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**Fats, Oils, and  
Grease  
Program  
Fort Smith, Arkansas**

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## **Introduction – Fats, Oils, & Grease Program Overview**

The Fats, Oils, and Grease (FOG) Program is a component of the City's comprehensive CMOM Program and is intended to control the discharge of FOG into the WCTS by way of guidance, policies, and regulations governing FOG Generators, FOG haulers, and by educating the public. The purpose of the FOG Program is to reduce the occurrence of blockages of sanitary sewer lines (sewer) and sanitary sewer overflows (SSOs) due to FOG and to support compliance, in concert with other CMOM Program components, with the Consent Decree, the CWA, and the City's National Pollutant Discharge Elimination System (NPDES) permits.

The goals of the FOG Program are to:

- (1) Provide for consistent FOG Ordinance enforcement;
- (2) Develop and enforce FOG Control Device design and installation standards for FOG Generators;
- (3) Establish FOG Control Device management, operations, and maintenance standards for FOG Generators;
- (4) Perform periodic sampling and inspections of FOG Control Devices to confirm compliance with the FOG Ordinance;
- (5) Develop a compliance enforcement program;
- (6) Educate WCTS users, including FOG Generators and other customers, about FOG control; and
- (7) Maintain necessary resources and proper training to enable FOG Program success.

More specifically, the intent of the FOG Program is to improve the operations and maintenance of the WCTS in an effort to reduce the occurrence of SSOs due to preventable sewer blockages resulting from accumulation of FOG. The FOG Program is a specific component within the CMOM Program required by the Consent Decree and is primarily proactive in approach. The FOG Program is composed of the following central elements as described in the following sections:

- (1) Legal Authority and Staffing;
- (2) Tracking of FOG Generators;
- (3) FOG Control Devices;
- (4) Compliance Enforcement;
- (5) Compliance Assistance; and



(6) Public Education.

In addition to these central elements, training, reporting, performance indicators, and record-keeping are all critical to implementing an effective FOG Program.

The purpose of this document outlines various FOG Program requirements and serves to develop, implement and carry on a FOG Program for the City of Fort Smith.

## **Section 1: Program Legal Authority**

### **A. Program Legal Authority**

The authority for implementing a FOG Program regulating FOG Generator discharge is mandated by rules and regulations found in the City of Fort Smith's Ordinance 89-16, which establishes local standards and limits based on Federal and State requirements, as well as standards and limits as written in the Consent Decree.

Implementation of the FOG Program is handled through the Utility Department's Environmental Quality Program. The Environmental Quality Program Manager, Environmental Monitoring Supervisor, FOG Coordinator and the FOG Inspectors are the individuals who maintain the FOG Program.

### **B. Deny or Condition discharges to the WCTS**

Both FOG Generators and all other users of the WCTS are subject to the provisions of Fort Smith Code Section 25-207(a). For the purposes of this Division, any reference to the Publicly Owned Treatment Works (POTW) in Section 25-207(a) shall be deemed a reference to the WCTS.

- (1) The direct or indirect introduction of additives into the FOG Control Device is prohibited. Additives include but are not limited to biological agents such as enzymes, bacteria, and/or degreasing agents.
- (2) No liquid or grease that is removed from a FOG Control Device shall be discharged to the WCTS as otherwise prohibited in these regulations. This includes actions taken during maintenance of FOG Control Devices and FOG Haulers.

### **C. Require Compliance with FOG Ordinance Standards and Requirements**

All users are required to comply with discharge conditions set forth in Ordinance 89-16. No user shall introduce or cause to be introduced into the WCTS any pollutant or wastewater which causes blockages or overflows. These general prohibitions apply to all users of the WCTS whether or not they are subject to any other National, State, or local pretreatment standards or requirements.

Any user found in violation of any of the provisions of the Ordinance shall be served by the Control Authority with written notice stating the nature of the violation, describing the penalty applicable to the violation, and providing a reasonable time limit for the satisfactory correction thereof. The user shall, within the period of time stated in such notice, permanently cease all violations. The user may deliver to the Control Authority, within five (5) days of receipt of such notice, a written request for a Review Meeting with the Control Authority at which meeting the user shall be given an opportunity to show-cause why the notice should be rescinded or modified.

Any notice issued pursuant to this sub-section may provide one or more of the following penalties:

- (1) An administrative penalty of not more than \$1,000.00 for each violation of the Ordinance, and each day of a continuing violation may be deemed a separate violation; and,
- (2) A compliance directive with time schedule mandating procedures which would bring the user into compliance with the Ordinance within the designated time schedule (compliance schedule), which compliance directive with schedule shall be expressly stated to be subject to enforcement by withdrawal of the user's discharge permit or termination of POTW service upon non-compliance with the compliance directive with schedule; and,
- (3) A withdrawal of the user's discharge permit and termination of WCTS service to the user.

#### **D. FOG Generator Permitting**

FOG Generators will be issued FOG Wastewater Discharge Permits as established in the FOG Ordinance. The purpose of the FOG Wastewater Discharge Permit is to protect the operation of the WCTS, to prevent inadequately treated pollutants from passing through the WCTS and to insure the City's compliance with all aspects of its NPDES permits, the Consent Decree, and any other applicable Federal, State, or local standards, including those aspects dealing with operations to recycle, reclaim or dispose of sludge generated at the City's WCTS.

This procedure will allow the City to maintain up-dated files for all FOG Generators. Changes in ownership or type of food served shall require permit modifications or reissuance. New FOG Generators will be discovered through a periodic review of Water Department account records, building permits, water and sewer tap records, local telephone directory and yellow pages, the internet, "windshield" surveys, and the Chamber of Commerce rosters. New FOG Generators shall be required to submit data concerning the character and volume of FOG proposed to be discharged to the sanitary sewer system.

FOG Wastewater Discharge Permits shall be issued for a specific period of time, not to exceed two (2) years.

The FOG Generators shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limits or requirements in Part II, Section A are modified or other just cause exists. (The FOG Generators shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.)

FOG Wastewater Discharge Permits are issued to a specific operation and therefore are not to be transferred or reassigned or sold to a new owner, new user, different premises or new or changed operation.

## **E. FOG Generator Compliance Schedules**

As pursuant to the above permit, Part II, Section A, "Duty to Comply", any notice issued pursuant to this sub-section may provide one or more of the following penalties including:

A compliance directive with time schedule mandating procedures which would bring the user into compliance with the Ordinance within the designated time schedule (compliance schedule), which compliance directive with schedule shall be expressly stated to be subject to enforcement by withdrawal of the FOG Generator's FOG Wastewater Discharge Permit or termination of WCTS service upon non-compliance with the compliance directive with schedule.

Any FOG Generator subject to a compliance schedule shall submit compliance reports at the dates and at the times required by the Control Authority. Compliance reporting shall detail all progress made towards compliance with the schedule as accepted by the Control Authority.

## **F. Inspection and Monitoring**

The Control Authority, Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the Ordinance.

Authorized personnel shall have authority to inspect and copy records pertaining to the discharge of wastewater to the collection system. All FOG Generators shall be inspected at least once every two (2) years.

When required by the Control Authority, the owner of any property serviced by a building sewer carrying FOG wastes shall install a suitable sampling facility together with such necessary materials and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

Such a sampling facility, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. The sampling facility shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in the Ordinance shall be determined in accordance with the latest federal standard which is currently 40 CFR Part 136 or equivalent methods approved by the EPA and shall be determined at the sampling facility provided or upon suitable samples taken at said sampling facility. In the event that no special sampling facility has been provided, the sampling facility shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the WCTC and to determine the existence on hazards to life, limb and property.

