Fats, Oils, and Grease Removal Program Administrative Rules

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ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

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The following rules describe the regulatory activities of the Bureau of Environmental Services (BES) for the Fats, Oil and Grease (FOG) program.

1. Applicability

Any facility with a permanently-plumbed connection to the City sewer system that has the potential to generate discharges of polar fats, oils, or grease (FOG) must comply with these rules.

2. Purpose

These rules operate in conjunction with the BES Enforcement Program Administrative Rules (PPD item ENB-4.15) and the Sanitary Discharge and Pretreatment Program Administrative Rules (PPD item ENB-4.03). These rules help protect public health and safety through:

A. Reducing the potential for blockages of and sewage releases from the City's sewer systems due to accumulation of fats, oils, or grease;

B. Reducing the City's costs of operating the sewer system;

C. Promoting proper handling and disposal of fats, oils, and grease through educational and regulatory programs.

3. Definitions

These rules use terms defined in Portland City Code(PCC) 17.34 and the following:

A. "Blockage" means a stoppage, restriction, or reduction in flow capacity of the sewer system caused or exacerbated by the accumulation of FOG.

B. "Fats, Oils, and Grease (FOG)" means polar oil and grease analyzed using the methods and procedures outlined in 40 C.F.R. 136.3 Table 1B.

C. "Food Service Establishment (FSE)" means any business that prepares, packages, serves, stores, vends or otherwise provides food or beverages for public consumption.

D. "Grease Interceptor" means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to capture FOG from a wastewater discharge. Includes GGIs and HGIs.

E. "Gravity Grease Interceptor (GGI)" means a plumbing appurtenance or appliance designed to collect, contain and store FOG from wastewater discharges. These interceptors can store at least 500 gallons of materials for up to 30 minutes through a system of at least two compartments filled with baffles and gravity separation devices. These interceptors are usually located underground outside a building.

F. "Hydromechanical Grease Interceptor" (HGI)" means a plumbing appurtenance or appliance designed to collect, contain or store FOG from wastewater discharges. These interceptors use a combination of gravitational, fluid motion, and other materials-separation techniques; air entrainment; interior baffling; and other barriers to remove grease. These interceptors are usually located inside the facility.

G. "Plumbing Code" means the Oregon Plumbing Specialty Code, as may be amended from time to time, adopted by the Building Codes Division of the Oregon Department of Consumer and Business Services under OAR 918-750-0100 (2011).

H. "Sewer Basin" means the pipe drainage area where sanitary discharges from homes and businesses are conveyed to a common downstream point.

I. "The 100 mg/L standard" means 100 milligrams of FOG per liter of wastewater.

4. Regulatory Authority

Discharges to the City sewer system and the construction and maintenance of plumbing systems are regulated by the Portland City Charter (Charter), the PCC, and administrative rules. The Plumbing Code provides additional regulation of the construction and maintenance of plumbing systems. The following is a non-exhaustive list of Charter and PCC sections applicable to the FOG Removal Program:

A. City Charter

1. **Section 2-105(32)** allows the City to "regulate the plumbing, drainage and sewerage of buildings and structures . . . ."
2. **Section 2-105(34)** allows the City to "regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public."
3. **Section 2-105(44)** allows the City to declare, prevent, and remove nuisances.

B. PCC

1. **Section 17.34.040 D** delegates to BES the authority to find that "a particular commercial or industrial occupancy or a class of similar occupancies cause[s] or may cause damage, interference, hazard or nuisance to the City sewer system . . ." and to restrict the discharges of such occupancies even if the City previously accepted them.
2. **Section 17.34.030** prohibits a number of discharges relevant to FOG:
   a. **17.34.030 B** Wastewater containing substances in such concentrations that could inhibit or interfere with the operation or performance of the sewer system or "create a nuisance or a threat to human health or the environment…";
   b. **17.34.030 B.4.** Discharges containing solids, or viscous substances which may solidify or become discernibly viscous at temperatures above 0 degrees Celsius (32 degrees Fahrenheit) or that are capable of obstructing the flow of wastewater or causing other interference with the operation of the sewer system; and
   c. **17.34.030 B.20.** Any substance that may cause the City to violate the terms of its NPDES permit.
3. **Section 17.34.050** allows the BES to require pretreatment facilities to reduce the pollutant load from private discharges to the sanitary sewer system.
4. **Section 17.34.075** allows BES to limit discharges that violate section 17.34.030 and to require the use of best management practices (BMPs).
5. **Section 17.34.080** authorizes City staff to enter property for the purposes of determining compliance and inspecting grease interceptors.

c. Relationship to Other City Regulations. These rules may be enforced in combination with other City rules and regulations including the Sanitary Discharge and Pretreatment Program administrative rules (PPD item ENB-4.03) and the Public Works Enforcement administrative rules (ENB-4.22).

