O2022-34

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY PROVIDING FOR THE REGULATION OF FATS OILS AND GREASE INTRODUCED INTO THE SEWER COLLECTION SYSTEM AND ESTABLISHING SEWER IMPACT FEE

WHEREAS the Phillipsburg Town Council created a municipal sewer utility with the adoption of Ordinance O:86-44 on November 26, 1986; and

WHEREAS pursuant to N.J.S.A. 40A:26A-5, the Town of Phillipsburg is authorized and empowered to operate, manage and control its sewerage facilities and all properties relating thereto;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey that Chapter 492 of the Phillipsburg Town Code concerning Sewers, Sewage and Industrial Waste is hereby amended as follows to be effective immediately.

Deletions in brackets – [deletion]
Additions underlined - addition

CHAPTER 492. SEWERS, SEWAGE AND INDUSTRIAL WASTE

ARTICLE I: General Provisions

§492-1. Purpose and policy. (no change)

§492-2. Definitions

A. Unless the context specifically indicates otherwise, the following terms shall have the following meanings:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The New Jersey Department of Environmental Protection.

APPROVED TEST PROCEDURE — All analysis shall be performed in accordance with the analytical test procedures approved under 40 CFR Part 136. Analysis for those pollutants not covered therein shall be performed in accordance with procedures approved by NJDEP.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — An authorized representative of an industrial user may be:

(1) A principal executive officer of at least the level of vice president, if the industrial use is a corporation.

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated under Subsection (1) or (2) of this definition, if such representative is responsible for the overall operation of the regulated facility (such as a position of plant manager, superintendent or person of equivalent responsibility).

BEST MANAGEMENT PRACTICES (BMP) — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants in discharges, to implement the prohibitions listed in National Pretreatment Standards pursuant to 40 CFR 403.5(a)(1) and (b), and prevent the discharge of substances that may contribute to sanitary sewer overflows. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter for five days at 20° C. expressed in terms of concentration, i.e., milligrams per liter (mg/l), in accordance with standard test methods.

CATEGORICAL INDUSTRIAL USER — An industrial user subject to categorical standards in accordance with the EPA General Pretreatment Standards (40 CFR Part 403).

CATEGORICAL STANDARDS — Pretreatment standards as codified in 40 CFR, Chapter I, Subchapter N, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a POTW by existing or new industrial users in specific industrial subcategories.

CHEMICAL OXYGEN DEMAND (COD) — A measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, expressed as the amount of oxygen consumed from a chemical oxidant in accordance with an approved test procedure.

COMMISSIONER — The Commissioner of the New Jersey Department of Environmental Protection (NJDEP) or his/her authorized representative.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria and such additional pollutants as are or may in the future be specified and controlled in the Town (control authority)'s NJPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NJPDES permit.

COMPOSITE SAMPLE — A sample consisting of several aliquots collected during a specified time period and combined to make a representative sample.

CONDITIONALLY EXEMPT USER — Any participant that conducts a dry operational process, thereby discharging only domestic wastewater into the sewer system; however, by means of in-house procedures, has the potential to discharge wastewater material of a quantity which would impact on the treatment works.

CONSISTENT REMOVAL — A reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or to a harmless state, as measured according to the procedures set forth in 40 CFR 403.7 of the General Pretreatment Regulations for Existing and New Sources of Pollution.

CONTROL AUTHORITY — Refers to the Town of Phillipsburg.

COOLING WATER — Any water used for the purpose of carrying away excess heat and which may contain biocides used to control biological growth or other additives to protect the system against corrosion, scaling or other additives.

DISCHARGE — The releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a waste material into the waters of the state or onto the land or into wells which might flow or drain into said waters, and shall include the release of any pollutant or waste stream into a municipal treatment works.

DOMESTIC WASTEWATER — The liquid-borne waste discharged from residential units, normally resulting from the noncommercial preparation, cooking and handling of food and wastes from sanitary conveniences.

EMERGENCY — A situation which, in the opinion of the approval authority or his/her authorized representative, may cause interference and/or pass-through damage to the POTW or present a health hazard to personnel, the general public or the environment.

ENFORCEMENT RESPONSE PLAN (ERP) — A plan developed by the Town (control authority) which details the response which will be taken by the Town (control authority) for various violations of the industrial pretreatment program portion of this Sewer Use chapter, a pretreatment standard, or any other applicable law. The ERP is a supplement to these rules and regulations and is available through § 492-2 § 492-2 :2 the Town (control authority).

EPA — The United States Environmental Protection Agency.

EXEMPT FACILITY — Any participant that conducts a dry-operational process and has no potential to discharge nondomestic wastewater.

EXISTING FACILITIES — Food processing or food service facilities which existed prior to the effective date of this ordinance.

EXISTING USER or EXISTING INDUSTRIAL USER — Includes all persons discharging wastewater to treatment works of the Town (control authority) or the participants at the time this chapter is adopted by the Town (control authority).

FATS, OILS, AND GREASES (FOG) — Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

FOG DISPOSAL SYSTEM — A grease interceptor that reduces non-petroleum FOG in effluent by separation, and mass and volume reduction.

