

**SALISBURY TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

DRAFT - ORDINANCE NO. 10-2011-569

AN ORDINANCE REQUIRING CERTAIN COMMERCIAL CUSTOMERS TO ESTABLISH EXTERNAL GREASE TRAPS, REQUIRING REGULAR MAINTENANCE OF SUCH GREASE TRAPS, REQUIRING CERTAIN RECORD KEEPING, ESTABLISHING FEES RELATING TO THE COST OF TOWNSHIP SAMPLING AND MONITORING, AND EVALUATING DISCHARGES, AND ESTABLISHING A USER CHARGE FOR THOSE CUSTOMERS WHICH REPEATEDLY DISCHARGE EXCESS STRENGTH FLOWS INTO THE SALISBURY SANITARY SEWER COLLECTION SYSTEM.

WHEREAS, the Township of Salisbury, Lehigh County, Pennsylvania ("Township") has long restricted discharges of excess strength effluent into the Sanitary Sewerage Collection System of Salisbury (the "System"); and

WHEREAS, multi-municipality agreements, to which the Township is a signatory, require the Township to create a user charge cost system in circumstances where excess strength discharges may be identified; and

WHEREAS, monitoring data provided by the City of Allentown, and the cost reports associated therewith, indicate that there may be excess strength dischargers which are customers of Township; and

WHEREAS, an evaluation of the data identifies the basic areas from which excess strength discharges may be arising and all seem to involve areas which include restaurants or automobile service stations within the Township customer base; and

WHEREAS, past investigations conducted by the City of Allentown and South Whitehall Township suggest a correlation between potentially ineffective grease traps or grease trap cleaning and monitoring within areas where excessive strength discharges have been identified; and

WHEREAS, it is inequitable to pass the costs associated with excess strength discharges from identifiable customers through to the entire customer base; and

WHEREAS, the Township desires to adopt an Ordinance which will equitably provide for the installation of effective grease traps, for their monitoring and testing, and for a reasonable allocation of costs associated with monitoring and testing, and where necessary, additional charges for continued excess strength discharges from individual customers.

NOW, THEREFORE, be it and it is hereby **ORDAINED** and **ENACTED** by the Salisbury Township Board of Commissioners as follows, to wit:

I. Scope and Purpose. To aid in the prevention of contributions, discharges, and accumulation of fats, oils and greases into the System from industrial or commercial facilities, including but not limited to, food preparation and serving facilities and automobile service stations which may result in the delivery of "exceptional strength wastewater" (as that term is used in a multi-municipality agreement dated December 29, 1981 in which Salisbury Township is a signatory) to the Allentown Wastewater Treatment Plant; to regulate such contributions, discharges and accumulations through a permitting process; and to properly assess the costs associated with the monitoring and regulation of such facilities, and the treatment of fats, oils and greases delivered to the System.

II. Definitions.

A. Exceptional Strength Wastewater: Waste water which, at the time it enters the Township System, exceeds one or more of the following strength parameters:

Biochemical Oxygen Demand (BOD)	230 mg/l
Suspended Solids (SS)	250 mg/l
Total Kjeldahl Nitrogen (TJN)	44 mg/l

B. Food Service Facility: A facility or establishment, other than a single family residential dwelling, regularly engaged in activities of preparing or serving or otherwise making food available for consumption which uses one or more of the following preparation techniques: cooking by frying (all methods); baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included as a technique and for purposes of this definition are infrared heating, searing, barbecuing, and any other food preparation activity which produces a non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, concessions, manufacturing plants, or any other industrial or commercial establishments, except residential establishments, which discharge, or are likely to discharge, grease into the System.

C. Grease: Material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oil, and grease may be used interchangeably in this Ordinance under this single definition.

D. Grease Trap or Interceptor: A device for separating and retaining waterborne grease and grease complexes prior to the wastewater exiting the trap and entering the System. These devices also serve to collect settleable solids, generated by and from food preparation and other activities which discharge grease, prior to water exiting the trap and entering the System. The grease trap/interceptor shall be properly sized to handle the expected flow from the facility.

E. Oil/Water Separator: A device that is specifically designed and manufactured to separate oil from water, and permits the oil to be collected and removed on a regular basis as to prevent it from being discharged into the System. The oil/water separator shall be properly sized to handle the expected flow from the facility.

F. Operation: Any activity which results in the discharge by a Regulated Facility of any wastewater into the System.

G. Regulated Facility: Any food service facility and any other commercial establishment of Township, except residential,, which contributes, discharges or accumulates grease which enters the System, or which discharges waste into the System of the types described in §407.2 of the Salisbury Township Codified Ordinances Chapter 18, Part 4.