## **G. Remedies for FOG Generator Noncompliance**

The Control Authority shall be guided by the City of Fort Smith FOG Program Enforcement Response Plan (ERP), which was adopted by the Control Authority .The ERP includes, but is not limited to; (1) the initial issuance of penalties set forth in notices issued pursuant to this subsection; and (2) in the administrative adjustment or amendment to any such penalty as a result of a Review Meeting requested by the user pursuant to the provisions of this subsection. No action to withdraw a FOG Generator's FOG Wastewater Discharge Permit shall be final until the Control Authority has given notice of and conducted the Show Cause Hearing provided for in the Enforcement Response Plan.

Any FOG Generator violating the provisions of the Ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

In enforcement of the penalty of withdrawing a user's FOG Wastewater Discharge Permit or terminating WCTS service to a FOG Generator, the Control Authority may discontinue water and sewer service to the FOG Generator.

The listing of penalties in the Ordinance shall not preclude other appropriate judicial remedies available with reference to any violation of this Ordinance. In particular, the Control Authority may petition any court of pertinent jurisdiction to grant injunctive or other legal or equitable relief by reason of a violation. No judicial action against a FOG Generator to collect a civil or criminal penalty for violation of FOG standards or requirements shall be commenced without a majority vote of the Board of Directors.

## **H. Comply with Confidentiality Requirements**

A user may request that specific information which must be submitted to the City be kept confidential. A statement notifying the user that the information submitted with each FOG Wastewater Discharge Permit Application and FOG Waste Survey shall be available to the public without restriction shall be included on each questionnaire. The statement also notifies the FOG Generator that the City will follow the requirements of 40 CFR Part 2 in its evaluation and approval, or denial of each FOG Generators request for confidentiality. Generally, to be considered as confidential, information would have to meet one or more of the following criteria:

- (1) It would have to divulge substances, devices, or processes that are patented or for which patents are being sought. This pertains to manufacturing processes, product development, and waste treatment.
- (2) It would have to divulge financial data.
- (3) The user would have to employ processes or produce substances that the nature of which is "Classified" (for military, Federal intelligence, nuclear Power, and some space exploration industries).

Where confidentiality is granted, confidential material shall be removed from the files available for public inspection and kept under control of the Control Authority.

## **Section 2: Procedures**

### **A. Industrial User Survey Procedures (Identify and Locate FOG Generators)**

An initial General Industrial Waste Survey was conducted by the City of Fort Smith in 2017. The survey was sent out to all entities business licenses within the City of Fort Smith inquiring as to the nature of each business's operation and discharge of wastewater to the sanitary sewer system. The response from business and industry was excellent and after careful examination of the responses, follow-up letters and phone conversations with various industries were initiated to clarify some of their responses. Upon completion of these follow-ups, a FOG specific Waste Survey was sent out to all potential FOG Generators.

New FOG Generators will be discovered through a periodic review of Water Department account records, building permits, and water and sewer tap records. New FOG Generators shall be required to submit data concerning the character and volume of wastewater proposed to be discharged to the sanitary sewer system.

The following steps describe how additional or new FOG Generators will be identified through the survey process.

#### **1. Establish a Checklist**

FOG Program staff has developed a checklist to guide them through the process of conducting a FOG Generator survey to assure that all survey methodology is followed. In general, the checklist includes the following elements.

- (1) Were the sources used sufficient to assure that all major FOG Generators are identified and located?
- (2) Was the criteria used to eliminate FOG generators from the inventory appropriate?
- (3) Survey Questionnaire: Did the WCTS obtain the following information (either through the survey or other means): Name, Address, SIC/NAICS codes or expected classification, wastewater flow rate or water consumption rate, loads and/or concentrations of pollutants in discharge, Type of cuisine served, and locations of discharge points (recommended).
- (4) Is the information current within the last 3-5 years?
- (5) Does the questionnaire require the signature of an authorized company representative?
- (6) Follow-Up Procedures: Did the WCTS follow up the questionnaire (with additional written requests, telephone calls or site visits) to obtain a complete and accurate response?
- (7) Summary Information:
  - a) Were the generators classified by SIC Code or NAICS Code?
  - b) Has the WCTS correctly characterized the waste discharged?

- c) Does the information obtained demonstrate sufficient characterization of the User's waste discharges to the WCTS?
- (8) Continuous FOG Generator Survey Procedures
  - a) Does the submittal include procedures for continually updating its information?
  - b) Does the submittal include procedures for maintaining a list of FOG Generators as required in Ordinance 89-16 and the Consent Decree?
  - c) Does the submittal include procedures for maintaining a list of Users that are considered non FOG Generators?
- (9) Are procedures identified for updating (periodically) the waste survey information for existing generators?
- (10) Do procedures require new generators to supply discharge information or other-wise ensure that it will be collected?

## **2. Establish a Database**

Establishing a FOG Generator database allows FOG Program personnel to track FOG Generators in a concise and effective manner. Typically, FOG Program personnel depend upon some form of computer information management system. This can be in the form of commercially available systems (such as Linko CTS™ or Lucity™), or custom written relational database program (MS Access), word processing or spreadsheet program, or any combination thereof.

## **3. Determine FOG Generator Survey Sources**

Multiple sources are referenced in an effort to discover all potential FOG Generators. Some of these sources are as follows:

- (1) Telephone Directory.
- (2) Arkansas Department of Health.
- (3) Water Department Account Records.
- (4) Building Permits.
- (5) Water and Sewer Tap Records.
- (6) The Internet.
- (7) Annual printout of Business Licenses for the previous year from the city's collector's office.
- (8) Drive-by, call-ins, fill-ins, anonymous reports and industry contacts.
- (9) Master Mailing List.
- (10) Chamber of Commerce rosters.

## **4. Develop a Screening Form**

The FOG Survey was developed by the Environmental Quality staff and approved by the Director of Utilities using existing examples from other FOG Programs and a general knowledge of FOG & Pretreatment standards. The FOG Survey is two (2) pages long and consists of three (3) sections. The first section contained general information including contact names and addresses and employee information. The second section involved food establishment, processing, and restaurant



sector specific questions. The third section is the certification and signature section. The survey along with a cover letter and instructions were sent out to each business to be mailed, emailed, or faxed back completed to the FOG Program staff. The FOG Survey is designed to identify potential FOG Generators as well as changes to existing FOG Generators.

## **5. Gather and Verify Information**

The received data is entered into the database and reports are generated. The information in the reports are verified by reviewing the database, reviewing old inspection records, internet research, site inspections, and by contacting the user.

## **6. Conduct Screening Process**

As the surveys are received, FOG Program personnel review them and each business is assessed of its FOG generating potential. Upon completion of the review and categorization, information for each business is entered into a relational database. If a survey is returned because of a wrong address, then the FOG Program staff will deliver it by hand. When delivering by hand, the FOG Program staff will be able to determine if the business is still in operation. If a survey is received with incomplete or contradicting information listed, a follow-up letter and/or phone conversation will be initiated to clarify the responses.

## **7. Follow-Up Procedures**

If more attention is warranted or if the FOG Generator needs to be investigated further, an on-site inspection will be conducted. The on-site inspection is used to obtain a complete and accurate description of the FOG Generator by asking the following questions:

- (1) Did the NAICS or SIC code accurately define the User? Were there other pollutants of concern? Did the process meet the description?
- (2) Is a permit needed?
- (3) Was the volume and characteristic of the flow evaluated?
- (4) Were there adequate Grease Control Devices and/or BMPs used?

## **8. Summary Information**

The information is then summarized to answer the following questions:

- (1) Was the user(s) classified as a FOG Generator?
- (2) Has the WCTS correctly characterized the type and volume of FOG being generated?
- (3) Does the information being obtained demonstrate a need for the FOG Generator to be permitted?

