



NEENAH-MENASHA SEWERAGE COMMISSION

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**NEENAH-MENASHA SEWERAGE COMMISSION (NMSC) RESOLUTION 2019-1
PROMULGATING A POLICY REGULATING AND PROHIBITING DISCHARGE
OF ANIMAL AND VEGETABLE FATS, OILS, GREASE, FOOD WASTES AND
RELATED MATERIALS INTO ITS WASTEWATER TREATMENT FACILITY
THAT SUPERSEDES AND REPLACES
RESOLUTION 2009-1.**

RECITALS

WHEREAS, NMSC continues to experience wastewater treatment problems caused and or related to discharges of animal and vegetable fats, oils, grease and food byproducts and waste by Food Service Facilities into its wastewater treatment facility and,

WHEREAS, the problems caused by or associated with said discharges from Food Service Facilities have or may interfere with the efficient operation of the wastewater treatment facility by causing plugging and/or blockages of the system pipes, heat exchangers and pumps and,

WHEREAS, the problems caused or associated with fats, oils, grease and food byproducts from Food Service Facilities may contribute waste of a strength or form that may cause a violation of NMSC'S WPDES Discharge Permit or create waste that is beyond the treatment capability of the wastewater facility and,

WHEREAS, violation of the WPDES permit may subject NMSC to fines and other sanctions from WDNR and,

WHEREAS, since implementing Resolution 2009-1, enough Food Service Facilities have failed to comply with the requirement of obtaining and maintaining a general permit from the NMSC to allow the NMSC to monitor the prevention of said discharges into the wastewater treatment system so that a method of enforcement is now required for compliance and,

WHEREAS, the Pretreatment Rules and Regulations duly adopted by NMSC allow the Commission the legal authority to regulate said discharges and adopt enforcement measures against violators.

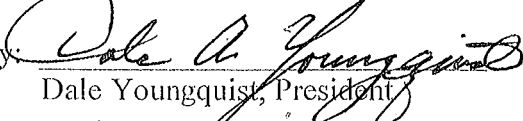
NOW, THEREFORE, NMSC adopts the attached Fats, Oils, and Grease Regulations and Procedures to insure compliance with NMSC Pretreatment Regulation and WPDES Permit requirements, and to insure the effective and efficient operation of the wastewater treatment facility. The Regulations and Permit Procedure shall become effective as of the date of passage of this Resolution.


PASSED AND ADOPTED by the NMSC on February 26, 2019

AYES 7

NAYS 0

NEENAH- MENASHA SEWERAGE
COMMISSION

By: 
Dale Youngquist, President

By: 
Steve Coburn, Secretary/Treasurer



**NEENAH-MENASHA SEWERAGE COMMISSION FOOD SERVICE FACILITIES
FATS, OILS, AND GREASE REGULATIONS AND PROCEDURES EFFECTIVE
FEBRUARY 26, 2019 THAT SUPERSEDE AND REPLACE A FEBRUARY 24, 2009
REGULATIONS AND POLICY**

Section 1: Purpose and Scope

The purpose of the general Food Service Facility permit is to control discharges from restaurants, bars, churches, public or private halls or clubs, grocery stores and any other entity that operates a food service facility within its business, into the public sewerage collection system and wastewater treatment facility that interfere with the operations of the system, cause blockage and plugging of pipelines and heat exchangers, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes a violation of NMSC's WPDES permit, or is beyond the treatment capability of the wastewater treatment plant.

Section 2: Definitions

A: Best management practice

Standard operating procedure of food service facilities that reduce or eliminate the discharge of fats and grease into the sanitary sewer system.

B: Food Service Facility

Those establishments either primarily or secondarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include but are not limited to restaurants, bakeries, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, churches, caterers, convenience stores, movie theaters, or any other sewer users as determined by NMSC who discharge applicable waste.

C: Grease

Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be referred to, collectively, as "grease." This does not include petroleum or mineral based products.

D: Grease interceptor

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

E: User

Any person or establishment who operates a Food Service Facility of any type that contributes, causes, or permits the contribution of discharge of wastewater into NMSC's wastewater collection and treatment system.

Section 3: Control Plan for FOG and food waste

A: Any new construction, renovation, or expansion of Food Service Facilities shall be required to obtain from the NMSC a general permit by applying for and paying a \$300.00 general permit fee and submit to NMSC a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. The general permit must be obtained prior to the Food Service Facility being placed in operation.

B: Any existing Food Service Facility that has not been issued a general permit from the NMSC shall be required to obtain a general permit by applying for and paying a \$300.00 general permit fee and submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. This will include, but not be limited to, best management practices (BMP's) and grease interceptors. Existing facilities shall not be exempt from this requirement. No Food Service Facility will be "grandfathered" because NR 211.10, et seq., Wisconsin Administrative Code, does not provide for "grandfathered" status due to the health, safety and welfare concerns of preventing grease from entering a municipal WWTP.

C: Any new owner of an existing Food Service Facility must submit a new general permit application and a new FOG and food waste control plan to NMSC because the general permit is tied to the owner and not the facility.

D: Any existing Food Service Facility terminating operations must notify NMSC the exact date and time operations will terminate.

Section 4: General Criteria

A: Installation requirements

All existing, proposed, or newly remodeled Food Service Facilities inside the NMSC sewer service area shall be required to install, at their expense, an approved, properly operated and maintained grease interceptor. Existing facilities shall not be exempt this requirement. No Food Service Facility will be "grandfathered".

B: Sanitary sewer flows

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

C: Floor drains

Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.

D: Garbage disposals

It is recommended that solid food waste products be disposed of through normal solid waste/ garbage disposal means through best management practices (BMP's). If a disposal is used it must be connected to the grease interceptor. The use of disposals is discouraged since it decreases the operational capacity of grease interceptors and will require an increased pumping frequency to ensure continuous and effective operation.