H. System: The Sanitary Sewerage Collection System of Salisbury Township.

I. User: Any person or establishment including those located outside the jurisdictional limits of Salisbury Township who or which contributes, causes, or permits the contribution or discharge of wastewater into the System, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

III. Industrial Waste Discharge Permits.

A. When Required.

1. Existing Facilities: Each Regulated Facility shall obtain an Industrial Waste Discharge Permit from Township in accordance with the requirements as described in Section 408 of the Salisbury Township Codified Ordinances Chapter 18, Part 4. This permit, if not sooner obtained, shall be acquired by each such user no later than June 1, 2012. From and after December 1, 2011, no Township customer described in this paragraph shall discharge into the System without a valid unrevoked permit for each Regulated Facility.

2. Renovated and Altered Facilities: Each Regulated Facility which is altered or renovated in a manner which in any way affects the nature or composition of its sewerage discharge, or which alters its sewage discharge lines or facilities, or any monitoring or collection devices associated therewith, shall be required to obtain a new Industrial Waste Discharge Permit.

3. New Facilities: From and after June 1, 2012, no use which when placed in operation will constitute a Regulated Facility may commence operation without an Industrial Waste Discharge Permit.

B. Transfer of Permits: Any changes in control or ownership of a Regulated Facility will require the issuances of a new permit before the commencement of operations under such new control or ownership. Each new user or operator shall be responsible for notifying Township of a change in control or ownership.

C. Duration: An Industrial Waste Discharge Permit shall, if not revoked, expire three (3) years after the issuance date. Permits may be revoked for non-compliance with the provisions of this or any other Township Ordinance, or for non-payment of user fees, monitoring costs, industrial waste surcharges, or service fees.

D. Cost: The cost of an Industrial Waste Discharge Permit shall be established

from time to time by Resolution of the Board of Commissioners, to be determined in a manner consistent with Part 4 of the Salisbury Township Codified Ordinance. The initial permit fee shall be Three Hundred Dollars (\$300.00). Permit fees shall be adequate to pay the reasonable cost to Township of the monitoring, sampling flow measurement, testing and inspection required by Section V of this Ordinance, and of administering the Township permitting program. Regulated Facilities which operate without an Industrial Waste Discharge Permit at any time subsequent to June 1, 2012 shall be assessed and shall pay a service charge of One Hundred Dollars (\$100.00) for each day of unpermitted operation.

E. Property Rights: Each issuance of a permit does not convey any property right to the permittee.

IV. Grease Traps Required. Each Food Service and Regulated Facility which operates more than fifteen (15) days in any calendar month shall install, regularly dispose of material from, and properly monitor grease traps for damage to assure that they properly function. Any Regulated Facility which does not utilize a properly functioning grease trap as of the date of the adoption of this Ordinance shall install such a grease trap on or before June 1, 2012. Unless determined to be infeasible by the Township, any grease trap installed subsequent to the adoption of this Ordinance shall be located outside the portion of the facility in which grease is introduced into sanitary sewer discharge lines, and shall be accessible through a manhole with a minimum diameter of 24" with a readily removable cover. A separate monitoring location shall be provided downstream of the grease trap. Grease trap/interceptors shall be properly sized to handle the expected flow from the facility.

No Regulated Facility shall be renovated, altered, opened or reopened after the date of this Ordinance without a grease trap which meets the criteria of this Section.

V. Sampling Port Required. Each Regulated Facility which operates more than five (5) days in a calendar month shall install or provide a sampling port on the discharge side of each grease trap installed and maintained in accordance with the prior section of this Ordinance. Any Regulated Facility which does not possess a sampling port which adequately permits the sampling, flow measurement, testing and inspection required by Section VI of this Ordinance, shall install such a sampling port on or before June 1, 2012. The sampling port must permit the collection of representative samples of the wastewater discharge of each Regulated Facility before the samples reach the System, and in a manner which provides sufficient volume for thorough chemical analysis.

No Regulated Facility shall be renovated, altered, opened or reopened after the date of this Ordinance without a sampling port which meets the criteria of this Section.

VI. Sampling, Flow Measurement, Testing and Inspection.

A. The Permittee of each Regulated Facility which operates more than five (5) days in any calendar month shall sample its wastewater discharge in accordance with this Section, and shall provide a discharge monitoring report to Township not less frequently than semi-annually, with reports to be submitted no later than June 30 and December 31 of each calendar year. Each discharge monitoring report shall specify the date and time of sampling. Each Regulated Facility shall meet the sampling and reporting requirements of this section not later than June 30, 2012.

B. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Waste Water," published by the American Public

Health Association and shall be determined at the sample port provided by the Required Facility, upon suitable samples taken at such sample port. In the event that no sample port has yet been installed, the sampling location shall be the nearest downstream manhole in the System to the point at which the Regulated Facility sewer is connected. In the event that a System manhole is used as the sampling site, the manhole may be used by Permittees for such sampling only, but no Permittee or representative of Permittee may physically enter the System. Sampling shall be carried out by customarily accepted methods to reflect the effect of discharged materials upon the System and the Allentown Wastewater Treatment Facility and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a Regulated Facility are appropriate or whether a grab sample or samples must also be taken.

