

City of Florence Code of Ordinances relating to the Fats, Oils, and Grease (FOG) Program

Chapter 12 - MUNICIPAL UTILITIES

ARTICLE II. - SEWERS AND SEWAGE DISPOSAL

DIVISION 2. - PROHIBITED USE OF PUBLIC SEWAGE SYSTEM

Sec. 12-17. - General.

These general prohibitions apply to all users of the POTW whether or not the user is a significant industrial user or subject to any federal, state, or local pretreatment standard or requirement.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-18. - Interference and pass through.

No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater, which causes interference or pass through.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-19. - Stormwater.

- (a) No person shall discharge or cause to be discharged into any sanitary sewers any stormwater, surface water, uncontaminated ground water, roof run-off, or subsurface drainage.
- (b) Stormwater and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may be discharged to storm sewers or storm drains; in their absence, authority may be granted for discharge into the sanitary sewer system upon written application.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-20. - Prohibited discharges.

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any POTW:

- (1) Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc., which will [not] pass through a quarter-inch (1/4) mesh screen or its equivalent in screening ability.
- (2) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21.

- (3) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (6) Any materials which forms excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
- (7) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.
- (8) Any wastewater having a pH less than five (5.0) or more than eleven (11.0) or wastewater having any other corrosive property capable of causing damage or hazard to the POTW or equipment.
- (9) Any wastewater containing pollutants, including oxygen demanding pollutants, in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
- (10) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repairs.
- (11) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the act: the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (12) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health, secondary recreation, or aquatic life and wildlife; to adversely affect the palatability of fish or aesthetic quality; to impair the receiving waters for any designated uses; or interfere with any wastewater treatment process.
- (13) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (55°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed one hundred four (104) degrees Fahrenheit (40°C).

- (14) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.
- (15) Any trucked or hauled pollutants, except at discharge points designated by the POTW director.
- (16) Stormwater, surface water, uncontaminated ground water, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.
- (17) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (18) Fats, oils, greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
- (19) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (20) Any medical wastes, except as specifically authorized by the POTW director.
- (21) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (22) Any material that would be identified as hazardous waste according to 40 CFR part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW director.
- (23) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances or NPDES permit limitations.
- (24) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (25) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (26) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (27) Recognizable portions of the human or animal anatomy.
- (28) At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
- (29) Any solid or viscous pollutants which will cause obstruction to the flow in the treatment facility resulting in interference.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-27. - Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, unless expressly authorized

by an applicable pretreatment standard, or in any other pollutant discharge limitation developed by city or state.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 3. - PERMITTED USE OF PUBLIC SEWERAGE SYSTEM

Sec. 12-29. - Pretreatment—May be required.

Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of section 12-20 or where necessary in the opinion of the city, the person discharging sewage shall construct or cause to be constructed, at no expense to the city, preliminary handling or treatment as deemed necessary.

(Code 1973, App. H, Art. II, § 2.3; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-30. - Same—Approval of plans.

- (a) The pretreatment facilities shall be constructed in accordance with a compliance schedule specified by the city, the state, or EPA whichever is more stringent.
- (b) Plans, specifications, and other pertinent information relating to proposed wastewater pretreatment facilities shall be submitted for the approval of the city and no construction of such facilities shall be commenced until such approval is obtained in writing. The review of such plans shall in no way relieve the user from the responsibility of complying with the provisions of this article and all other local, county, state, and other authorities having jurisdiction. Any changes in pretreatment facilities shall be approved by the city prior to initiation of the changes.

(Code 1973, App. H, Art. II, § 2.4; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-31. - Same—Maintenance of facility.

When preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the city.

(Code 1973, App. H, Art. II, § 2.5; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-32. - Submitting analysis of discharge.

Any person who is now discharging any sewage into the city public sewers may be required to submit a complete composite analysis by an independent laboratory to the city as to the nature and characteristic of the sewage.

(Code 1973, App. H, Art. II, § 2.6; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-33. - Change in discharge characteristics.

Any person having been granted authority by the city to discharge sewage into the city's public sewers and who shall significantly change or cause to be changed the nature or quantity of

such sewage shall before making such change shall furnish the city a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

(Code 1973, App. H, Art. II, § 2.7; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-35. - Grease, oil and sand traps.