## **9. Permitting**

Once the data is summarized, the decision on whether or not the user is required to have a FOG Wastewater Discharge Permit is determined by answering the following questions:

- (1) Is the user a FOG Generator?
- (2) What is the type and volume of FOG being generated?
- (3) Is the user a potential FOG Generator that is of concern to the WCTS?

## **10. Continuous FOG Wastewater Survey Procedures**

This survey provides valuable information and insight to the makeup of potential FOG Generators within the City of Fort Smith. The results of the survey indicate that the City of Fort Smith is currently monitoring all FOG Generators. In 2017, the City was monitoring six hundred and seventy-one (671) potential FOG Generators. Out of the six hundred and seventy-one (671) Users, one hundred and sixty-one (161) were issued FOG Generator Permit Applications to become permitted FOG Generators. As part of the maintenance of the FOG Program, the City routinely re-evaluates data from existing FOG Generators and continues to search for new potential FOG Generators.

### **B. Identifying the Character and Volume of Pollutant Contributed**

During the assessment of a potential FOG Generator, several key elements also pertain to the issuance of a FOG Wastewater Discharge Permit. Some of which are the identification of pollutants in its waste-stream (FOG), setting BMPs and pumping schedules, and determining sampling and inspection frequencies. Various methods have been employed to determine this information. Historical data (if the permittee is already an established business) from previous permit cycles, the use of historical data from other businesses with similar products and production rates, and from EPA guidance for instances where the business is a potential FOG Generator that is a concern to the WCTS. During the course of sampling and inspecting, other potential compliance issues may be identified which would then be incorporated into the appropriate sections of the FOG Generator's FOG Wastewater Discharge Permit.

### **C. Notification of Applicable FOG Program Standards and Requirements**

Upon identification of an FOG Generator that warrants permitting, the FOG Generator is notified through its FOG Wastewater Discharge Permit of the standards and requirements that are applicable for that user.

In general, the FOG Wastewater Discharge Permit contains the following key elements:

- (1) A statement of issuance date, effective date and expiration date;
- (2) A statement that the FOG Wastewater Discharge Permit is nontransferable;
- (3) Requirements for the FOG Generator to construct, operate and maintain, at its own expense, FOG Control Device(s) including sampling facility(ies);

- (4) Limits on discharge of FOG in excess of one hundred (100) mg/L in any wastewater discharge to the WCTS;
- (5) Self-monitoring and record-keeping requirements;
- (6) Requirements for FOG Control Device maintenance frequency and schedule;
- (7) Requirements for implementation, maintaining and reporting of best management practices;
- (8) Requirements for maintaining and retaining logs and records, including waste hauling records and waste manifests;
- (9) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Division, and State and Federal laws, rules, and regulations; and,
- (10) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state standards, including those which become effective during the term of the permit.

Additionally, a FOG Generator shall notify the WCTS, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the WCTS of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other), and if the FOG Generator discharges more than 100 kilograms of such waste per calendar month to the WCTS. The notification shall also contain the following information to the extent such information is known and readily available to the FOG Generator: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date established by 40 CFR 403.12 (p).

The storage of any material in areas served by public sewers or in areas draining into the City sewer which, because of discharge or leakage from such storage, may create an explosion hazard in sewage works or in any other way have a deleterious effect upon these works or treatment processes, or constitute a hazard to human beings or animals or the receiving stream shall be subject to review by the Control Authority, who at their discretion may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

#### **D. FOG Generator Reporting Requirements**

- (1) Notification of planned changes. All FOG Generators shall notify the Control Authority of any significant planned changes to the FOG Generator's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change including, but not limited to, facility expansion/remodeling or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. All FOG Generators shall submit any

information requested by the Control Authority for evaluation of the effect of such expansion on the FOG Generator's FOG discharge to the WCTS.

- (2) Required FOG Control Device records. All FOG Generators shall maintain records which shall be kept on site and made available on demand by the Control Authority during inspection. Records shall include but are not limited to:
- a. A record of best management practices being utilized, including employee training;
  - b. Records of scheduled visual inspections conducted by the authorized representative of the FOG Generator, which shall include the date and time of the visual inspections, any observed abnormalities, and the signature of the person that performed the visual inspection;
  - c. A logbook of FOG Control Device cleaning and maintenance;
  - d. Records of required inspections by a certified plumber of the FOG Control Device;
  - e. A record of any spills and/or cleaning of the lateral sewer line; and,
  - f. Copies of FOG Control Device manifests of the transportation and disposal of FOG Control Device contents, if applicable.

The FOG Generator shall submit this information in a format as directed by the Control Authority and shall meet all requirements set forth in 40 CFR 403.12(b).

Any FOG Generator subject to a compliance schedule shall submit compliance reports at the dates and at the times required by the Control Authority. Compliance reporting shall detail all progress made towards compliance with the schedule as accepted by the Control Authority.

## **E. Sampling and Analyzing FOG Generator Discharges**

The City of Fort Smith FOG Program is required to inspect and sample FOG Generators. The Control Authority and its representative of the WCTS has the legal authority to enter any premises of any FOG Generator in which a discharge source or Grease Control Device is located or in which records are required to be kept under the conditions of the FOG Generator's permit to assure compliance with FOG Program standards.

The Control Authority or its representative carry out these requirements and conduct facility inspections, surveillance, records examination and copying, and monitoring of FOG Generator sources discharging to the City's wastewater collection system and treatment plants. The FOG Program's Control Authority or its representative perform monitoring and inspections in order to independently verify compliance with all applicable FOG Program standards. All FOG Generators shall be inspected at least once every two (2) years. Additional inspections, scheduled, unscheduled, or on-demand, may be conducted during the permit cycle if the FOG Generator has significant noncompliance or multiple permit violations, illegal discharge(s), or due to a complaint.

Sampling or monitoring of wastewater discharges from FOG Generators shall be conducted at least every two (2) years and performed according to the FOG Program standards and in accordance with 40 CFR Part 136. In addition, the permittee must also have a licensed plumber approved by the Control Authority inspect the Grease Control Device at least once every two (2) years.

All FOG Generators shall have an approved sampling point. The FOG Generator is responsible for all maintenance on the approved sampling point. The approved sampling point shall be large enough or provide space nearby for sampling equipment. Wastewater flow at the sampling point shall be visible and accessible for inspection and monitoring, have no bypass capabilities, and allow for unrestricted access at all times.

All samples shall be preserved, contained and held in accordance with 40 CFR Part 136. Grab samples can be taken manually or automatically and is required when analyzing wastewater for pH and oil and grease.

The Control Authority may modify the sampling requirements, parameters sampled and/or analyzed, and frequency of sampling to ensure compliance with federal, state, and local permit requirements. This may include additional sampling requirements other than what is stated in the FOG Wastewater Discharge Permit. The Control Authority or its representative bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, or conducting a survey or investigation related to noncompliance and enforcement, and testing in accordance with this ordinance.

## **F. FOG Haulers**

Permitted FOG Generators will be required to use an approved and permitted FOG Hauler for Grease Control Device excavation/pumping.

FOG Haulers shall comply with the following requirements:

- (1) Any person or entity owning or operating vacuum or "FOG Hauler" pump trucks, or other liquid transport trucks, who wishes to operate inside the City to remove and perform maintenance on FOG Control Devices, shall first obtain from the Control Authority a FOG Hauler Permit. All applicants for the FOG Hauler Permit shall complete the application form, pay the appropriate permit fee, receive a copy of this Division governing removal and cleaning of FOG Control Devices, and shall agree, in writing, to abide by this Division and all other applicable environmental regulations.
- (2) The FOG Hauler must maintain a daily log and record of operations, which may include, but is not limited to: the date and time of the pumping event; name and FOG Wastewater Discharge Permit number of business requesting service; name, physical address, and phone number of the FOG Generator representative; type of facility; estimated or measured volume of waste collected; name of the driver; date and time the FOG waste was properly disposed; ultimate disposal location; name, physical address, and phone number of the representative operating the ultimate disposal location; and discharge ticket number.

