

BOROUGH OF GARWOOD

ORDINANCE NO. 20-08

Adopted: July 9, 2020

Introduced: 6/25/2020
Motion: Council President Blumenstock
Seconded: Councilman Benoit

Public Hearing: 07/09/2020
Motion: Council President Blumenstock
Seconded: Councilman Lazarow

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY, IMPLEMENTING ARTICLE IX OF THE BOROUGH OF GARWOOD'S HEALTH CODE ENTITLED, "GREASE TRAPS"

WHEREAS, in an effort to prevent blockages, obstructions, and backups in the sanitary sewer system of the Borough of Garwood (the "**Borough**"), the Borough wishes to create a new Borough Ordinance to provide for and address this issue as well as related issues with the Borough's sanitary sewer system.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Garwood, County of Union, New Jersey that:

Section 1. Article IX, "Grease Traps," of Chapter 99, "Health and Sanitation," of the Borough of Garwood is hereby established as follows:

§ 99-51 Purpose.

The purpose of this section is to control discharges into the public sewerage collection system and wastewater treatment plants that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of wastewater treatment facilities.

§ 99-52 Definitions.

"Grease" shall mean material composed primarily of fats, oil and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as grease, by definition. Grease does not include petroleum-based products.

"Grease trap" shall mean a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

"Food service facilities" shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also

included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, 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, manufacturing plants, or any other sewer users as determined by the plumbing sub-code official who discharge applicable waste. Exempted herefrom are self-contained single-family living units.

“User” shall mean any person or establishment including those located outside the jurisdictional limits of the Borough who or which contributes, causes, or permits the contribution or discharge of wastewater into the Borough's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

“Oil/water separator” shall mean an approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the Borough and any individual so authorized by the Borough.

“Sanitary Sewer” shall mean and refer to the sanitary system of the Borough of Garwood and the Rahway Valley Sewerage Authority.

§ 99-53 General Criteria.

A. Installation Requirements: All existing, proposed, or newly remodeled food service facilities inside the Borough of Garwood shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap, capable of preventing accumulation of grease in the sanitary sewer system of the Borough of Garwood.

1. Such above captioned establishments who do not possess a proper grease trap in accordance with the provisions of this Chapter shall have such grease trap installed within ninety (90) days of the effective date of the enabling Ordinance. Upon the expiration of the ninetieth (90th) day following the effective date of the enabling ordinance an establishment not possessing a proper grease trap in accordance with this Chapter shall be deemed in violation and shall be subject to fines pursuant to Section 99-57 of this Chapter.

B. Sanitary Sewer Flows: Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C. Floor Drains: Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D. Garbage Grinder/Disposers: It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E. Dishwashers: Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F. Locations: Grease traps shall be installed upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time.

G. Pass Through Limits: No user shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 1664A.

§ 99-54 Design Criteria.

A. Construction: Grease traps/interceptors shall meet the specifications of Chapter 6 of the current National Standard Plumbing code/N.J.A.C. 5:23-3.15. All grease removal devices or technologies shall be subject to the written approval of the Construction Code Official, their designee(s), or any other official as directed by the Borough. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

B. Access: Access to grease traps shall be available at all times requested by the Construction Code Official, their designee(s), or any other official as directed by the Borough, to allow for maintenance and inspection.

C. Load-Bearing Capacity: In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (For example: vehicular traffic in driving or parking areas).

§ 99-55 Grease Trap Maintenance.

A. Cleaning/Pumping: The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B. Cleaning/Pumping Frequency: The grease trap must be pumped out completely a minimum of once every four (4) months, or more frequently, as determined by the Borough, through the Health

Officer, or their designee(s), or any other official as directed by the Borough, as needed to prevent carry over of grease into the sanitary sewer system.

C. Disposal: All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way, shall the materials pumped from the grease trap be returned to any private or public portion of the Borough of Garwood's sanitary sewer collection system. All materials pumped from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

D. Maintenance Log/Records: A grease trap cleaning/maintenance log indicating each pumping for the previous twenty-four (24) months shall be maintained by each food service facility. This log shall include the information contained in Subsection E and shall be kept on-location for inspection. Said log shall be made available to the Health Officer, or Superintendent of Public Works, or Municipal Engineer or their designee(s), or such other person as designated by the Borough, upon request.

E. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and telephone number.
- (2) Company name, address, telephone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next schedule maintenance.
- (6) Copies of manifests.