FOOD SERVICE ESTABLISHMENT (FSE) — Any permanently fixed location that produces, prepares, processes, handles or serves food or that disposes of food-related wastes as part of its retail business or business activity. The term shall also be given its normal industry definition. This term shall not include those establishments that sell only pre-packaged food/drink and do not serve the food/drink within the establishment.

GARBAGE — Solid waste from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food.

GENERATOR — Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

GRAB SAMPLE — A sample taken from a waste stream on a one-time basis without regard to flow or time.

GREASE INTERCEPTOR — An appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum FOG from a wastewater. There are two types of grease interceptors: gravity grease interceptors and hydromechanical grease interceptors.

GREASE INTERCEPTOR, GRAVITY OR GGI — A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum FOG from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity grease interceptors are generally installed outside.

GREASE INTERCEPTOR, HYDROMECHANICAL OR HGI — A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept

nonpetroleum FOG from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with an air intake (vent).

GREASE REMOVAL DEVICE (GRD) — Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum FOG from the interceptor, the control of which are either automatic or manually initiated.

GREASE WASTE — Material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from the de-watering processes.

HAZARDOUS WASTE — A waste which meets the criteria as a hazardous waste as defined in the New Jersey hazardous waste regulations at N.J.A.C. 7:26G-1, 3-12 et seq.

HOLDING TANK WASTE — Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT — Any pollutant which is not a compatible pollutant.

INDUSTRIAL DISCHARGE PERMIT — A permit duly issued by the approval authority, or participant if the program is delegated pursuant to § 492-12, to any industrial user in accordance with this chapter. Such permit may establish discharge limitations, monitoring and reporting obligations, and other requirements that are more or less stringent than this chapter.

INDUSTRIAL PROCESS WASTEWATER — The liquid waste or liquid-borne waste resulting from the processes employed by any person identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

(1) Division A: Agriculture, Forestry, and Fishing.

(2) Division B: Mining.

(3) Division D: Manufacturing.

(4) Division E: Transportation, Communications, Electric, Gas and Sanitary Services.

(5) Division I: Services.

INDUSTRIAL USER — Any user which discharges nondomestic wastewater in a quantity or quality which is determined to have a potential for adversely impacting

the Town's (control authority's) sewer system. Industrial users are further classified according to the degree of potential as:

(1) CLASS I USER (SIGNIFICANT INDUSTRIAL/INDIRECT USER) — Any industrial user discharging industrial process wastewater where either:
  (a) An industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
  (b) An industrial user that:
    [1] Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    [2] The amount of BOC, COD or suspended solids in the industrial process wastewater discharge exceeds the mass equivalent of 25,000 gpd of the domestic waste at the treatment plant;
    [3] Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    [4] Is designated as such by the Town (control authority) on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
(2) CLASS 2 USER (NONSIGNIFICANT INDUSTRIAL USER) — Any user that discharges nondomestic wastewater into the sewer system in amounts that, on a routine basis, have an insignificant impact on the treatment system, but which may have the potential to impact the collection or treatment system, or violate the prohibited discharge limitations in this chapter. This class also includes any user which presents the potential to cause sewer obstructions, slug loads or chemical spills.
(3) CLASS 3 USER (NON SIGNIFICANT INDUSTRIAL USER) — Any user which has a very small potential to impact the treatment system through the discharge of oil and grease, storage of chemicals, etc., or are otherwise considered to have a minor impact on the treatment system. These users will be checked periodically to determine if there has been any significant change in the quantity or quality of their discharge.

[INTEREFERENCE] <u>INTERFERENCE</u> —

(1) Inhibiting or disrupting the operation of a POTW or its treatment process so as to contribute to cause or increase a violation of any condition of a state or federal permit under which the POTW operates;
(2) Discharging industrial process wastewater which, in combination with existing domestic flows, are of such volume or strength as to exceed either the industrial user's permit conditions, the concentrations set forth in Table 1, the requirements approved by the approval authority or the Sewer Use Ordinance of the participant where the discharge is located or any combination of the foregoing; or
(3) Preventing the approved use or disposal of sludge produced by the POTW in accordance with Section 405 of the Act, and regulations, criteria or guidelines

developed pursuant to the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 3251 et seq.), the Federal Clean Air Act (42 U.S.C. § 7401 et seq.), the Federal Toxic Substances Control Act (15 U.S.C. § 2601 et seq.), Sections 2, 4 and 6 of the State Act and, to the extent practicable, the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage.

IPP — Industrial pretreatment program as administered by the control authority and/or the NJDEP.

LOCAL DISCHARGE PERMIT — Discharge permit issued by the Town of Phillipsburg and/or its designated representative.

LOCAL LIMIT — Specific discharge limits developed and enforced by the Town (control authority) upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a) (1) and (b)..

MEDICAL WASTE — Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes, and such additional medical items as the control authority prescribes by regulation.

NEW FACILITIES — Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such a facility did not previously exist.

NJDEP — The New Jersey Department of Environmental Protection.

NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM (NJPDES) — The New Jersey system for the issuing, modifying, suspending, revoking, reissuing, terminating, monitoring and enforcing discharge permits pursuant to the State Act. The term also includes discharge permits (NPDES) issued pursuant to Section 402 of the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.).

