

PART II - CODE OF ORDINANCES
Chapter 114 - UTILITIES
ARTICLE IV. - SEWERS AND SEWAGE DISPOSAL
DIVISION 4. REPAIR OF SANITARY SEWER LEAKS ON PRIVATE PROPERTY

DIVISION 4. REPAIR OF SANITARY SEWER LEAKS ON PRIVATE PROPERTY

Sec. 114-210. Responsibility and application.

- (a) Maintaining the integrity of the city's sanitary sewer system shall be the responsibility of the director of public works or his/her designee for the city.
- (b) This division applies to all customer sewer service lines on private property which flow into public lines in city streets, alleys and easements, including, but not limited to single-family or duplex residences, mobile homes and/or trailer parks, apartments, places of business, schools, hospitals, churches, structures of any kind, vacant buildings or vacant land.
- (c) The customer shall be responsible for the installation, maintenance and repair of the sewer service line from the foundation of the structure to the sewer line owned by the city.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-211. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Infiltration (as defined by the Federal Environmental Protection Agency) means the water entering a sewer system and service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

Inflow (as defined by the Federal Environmental Protection Agency) means the water discharged into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellars, swimming pool and/or spa drains, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catchbasins, stormwaters, surface runoff, and street washwaters or drainage.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Sewer service line means the sewer from the foundation of any structure to the sewer line owned by the city.

Storm sewer means a public sewer which carries stormwater and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-212. Customer service inspection prior to connection, reconnection or transfer of service.

Prior to the original connection, reconnection or transfer of water and/or sewer service to a tenant or property owner, the city at its option shall perform a customer service inspection of the customer's private system

and verify the integrity thereof. Any defects discovered in the private line shall be repaired by the property owner or his/her agent prior to obtaining the original connection, reconnection or transfer of city water and/or sewer service.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-213. Notification to property owners.

- (a) The public works department of the city will notify in writing by registered mail, return receipt requested, each property owner on whose property a source of inflow or infiltration of water into the city's sanitary sewer system exists, as well as the nature and location of the sources. The property owner shall, within ten calendar days of date of notification, have the sources repaired at the property owner's expense.
- (b) A cut-off notice will be sent on the eleventh day if the repairs have not been satisfactorily completed.
- (c) Penalties provided for in this division shall be enforced as set forth in this chapter.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-214. Repairs by licensed plumber or homeowner; inspection and approval or disapproval by city.

- (a) If the line in question is vitreous clay pipe and cannot be satisfactorily repaired, the property owner may be required to replace the entire private clay sewer service line with PVC pipe Schedule 40.
- (b) All repairs must be made by a plumber licensed by the state or by a resident property owner. A resident homeowner may install or maintain plumbing and/or sewer equipment within the property owner's own property boundaries, provided that the work is done by the property owner and used exclusively by the property owner and the property owner's family. Such privilege does not convey the right to violate any provision of this Code nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor. Both the plumber or owner must have a valid city plumbing permit for these specific repairs prior to work commencing. (See section 22-266, licensing and regulation of plumbers.)
- (c) After the repair has been completed and before it has been covered, the city plumbing inspection department shall be notified to inspect and approve its adequacy and workmanship. If the city plumbing inspector leaves a green tag signifying a satisfactory repair, the plumber or owner may replace the cover.
- (d) However, if the city plumbing inspector leaves a red tag, the plumber or owner must contact the designated city official on the red tag and correct the repairs as specified and then notify the city plumbing inspection department to reinspect the corrected repairs. No cover may be replaced until a green tag is attached to the repairs by the city plumbing inspection department. Otherwise, owner and/or plumber shall be required to excavate, and the city shall reinspect the repairs and if still defective, turn off water and/or sewer service.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-215. Penalties for failure to make repairs.

- (a) Should the property owner fail to make the necessary repairs within the ten-day period as set out in section 114-213, the city shall have the option of thereafter assessing a surcharge fee to the property owner's monthly wastewater charge (the charge shall be determined by the city's existing formula for calculating

domestic wastewater charges with exclusion of the 25,000-gallon maximum charge) or terminating water and/or sewer service to the property.