C. Both the owner and the operator of each regulated facility connected to the System shall be jointly and severally responsible to provide Township and its representatives and agents the opportunity of access at any time to any part of any regulated facility served by the System as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by Township in regard to the System.

D. All sampling shall be accomplished and all discharge monitoring reports shall be submitted by qualified individuals acceptable to Township. Well defined chain-of-custody and record keeping methods acceptable to Township shall be employed.

E. Discharge reports shall not only characterize the nature of wastewater samples taken, but shall also describe the condition of, and cleanliness of each grease trap. At no time may the combined grease and settled solids of any grease trap exceed 25% of the depth of the grease trap. Discharge reports shall also identify each date and time material was removed from a grease trap since the last report. The report shall state with specificity the qualified and licensed person or entity who or which disposed of material from the grease trap, shall include written certifications as to what was removed, the lawful disposition of the materials removed, and the location of their disposal.

F. Material shall be removed from Grease traps before the combined grease and settled solids accumulate to a depth of 25% of the total depth of the grease trap, and not less frequently than once every ninety (90) days. Disposal of all removed material shall be accomplished by a qualified and licensed person or entity. Cleaning shall include removal of all floating material, wastewater, grease and settled solids. Decanting or discharging of removed waste back into the grease trap, or otherwise into the System, is prohibited.

G. A maintenance log regarding the cleaning of each grease trap shall be maintained by each Regulated Facility for a period of at least the prior thirty-six (36) consecutive months. The log shall include the date, time, amount pumped, the identity of the hauler and the disposal location, and shall be made available to the Township promptly upon request.

H. Monitoring Costs: To the extent that permit fees do not fully compensate Township for their monitoring of the information to be supplied by permittee, and for independent sampling and testing, if any is accomplished by Township, such costs will be assessed against the Permittee as monitored. Permittees may be assessed progressively higher charges for monitoring, testing and sampling accomplished following each instance in which a permittee is non-compliant with Township regulatory requirements including introducing exceptional strength wastewater into the System. Such progressive charges shall be established by Township from time to time by separate Ordinance.

VII. Sand, Soil, and Oil Interceptors. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities identified by Township as likely sources of sand, soil and oil shall install effective sand, soil and oil traps, interceptors, and/or Oil/Water Separators. These separators shall be sized to effectively remove sand, soil, and oil at expected flow rates. These separators shall, at the user's expense, be regularly cleaned or pumped to prevent any adverse impact upon the System. Users whose systems are deemed to be ineffective by Township shall change the cleaning frequency or shall increase the size or methodology of the separator. Owners or operators of washing facilities are required to prevent the inflow of detergents and rainwater into the System. Sampling locations shall be provided by all such users no later than June 1, 2012.

VIII. Excess Strength Charges. Excess strength charges shall be levied by Township against any owner or operator of any operation which discharges Exceptional Strength Waste water into the System. The Township charge shall be equal to the exceptional strength load determined through monitoring times the estimated quarterly rates charged by the City of Allentown to Township plus a 10% administrative fee.

IX. Alteration of Control Methods. Township reserves the right to request additional control measures if existing control, sampling, measurement, testing or inspection systems can be demonstrated by Township to be insufficient to protect the System or the Allentown Wastewater Treatment Facility from damages due to grease, sand, soil, oil or other discharges, or if a permittee's efforts to eliminate excess strength discharges are unsuccessful.

X. Noncompliance. Any owner or operator which refuses or fails to comply with the requirements of this Ordinance shall, following a thirty (30) day notice of its noncompliance, either cease all wastewater discharges into the System, or shall, at the option of Township, suffer a discontinuance of water services, or shall be subject to all other remedies available to Township at law or in equity, or both. Such owner or operator may also be subject to fines and penalties levied by the Township. Each owner and operator of a Regulated Facility shall be deemed to have joint and severable liability and responsibility under the provisions of this Ordinance.

XI. Construction and Severability. In the event any provisions, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality, or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Authority that such remainder shall remain in full force.

XII. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed as of the effective date of this Ordinance.

XIII. Effective Date. This Ordinance shall become effective immediately upon the date of enactment.

DULY ENACTED AND ADOPTED, this 13th day of October, 2011 by the Board of Commissioners of Salisbury Township, Lehigh County, Pennsylvania in lawful session, duly assembled.

SALISBURY TOWNSHIP
Lehigh County, Pennsylvania

By: _____
James A. Brown, President
BOARD OF COMMISSIONERS

ATTEST

Randy Soriano, Secretary