

ORDINANCE NO. 6199

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 50,
SECTION 50.042 OF THE VILLAGE OF LOMBARD VILLAGE CODE IN
REGARD TO THE VILLAGE'S SANITARY SEWER SYSTEM AND TRAPS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 5, Chapter 50, Section 50.042 of the Lombard Village Code is amended to read in its entirety as follows:

“§50.042 FAT, OIL, GREASE, SAND AND PETROLEUM PRODUCT TRAPS

- (A) **Purpose.** The purpose of this Section is to establish certain minimum reasonable rules and regulations for any automotive service facility or food processing food sales, or food service facility or user connected to, or applying to connect to, the Village's sanitary sewer system regarding the collection and disposal of fats, oils, greases, sand or petroleum products in wastewater, not otherwise required to obtain and hold an Industrial Wastewater Discharge Permit from the U.S. Environmental Protection Agency and/or the Illinois Environmental Protection Agency. This Section also establishes certain minimum reporting requirements for waste haulers in the disposal of fats, oils, greases, sand and petroleum product wastes.
- (B) **Definitions.** The following words, terms and phrases shall have the following meanings for purposes of this Section:
- (1) **Automobile Service Facility.** Any facility which provides automobile repair or automobile service, as defined in Section 155.802 of this Code, which has floor or other drains that are required to be equipped with a FOG trap or a FOG recovery system pursuant to the Illinois Plumbing Code.
 - (2) **Director.** The Village's Director of Public Works, or his/her designated agent or representative.

- (3) **FOG.** Fats, oils, greases, sand, starch, proteins, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, motor oil, gasoline, and certain other materials from animal, vegetable and petroleum origins. FOG may originate from discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where the aforementioned materials may exist.
- (4) **FOG Producing Facility.** A food processing, food sales or food service facility, or automotive service facility, as herein defined.
- (5) **Food.** Any raw, cooked, processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, barter or exchange, in whole or part for human consumption.
- (6) **Food Processing Facility.** A commercial facility in which food is manufactured or packaged for human consumption. The term does not include a food service facility, retail food store or commissary.
- (7) **Food Sales Facility.** A retail and wholesale grocery store(s); retail seafood store(s); food processing plants(s); bakeries; confectionaries; fruit, nuts and vegetables store(s), and places of business; and, similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.
- (8) **Food Service Facility.** Any facility for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending and operations connected therewith, and similar facilities by whatever named called or by whomever operated.
- (9) **FOG Quarterly Maintenance Report.** A document submitted to the Village pursuant to subsection (D) (4) below, along with the Manifest when applicable, to certify that maintenance was performed by the business in accordance with the requirements of subsection (D) below.
- (10) **FOG Recovery System.** A system of interceptors, separators, traps (including FOG traps) or FOG recovery

devices, which prevents free floating FOG from entering the sewage system by recovering and removing the FOG from the wastewater. Such systems may be inside a building (typically less than 100 gallon capacity) or outside a building (typically 1,000 gallon or greater capacity).

- (11) **FOG Trap.** An interceptor, separator or recovery vehicle that prevents free-floating FOG from entering the wastewater disposal system. It also may be a passive FOG interceptor whose rated flow exceeds 50 gallons per minute or minimum storage capacity of 1,000 gallons or more and which is located outside the building.
- (12) **Hauler.** A waste disposal or rendering business or firm, licensed by the Illinois Environmental Protection Agency, that hauls and disposes of FOG as described in this Section.
- (13) **Manifest.** A log or document record of the hauler name, address and State license/permit number; and, the volume, date of removal and disposal destination of pumped materials or wastes from a FOG trap, FOG recovery system, or other interceptor device. (See, 415 ILCS 5/22.30(d) and (e)).
- (14) **Pump and Return Method.** The method of recanting or discharging removed waste or wastewater back into the FOG recovery system from which waste was removed or to any other FOG recovery system or sewer connection.
- (15) **Twenty-Five Percent Rule (25% Rule).** All FOG traps and/or FOG recovery systems shall be cleaned based on the 25% Rule.

FOR EXAMPLE: If the total depth (TD) of a FOG trap or FOG recovery system is 40 inches, the maximum allowable depth (d) of floatable and settled FOG equals 40 inches multiplied by 0.25 or $d=TD \times 0.25 = 10$ inches. Therefore, the maximum allowable depth of floatable and settled FOG in the FOG trap or FOG recovery system should not exceed ten (10) inches.

- (16) **User.** Any FOG producing facility, its owner(s) or operator(s), or their agent(s), that contributes to the Village's wastewater collection system.