NONDELEGATED LOCAL AGENCY (NLA) — A local agency where NJDEP assumes the responsibility for implementing the IPP requirements set forth in 40 CFR Part 403.

NONDOMESTIC — Wastewater of a quantity or quality which would have an impact on the treatment works.

NONCONTACT COOLING WATER — Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NONSIGNIFICANT INDUSTRIAL USER — A Class 2 or Class 3 User as defined under "industrial user."

O&M — Operation and maintenance.

PASS-THROUGH — A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NJPDES permit, including an increase in the magnitude or duration of a violation.

PARTICIPANT — All the municipalities, local sewerage authorities, companies or customers that sign a service agreement that provides for the treatment of sewerage by the Town's treatment works.

PERMITTED INDUSTRIAL USER — Any participant who discharges nondomestic wastewater into the sewer system which is regulated by means of an industrial pretreatment permit.

PERMITTING AGENCY — The Town (control authority) or NJDEP.

PERSON — Any individual, firm, company, partnership, corporation, association, group or society, including the State of New Jersey and agencies, districts, commissions and political subdivisions created by or pursuant to state law and federal agencies, departments or instrumentalities therefor.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Solutions with a pH greater than seven are said to be basic; solutions with a pH less than seven are said to be acidic; pH equal to seven is considered neutral. Analysis shall be performed in accordance with an approved test procedure.

POLLUTANT — Any dredged spoil, solid waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal or agricultural waste or other substance discharged directly or indirectly into the waters of the state, the introduction of which renders these waters detrimental or immediately or potentially dangerous to the public health or unfit for public or commercial use.

PRETREATMENT — The application of physical, chemical and/or biological processes, except by dilution, to reduce the amount of pollutants in or alter the nature of the polluting properties of wastewater prior to discharging such wastewater into the treatment works.

PRETREATMENT STANDARDS — All applicable federal or state rules and regulations implementing Section 307 of the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) or N.J.S.A. 58:11-49, as well as non-conflicting state or local standards. In cases of conflicting standards or regulations, the more stringent shall apply.

PUBLICLY OWNED TREATMENT WORKS (POTW) — Treatment works owned and operated by the Town (control authority) or any participant.

REGIONAL ADMINISTRATOR — The Regional Administrator for Region II of the United States Environmental Protection Agency or his/her authorized representative.

SIGNIFICANT INDIRECT USER — A significant industrial user as defined herein.

SIGNIFICANT INDUSTRIAL USER — A Class I user as defined herein.

SIGNIFICANT VIOLATION —

(1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC-1.4 for BOD, TSS, fats, oil and grease, and TRC-1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the approval authority determines has caused, along or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in the permit or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the approval authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG DISCHARGE — Any discharge to the sanitary sewerage system of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the Town's (control authority's) regulations, local limitations, or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual 1987 (as revised) issued by the Executive Office of the President, Office of Management and Budget.

STATE — State of New Jersey.

STATE ACT — The New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

STORMWATER — Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS — The total non-filterable residue, as defined in Manual of Methods for Chemical Analysis of Water and Wastes and analyzed in accordance with an approved test procedure.

TOTAL TOXIC ORGANICS — The following compounds, which encompass EPA Method No. 613, 624 (Parts 601-602) and 625 (Parts 604-12) and any applicable amendments not listed herein:

PARAMETER	EPA METHOD NO.
2,3,7,8-Tetrachlorodibenzeno-p-dioxin	613
Purgeables	624
Purgeable halocarbons, including:	Part 601
Bromoform	
Bromodichloramethane	
Bromomethane	
Carbon tetrachloride	
Chlorobenzene	
Chloroethane	
2-Chloroethyl vinyl ether	

Chloroform	
Chloromethane	
Dibrornohloromethane	
1,2-Dichlorobenzene	
1,3-Dichlorobenzene	
1,4-Dichlorobenzene	
Dichlorodifluoromethane	
1,1-Dichloroehane	
1,2-Dichloroethane	
1,1-Dichloroethane	
trans-1,2-Dichloroethene	
1,2-Dichloropropane	
cis-1,3-Dichloropropene	
trans-l,2-Dichloropropene	
Methylene chloride	
1,1,2,2-Tetrachloroethane	
Tetrachloroethene	
1,1,1-Trichioroethane	
1,1,2-Trichloroethane	
Trichloroethene	
Trichlorofluoromethane	
Vinyl chloride	
Purgeable aromatics, including:	Part 602
Benzene	
Chiorobenzene	
1,2-Dichlorobenzene	
1,3-Dichlorobenzene	
1,4-Dichlorobenzene	
Ethylbenzene	
Toluene	
Base/neutral, acids and pesticides	Part 602
Phenols, including: Part 604	
4-Chlro3-methylphenol	

2-Chlorophenol	
2,4-Dichlorophenol	
2-Methyl-4,6dinitrophenol	
2-Nitrophenol	
4-Nitrphenol	
Pentachlorophenol Phenol	
2,4,6-Trichlorophenol	
Benzidines, including:	Part 605
Benzidene	
3,3Dichlorobenzidene	
Phthalate esters, including:	Part 606
Benzy butyl phthalate	
Bis-(2-ethylexyl) phthalate	
Di-n-butyl phthalate	
Di-n-octylphthalate	
Diethyl phthalate	
Nitrosatmines, including.	Part 607
N-nitrosodimethylamine	
N-nitrosociphenylamine	
N-nitrosodi-n-propylamine	
Organochlorine pesticides and PCBs, including:	Part 608
Aldrin	
a-BHC	
b-BHC	
d-BHC	
g-BHC	
Chlordane	
4,4-DDD	
4,4-DDE	
4,4-DDT	
Dieldrin	
Endosultan I	
Endosultan II	