5. FOG Control Requirements

A. Nuisance. BES finds that businesses discharging FOG to the public sewer constitute a class of occupancies that individually and collectively present a nuisance and a menace to the City sewer system, public health, and the environment. Each member of this class is subject to the City's nuisance prevention and abatement authority.

B. Applicability. These requirements apply to the following types of businesses:

1. All new or redeveloping FSEs;
2. All FSEs with tenant improvements that physically modify a kitchen area where cooking, food preparation or washing of FOG-bearing items occurs or will occur;
3. Facilities such as: biodiesel manufacturing establishments; animal slaughterhouses; meat-packing and meat-curing establishments; soap factories; and tallow-rendering, fat-rendering, and hide-curing establishments; and
4. Facilities that discharge to the public sewer wastewater that exceeds the 100 mg/L standard.

C. Change of Use or Operation. All FSEs and other facilities identified in Section 5.B. must notify BES, and may be required to install grease interceptors, when any of the following changes occur or are planned:

1. Facility or operational modifications;
2. Changes to the type of food service;
3. Change of operator of the facility; or
4. Installation of a new grease interceptor or transfer of responsibility for a grease interceptor.

D. Grease Interceptor Installation and Operation Requirements. Facilities must:

1. Install all grease interceptors per the Plumbing Code in a location that is easily accessible for inspection, cleaning, and removal of intercepted FOG. The location of the grease interceptors must be approved by the City and installed prior to final City permit inspections;
2. Permanently connect each plumbing fixture, garbage disposal (with a solids separator upstream of an HGI), dishwasher, floor drain, and manufacturing or cooking equipment with drain connections in food and/or beverage preparation areas of all facilities required to control FOG to a GGI, HGI, or engineered system per Plumbing Code Sections 1010.0 and 1014.1;
3. Provide a sampling access downstream of all interceptors with a cumulative capacity of 500 gallons or greater to allow for periodic sampling by BES or the facility operator;
4. Prevent FOG discharge concentrations from exceeding the 100 mg/L standard;
5. Install in-ground grease interceptors with risers no greater than 12" to allow for proper cleaning, inspections, and observations;
6. Ensure that wastes collected by grease interceptors are disposed of at a facility permitted to receive such wastes. FOG wastes must not be allowed to discharge to any private or public portion of the sanitary or stormwater collection systems or the BES-managed treatment plants;

7. Not use additives, emulsifiers, enzymes or biological agents to break down or digest FOG for discharge to the sewer system. Use of such products is considered a violation; and
8. Provide documentation confirming interceptor installation upon request.

E. Variance Requests. A facility operator may request a variance for alternative compliance periods, site procedures, or devices or appeal the FOG requirements through the variance process described in Section 10 of these rules.

6. FOG Control Retrofit Requirements

A. Facilities may be required to install new grease interceptors or improve maintenance of existing grease interceptors or other grease-removal devices per Section 5.D. for any of the following:

1. Grease interceptors that are improperly cleaned or maintained, as determined by the City;
2. Causing or contributing to a FOG-related blockage, build-up or the need for increased maintenance of a City sewer; or
3. Wastewater discharges from the facility that exceed the 100 mg/L standard.

B. A facility operator may request a variance for alternative compliance periods, site procedures, or interceptors or to appeal the FOG requirements through the variance process described in Section 10 of these rules.

C. Facility operators that are required to retrofit may request authorization from BES to temporarily discharge FOG above the 100 mg/L standard while installing grease interceptors. Authorizations will be limited to 180 days for GGIs and 90 for HGIs. Facilities that cause or contribute to a sewer blockage during this temporary authorization period are subject to enforcement. Documentation confirming device installation may be required.

7. Approved Grease Interceptors

Grease interceptors must meet the sizing requirements of Tables 10-2 and 10-3 of the Plumbing Code. The use of other interceptors, alternative sizing, operational practices, or systems without a written variance from the City will be considered a violation of these rules.