(3) At the end of each quarter (March, June, September and December), copies of such log shall be forwarded to the Control Authority by the 15th day of the following month (April, July, October and January).

(4) Cleanup of leak and spills.

- a. In the event a discharge or spill of waste during collection or transport, the FOG Hauler shall take appropriate action to protect human health and the environment. Appropriate action may include notifying local law enforcement and health officials, build an embankment around the discharge area, cleaning up the spill or discharge materials or other action as may be required or approved by federal, state, and local officials having jurisdiction so that the waste no longer presents a public health or environmental problem.
- b. Spills shall be prevented from entering any water supply or water way, including storm sewers.
- c. Spills that enter a water way or otherwise contaminate water way or water supply shall be reported to the appropriate state and local officials.
- d. If a spill, splash, spray, or leak occurs during collection, transport or discharge, the FOG Hauler shall clean and properly dispose the spilled, splashed, sprayed, or leaked waste at his expense.
- e. Where a spill, splash, spray, or leak occurred during transport or discharge, the owner shall make necessary repairs or modifications to the vehicle prior to subsequent operation of the vehicle.

(5) Transported waste disposal records requirements.

- a. Records shall be maintained for each individual collection and disposal. Such records shall be maintained using a waste hauler manifest form issued by the Control Authority upon written request by the FOG Hauler.
- b. The waste manifest forms shall consist of five copies which shall be used to document the receipt, transportation, and disposal of applicable waste.
- c. The first section of the manifest shall be completed at the time of collection and before the vehicle is moved from the generator's property. The remainder of the manifest shall be completed at the time of transfer or disposal as appropriate.
  - i. The manifest form shall be signed by the FOG Generator at the time of waste collection.
  - ii. The manifest form shall be signed by the FOG Hauler at the time of waste collection.

- d. The copies of the manifest forms shall be distributed as follows:
  - i. The fifth copy with the FOG Generator information and FOG Hauler information and signatures completed shall be given to the FOG Generator at the time of waste collection.
  - ii. The fourth copy with all information and signatures completed shall be given to the disposal site at the time of disposal.
  - iii. The third copy with all information and signatures completed shall be retained by the FOG Hauler at the time of disposal.
  - iv. The second copy with all information and signatures completed shall be given to the FOG Generator after ultimate disposal of the FOG waste.
  - v. The original copy with all information and signatures completed shall be given to the Control Authority.
- e. All copies of the manifest form shall be retained by the respective recipients for a minimum of three (3) years and shall be made available to the Control Authority, state, and EPA upon request or demand for inspection and /or copying. This period shall be automatically extended for duration of any litigation concerning the FOG Generator, FOG Hauler, or Control Authority, or where any involved party has been specifically notified by the Control Authority of a longer retention period.

#### **G. Best Management Practices (BMPs)**

The term *Best Management Practices* or *BMPs* means “schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b).” BMPs also include pretreatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from raw materials storage.

The Control Authority may develop Best Management Practices (BMPs) to implement 40 CFR 403.5(c)(1) AND (c)(2). Such BMPs shall be considered local limits and pretreatment standards for the purposes of the part and Section 307(d) of the Act.

When BMPs are developed by the Control Authority, the BMPs are enforceable by Federal, State, and local law. A FOG Generator is in noncompliance if the Control Authority determines that its violation, which may include a violation of Best Management Practices, has adversely affected the operations or implementation of the local FOG Program.

The FOG Generator shall retain documentation associated with BMPs for a minimum of three (3) years and shall make such records available for inspection and copying by the Control Authority. The Control Authority may extend this period of retention during the course of any unresolved litigation regarding the FOG Generator.

## **H. Investigating Instances of Noncompliance**

The Control Authority shall be guided by the City of Fort Smith FOG Program Enforcement Response Plan.

The Control Authority or its representative, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, or conducting a survey or investigation related to noncompliance and enforcement, and testing in accordance with the Ordinance.

Any FOG Generator violating the provisions of the FOG Ordinance (89-16) shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

## **I. Complying with Public Participation Requirements**

All records maintained by FOG staff regarding the FOG Program are available for public review. Those wishing the information need only contact the FOG office and make a request. The only exception to this is information kept in a confidential file not available for public view due to the proprietary nature of the information. These confidential files are allowed in 40 CFR 403.14. If this information is requested, it is handled in accordance with 40 CFR Part 2 (Public Information).

All FOG codes and local limits are also available upon the request of an interested party. At the time changes are made to the local limits, public notification is published in the largest local newspaper, and a public hearing is held in accordance with 40 CFR Part 403.

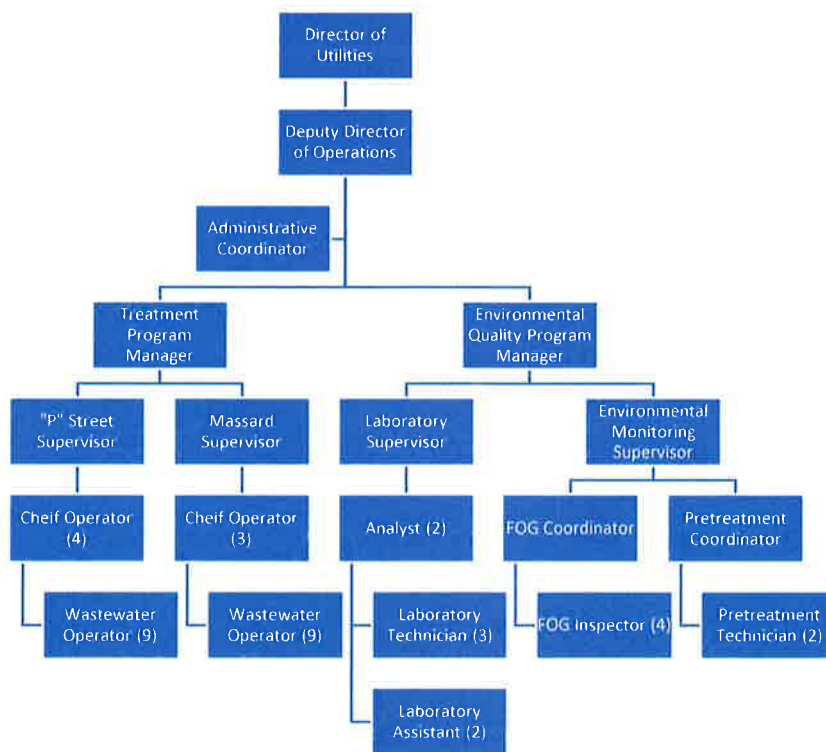


## Section 3: Organization, Staffing and Funding

### A. Organization

The responsibility for the administration of the FOG Program lies with the Operation Division's Treatment Program and Environmental Quality Program of the Utility Department. All activities of the Department are under the supervision of the Utility Director. The Deputy Director of Operations has direct authority to conduct the day-to-day operations of the Operation Division. The Environmental Quality Program Manager enforces the FOG Wastewater Discharge Ordinance as well as the activities of the Environmental Monitoring Supervisor, FOG Coordinator, and FOG Inspectors. The City Attorney is responsible for legal assistance and many enforcement activities. The City Attorney coordinates enforcement activities with the Utility Director.

The Treatment Program and Environmental Quality Program are composed of four (4) subdivisions. These four subdivisions are described below. Included are the titles of positions in each subdivision and the number of employees involved in each position.