E: Dishwashers

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

F: Location

Grease interceptors shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease interceptor may not be installed inside any part of a building without written approval by the NMSC.

G: Discharge Limits

No Food Service Facility shall allow wastewater discharge to exceed a daily maximum of 100 mg/L of grease.

Section 5: Design Criteria

A: Construction

Grease interceptors shall be constructed and sized in accordance with the regulations promulgated at SPS 382.34 Wisconsin Administrative Code.

B: Access

Access to grease interceptors shall always be available to allow for proper maintenance and inspection.

Section 6: Grease interceptor maintenance

A: Cleaning/ Pumping

The Food Service Facility at their expense shall maintain all grease traps and interceptors to assure proper operation and efficiency and meet discharge limits. Maintenance of grease interceptor shall include the complete removal of floating and settled solids and inspecting and/or repairing any portion of the interceptor that is not functioning properly. Grease hauling shall be performed by a qualified licensed hauler. The Food Service Facility must be able to provide with documentation date, condition of interceptor after pumping including repairs needed, name, license #, and phone # of hauler, how much was pumped, where waste was disposed, phone number of waste disposal site, and a copy of original manifest from waste hauler.

Documentation must be in a readily accessible location for NMSC personnel to inspect.

Documentation must be retained for a period of no less than 3 years.

B: Cleaning/ Pumping frequency

Grease interceptors must be pumped out completely every six months. However, given that food preparation methods vary greatly, some interceptors may need to be pumped on a more frequent basis and that frequency shall be determined by NMSC.

C: Submittal of Records

Each Food Service Facility shall submit all cleaning and maintenance records to the NMSC. The maintenance records shall include the following information:

1. Facility name, address, contact person, and phone number
2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap
3. Types of maintenance performed
4. Dates maintenance was performed
5. Copies of hauler manifest

The Food Service Facility will be required to submit annual maintenance records to NMSC by January 31st.

D: Inspections

NMSC personnel will perform periodic inspections of Food Service Facilities and will notify the facility of additional required maintenance or repairs. Upon written notification by NMSC, the facility shall be required to perform the maintenance and submit a remediation report to NMSC within 21 calendar days. Upon inspection by the NMSC, the facility may be required to install, at his/ her expense, additional controls to provide a complete system that prevents discharges of undesirable materials into the wastewater collection system.

Section 7: Chemical and Biological additives

Chemical and biological treatments such as drain cleaners, enzymes, bacteria, acid, or any other chemical or biological additives to emulsify or remove grease is strictly prohibited.

Section 8: Enforcement and Penalties

- A. Any Food Service Facility that exceeds the maximum daily concentration of 100 mg/L grease will be fined up to \$500.00 per offense.
- B. Any new Food Service Facility that fails to obtain a general permit and fails to submit a FOG and food waste control plan prior to opening the facility for business will incur a fine of up to \$50.00 per day until the general permit is issued.
- C. In its discretion, the NMSC may also seek an injunction from a court of competent jurisdiction to prohibit the operation of any business operating a Food Service Facility without an NMSC issued general permit due to the irreparable harm to the public if grease enters the POTW.
- D. Any Food Service Facility who has not submitted maintenance records by January 31st will be fined no more than \$50.00 per day late.

- E. Any Food Service Facility, after inspection by NMSC, that has not made the necessary repairs or remediation, and submitted a remediation report as ordered by NMSC within 21 calendar days, will be fined no more than \$100.00 per day late.
- F. Any Food Service Facility found using chemical and/or biological additives to emulsify or remove grease will be fined no more than \$100.00 for the 1st offense, \$300.00 for the 2nd offense, \$1,000.00 for the 3rd offense, and \$2,000.00 thereafter per offense.
- G. Any user exceeding the maximum daily concentration of 100 mg/L grease, will be fined no more than \$500.00 per offense.
- H. Any Food Service Facility found guilty of falsifying maintenance and manifest records will be fined \$1,000.00 for 1st offense, \$3,000.00 for 2nd offense, \$5,000.00 for 3rd offense and possible revocation of permit. In addition, further criminal charges and penalties may be applicable.
- I. In event any Food Service Facility is fined, for any described reason, the NMSC retains the discretion to require the Food Service Facility to post a bond in the amount of \$5,000.00 before being granted the ability to operate any part of the business that involves the discharge of grease. The purpose of the bond shall be to ensure payment of any future proven violations of this policy. The bond will be released if the Food Service Facility operates for three years without any violations. Subsequent violations may result in future bonding requirements.

Section 9: Permit Fee

The general permit fee is \$300.00. The permit shall be effective for a three-year period. Then, another general permit fee of \$300.00 must be paid to renew for an additional three-year period. The general permit fee must be paid when the general permit application is filed with the FOG and food waste control plan. In the event the NMSC waives the general permit requirements as is within its discretion by Section 10, below, the general permit fee will be returned to applicant.

Section 10: Waiver of Permit Requirements

NMSC may waive the permit requirement for those Food Service Facilities, that after inspection by NMSC personnel, pose no threat of discharging quantities of FOG materials into the public sewerage system that would interfere with the efficient operation of the wastewater treatment facility. Any waiver granted must be approved by the Manager of NMSC and all waivers shall be reported to the Commission.

Section 11: Blanket Waiver of Permit Requirements

In the event a Contracting Municipality has in place a Food Service Facility plan that in the opinion of NMSC is as effective in regulating discharge of FOG as the NMSC program, the Manager may grant to said Contracting Municipality a blanket waiver from NMSC's FOG regulations. Any blanket waiver shall also be subject to approval by the Commission.