§ 99-56 Inspections.

A. Generally: In consideration for continued use of its sanitary sewer system, The Borough of Garwood shall reserve the right to periodically conduct routine inspections of the grease traps/interceptor(s) of any food service facility during regular business hours. During such inspections, the Borough of Garwood shall have the right to inspect (i) any food preparation areas (ii) any records maintained pursuant to this section (iii) all grease traps/interceptors which shall be opened upon request, and (iv) all wastewater lines from the establishment to the sanitary sewer system, which may be accomplished by use of a line camera.

Upon written notification by the Health Officer, or Superintendent of Public Works, or Municipal Engineer, or their designee(s), or such other person as designated by the Borough, the user shall be required to perform the maintenance and keep records of said maintenance within fourteen (14) calendar days. Upon inspection the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

B. Inspection Fees. There is hereby established a fee for re-inspection of any grease trap found in violation of this Chapter in the amount of \$250 for the first offense, \$500 for the second offense, and

\$1,000 for the third offense. Any time the retail food establishment is found in violation during the re-inspection, there shall be an additional fee of \$150.

C. Blockage: Whenever the Borough of Garwood discovers a blockage of the sanitary sewer system caused by grease, the Borough of Garwood shall have the right to conduct an inspection of any food service facilities establishment connected to the main in which said blockage is found, without regard to any prior or recent inspection(s) thereof.

D. Violation Discovered: If during an inspection, the Borough discovers a violation of this section, the Borough shall notify the owner and/or operator of the eating and drinking food establishment of the nature of said violation as soon as reasonably possible and, in its discretion, issue a notice to the owner and/or operator for the correction of said violation within seven (7) calendar days thereof. If said violation is not corrected within such time the Borough shall issue a summons in accordance with Section 99-57 of this Chapter.

§ 99-57 Violations and Penalties.

A. Violations of this subsection are subject to the penalty provisions in Chapter 1, Section 1-9 of the General Ordinances of the Borough of Garwood.

B. Recovery of Damages: When the discharge from a food service facility causes an obstruction, damage, or any other impairment to the treatment works, or causes any expense, fine, penalty, or damage of whatever character or nature to the Borough, the Health Officer, or the Superintendent of Public Works, or the Municipal Engineer or their designee(s) or such other person as designated by the Borough, shall invoice the owner for same incurred by the Borough. The owner and/or operator of the eating and drinking food establishment shall be subject to additional fees for any borough labor associated with correcting a blockage, including but not limited to fees for outside contractors, laborers or any other related expenses. If the invoice is not paid within 30 days of receipt, the Administrator of the Borough of Garwood or his or her designee, or such other person as designated by the Borough, shall notify the Borough Attorney to take such actions as shall be appropriate to seek reimbursement.

C. Remedies Nonexclusive: The remedies provided for in this subsection are not mutually exclusive. The Borough and its various designated agents may take any, all, or any combination of these actions against a noncompliant person.

§ 99-58 Enforcement.

A. Generally: Except as otherwise provided, the Borough of Garwood through its various designated agents or employees shall have the authority to enforce the terms of this chapter and to perform all the duties described herein on behalf of the Borough of Garwood.

B. Related Authorities: Nothing contained herein shall limit the authority of the Health Officer, or the Superintendent of Public Works, or the Municipal Engineer or their designee(s), or such other person as designated by the Borough, to enter the premises of any food service facilities at all reasonable hours for the purpose of inspecting any water or sewer connection or service equipment, nor limit the authority

of the Borough of Garwood to assess penalties for any discharge of grease into the sanitary sewer system.

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

Section 3. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

Section 4. A copy of this Ordinance shall be available for public inspection at the office of the Borough Clerk during regular business hours for the required statutory period.

Section 5. This Ordinance shall take effect in accordance with all applicable laws.

APPROVED:

ATTEST:

SARA TODISCO, Mayor

CHRISTINA M. ARIEMMA, Municipal Clerk

RECORDED VOTE	INTRODUCTION:	ADOPTION:
COUNCILMAN BENOIT	AYE	AYE
COUNCILMAN GRAHAM	AYE	AYE
COUNCILMAN INCE	AYE	AYE
COUNCILMAN LAZAROW	AYE	AYE
COUNCILMAN MCCORMACK	NAY	AYE
COUNCIL PRESIDENT BLUMENSTOCK	AYE	AYE