease interceptor are in working condition and functioning properly.

c. **Grease interceptor cleaning frequency.** Each Garage and Food Service Facility shall have its grease interceptor(s) cleaned according to the following criteria:

1. When the floatable grease layer exceeds six inches in depth as measured by an approved measuring method; or
2. When the settleable solids layer exceeds eight inches in depth as measured by an approved measuring method; or
3. When the total volume of captured grease and solid material displaces more than 50% of the capacity of the grease interceptor as calculated using an approved measuring method; or
4. When the grease interceptor is not retaining/capturing

FOG.

d. Repairs and replacement. Each Garage and Food Service Facility shall be responsible for the cost and scheduling of all repairs to or replacement of its grease interceptor(s). Repairs or replacement required by an Authority official shall be corrected within 30 calendar days after the date of written notice of requiring the repairs or replacement is received by the Garage or Food Service Facility. The Authority may authorize an extension of time for an additional 60 days to achieve compliance. If additional time is necessary to come into compliance, the Garage or Food Service Facility may be issued a compliance schedule which establishes a schedule of certain milestones for bringing the Garage or Food Service Facility into compliance. If the repair or replacement requires municipal approval and/or permitting, it shall be the responsibility of the Garage or Food Service Facility to obtain such approval or permit prior to repair or replacement.

e. Disposal. Wastes removed from each grease interceptor shall be disposed of at a facility allowed to receive such wastes. Neither grease nor solid materials removed from grease interceptors shall be returned to any grease interceptor, private sewer line or to any portion of the Authority's collection system.

f. Recordkeeping. Each Garage and Food Service Facility shall maintain a logbook in which a record of all grease interceptor examinations and maintenance is entered, including the date and time of the examination, cleaning or maintenance, a notation as to the volume of grease, where the grease was disposed of, details of any repairs required and dates of repair completion and any other records pertaining to the grease interceptor. The logbook shall be made available for review upon request by the Authority representative.

6. Alternative grease removal devices or technologies. Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by the Authority prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Authority, at its sole discretion, may approve these types of devices depending on manufacturer's specifications on a case-by-case basis. The Garage or Food Service Facility may be required to furnish analytical data demonstrating that the Garage or Food Service Facility discharge concentrations to the Authority's sewer system will not exceed the limitations established in the Appendices of these Rules and Regulations. Permission to use any specific technology does not invalidate any other chapter of these regulations, and does not preclude any enforcement actions or remedies.

7. Authority's Inspection Program:

a. Entry. Each Garage and Food Service Facility shall allow duly authorized employees or agents of the Authority bearing proper credentials and identifications access at all reasonable times to 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 Garage or Food Service Facility to allow the Authority official entry to or upon the Garage's or Food Service Facility'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 chapter. The Board of Directors may seek an administrative search warrant or use such other legal procedures as may be advisable and necessary to implement his duties pursuant to this section.

b. **Inspection.** Garages and Food Service facilities shall be inspected as follows:

1. **Periodic inspections.** The Authority may inspect Garages and Food Service Facilities on both an unscheduled and unannounced basis and on a scheduled basis to verify continued compliance with the requirements of this section.

2. **Written report; deficiencies.**

a. All Garages and Food Service Facilities may be inspected by the Authority on a periodic basis. Inspections shall include equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the Food Service Facility through the grease interceptor or grease trap. The Authority representative shall also inspect the grease interceptor or grease trap maintenance logbook, other pertinent data, the grease interceptor or grease trap and may check the level of the grease interceptor or grease trap contents and/or take samples as necessary. The Food Service Facility owner shall remove the cover on the grease interceptor or grease trap and shall reinstall the cover after the inspection is complete. The Authority shall record its observations in a written report. Any deficiencies shall be noted in a deficiency notice, which may include but not be limited to the following:

1. Failure to properly maintain the grease interceptor or grease trap in accordance with the provisions of this chapter.
2. Failure to report changes in operations, or wastewater constituents and characteristics.
3. Failure to report examination and cleaning activities or provide manifest forms or disposal receipts.
4. Failure to maintain logs or provide access for inspection or monitoring activities.
5. Inability of existing grease interceptor(s) or grease trap(s) to prevent discharge of grease into sewer system as evidenced by build-up of grease downstream of the grease interceptor or grease trap.

b. If any deficiencies are recorded by the Authority during an inspection, the Authority shall provide the Food Service Facility a written deficiency notice via certified mail to correct the deficiency within 30 calendar days, and a tentative date for a re-inspection.