(C) **System Required.** A FOG producing facility shall install a FOG recovery system as required by, and in accordance with, the provisions of the Illinois Plumbing Code and this Code.

(D) **System Maintenance.**

(1) **General.** All FOG recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, in compliance with all applicable laws, rules and regulations.

(2) **Maintenance Responsibility.** The owner(s), and any designated agents shall be responsible for the maintenance of the FOG recovery system for a FOG producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

(3) **Maintenance Requirements.**

(a) All users shall maintain any FOG recovery system so that the discharges therefrom are in compliance with all applicable laws, rules and regulations.

(b) All non-automobile service facility FOG traps, and all other non-automobile service facility FOG recovery systems, shall have all floating material removed at a minimum of once every ninety (90) days. All non-automobile service facility FOG traps, and all other non-automobile service facility FOG recovery systems, shall be completely pumped out semi-annually or when the contents thereof exceeds the 25% Rule. All automobile service facility FOG traps, and all other automobile service facility FOG recovery systems, shall be completely pumped out annually or when the contents thereof exceeds the 25% Rule. Semi-annual maintenance, annual maintenance and maintenance due to exceeding the 25% Rule shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. The frequency of maintenance may be increased to comply with the applicable daily maximum discharge limit(s), the manufacturer's recommendation or the 25% Rule. The frequency shall be as often as necessary to prevent overflows of FOG from entering the Village's wastewater collection system.

- (c) The Pump-and-Return Method of decanting or discharging of removed waste or wastewater back into the FOG recovery system is prohibited.
 - (d) Removal of floating material from a FOG trap may be performed by the owner of the FOG producing facility, provided said floating material is properly disposed of in accordance with all applicable laws. Any removal and hauling of FOG as a result of the complete pumping of a FOG trap and all other FOG recovery systems, shall be performed by a hauler licensed by the State of Illinois.
 - (e) If any FOG recovery system discharge wastes fail to meet the applicable daily maximum limit(s), the Director is authorized to require that the user repair, replace or upgrade its FOG recovery system, at the sole expense of the user.
 - (f) No user may place an additive of any type into the FOG trap or FOG recovery system without the prior written approval of the Director.
- (4) **Maintenance Records.** Each user, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility's FOG recovery system, and shall file copies of same with the Village's Public Works Department on a quarterly basis (April 15th, July 15th, October 15th and January 15th) with said maintenance records to cover the three (3) full calendar months preceding the filing date. The following records shall be kept on-site at the FOG producing facility for a minimum two (2) year period:
- (a) **Haulers.** The hauler shall provide the FOG producing facility manager, at the time of service, a manifest conforming to all State statutes and regulations (see, 415 ILCS 5/22.30(e)), and the provisions of this Code.
 - (b) **Manifest(s).** The removal of FOG recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes, and whether collected from an interior or an exterior FOG recovery system.

- (c) **Manifest Information.** Each manifest shall contain the following information and such other information as may be required by State statute:
- (i) User information, including name, address, the volume pumped from each FOG recovery system, and date and time of the pumping;
 - (ii) Hauler information, including company name, address, State license/permit number and disposal/receiving facility location information; and
 - (iii) Receiving facility information, including the facility name and address, date and time of receiving, and EPD number.
 - (iv) A certification that the FOG trap or FOG recovery system was in working order.
 - (v) A certification that the maintenance requirements, as set forth in subsection (D)(3) above, are being complied with by the user relative to the FOG trap or FOG recovery system.
- (d) **Manifest/Maintenance Log.** The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests, FOG quarterly maintenance reports (and other similar record(s)) regarding each cleaning or maintenance of the FOG recovery system for the previous twenty-four (24) months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Director, or his/her designated agent(s) or representative(s).
- (5) **Repairs.** Any repair that is required in regard to a FOG trap or FOG recovery system shall be made by the user within thirty (30) days of the user receiving notice of the need for a repair from either the hauler or the Director.

(E) Inspections.