Endosultan sulfate

Endrin

Endrin aldehyde

Heptachlor

Heptachlor epoxide

Toxaphene

PCB-016

PCB-1221

PCB-1232

PCB-1242

PCB-1248

PCB-1254

PCB-1260

Nitroaromatic and isophorone, including: Part 609

Isophorone

Nitrobenzene

2,4-initrotoluene

2,6-Dinitrotoluene

Polynuclear aromatic hydrocarbons including: Part 610

Acenaphthene

Acenaphythlene

Anthracene

Benzo(a)anthracene

Benzo(b)pyrene

Benz(b)thoranthene

Benzo(g)perylene

Bezo(k)fuoranthene

Chrysene

Dibenzo(a,h) anthracene

Fluoranthene

Fluorene

Indeno(1, 2, 3,-cd)pyrene

Naphthalene

Phenanthrene	
Pyrene	
Haloethers, including:	Part 611
Bis-(2-chloroethyp) ether	
Bis-(2-chloroethoxy) methane	
Bis-(2-chloroisopropyl) ether	
4-Bromophenyl phenyl ether	
4-Chlorophenyl phenyl ether	
Chlorinated hydrocarbons, including:	Part 612
Hexachlorocyclopentadiene	
Hexachlorobenzene	
Hexachlorobutadiene	
Hexachloroethane	
1,2-Dichlorobenzene	
1,2,4-Dichlorobenzene	
1,3-Dichlorobenzene	
1,4-Dichlorobenzene	
2-Chloronaphthalene	

TOWN — The Town of Phillipsburg, Warren County, New Jersey.

TOXIC POLLUTANT — Those pollutants or combinations of pollutants, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, may, on the basis of information available to the Commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutants, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring. Toxic pollutants shall include but not be limited to those pollutants designated under Section 307 of the Federal Act or Section 4 of the State Act.

TRANSPORTER — A person who is registered with and authorized on the federal, state, and local level to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with current regulations.

TREATMENT WORKS — Any device or system, whether public or private, used in collection, transportation, storage, treatment, recycling or reclamation of municipal or industrial waste of a liquid nature, including intercepting sewers, outfall sewers,

sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or ultimate disposal of residues resulting from such treatment.

TREATMENT WORKS PLANT — That portion of the treatment works designed to provide treatment to wastewater.

USER — Any person, [including] excluding participants, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources, such as (example).

WASTEWATER — The liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the treatment works of the Town or any participant.

B. Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA-430/9-76-017a, Volume 1, 1977, or the latest revision thereof; the Clean Water Act, 33 U.S.C. § 1251 et seq.; and the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., 1972. § 492-2 § 492-2 :12

§492-3. Abbreviations. (no change)

ARTICLE II. Prohibitions and Limitations (no change)

ARTICLE III. Control of Prohibited Wastes. (no change)

ARTICLE IV. Industrial Discharge Permits. (no change)

ARTICLE V. Industrial Wastewater Monitoring and Reports. (no change)

ARTICLE VI: Enforcement

§492-31. Harmful contributions. (no change)

§492-32. Termination of services. (no change)

§492-33. Violations and Penalties.

A. Penalties. A person violating any provision of Articles I through V and Article VII of this chapter, including pretreatment standards, any provision of the Pretreatment Standards for Sewerage, N.J.S.A. 58:11-49 et seq., or any regulations promulgated thereunder shall be liable for a minimum penalty of $100.00 and a maximum penalty of $2,000.00 to be collected in civil action by a summary proceeding under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et seq.) or in any case before a court of competent jurisdiction. Any person violating any of the provisions of Article VIII of this chapter shall be subject to a written warning for the first violation, a minimum $100.00 and maximum $1,000.00 civil penalty for the second violation, a minimum $100.00 and maximum $1,500.00 civil penalty for the third violation, and a minimum $100.00 and maximum $2,000.00 civil penalty for the fourth violation within a two-year period; to be collected in civil action by a summary proceeding under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et seq.) or in any case before a court of competent jurisdiction. If the violation is of continuing nature, each day shall constitute a separate and distinct violation. Any facility owner who is found to be in violation with any of the requirements of Article VIII of this chapter shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation. This shall include, without limitation, the costs incurred to remove a sewer blockage if the Town determines that a facility is discharging fats, oil, and grease in violation of this article and is responsible for the blockage.

B. (no change).

§492-34. Falsification of information; violations and penalties. (no change)

§492-35. Notification and hearing. (no change)

§492-36. Right to appeal. (no change)

ARTICLE VII. Fees

§492-37. Purpose; fees enumerated.