3. Frequency.

a. The Authority may inspect Food Service Facilities on a periodic basis. Routine inspections shall not be more frequent than six times per year. The Authority official may re-inspect Food Service Facilities which received deficiency notices after a routine inspection or re-inspection. The Authority shall inspect any repairs and shall provide verbal or written notice of its findings.

b. In the event of continuing noncompliance, successive re-inspections may be scheduled and appropriate fees shall be charged to the Garage or Food Service Facility for the first and all successive re-inspections. Re-inspections shall be performed after a minimum of 30 calendar days have elapsed to allow for corrective action by the food service facility to be completed.

8. Fees and charges

a. It is the purpose of these Regulations to provide for the recovery of costs from users of the Authority's sewer system for the implementation of the program established herein. The applicable charges, rates or fees shall be set forth in these Regulations and/or the Authority's schedule of rates, charges and fees.

b. The Authority may from time to time collect charges and fees to include the following:

1. Fees for the reimbursement of the Authority's costs of setting up and operating the FOG control program.
2. Fees for monitoring, inspections, and surveillance procedures.
3. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

c. These fees relate solely to the matters covered by these Regulations and are separate from all other fees chargeable by the Authority.

9. Penalties. The Authority shall enforce these FOG regulations, and all of the requirements of this section, in accordance with the provisions set forth in these Rules and Regulations and the procedural requirements set forth herein.

10. Recovery of Costs. When a discharge of waste causes an obstruction, damage or any other impairment to the Authority's facilities, or any expense of whatever character or nature to the Authority, the Board of Directors shall assess the expenses incurred by

the Authority to clear the obstruction, repair damage to the facility, and any other expenses or damage of any kind or nature suffered by the Authority. The Board of Directors shall seek reimbursement from the Garage or Food Service Facility or any other person or entity causing such damages for any and all expenses or damages suffered by the Authority, including the payment of any fines or penalties to any regulatory bodies imposed on the Authority as a result of any permit violations caused by such blockages or obstructions. If the claim is ignored or denied, the Authority Solicitor will be authorized to take such measures as shall be appropriate to recover any expense or to correct other damages suffered by the Authority.

3. System Wide FOG Charge.

a. Amount. A FOG charge shall be imposed against each user of the Authority's sewer system operating a hotel, restaurant, boarding house, public eating place, service station, garage, factory building or other commercial establishment which handles fats, oils, petroleum or similar products, or which washes cars, trucks, or other types of machinery, or any Property from which fats, oils, petroleum or similar products are being received, in the quarterly amount set by Resolution, but not less than two hundred fifty and 00/100 dollars (\$250.00) per EDU. This charge shall be added to each quarterly billing for each such user of the System in order to provide and generate income for the Authority to treat fat, oils and grease being introduced into the System, and said charge is to be additional to the quarterly sewer rental charge billed to each such user of the System. The FOG charge shall be billed and collected in the same manner as the quarterly sewer rental charge and will be due at the same time.

b. Periodic Charge. If it is deemed necessary, the FOG charge may be imposed annually on such users of the System in order to eliminate FOG or create additional revenues for costs associated with the treatment of FOG.

c. Notice. The Authority shall give each such user of the system sixty (60) days notice of the pending imposition of each FOG charge.

d. Inspection. Upon receipt of said notice, each such user of the System may contact the Authority to arrange for an inspection of the user's premises. The purpose of the inspection is to permit the Authority to inspect the user's premises for an appropriate grease trap. Upon inspection, the Authority shall relieve the user of the FOG charge if it determines that the user is not introducing FOG into the System, or has satisfactorily and timely complied with the direction from the Authority to install an appropriate grease trap.

e. Notice of Violation. If the Authority determines that an appropriate grease trap is not functioning on such a user's premises, the Authority shall notify the user in writing of this fact and the user shall have sixty (60) days from the date of the notice in which to install an appropriate grease trap. Upon the expiration of the sixty (60) day period, the Authority shall conduct a follow up inspection in order to verify compliance with the notice.


f. Appeal. Any user who receives written notification to install a grease trap may file a written appeal with the Authority not later than ten (10) days from the date of the notice. The filing of an appeal will temporarily stay the requirement that a grease trap be

installed, but it will not stay the imposition of the FOG charge.

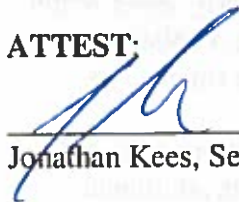
g. Attorneys' fees/costs of compliance. The Authority shall require the installation of an appropriate grease trap. To the extent provided by law, the user shall be responsible for the Authority's costs and expenses, including its attorneys' fees, if the Authority is required to pursue legal action in order to accomplish the installation of an appropriate grease trap."

DULY ADOPTED, this 2nd day of February, 2015, by the Fredericksburg Sewer and Water Authority, in lawful session duly assembled.

**FREDERICKSBURG SEWER AND
WATER AUTHORITY**


James A. Heisey, Chairman

ATTEST:


Jonathan Kees, Secretary