8. Maintenance and Maintenance-Reporting Requirements for Grease Interceptors

Facility operators must maintain access and provide sufficient maintenance to keep grease interceptors properly operating. Interceptors must be cleaned no less frequently than every 30 days for an HGI and every 90 days for a GGI. Facility operators must provide the following information to BES to assure adequate maintenance of grease interceptors is occurring:

A. **Maintenance Reporting.** Facility operators must provide grease interceptor maintenance reports to BES within 14 days after each cleaning. Reports must include:

1. The date of cleaning;
2. The estimated depth of FOG and solids in each grease interceptor prior to cleaning;
3. Any defects in the grease interceptor;

4. The name and signature of the hauler or other person maintaining the interceptor; and
5. The name and location of the FOG waste disposal site.

Reports must be sent to:

FOG Program Manager
City of Portland Environmental Services
6543 N Burlington Ave.
Portland, OR 97203-5452.

B. Use of Agents. Facility operators will bear the ultimate responsibility for providing maintenance records even if using an agent to conduct maintenance of grease interceptors and provide maintenance reporting to BES.

9. Inspections

To the extent permitted by law, City representatives may enter upon a facility's premises to determine compliance with these rules. Inspections may occur at any time without warning during and after normal working hours to verify appropriate grease interceptor cleaning or during an emergency response or blockage investigation. Inspections will include all parts of a facility that discharge or have the potential to discharge to the sanitary sewer system. Inspections may include system sampling. City representatives will comply with all reasonable facility safety requirements as provided by the facility operator at the time of entry.

10. Variance Requests

A facility operator unable to meet the applicable requirements of these rules may request a variance. Alternative methods, interceptors, or schedules may only be adopted with the approval of either BES or the Bureau of Development Services (BDS) Plumbing Division, depending on the type of request. All variance requests are subject to a $250 processing fee. Facility operators who violate the terms of an approved variance will be in violation of these rules and subject to enforcement per Section 11.

A. Variance Request Items. Facility operators may request and be granted a variance to:

1. Be exempted from the requirement to install grease interceptors.
2. Use alternative FOG-removal methods or devices.
3. Exempt certain fixtures from the requirement to be plumbed to a grease interceptor.

B. Variance Request Submittals.

1. Facility operators must provide the following to BES:
   - **a.** An explanation of why the facility should not be required to meet the standards of these rules;
   - **b.** A description of the proposed engineered alternative to meeting the requirements of these rules. Documentation must be provided to demonstrate how the alternative will limit FOG discharges to less than the 100 mg/L standard. Facility operators requesting such alternatives may be required to present information to the City's alternative methods boards and the BDS Plumbing Division;

c. The proposed timeline for complying with requirements or implementing the proposed alternative; and

d. Identification of which of the evaluation criteria in Section 10.C apply to the facility.

2. Requests must be sent to:

BES Pollution Prevention Plan Review

City of Portland Bureau of Environmental Services
1900 SW 4th Ave, Suite 5000

Portland, OR 97201.

6. The facility operator will receive a City approval or denial of the variance request within 30 days from the receipt of request, unless an extension is agreed by both parties.

C. Evaluation of Variance Requests. Facility operator requests must demonstrate that any or all of the following variance approval criteria apply to their facility:

1. *Minimal or No FOG Discharges*.

a. Existing operation(s) generate minimal FOG discharges;

b. Not all fixtures produce or are likely to produce FOG; or

c. Existing grease interceptors are sufficient to meet the 100 mg/L standard. The operator must describe the existing interceptors, the fixtures plumbed to the interceptors, and the maintenance schedule for the interceptors. Monitoring data may be required.

2. *Installation of a GGI is not practicable*. Facility operators may request alternative use of individual HGIs or exempt certain fixture connections if one of the following site limitations exists:

a. There is inadequate slope for gravity flow between kitchen plumbing fixtures and available locations for a GGI installation;

b. Certain fixtures are incapable of being connected by gravity to a grease interceptor; or

c. There is insufficient space to place and construct a GGI. Likely reasons include:

i. All possible locations for a GGI are occupied by public or private utilities; or

ii. The building's footprint extends the entire width of the lot.

11. Violations

Facilities violating these rules may be subject to the enforcement actions specified in the BES Enforcement Administrative Rules (PPD item ENB-4.15). Each day a violation occurs will be considered a separate violation.