A. (no change)

B. (no change)

C. (no change)

D. Fee to be used exclusively for the improvement of certain sections of sanitary sewer conveyance system pipes in the Town of Phillipsburg's regional sewer system, which receive sewerage follows from within the Town and from surrounding municipalities. The sections requiring improvement have been identified based on historical records of sewer system overflows (SSO). The Town is subject to an Administrative Compliance Order issued by the United

States Environmental Protection Agency (EPA) dated November 23, 2021 and is required to complete improvements to problematic pipe sections to eliminate future SSO events.

(1) Every new connection or increased connection to the Town's regional sewer system which will convey sewerage flows through the sanitary sewer sections identified in Section C below shall pay a fee at the time connection fees are paid, said fee to be calculated as follows:

Fee = estimated daily peak flow of the new connection multiplied by the per gallon fee.

Per gallon fee = cost of repair and/or pipe capacity increase divided by the difference between the average daily flow and maximum capacity of the pipe.

(2) The per gallon fee for the following sanitary sewer sections is as follows:

(a) Sawmill Road – Headworks: $2.50 per gallon

(b) Housing Authority to Warren Street Sewer: $3.00 per gallon

(3) The Fee shall be calculated by the Town's Sewer Utility Engineer at the time that a will service letter and/or treatment works approval application is submitted to the Town. The Town's Sewer Utility Engineer shall determine the following in connection with each such application:

(a) Prepare a construction cost estimate based on current utility construction costs.

(b) Determine the future allocated flows that can be provide "will serve" allocation for the sewer infrastructure in question.

(c) Determine if the construction improvement is solely for capacity increase or a combination of infrastructure improvement and capacity increase. If necessary, determine the percentage that is attributed to the capacity improvement.

(d) Determine the per gallon cost for the capacity improvement to free up capacity for the proposed development seeking Treatment Works Approval or a Will Serve Letter.

ARTICLE VIII: Fats, Oils, and Grease

§492-38. Purpose and Policy.

A. This article sets forth uniform requirements for discharges into the wastewater collection and treatment system of the Town of Phillipsburg (Town) to capture and

dispose of fats, oils, and grease (FOG) and enables the Town to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C., § 1251, *et seq.*; and the General Pretreatment Regulations, Title 40 C.F.R. Part 403.

B. The objectives of this article are:

(1) To prevent the introduction of FOG into the Town of Phillipsburg wastewater treatment plant (WWTP) that will interfere with its' operation.

(2) To prevent the introduction of FOG into the sanitary sewer conveyance system that could pass through the WWTP, inadequately treated, into receiving waters, or otherwise be incompatible with the WWTP.

(3) To prevent sanitary sewer overflow (SSO), where sewer water flows out of a manhole cover and along the ground. These overflows can then contaminate the ground, local water bodies, and any property that the sewage encounters.

(4) To enable the Town to comply with Federal, State and local pollutant discharge limits.

§492-39. Applicability and Prohibitions.

A. This ordinance shall apply to all users of the POTW, as defined in §492-2 of this chapter.

B. Grease interceptors shall not be required for residential users.

C. The ordinance shall apply to both new and existing facilities generating FOG because of food manufacturing, processing, preparation, or providing food service. Such facilities shall install, use, and maintain approved type and adequately sized grease interceptors necessary to maintain compliance with the objectives of these regulations. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges prior to discharge to the public sewer system.

D. No user may intentionally or unintentionally allow the direct or indirect discharge of FOG, more than 100 mg/l, into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

§492-40. Installation and Maintenance Requirements.

A. Installations

(1) All grease bearing fixtures shall discharge to a grease interceptor.

(2) New facilities shall be required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(3) Existing facilities must operate and maintain existing grease interceptors in accordance with the manufacturer's recommendations, properly sized and in efficient operating condition, designed to meet the grease control requirements in this article.

(a) If the facility does not have an existing grease interceptor or the existing grease interceptor is either under-designed or otherwise substandard per the provisions of this article, the installation of required improvements must be completed within twelve (12) months of notification by the Town. The Town building department must approve the proposed plans for the grease interceptor design prior to installation.

(4) All gravity grease interceptors shall be an approved type and adequately sized as necessary to maintain compliance with the requirements described in this article, and as necessary to prevent a condition of a prohibited discharge.

(5) A hydromechanical grease interceptor may be utilized instead of a gravity grease interceptor if it is demonstrated to the satisfaction to the Town that the installation of a gravity grease interceptor is physically impracticable. For the purposes of this determination, "physically impracticable" shall include:

(a) The lack of available space on the premises.

(b) Unavoidable interference from underground utilities or structures; or

(c) Topographical conditions such as slope that unavoidably prevents installation of a gravity grease interceptor.

(6) A hydromechanical grease interceptor may be utilized instead of a gravity grease interceptor if the gravity grease interceptor sizing in the currently adopted plumbing code results in an interceptor volume of seven hundred fifty (750) gallons or less.

(7) A separate gravity grease interceptor may be provided for each individual unit of a building structure that is proposed for, or could be potentially converted in the future into, a food service, food sales or food processing establishment. The Town may allow the separate gravity grease interceptors to be installed later when food service, food sales, or food processing establishments are added through tenant improvements, provided that the side sewer lines leaving the

building are designed to functionally accommodate the installation of future interceptors at accessible locations.