Grease, oil and sand separators or traps shall be provided when in the opinion of the city they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private dwelling units, but may be required for industrial or commercial establishments and institutions. Such separators shall be readily accessible for inspection by the city and shall be maintained and cleaned by the person at no expense to the city and in continuously efficient operation at all times.

(Code 1973, App. H, Art. II, § 2.9; Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 4. - OPERATION AND CONTROL OF WASTE WATER SYSTEM

Sec. 12-38. - Inspections—General.

The city shall have the right to inspect the facilities of any user to ascertain whether requirements of this article are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city, approval authority, and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or observation in the performance of any of their duties. The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Code 1973, App. H, Art. II, § 3.1; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-40. - Performance of tests and analyses.

All tests and analyses of the characteristics of sewage to which reference is made in this chapter shall be made in accordance with the procedures given in the Federal Register 40 CFR, Part 136.

The results of all tests and analyses performed by significant industrial users shall be reported to the control authority.

(Code 1973, App. H, Art. II, § 3.3; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-44. - System abuse.

Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that person and shall be held accountable for all expenses incurred by the city or other property owners as a result of the abuse.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-46. - Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's sewage system contrary to the provision of this article, federal or state pretreatment requirements, or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the court of proper jurisdiction.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 5. - ENFORCEMENT

Sec. 12-52. - Administrative remedies.

- (a) *Notification of violation.* Whenever the city finds that any user has violated or is violating this article, wastewater contribution permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the city may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the POTW director by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of notice of violation.
- (b) *Consent orders.* The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) below.
- (c) *Show cause hearing.* The city may order any user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater contribution permit to show cause why a proposed enforcement action should not be taken. In the event the city determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served

personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The city shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty nor is any action or inaction taken by the city under this section subject to an administrative appeal.

- (d) *Administrative orders.* When the city finds that an user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
 - (1) Immediately comply with all requirements;
 - (2) Comply in accordance with a compliance time schedule set forth in the order;
 - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
 - (4) Disconnect.
- (e) *Emergency suspensions.* The city may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city prior to the date of the above-described hearing.
- (f) *Termination of permit.* Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having its wastewater contribution permit terminated:
 - (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;

- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 701 of this article why the proposed action should not be taken.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-53. - Civil penalties.

Any user who is found to have failed to comply with any provisions of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to two thousand dollars (\$2,000.00) per day per violation. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-54. - Other available remedies.

Remedies, in addition to those previously identified in this article, are available to the city which may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (1) *Criminal violation.* The district attorney for the judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of this article.
- (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the city may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
- (3) *Water supply severance.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (4) *Public nuisance.* Any violation of the provisions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a public nuisance shall be subject to the provisions of the Florence City Code governing such

nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-55. - Reconnection.

It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with provisions of this article, or any other reason, until specifically approved in writing by the city. Said approval shall be contingent upon satisfaction of all provisions of this article including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-56. - Hearings.

- (a) *Initial adjudicatory hearing.* An applicant whose wastewater contribution permit is denied, or is granted subject to conditions the applicant deems unacceptable, a user assessed a civil penalty, or a user issued an administrative order shall have the right to an adjudicatory hearing before a hearing officer designated by the city upon making such written demand, identifying the specific issues to be contested within thirty (30) days following receipt of the wastewater contribution permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision of the contested action within sixty (60) days of the receipt of the demand for a hearing.
- (1) *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of the judicial review or until the parties reach a mutual resolution.
 - (2) *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach mutual resolution.
- (b) *Final appeal hearings.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (a) above may be repealed, to the city council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with City Code. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed.
- (c) *Official record.* When a final decision is issued under subsection (b) above the city council shall prepare an official record of the case that shall include all notices, motions, and other like pleadings; a copy of all documentary evidence introduced; a certified transcript or narrative summary of any testimony taken; and a copy of the final decision of the city council.

- (d) *Judicial review.* Any person against whom a final order or decision of the city council is entered, pursuant to the hearing conducted under subsection (b) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice, but not thereafter, with the superior court of Florence County along with a copy to the city. Within thirty (30) days after receipt of the copy of the petition of judicial review, the city council shall transmit to the reviewing court the official record.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)