## PLANT OPERATIONS

Treatment Program Manager	1
Treatment Plant Supervisor	2
Massard WWTP	
Chief Operator	3
Operators	9
"P" Street WWTP	
Chief Operator	4
Operators	9

## ENVIRONMENTAL QUALITY

Environmental Quality Program Manager	1
---------------------------------------	---

### LABORATORY

Laboratory Supervisor	1
Analyst	2
Lab Technicians	3
Lab Assistants (Part Time)	2

### ENVIRONMENTAL MONITORING

Environmental Monitoring Supervisor	1
FOG Coordinator	1
FOG Inspector	4
Pretreatment Coordinator	1
Pretreatment Technicians	2

## **B. Staffing**

The following is a list of staff positions in the Wastewater Operations and Environmental Quality Department. General duties of each position are described below.

### Utility Director

The Utility Director has full charge, supervision and management, and control of all utility functions including water and waste treatment, sewer construction and repair, and water storage and distribution. The Utility Director has direct authority and control over the budgetary and financial matters of the Department. The Utility Director should have a B.S. Degree in Engineering, Environmental Science, Physical Science, or Business Administration.

### Deputy Director of Operations

The Deputy Director of Utilities has full charge, supervision and management, and control of all Utility Department Operations functions including Water and Wastewater Treatment, Environmental Quality, and Easement, Building, and Station Maintenance Programs. The Deputy Director of Utilities has authority and control over the budgetary and financial matters of the Operation Programs. The Deputy Director of Utilities should have a B.S. Degree in Chemistry, Biology, Engineering, Environmental Science, Physical Science, or Business Administration and ten (10) years management experience and the ability to obtain a Class IV Operators License.

### Treatment Program Manager

The Treatment Program Manager plans and directs all activities concerning the operation of both the "P" Street and the Massard Wastewater Treatment Plants. The Treatment Program Manager is also responsible for all expenditures within the Treatment Program. The Treatment Program Manager should have a B.S. Degree in Engineering, Biology, Chemistry or ten (10) years management experience and the ability to obtain a Class IV Operators License.

### Environmental Quality Program Manager

The Environmental Quality Program Manager plans and directs all activities concerning the operation of the Pretreatment Program, FOG Program, Environmental Quality Analytical Laboratory (EQAL), and the Watershed Management Programs. FOG activities include providing technical review and assessment of monitoring reports and corresponding with FOG Generators in all matters pertaining to the FOG Program. Laboratory activities include managing the lab and overseeing the industrial monitoring and water and wastewater testing done by the laboratory staff. The Environmental Quality Program Manager should have as a minimum a B.S. Degree in Chemistry, Biology, Environmental Science or Engineering, at least ten (10) years experience in the environmental field, and the ability to obtain a Class IV Wastewater Operators License.

### Treatment Plant Supervisor

The Treatment Plant Supervisor is a technical and supervisory position involving operation and maintenance of the two treatment plants. The supervisor plans, assigns, schedules and supervises employees in the operation and maintenance of sewage treatment plants. The Supervisor should have a High School Diploma, at least five (5) years experience in the operation and maintenance of sewage treatment plants, and the ability to obtain a Class IV Wastewater Operators License.

### Laboratory Supervisor

The Laboratory Supervisor is a technical and supervisory position involving chemical, biological, and bacteriological examinations of wastewater. The Laboratory Supervisor plans, assigns, schedules and supervises employees at the laboratory facility and oversees all analyses and reports, the quality control program. The Laboratory Supervisor should have a B.S. Degree in Chemistry, (5) years experience in the operation and maintenance of an environmental laboratory, and the ability to obtain a Class IV Operators License.

### Analyst/Laboratory Technician/Assistant

The Analyst/Laboratory Technician/Assistant is responsible for performing a variety of laboratory procedures involving chemical and bacteriological analyses. Tests are performed according to well defined standardized procedures, but require the accurate and skilled application of laboratory techniques. The Laboratory Analyst should have a B.S. Degree in Chemistry plus one (1) year of experience in an environmental laboratory, and the ability to obtain a Class IV Operators License. The Laboratory Technician should have an Associate's degree in Chemistry, Biology, or Environmental Science and the ability to obtain a Class II Operators License. The Laboratory Assistant should be working on a science degree at a university or college.

### Environmental Monitoring Supervisor

The Environmental Monitoring Supervisor is a technical and supervisory position involving operation and maintenance of the Pretreatment and FOG Programs. The supervisor plans, assigns, schedules and supervises employees in the operation and maintenance of Pretreatment and FOG Programs. Pretreatment activities include planning sampling and monitoring schedules, providing technical review and assessment of monitoring reports, performing annual inspection of industrial users and corresponding with industries in all matters pertaining to the pretreatment program. The Environmental Monitoring Supervisor should have as a minimum a B.S. Degree in Chemistry, Biology, Environmental Science or Engineering, five (5) years of experience in the wastewater and pretreatment field, and the and the ability to obtain a Class IV Operators License and Advance Industrial Treatment License.

Additionally, the Environmental Monitoring Supervisor will stay current on pertinent environmental regulations using all available means in order to be able to notify industrial users of any applicable requirements. Such resources include: local, State and Federal training seminars; Subscription to trade/specialty magazines and information services; updated copies of the Federal Register; and use of internet resources; etc.

### FOG Coordinator

The position of FOG Coordinator is responsible for assisting the Environmental Monitoring Supervisor in all activities concerning the FOG Program. FOG activities include planning sampling and monitoring schedules, providing technical review and assessment of monitoring reports, performing annual inspection of FOG Generators and corresponding with FOG Generators in all matters pertaining to the FOG Program. The FOG Coordinator should have as a minimum a B.S. Degree in Chemistry, Biology, Environmental Science or Engineering, one (1) years of related experience in the construction, maintenance and repair of residential and commercial plumbing, including one year in the operation and maintenance of FOG devices, and the ability to obtain a Class II Operators License and Basic Industrial Treatment License.

### FOG Inspector

The FOG Inspector is responsible for performing site inspections and monitoring of FOG Generator facilities. The FOG Inspector should have an Associate's degree in Chemistry, Biology, or Environmental Science and the ability to obtain a Class II Operators License and Basic Industrial Treatment License.

### Pretreatment Coordinator

The position of Pretreatment Coordinator is responsible for assisting the Environmental Monitoring Supervisor in all activities concerning the Pretreatment Program. Pretreatment activities include planning sampling and monitoring schedules, providing technical review and assessment of monitoring reports, performing annual inspection of industrial users and corresponding with industries in all matters pertaining to the pretreatment program. The Pretreatment Coordinator should have as a minimum a B.S. Degree in Chemistry, Biology, Environmental Science or Engineering, three (3) years of experience in pretreatment field, and the ability to obtain a Class IV Operators License and Advance Industrial Treatment License.

### Pretreatment Technician

The Pretreatment Technician is responsible for environmental and industrial sampling. Inspection and monitoring is also a requirement of this position. The Pretreatment Technician should have an Associate's degree in Chemistry, Biology, or Environmental Science plus one (1) year of experience in the wastewater field, and the ability to obtain a Class III Operators License and Advance Industrial Treatment License.

### Operator

This is a position in the operation and maintenance of a water or sewage treatment plant. Duties include responsibility for pumps, control panels, feeders, filters, valves, and other water pollution control equipment. Operators are required to collect samples, perform tests, record operations data, and perform any related work as required. The Operator should have a High School Diploma and the ability to obtain a Wastewater Operator's License within one year.

### City Attorney

The City Attorney is responsible for legal assistance and enforcement activities pertaining to the Pretreatment Program.

### **Staffing Levels**

The following personnel will be directly involved in the FOG Program. An estimate of the level-of-effort anticipated for each position, expressed as percent involvement, is included.