- (b) If after exercising reasonable diligence, the city is unable to locate the property owner or his/her agent or the property owner or his/her agent refuses to make the necessary repairs, the city or its agent shall have the right to go on the land or property upon which the source of inflow or infiltration exists and make such repairs and inspection as provided in section 114-214. The owner of the property shall be liable to the city for the cost of such work and shall pay such cost upon demand, which cost may be included upon the property owner's next monthly wastewater charge with a reasonable service charge added for each month the bill remains unpaid or the city may cut off the water and/or sewer upon 30 days' written notice to the customer.
- (c) If the property owner is unknown or does not pay the charge, the city shall file a lien upon the land for the cost of the repair and a fine for the extraneous water disposed of through the city's sanitary sewer system and wastewater treatment plant.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-216. Appeals.

Appeals shall be according to the procedure as provided in section 2-267.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Secs. 114-217—114-229. Reserved.

Sec. 114-230. Applicability and prohibitions.

- (a) This division sets forth uniform requirements for nondomestic wastewater users of the publicly owned treatment works (POTW) for the City of Bay City, as defined in section 114-218, and enables the city to comply with all applicable state and federal laws.
- (b) The ordinance codified in this chapter works together with the city's building permit process through code enforcement and the city's pretreatment and general sewer use regulations to do the following:
 - Authorize the implementation of a grease and grit trap/interceptor maintenance program;
 - Authorize the establishment of minimum grease and grit trap size requirements and pumping schedules;
 - Provide for inspections;
 - Monitor compliance and enforcement activities;
 - Establish administrative review procedures;
 - Require user recordkeeping and reporting;
 - Providing for the setting and allocation of fees.
- (c) The public utilities department will have the primary role of administering and enforcing the interdepartmental implementation of this chapter. Unless otherwise specified in this ordinance, the director of public works, or his/her designated representative, shall administer, implement, and enforce the provisions of this chapter.
- (d) Grease traps or grease interceptors shall not be required for residential users.

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- (e) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in article II of this chapter. 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.
 - (f) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin 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.
 - (g) Any grease trap and/or grit trap/interceptor lawfully in existence and in use, at the time of the adoption of the ordinance codified in this chapter, shall be permitted to have their use and maintenance continued, if the use and maintenance is in accordance with the original design and no additional wastewater load is added to the trap, above the original design capacity and no hazard to life, health or property is created by such use.
 - (h) All references to grease traps or grease interceptors shall also apply to grit traps, as applicable.
- (Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-231. Definitions.

Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Best management practices (BMPs) means scheduling activities, prohibiting practices, enforcing maintenance procedures, and implementing other management practices to prohibit the introduction of any pollutant into a POTW, as described in 40 CFR Chapter I, Subchapter N, 403.5 (a)(1) and (b).

BOD means the value of the five-day test for biochemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

COD means the value of the test for chemical oxygen demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

EPA means the United States Environmental Protection Agency.

Fats, oils, and greases (FOG) means 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."

Food processing/food service establishments (FPSEs) means any establishment that serves, prepares, and handles food whether it is on an occasional, temporary, or permanent basis.

Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

Grease trap or interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection 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 system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."

Grease trap waste means material collected in and from an grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

Grit means sediment such as sand, gravel, cinders, or other heavy materials.

Indirect discharge or *discharge* means the introduction of pollutants into a POTW from any non-domestic source.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's TPDES permit.

PH means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POTW or *publicly owned treatment works* means a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW treatment plant.

The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works (City of Bay City). For purposes of this ordinance, the terms "sanitary sewer system", "POTW", "city", or "City of Bay City" may be used interchangeably.

TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

Transporter/hauler means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code § 312.142, and is registered as a licensed grease and/or grit trap transporter/hauler with the City of Bay City.

TSS means the value of the test for total suspended solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

User means any person, including those located outside the jurisdictional limits of the city, who contributes, causes, or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-232. Installation and maintenance requirements.

(a) Installations.

(1) New facilities.