(8) One or more food service establishments may comply with the requirements of this article by use of a shared gravity grease interceptor; provided that the food service establishment seeking to establish compliance by means of this section shall demonstrate to the satisfaction of the Town that:

(a) It has enforceable rights to utilize a shared gravity grease interceptor pursuant to an easement, declaration, covenants, conditions, restrictions, or similar instrument.

(b) The shared gravity grease interceptor is sized as necessary to accommodate the discharges of all food service establishments enjoying rights to use such interceptor; and

(c) There is a mechanism providing continued maintenance of such shared gravity grease interceptor.

(9) Bioremediation media shall only be used with an approved FOG disposal system ASME A112.14.4

B. Proper Maintenance. Any operating or physical condition that results in or is contributing to a prohibited discharge or other violation of this article shall be reported to the Town within seven (7) calendar days. Improvements to the facility shall be made as required within thirty (30) days.

C. Cleaning Schedules

(1) Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; to ensure the discharge is following local discharge limits; and to ensure no visible grease is observed in the discharge.

(2) Grease interceptors shall be fully pumped out when the total accumulation of FOG reaches twenty-five (25) percent of the overall liquid depth. The frequency of pumping shall be no longer than every thirty (30) days, unless documentation is provided to the Town that demonstrates a less frequent pumping will still meet the twenty-five (25) percent rule, but in no case not less than annually.

(3) Any person who owns or operates a grease interceptor may submit to the POTW a request in writing for an exemption to the thirty (30) day cleaning frequency of their grease interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:

(a) After thirty (30) days from the previous cleaning: the grease interceptor owner/operator has demonstrated the specific interceptor will produce an

effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, and

(b) Less than fifteen (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(4) The frequency of grease interceptor cleanings may be required to be increased if there is a history of non-compliance.

(5) Any facility that has a grease interceptor shall utilize a licensed rendering and disposal company. Wastes removed from a grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease, solids nor liquids removed from grease interceptors shall be returned to any grease interceptor, private sanitary sewer line, any portion of the public sewer system or any portion of the stormwater system.

(6) Upon random inspection, there shall not be twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, containing floating materials, sediment, oils, or greases. Failure of said inspection shall result in the revocation of the exemption without the option to reapply for a minimum of five (5) years and the person who owns or operates the grease trap will be subject to any applicable penalties as specified in this ordinance.

(7) In any event, a grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 90 days.

D. Cleaning and Maintenance:

(1) Grease interceptors shall be always maintained in an efficient operating condition.

(2) Each grease interceptor when cleaned shall be fully evacuated.

(3) Grease interceptor cleaning by the user (or self-cleaning units) must approved by the POTW. The following conditions shall apply:

(a) The HGIs are no more than 100 GPM size.

(b) Proper on-site material disposal methods are implemented (e.g., absorbed liquid into solid form and dispose into trash).

(c) The local solid waste authority allows such practices.

(d) Grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to remove or pump-out; and

(e) Detailed records on these activities are maintained.

(4) Grease interceptor operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

(a) Business name and street address.

(b) Grease interceptor operator name, title, and phone number.

(c) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease interceptor; and

(d) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

(5) Self-cleaners must adhere to all the requirements, procedures, and detailed record keeping outlined in their approved application to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

(a) Date the grease trap/interceptor was serviced.

(b) Name of the person or company servicing the grease trap/interceptor.

(c) Waste disposal method used.

(d) Gallons of grease removed and disposed of.

(e) Waste oil added to grease interceptor waste; and

(f) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(6) Violations incurred by grease interceptors' self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

E. Pollutant Testing Methods:

All pollutant testing methods shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POTW and shall meet the POTW's approval.

§492-41. Standard Design Requirements

A. Standard Requirements—Gravity Grease Interceptors.

(1) Each facility is solely responsible for the cost of the grease interceptor installation, inspection, cleaning, and maintenance.

(2) Gravity grease interceptor sizing and installation shall conform to the requirements contained in the current edition of the New Jersey Plumbing Sub-code or other criteria as determined on a case-by-case basis based upon review or relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs. Supporting sizing calculations shall be submitted to the Town.

(3) Gravity grease interceptors shall be designed by a professional engineer licensed in the State of New Jersey using standard engineering principles for sedimentation and flotation in gravity interceptors. The grease interceptor shall have a minimum of two (2) compartments with fittings designed for grease retention.

(4) Gravity grease interceptors shall be installed at an outdoor location where it is easily accessible for sample collection, inspection, and cleaning and removal of retained grease. The grease interceptor may not be installed inside a building and the location must meet the approval of the Town.

(5) Gravity grease interceptors shall be in the lateral line between all fixtures which may introduce grease into the sanitary sewer and the connection to the public sewer system. Such fixtures shall include but not be limited to sinks, dishwashers, floor drains for food preparation and storage area, mop sinks, and any other fixture which is determined to be a potential source of grease.

(6) Gravity grease interceptors must be vented.

(7) Gravity grease interceptors shall be equipped with a sampling port at the outlet of the interceptor. Inspection tees and manholes must enable the Town to monitor and test the discharge for compliance with utility requirements or to allow monitoring and testing in accordance with the rules and regulations of other federal, state, or local agency having governmental or contractual jurisdiction within the utility service area.