<b>Position</b>	<b>Percent Involvement</b>	<b>Man-hours</b>
Environmental Quality Program Manager	20%	416
Environmental Monitoring Supervisor	50 %	1040
FOG Coordinator	100%	2080
FOG Inspector	100%	2080
Laboratory Supervisor	20%	416
Analyst	20%	416
Laboratory Technician/Assistant	20%	416

### **C. Funding**

All funding for the FOG Program comes from wastewater revenue. Currently there are no dedicated fees associated with the FOG Program.

## **Section 4: Local Limits**

### **A. Local Limitations**

A component of the National Pollutant Discharge Elimination System (NPDES) Program, the National Pretreatment Program was developed by EPA to control the discharge of pollutants from WCTSSs. The statutory authority for the National Pretreatment Program lies in the Federal Water Pollution Control Act of 1972, which was amended by Congress in 1977 and renamed the Clean Water Act (CWA). Under Section 307(b), EPA must develop pretreatment standards that prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with WCTSSs. The 1977 amendments to the CWA required WCTSSs to ensure compliance with the pretreatment standards by each significant local source introducing pollutants subject to pretreatment standards into a WCTSS. To meet the requirements of the 1977 amendments, EPA developed the General Pretreatment Regulations for Existing and New Sources of Pollution [40 Code of Federal Regulations (CFR) Part 403]. The Control Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

### **B. Local Limits**

To protect its operations and to ensure that its discharges comply with State and Federal requirements, a WCTSS will design its local limits based on site-specific conditions. Among the factors a WCTSS should consider in developing local limits are the following: the WCTSS's efficiency in treating wastes; its history of compliance with its NPDES permit limits; the condition of the water body that receives its treated effluent; any water quality standards that are applicable to the water body receiving its effluent; the WCTSS's retention, use, and disposal of sewage sludge; and worker health and safety concerns. The General Pretreatment Regulations require the following:

- a) WCTSSs that are developing pretreatment programs must develop and enforce specific limits on prohibited discharges, or demonstrate that the limits are not necessary [40 CFR 403.8(f)(4)].
- b) WCTSSs that have approved pretreatment programs must continue to develop and revise local limits as necessary [40 CFR 403.5(c)(1)].
- c) WCTSSs that do not have approved pretreatment programs must develop specific local limits if pollutants from non-domestic sources result in interference or pass through and such occurrence is likely to recur [40 CFR 403.5(c)(2)].
- d) WCTSSs may develop Best Management Practices (BMPs) to implement paragraphs b) and c) of this section. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this part and section 307(d) of the Act [40 CFR 403.5(c)(4)].

Local limits are developed by WCTSSs to enforce the specific and general prohibitions, as well as any State and local regulations. The prohibitions and categorical standards are designed to provide a minimum acceptable level of control over IU discharges.

No person shall discharge or cause to be discharged into the City sewer system any wastewater containing substances with levels measured at any time in excess of the limits established by the User's wastewater contribution permit or in excess of the further provisions of this section. Each User's permit may establish specific pollutant limitations based upon the maximum allowable headworks loadings (MAHL) at the WCTS treatment plants.

Upon identification of a violation, all permittees shall immediately report any non-compliance to the Control Authority.

### **C. Current Local Limits**

The local limit for Oil and Grease is one-hundred (100) mg/L as listed in Ordinance 27-16 Section 25-207(a)(2)(q) and Ordinance 89-16 Section 25-242(b)(4).



## **Section 5: Enforcement Response Plan**

The purpose of the City of Fort Smith Enforcement Response Plan (ERP) is to provide guidance for City staff in all phases of enforcement related to the City's FOG Program. Ordinance 89-16 provides general guidance. The ERP is subject to the provisions of Ordinance 89-16.

The ERP was developed to provide a uniform application of enforcement responses based on the nature and severity of a violation. The ERP is meant to allow a range of responses to a violation within the requirements of the Federal Clean Water Act, Ordinance 89-16, and FOG Wastewater Discharge Permit Conditions. It is not intended to provide a specific response to every violation that could be encountered. Legal authority for a FOG Program is mandated by the Consent Decree.

The full text of this ERP can be found in Appendix F to this document and should be referenced for greater detail.

## **Appendix A: Statement from City Attorney**

# DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW

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† Also Licensed in Oklahoma  
● Also Licensed in Wyoming & North Dakota

December 27, 2016

## Via Federal Express

Director, Compliance Assurance and Enforcement Division  
U.S. Environmental Protection Agency  
Region VI  
1445 Ross Avenue  
Mail Code (6EN)  
Dallas, Texas 75202

Deputy Regional Counsel, Enforcement  
U.S. Environmental Protection Agency  
Region VI  
1445 Ross Avenue  
Dallas, Texas 75202

Director  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317

Re: United States of America and State of Arkansas v. City of Fort Smith, Arkansas,  
United States District Court, Western District of Arkansas – Case No. 2:14-cv-2266-PKH

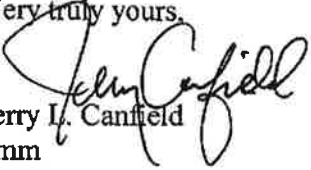
Greetings:

Regarding the Fats, Oils, and Grease (FOG) Control Program component of CMOM (paragraphs 37 and 38 of the Consent Decree), the City of Fort Smith hereby submits its Fats, Oils, and Grease (FOG) Control Program Plan for EPA review and approval. As a deliverable under

paragraph 89 of the Consent Decree, the Plan is also submitted to ADEQ. The submission is made in hard copy as well as in electronic and searchable text format.

Thank you for your attention to this matter.

Very truly yours,

  
Jerry L. Canfield  
cmm

Enclosures

cc: Chief, Environmental Enforcement Section (Via Federal Express)  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-1-1-08677

Lisa Cherup <Lisa.Cherup@usdoj.gov>  
Leslie Rutledge <oag@ag.state.ar.us>  
Carl Geffken <cgeffken@fortsmithar.gov>  
Jeff Dingman <jdingman@fortsmithar.gov>  
Bob Roddy <broddy@fortsmithar.gov>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

February 03, 2017

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 0427


Mr. Carl Geffken  
City Administrator  
City of Fort Smith  
623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, AR 72902

Re: NPDES Permit Nos.: AR0033278 and AR0021750  
Civil Action No. 2:14-cv-02266-PKH  
CMOM – Fats, Oils, and Grease Control Program Plan for EPA Review and Approval

Dear Mr. Geffken:

This office has received the City of Fort Smith's Fats, Oils, and Grease (FOG) Control Plan component of the Capacity, Management, Operation, and Maintenance (CMOM) Program pursuant to Paragraphs 37 and 38 of the Consent Decree in the above-captioned case. EPA has reviewed this submittal, dated December 27, 2016, and has determined that it achieves the Consent Decree requirements. EPA therefore approves this submittal. If you have any questions, please contact Mr. Damon McElroy, P.E., at (214) 665-7159 or by e-mail at [mcelroy.damon@epa.gov](mailto:mcelroy.damon@epa.gov).

Sincerely,

  
Jerry Saunders, Chief  
Water Enforcement Branch

Re: City of Fort Smith 2  
Fats, Oils, and Grease Control Program Plan

cc: Jerry L. Canfield, P.A.  
Daily & Woods, P.L.L.C.  
58 South Sixth Street  
P.O. Box 1446  
Fort Smith, AR 72902

Becky Keogh, Director  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

Thomas Mariani, Section Chief  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-1-1-08677

Robert Roddy, Director of Utilities  
City of Fort Smith  
3900 Kelley Highway  
Fort Smith, AR 72904

Arkansas Attorney General's Office  
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## **Appendix B: FOG Ordinance Checklist**

## CHECKLIST – FOG PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: City of Fort Smith  
 DATE OF REVIEW: 09/09/2016

Note: To comply with the FOG Program requirements as outlined in the Consent Decree legal authority must be established through local ordinance. This authority is recognized through the POTW's Pretreatment Program Authority and as part of the authority granted by the Federal requirements as found in 40 C.F.R. Part 403.