- a. Food processing or food service facilities (FPSEs) which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate, maintain, and register with the city a grease trap/interceptor in accordance with the currently adopted plumbing codes and other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- b. All permanent car washes and wash bays which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a car wash or wash bay, where such facility did not previously exist, shall be required to design, install, operate and maintain and register with the city a grit trap/interceptor in accordance with the currently adopted plumbing codes and other applicable ordinances. Grit traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

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- (2) *Existing facilities.*
- a. Existing grease and/or grit traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these model standards, unless specified in writing and approved by the POTW.
- (3) *Waivers.*
- a. Waivers to new and existing facilities.
 1. Based upon a request by and consultation with the FPSE, the city may determine that the new FPSE or and existing FSPE is not a potential significant FOG discharger, in which case the city may grant a waiver from the required grease trap/interceptor license and installation.
 2. With the designation of a non-significant discharger waiver, the FPSE is required to implement FOG best management practices (BMPs) and to install a wastewater discharge sample port for jar method grab sampling at the facility's own expense. The sample port shall be installed with ease of accessibility for city monitoring purposes, at the facility's own expense.
 - b. Existing facilities with space constraint waivers.
 1. The city may grant an exception to requiring FPSE or other entity to install a grease trap/interceptor if there is no feasible installation location, for example, infeasibility due to historical landmarks.
 2. In the event of this space-constraint type waiver, the city will changer an annual waiver fee, the FPSE discharger must implement FOG BMPs; and the FPSE must install a wastewater discharge sample port at the facility's own expense. The sample port shall be installed with ease of accessibility for city monitoring.
 - c. Based upon inspection and/or monitoring of the facility, the city reserves the right to revoke or reevaluate a previously approved waiver.
 - d. All waivers require a completed waiver form to be submitted and approved by the director of public works.
- (4) All grease and/or grit trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.
- a. *Grease and/or grit trap/interceptor inspections.* The city shall have a right of entry to inspect grease and/or grit trap/interceptors upon showing proper identification. City grease and/or grit trap/interceptor inspections will be unannounced and are to be performed at a minimum of once per year per installation.
- (b) *Cleaning and maintenance.*
- (1) Grease and/or grit trap/ interceptors shall be maintained in an efficient operating condition at all times.
 - (2) Each grease and/or grit trap/interceptor pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 Texas Administrative Code § 312.143.
- (c) *Self-cleaning.*

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- (1) Grease and/or grit trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:
 - a. The grease trap is no more than 50 gallons in liquid/operating capacity;
 - b. Proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
 - c. The local solid waste authority allows such practices;
 - d. Grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
 - e. Detailed records on these activities are maintained.
 - (2) Grease trap self-cleaning 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 trap/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 trap/interceptor; and
 - d. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
 - (3) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this chapter. 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 trap/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.
 - (4) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.
- (d) *Cleaning schedules.*
- (1) Grease traps and 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 trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.
 - (2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every 90 days, or more frequently when:
 - a. Twenty-five 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, contains floating materials, sediment, oils, or greases; or

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- b. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
 - c. If there is a history of noncompliance.
 - (3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the 90-day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
 - a. The grease trap/interceptor owner/operator has demonstrated the specific trap/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, or
 - b. Less than 25 percent 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, contains floating materials, sediment, oils, or greases.
 - (4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.
- (e) *Manifest requirements.*
- (1) Each pump-out of a grease trap or 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 transporter;
 - 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 completely 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.

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- 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.
- (4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.
- (f) *Alternative treatment.*
- (1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent, or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include, but are not limited to, enzymes, soap, diesel, kerosene, terpene, and other solvents.
 - (2) It is an affirmative defense to an enforcement of subsection (f)(1) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
 - (3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:
 - a. The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160F (71C).
 - b. The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
 - c. The use of the bioremediation media does not cause foaming in the sanitary sewer.
 - d. The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between five and 11.
 - (4) All testing designed to satisfy the criteria set forth in subsection (f)(3) 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 and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, Texas Administrative Code § 319.11. Testing shall be open to inspection by the POTW and shall meet the POTW's approval.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-233. Schedule of fees.

- (a) When the city grants a trap waiver due to space constraints and/or historical landmarks and requires a waiver fee, the FPSE shall pay an annual waiver fee of such amount as set forth in appendix B to the Code of Ordinances. The city council shall make the final decisions with regard to authorizing a waiver.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-234. Schedule of penalties.

Penalties shall be according to the appendix B of the Code of Ordinances.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Secs. 114-235—114-240. Reserved.