(8) Access manholes, a minimum diameter of twenty-four (24) inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, cleaning and removal of retained grease and sample collection. Riser maximum shall not exceed sixteen (16) inches.

(9) Sanitary wastes shall not be introduced into the gravity grease interceptor.

B. Standard Requirements—Hydromechanical Grease Interceptor.

(1) Each facility is solely responsible for the cost of the HGI installation, inspection, cleaning and maintenance.

(2) HGI sizing and installation shall conform to the requirements contained in the current edition of the New Jersey Plumbing Sub-code or other criteria as determined on a case-by-case basis based on review or relevant information, including, but not limited to grease trap performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs. Supporting sizing calculations shall be submitted to the Town.

(3) HGIs shall be designed by a professional engineer licensed in the State of New Jersey using standard engineering principles. Complete plumbing plans and isometric or riser diagrams are required at time of plan check submittal. The plans must be stamped by the professional engineer of record.

(4) HGIs shall be installed at a location where it is easily accessible for sample collection, inspection, and cleaning and removal or retained grease.

(5) The HGI shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity recommended in gallons per minute for the unit.

(6) Sanitary wastes cannot be introduced into the HGI.

(7) Grease traps shall be installed at a minimum distance of 10 ft. from sinks and dishwashers to allow for adequate cooling of the wastewater. Water temperatures must be less than 120 degrees prior to entering grease trap to avoid pass through.

C. Best Management Practices

(1) Kitchen best management practices shall be implemented to minimize the discharge of FOG to the public sewer system and prevent non-stormwater discharges from entering the stormwater sewer system (as applicable):

(a) Drain screens shall be installed on all drainage pipes in food preparation areas.

(b) All waste cooking oil shall be collected and stored properly in fats, oil and grease receptacles such as drums or tallow bins. Such containers shall be maintained properly to ensure they do not leak.

(c) Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.

(d) Waste fat and grease storage bins or waste oil drums shall be kept cleaned and covered. Lids on waste storage bins and drums shall be kept securely closed and the areas around these containers shall be kept clean.

D. All food waste shall be disposed of directly in garbage or compost collection bins, and not sinks. Bagging food waste that has the potential to leak in trash containers is recommended. Scrape or dry wipe pots, pans, dishware, and work areas before washing to remove grease. Wash only in a sink connected to a grease control device.

E. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning shall be disposed of properly and cleaned in sinks connected to a grease removal device. Outdoor steam cleaning of exhaust filters in uncontained areas is strictly prohibited.

F. Informational signs on best management practices and waste minimization practices in food preparation and dishwashing areas shall be always posted.

G. The wastewater generated from floor mat and kitchen appliance washing operations must be disposed of to a sink with a grease control device. Cleaning kitchen equipment in uncontained areas that drain to a sewer is prohibited.

H. Dry methods including rags and absorbents such as sawdust or kitty litter shall be used to clean up oil and grease spills.

I. Training shall be conducted for all new kitchen staff every six (6) months. Training shall be documented with employee signatures retained indicating employee attendance. Training records shall be made available for review at any reasonable time to the POTW local health department.

J. Best management practices (BMPs) shall be documented at maintained at the FSE. Documentation includes: Spill events, floor mat/equipment cleaning scheduling, inspections of FOG containers and any other relevant information related to BMPs.

§492-42. Recordkeeping

A. Maintenance Log

(1) All facilities with a grease interceptor that discharges to the public sewer system shall keep a maintenance log that documents all maintenance activities for its grease control devices.

(2) All users with a grease interceptor must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept that indicates, at a minimum, the following information:

(a) Date the grease interceptor was serviced.

(b) Name of the person or company servicing the grease interceptor.

(c) Waste disposal method used.

(d) Gallons of grease removed and disposed of.

(e) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(3) Food service establishments shall document the date when staff training is conducted in the maintenance log.

(4) FOG control maintenance records for a period of at least one year shall be always available on site for review and inspection. Copies of the prior year maintenance records shall be submitted with FOG control license annual renewal application.

(5) The FSE shall keep records of all BMP activities performed at the facility.

B. Manifest Requirements

(1) Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes.

(2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

(a) Name, address, telephone, and commission registration number of transporters.

(b) Name, signature, address, and phone number of the person who generated the waste and the date collected.

(c) Type and amount(s) of waste collected or transported.

(d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste.

(e) Date and place where the waste was deposited.

(f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited.

(g) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received.

(h) The volume of the grease waste received; and

(i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(3) Manifests shall be divided into five parts and records shall be maintained as follows.

(a) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(b) The remaining four parts of the manifest shall have all required information filled out and signed by the appropriate party before distribution of the manifest.

(c) One part of the manifest shall go to the receiving facility.

(d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

(e) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(f) One part of the manifest shall go to the local authority.

(g) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

§492-43. License Requirements.

A. Each food service establishment shall obtain a FOG control license from the Town to enable the review and monitoring of facilities that have the potential to discharge FOG to the public sewer system. The FSE owner shall file a FOG control license application with the Town at the time of the initial or annual application for the retail food establishment license. The application shall address all grease interceptors located at the FSE and the FSE owner shall certify all information contained in and submitted with the FOG control license application as true and complete prior to the Town's review. As a condition precedent to the granting of any FOG control license, the FSE owner agrees to hold harmless the Town from any liabilities arising from the operations under such license.