	REQ = Require Revision	Consent Decree Section	REVISIONS			FOG Ordinance Section	Comments / Notes
			NONE	REQ	REC		
<b>A. Definitions [403.3 &amp; 403.8(f)(2)]</b>							
1. Act, Clean Water Act			X			25-238(e)	
	403.3(b)(e)(i)						
	(j)(k)(l)(m)(p)						
	(t)(q)(v)						
	403.8(f)(2)(vi)						
	403.8(f)(2)(vii)						
2. Other definitions based on terms used in the POTW Ordinance			X			25-238(e)	
<b>Consent Decree FOG Definitions</b>							
3. FOG or Fats, Oils, and Grease		§ IV, ¶8, z.	X			25-238(e)(6)	
4. FOG Control Device		§ IV, ¶8, aa.	X			25-238(e)(7)	
5. FOG Control Program or Fats, Oils, and Grease Program		§ IV, ¶8, ab.	X			25-238(e)(8)	
6. FOG Generator		§ IV, ¶8, ac.	X			25-238(e)(9)	
<b>B. Prohibited Discharges</b>							
1. General Prohibitions			X			25-239(a)(1)	
2. Specific Prohibitions [403.5(b)]			X			25-239(a)(1)	
	403.5(a)						
	403.5(b)(1)(2)						
	(3)(4)(5)(6)(7)(8)						
3. Prohibition Against Dilution as Treatment		403.6(d)	X			25-239(c)	



NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

C. Control Discharges to POTW System	Part 403 Citation	Consent Decree Section	REVISIONS			FOG Ordinance Section	Comments / Notes
			NONE	REQ	REC		
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)		X			25-243(g)	
2. Individual Control Mechanism (e.g., permit) to ensure compliance - <i>Permit Content</i>	403.8(f)(1)(iii)		X			25-244(b)	
a. Statement of Duration	403.8(f)(1)(B)(1)		X			25-244(a) 25-244(b)(1)	
b. Statement of Nontransferability	403.8(f)(1)(B)(2)		X			25-244(b)(1) 25-244(e)	
c. Effluent Limits	403.8(f)(1)(B)(3)		X			25-244(b)(4)	
d. Best Management Practices	403.8(f)(1)(B)(3)		X			25-241(e) 25-244(b)(7) 25-245(b)(1)	
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)		X			25-244(b)(5)	
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)		X			25-245(a) 25-245(b)	
g. Recordkeeping Requirements	403.8(f)(1)(B)(4)		X			25-244(b)(8) 25-245(b)	
h. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)		X			25-248(b) 25-248(c)	
j. Slug Discharge Requirements (if necessary)	403.8(f)(1)(B)(6)						Not required for FOG
l. Permit Application/Reapplication Requirements			X			25-243(e) 25-244(g)	
m. Permit Modification			X			25-244(d)	
n. Permit Revocation/Termination			X			25-244(f)	
o. Proper Operation and Maintenance			X			25-244(b)(6)	
p. Duty of Halt/Reduce			X			25-247(e) 25-247(g)	
q. Requirement to submit Chain-of-Custody forms with monitoring data							Not required for FOG

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Consent Decree Section	REVISIONS			FOG Ordinance Section	Comments / Notes
			NONE	REQ	REC		
<b>D. Required Reports</b>							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)		X			25-240	
2. Reporting Requirements [403.12] <i>Types of Reports</i>							
a. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)		X			25-249(a) 25-249(b)	
b. Notification of changes affecting potential for a slug discharge	403.8(f)(2)(vi)		X			25-249(a) 25-249(b)	
c. Notification of changed discharge	403.12(i)		X			25-245(a)	
1. Recordkeeping Requirement (3 years or longer)	403.12(o)		X			25-245(b)	
- Including documentation associated with Best Management Practices	403.12(o)		X			25-245(b)(1)	
<b>E. Test Procedures [40 CFR Part 136 &amp; 403.12(g)]</b>							
1. Analytical procedures (40 CFR Part 136)	403.12(g)		X			25-240(c)(4)	
2. Sample collection procedures	403.12(g)(3) & (4)		X			25-240(c)(9)	
<b>F. Inspection and Monitoring Procedures [403.8(f)]</b>							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)		X			25-246(a)(1)	
2. Right to inspect generally for compliance	403.8(f)(1)(v)		X			25-246(a)(2)	
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)		X			25-246(a)(2)	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Consent Decree Section	REVISIONS			FOG Ordinance Section	Comments / Notes
			NONE	REQ	REC		
4. Right to inspect and copy records	403.12(o)(2)		X			25-246(a)(2)	
<b>G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]</b>							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)		X			25-248(a)	
b. Civil/Criminal penalties	403.8(f)(1)(vi)		X			25-248(b) 25-248(c)	
2. Emergency response							
a. Immediately halt actual/threatened discharged	403.8(f)(1)(vi) (B)		X			25-247(e) 25-247(g)	
3. Legal authority to enforce Enforcement Response Plan	403.8(f)(1)(vi)		X			25-248(d)	
<b>H. Optional Provisions</b>							
1. Hauled Waste Reporting/Requirements			X			25-242	
2. Grease Interceptor Reporting/Requirements			X			25-242(e) 25-245	
3. Authority to issue Notice of Violations (NOVs)			X			25-247(a)	
4. Authority to issue Administrative Orders (AOs)			X			25-247(b) 25-247(d) 25-247(e)	
5. Authority to issue Administrative Penalties			X			25-247(f)	
6. Authority to enforce again falsification or tempering			X			25-247(i)	
7. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan			X			25-247 25-248(d)	
8. Permit Appeals Procedures			X			25-244(c)	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Consent Decree Section	REVISIONS			FOG Ordinance Section	Comments / Notes
			NONE	REQ	REC		
9. Penalty or Enforcement Appeals Procedures			X			25-247(f)(2)	
10. Bypass Notification	403.17		X			25-249(b)(3)	
<b>I. FOG Program Requirements</b>							
1. The POTW shall develop and implement procedures to identify and locate all FOG Generators, including a description of their FOG-generating processes and estimated average daily discharge by weight/volume or allowable discharge concentration at the City's option.		§ V, ¶37, b.	X			25-243(a)	
2. City shall establish standards for sizing and installation of FOG Control Devices		§ V, ¶37, c.	X			25-240(b) 25-240(c) 25-240(d)	
3. City shall establish standards for FOG Control Device management, operations and maintenance (best management practices).		§ V, ¶37, d.	X			25-240(e) 25-240(f)	
a. City shall establish standards for FOG Control Device Operation.		§ V, ¶37, d.	X			25-240(f)	
b. City shall establish standards for onsite recordkeeping.		§ V, ¶37, d.	X			25-242(e) 25-245(b)	
c. City shall establish standards for cleaning frequency.		§ V, ¶37, d.	X			25-240(f)(3) 25-240(f)(4)	
d. City shall establish standards for cleaning standards.		§ V, ¶37, d.	X			25-240(f)	
e. City shall establish standards for use of additives.		§ V, ¶37, d.	X			25-240(g)	
f. City shall establish standards for ultimate disposal of captured FOG materials in accordance with applicable State Law, if any.		§ V, ¶37, d.	X			25-242(e)	