A. Violations. The person against whom BES takes enforcement action is ultimately required to resolve the violations at issue. Such violations include, but are not limited to, the following:

1. Failure to install required grease interceptors;

2. Failure to maintain grease interceptors;

3. Failure to notify BES of a change of ownership, operation or other use as required by Section 5.C of these rules;
4. Failure to provide sampling access or entry to the facility for compliance inspections;
5. Use of emulsifiers, additives, enzymes and biological agents designed to breakdown/digest FOG for discharge to the sewer system.
6. Failure to submit maintenance-reporting documents; or
7. Failure to connect all FOG-producing fixtures to the required interceptor or FOG-removal equipment per City standards.

B. Violation Severity. BES enforcement actions will escalate based on the violation's impacts or potential to impact public health, safety or the environment:

1. *Class I violations.* The following types of violations are Class I violations:
   - **a.** The facility operator misses more than ten consecutive required cleanings of a grease interceptor per a site-specific or the default cleaning schedule.
   - **b.** A grease interceptor is out of service for more 90 days due to repairs or the grease interceptor has been disconnected.
   - **c.** Non-approved products are in use more than 10 days after the initial inspection.
   - **d.** The facility operator or their agent fails to submit maintenance reports or submits them more than 45 days after BES site inspection.
   - **e.** Disconnecting FOG fixtures from the grease interceptor or disconnecting the grease interceptor without receiving plumbing permit.
2. *Class II violations.* The following types of violations are Class II violations:
   - **a.** The facility operator misses more than five but fewer than ten consecutive required cleanings of a grease interceptor per a site-specific or the default cleaning schedule.
   - **b.** The facility operator fails to maintain or repair a grease interceptor
   - **c**. A grease interceptor is out of service for more than 60 days but less than 90 days due to repairs.
   - **d**. The grease interceptor is actively overflowing or bypassing flows.
   - **e.** Non-approved products are in use between five days and ten days after the initial inspection.
   - **f.** The facility operator or their agent submits maintenance reports between 30 and 45 days after BES site inspection.
3. *Class III violations***.** The following types of violations are Class III violations:
   - **a.** The facility operator misses two to five consecutive required cleanings of the grease interceptors per site-specific or default cleaning schedule.
   - **b.** The interceptor is out of service for more than 30 days but less than 60 days due to repairs.
   - **c.** Non-approved products have been used or are in use between 24 hours and five days from initial inspection.
   - **d.** The facility operator or their agent submits maintenance reports between 14 and 30 days after site inspection.

4. *Warning Notice Violations (WNs).*
   a. The facility operator misses one required cleaning of a grease interceptor per a site-specific standard or the default cleaning schedule.
   b. An initial BES inspection reveals that the facility operator has failed to maintain or repair a grease interceptor.

C. Penalties. Penalties will be assessed as generally described in the BES Enforcement Rules (ENB-4.15) and all applicable guidance.

12. Administrative Review and Appeals

Facility operators may request reconsideration of a BES decision or enforcement action through administrative review and may subsequently appeal to the Code Hearings Officer as described in the BES Enforcement Rules (PPD item ENB-4.15).

A. Allowable Review and Appeal Items. Facility operators may request administrative review of and subsequent appeal to the City Code Hearings Officer on the following:

1. A requirement to install grease interceptors as a result of an enforcement case due to sewer blockage or for quantities of FOG that require increased maintenance of the sewer line by the City;
2. A requirement to provide grease interceptor maintenance reports or to increase grease interceptor maintenance beyond the requirements of Section 8.A; or
3. A timeline for installation or correction of a violation.

B. Non-Reviewable Items. The following will not be administratively reviewed and may ***not*** be appealed:

1. Plumbing Code designation of approved grease interceptors;
2. Denial of variance requests by BDS or BES; or
3. The authority of the City to enter facilities for inspection of grease interceptors.

C. BES Evaluation. The program-specific criteria of Sections 10, 11 and this sub-section will be used in addition to general criteria found in the BES Enforcement Rules (ENB-4.15) to make a final determination on an administrative review request:

1. The type of use triggering the application of these rules.
2. Facility condition and location, including evaluation of the specific sewer basin, local pipe conditions and the system structure.
3. The cumulative impact of FOG from the facility and from other sources within the same sewer basin.