B. Upon receipt of a complete application, the Town will examine the documentation associated with the FOG control license application and if it determines that the

proposed or existing FOG control equipment and practices at the FSE are acceptable, a FOG control license will be issued upon payment of all fees and while the retail food establishment license is issued. The FOG control license shall expire each year on the same date as the retail food establishment license.

C. The fees for the FOG control licenses are hereby fixed as follows:

(1) For food service establishments with three (3) grease control devices or less, the license fee shall be one hundred dollars ($100.00) annually.

(2) For each additional multiple of three (3) grease control devices located on the premises, the license fee shall be increased by one hundred dollars ($100.00) annually.

(3) A late fee of twenty-five dollars ($25.00) shall be applied to any annual renewal application for a FOG control license filed after June 30.

(4) A re-inspection fee of one hundred dollars ($100.00) shall be charged each time a facility fails a FOG source control inspection by an inspection official.

D. Each license provided under the provisions of this section shall bear the actual date of issue thereof, the name of the person to whom issued, the legal name of the owner of the business licensed, and the location thereof. No license shall be transferable. All licenses shall be posted in a conspicuous place on the licensed premises.

E. The fees provided hereinabove shall not apply to any bona fide charitable or religious group or organization, who is tax exempt pursuant to 26 U.S.C. 501(c)3, who provides food for the homeless and the needy on a regularly scheduled basis.

F. Within thirty (30) days of a change in ownership of an existing FSE, the new owner shall apply to the Town for a FOG control license and the application shall describe any proposed changes in facility operations or equipment that could affect the FOG control performance.

§492-44. Compliance Monitoring and Enforcement

A. Prohibited Practices:

(1) No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease control device. Surfactants, solvents, and emulsifiers are materials which allow grease to pass from the grease control device into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, turpentine, and other solvents.

(2) Disposal of waste cooking oil into sanitary sewer and drainage pipes is prohibited.

(3) Discharge of wastewater with a temperature higher than one hundred forty (140) degrees Fahrenheit to or through a grease interceptor is prohibited.

B. Inspections.

(1) All food service establishments must employ, at their own cost and expense, a licensed plumber to conduct an annual inspection of their grease control devices and connecting wastewater lines to ensure that waste fat, oil and grease are being adequately removed from the wastewater before being discharged to the public sewer system and that wastewater temperature does not exceed one hundred forty (140) degrees Fahrenheit. The licensed plumber shall provide a formal inspection report to the FSE within two (2) weeks of the inspection. The inspection report shall include, but not be limited to, the maintenance and efficiency of the grease control device, amount of oil and grease found in connecting wastewater lines, percentage of oil and grease being removed from wastewater being discharged into the public sewer system, and temperature of the wastewater.

(2) In addition to the mandatory annual inspection set forth above, the Town's inspection official shall have the authority to conduct inspections pursuant to a complaint, for new construction or installation, and such other periodic inspections that the inspection official deems necessary and appropriate.

(3) A formal inspection report by a licensed plumber is required for the issuance of an annual food license by the local health department for all food establishments that produce, serve, handle and/or prepare oil, fat and/or grease during business.

(4) Upon written notification by the inspecting official, the FSE owner shall perform any ordered maintenance or repair work within the time set forth by the inspecting official. Upon inspection by the inspecting official, the FSE owner may be required to install, at his sole cost and expense, additional controls to properly remove FOG per the provisions of this article.

C. Compliance Monitoring:

(1) The inspecting official has the authority to perform periodic inspections of those establishments generating FOG in its operations and shall notify the user of any additional required maintenance or repairs within a stated time. The user may be required to install, at its sole cost and expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater system.

(2) Access to grease control devices by an inspecting official shall be provided during normal business hours, unless an emergency requires access during off business hours, then access shall be provided to the inspecting official immediately upon request.

(3) The violation or failure to comply with any of the provisions of this article is unlawful. If an obstruction of the public sewer system occurs that causes a sewer backup or overflow and such overflow can be attributed in part or in whole to an accumulation of fats, oil and grease in the sewer main line, the POTW will take appropriate enforcement actions against the generator or contributor of such fats, oil, and grease. In addition, those responsible for generating or contributing to the unlawful discharge of fats, oil and grease to the sewer system must take immediate steps to bring the grease interceptor into compliance, plus any additional actions necessary to bring the facility into compliance with this article.

(4) Right of Entry. The POTW shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements such that upon presentation of suitable identification, the POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The POTW shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices complying with PDI G102. The facility's monitoring equipment shall be always maintained in a safe and proper operating condition by the user at its own expense.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the POTW access to the user's premises shall be a violation of this ordinance.

(5) If the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, then the POTW may seek issuance of a search warrant.

Todd M. Tersigni
Mayor
12/21/2022

Matthew C. Hall, MPA
Acting Municipal Clerk

CERTIFICATION

I, Lorraine Loudenberry, Deputy Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their November 22, 2022 meeting.

Lorraine Loudenberry

LORRAINE LOUDENBERRY,
Deputy Municipal Clerk