- (1)** The Director or his/her designated agent(s) or representative(s), shall make or conduct an inspection of each FOG producing facility as the Director may deem necessary, to evaluate and enforce compliance with the provisions of this Section.
- (2)** The Director, or his/her authorized agent(s) or representative(s), shall have the authority to enter any property at any reasonable time to inspect for sanitation purposes and compliance with the provisions of this Section and any other applicable provisions of this Code relating to the wastewater system. The Director may also make any necessary test, measurement or sampling to determine compliance with the requirements of this Section and any other applicable provisions of this Code relating to the wastewater system.
- (3)** The user shall make sure that the FOG trap and/or FOG recovery system are accessible for inspection at all times, and shall make sure that no obstructions block access to any FOG trap or FOG recovery system.
- (4)** The user shall, upon request by the Director or his/her authorized agent(s) or representative(s), open the access to the FOG trap or FOG recovery system for inspection, including, but not limited to, unbolting and removing covers and/or manholes.
- (5)** A user charged with a Notice of Violation (an "NOV"), issued by the Director, shall be re-inspected at any time within thirty (30) days of the date of the issuance of the NOV. Subsequent re-inspection(s) may occur at any time for as long as the user is non-compliant under the original NOV. The user shall be responsible for payment of a re-inspection fee for all re-inspections in the amount of one hundred seventy-five and no/100 dollars (\$175.00), which shall be added to the sanitary sewer bill of the user.
- (6)** When a sewer overflow or blockage occurs at or downstream of a FOG producing facility, a demand inspection may be made or conducted by the Director, or his/her designated agent(s) or representative(s). If the user of the FOG producing facility is found to be in violation of any provision of this Section, or any other applicable provision of

this Code relating to the wastewater system, and that violation(s) is believed to have caused or resulted in the sewer overflow or blockage, the user shall be responsible for the payment of the demand inspection fee in the amount of one hundred seventy-five and no/100 dollars (\$175.00), as well as the labor, equipment and material cost(s) to correct the sewer overflow or blockage, which amounts shall be added to the sanitary sewer bill of the user.

(F) Notice of Violation.

- (1)** Whenever the Director determines that there are reasonable grounds to believe that there is, or has been, a violation of this Section, the Director shall give notice of the alleged violation(s) to the user and/or the person in control of the FOG trap or FOG recovery system, as herein provided. Such notice shall:
 - (a)** Be in writing;
 - (b)** Include a statement of the reason(s) for issuance of the notice;
 - (c)** Allow a reasonable time for the performance of any act it requires;
 - (d)** Be served upon the user or operator of the FOG producing facility, as the case may require; provided that such notice shall be deemed to have been properly served upon such user or operator when a copy thereof has been sent by first class mail, postage prepaid, to his/her last known address as furnished to the Village, or personally delivered to the manager or other person in charge of the FOG producing facility; and
 - (e)** Contain an outline of remedial action which is required to affect compliance.
- (2)** Whenever an emergency exists which requires immediate action to protect the public health, safety or welfare, or to protect public or private property from damage or destruction, the Director may, without any administrative notice or procedure, seek an injunction to require that such action be taken as may be deemed necessary to meet the emergency.

(G) Enforcement - Penalties/Remedies.

- (1)** Any person or user who violates any provision of this Section, shall be fined not less than fifty and no/100 dollars (\$50.00) nor more than seven hundred fifty and no/100 dollars (\$750.00) for each violation, with each day that a violation has existed or continues to exist constituting a separate offense.
- (2)** In addition to (1) above, any sewer or manhole overflow, or sewer back-up, resulting from a violation(s) of any provision of this Section, or an inadequately operating FOG recovery system, or lack of an approved FOG recovery system, shall result in the imposition of a charge to the responsible owner(s) or user(s) equal to the costs incurred by the Village in cleaning the blockage out of the immediately adjacent Village wastewater collection system. Imposition of a charge under this subsection (2) shall not preclude other enforcement action(s). In addition, the responsible owner(s) or user(s) shall be responsible for payment of any fine levied by the Illinois Environmental Protection Agency against the Village as a result of any overflow or blockage in the Village's wastewater collection system, or NPDES permit discharge violations attributable to the owner(s)' or user(s)' violation of any provision of this Section, or an inadequately operating FOG recovery system, or lack of an approved FOG recovery system. Any such charges as referenced in this subsection (2) shall be added to the sewer bill of the user.
- (3)** The Director may also take any other available legal action necessary to prevent or to remedy any violation, including, but not limited to, appropriate equitable or injunctive relief or discontinuation of wastewater treatment service to the FOG producing facility."

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ___ day of _____, 2008.

First reading waived by action of the Board of Trustees this 19th day of June, 2008.

Passed on second reading this 19th day of June, 2008, pursuant to a roll call vote
as follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick & Soderstrom

NAYS: None

ABSENT: None

APPROVED by me this 19th day of June, 2008.



William J. Mueller, Village President

ATTEST:



Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 24th day of June, 2008.



Brigitte O'Brien, Village Clerk