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Consent Decree Section	REVISIONS		FOG Ordinance Section	Comments / Notes
			NONE	REQ		
4. City shall establish inspection schedules for all FOG Control Devices in operation.		§ V, ¶37, f.	X		25-246(a)(2)	
a. Unannounced sampling & inspection		§ V, ¶37, f.	X		25-246(a)(2)	
b. Scheduled sampling & inspection		§ V, ¶37, f.	X		25-246(a)(2)	
c. Tiered frequency based upon generation, flow, cleaning, and compliance history		§ V, ¶37, f.	X		25-246(a)(2)	
d. Minimum frequency of once every two (2) years		§ V, ¶37, f.	X		25-246(a)(2)	
5. City shall establish standards for FOG Generators to keep records regarding transportation, storage, and ultimate disposal of collected FOG materials.		§ V, ¶37, g.	X		25-242(e)	
6. City shall establish an enforcement program.		§ V, ¶37, h.	X		25-247	
a. City shall establish specific and tiered enforcement mechanisms.		§ V, ¶37, h.	X		25-247 25-248	

Document(s) submitted for review:  
 FOG Ordinance Draft 09/09/2016

Name of Reviewers  
 Lance McAvoy

## **Appendix C: Ordinance 89-16**

AN ORDINANCE ADOPTING, AS DIVISION 4 OF ARTICLE VI OF CHAPTER 25 OF THE FORT SMITH CODE, REGULATIONS FOR THE CONTROL OF FATS, OIL AND GREASE ("FOG") DISCHARGED INTO THE CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM ("WCTS")

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BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Article VI of Chapter 25 of the Fort Smith Code is hereby amended by adding thereto a Division 4 consisting of the provisions of the following enumerated sections.

DIVISION 4. FATS, OILS AND GREASE (FOG)

Section 25-238. General Provisions

- (a) *Objectives.* This Division sets forth requirements and prohibitions limiting the discharge of Fats, Oils and Grease ("FOG") into the Fort Smith Wastewater Collection and Treatment System ("WCTS"). The objectives of Division 4 provisions are:
- (1) To prevent the introduction of FOG into the WCTS thus preventing blockages and overflows of the WCTS resulting from discharges of FOG that will damage or interfere with the operation of the sewage treatment plants or cause damage to or obstruction of the sewage collection system;
  - (2) To prevent the introduction of FOG into the WCTS that will pass through the WCTS, inadequately treated, into receiving waters or otherwise be incompatible with the WCTS;
  - (3) To protect both WCTS personnel and the general public;
  - (4) To prevent unreasonable maintenance, attention and expense to the WCTS;
  - (5) To enable the City to comply with any Federal or State laws to which the WCTS is subject.
- (b) *Applicability.* This ordinance shall apply to Food Service Establishments (FSEs) and Food Processing Establishments (FPEs) that discharge FOG into the WCTS, except users of the WCTS maintaining a wastewater contribution permit under the City's Pretreatment Program codified as Division 2 of Article VI of Chapter 25 of this Code.
- (c) *Administration.* Except as otherwise provided herein, the City Administrator shall administer, implement, and enforce the provisions of this Division. Any powers granted to or duties imposed upon the City Administrator may be delegated by the City Administrator to a duly authorized City employee. The City Administrator and designated City employee are sometimes referred to as the "Control Authority" in this Division.

(d) *Abbreviations.* The following abbreviations, when used in this Division, shall have the designated meanings:

WCTS	Fort Smith Wastewater Collection and Treatment System
FOG	Fats, Oils, and Greases
FPE	Food Processing Establishment
FSE	Food Service Establishment

(e) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases when used in this Division, shall have the meanings hereinafter designated:

- (1) *Architectural or Historical Restrictions.* Physical or legal restrictions limiting an owner's ability to renovate location of a FOG Control Device in a building or structure in the City that is one hundred (100) years or older and has special historical or esthetic interest or value.
- (2) *Extreme Economic Hardship.* A cost to comply with the requirements of this Division that exceeds twenty thousand dollars (\$20,000.00).
- (3) *FOG or Fats, Oils, and Grease.* Fats, oil and grease, whether petroleum-based, mineral-oil-based, animal-based or vegetable-based.
- (4) *FOG Control Device.* Any grease interceptor, grease trap, or other mechanism, device, or process which meets or exceeds the requirements of Section 1003.3 of the 2006 Arkansas Plumbing Code (or subsequent modifications thereof) and that attaches to or is applied to the User's wastewater plumbing fixtures and/or private service line to collect, contain, or remove FOG from the wastewater stream of a FOG Generator prior to discharge into the WCTS.
- (5) *FOG Generator.* Any Food Service Establishment or Food-Processing Establishment that discharges FOG into the WCTS, provided, however, that those establishments covered by the City's industrial user program shall not be considered a FOG Generator for the purpose of this Division.
- (6) *FOG Hauler.* A licensed and permitted company that empties, cleans, and transports waste from FOG Control Devices and is responsible for the proper disposal of the waste.
- (7) *FOG Manifest.* A document that the FOG Hauler must provide to the FOG Generator as proof of services rendered. An identical copy must be maintained by the FOG Generator and FOG Hauler.
- (8) *FOG Wastewater Discharge Permit.* A permit issued by the City, authorizing a FOG Generator to discharge wastewater into City's WCTS.
- (9) *Food Processing Establishment (FPE).* Any non-residential user of the WCTS which manufacturers, processes or packages food for human consumption.



- (10) *Food Service Establishment (FSE)*. Any non-residential user of the WCTS which prepares food for sale or consumption on or off site. Food service establishments include, but are not limited to, food courts; restaurants; catering services; bars/taverns; cafeterias; soda fountains; institutions, both public and private; diners; grocery stores; bakeries; coffee shops; ice cream shops; lounges; hospitals; hotels; nursing homes; churches; schools; daycare center; and all other food service users of the WCTS. A User that is engaged only in reheating or serving of ready-to-eat food products is not considered a FSE.
- (11) *Oil*. Any petroleum-based product.
- (12) *Grease Recycling Container*. A container, with a lid, located outside a food service facility for the specific purpose of collecting liquid cooking grease from deep fryers, woks and other cooking containers, and from the cleaning of griddles and other cooking fixtures. Grease collected in oil/grease dumpsters can be recycled and/or re-processed.
- (13) *Remodeling or Remodeled*. A physical change or operational change in a structure that requires an issuance of or revision to a business license or a building permit.
- (14) *Twenty-Five (25) Percent Rule*. The requirement for a FOG Control Device to be maintained such that the combined FOG solids accumulation does not exceed twenty-five (25) percent of the design hydraulic capacity of the FOG Control Device.
- (15) *User*. Any person or entity which contributes, or causes or permits the contribution, of wastewater into the City's WCTS.

#### Section 25-239. General Sewer Use Requirements

- (a) *Prohibited Discharge Standards*. Both FOG Generators and all other Users of the WCTS are subject to the provisions of Fort Smith Code Section 25-207(a). For the purposes of this Division, any reference to the Publicly Owned Treatment Works (POTW) in Section 25-207(a) shall be deemed a reference to the WCTS.
  - (1) The direct or indirect introduction of additives into the FOG Control Device is prohibited. Additives include but are not limited to biological agents such as enzymes, bacteria, and/or degreasing agents.
  - (2) No liquid or grease that is removed from a FOG Control Device shall be discharged to the WCTS as otherwise prohibited in these regulations. This includes actions taken during maintenance of FOG Control Devices and FOG Haulers.
- (b) *Questionnaires*. When requested in writing by the Control Authority, all non-residential Users must submit information on the nature and characteristics of their wastewater within thirty (30) days of the date of the request. The Control Authority is authorized to prepare a form for this purpose and may periodically require non-residential Users to update this information
- (c) *Right of Revision*. The City reserves the right to establish by ordinance or in a FOG Wastewater Discharge Permit more stringent standards or requirements on discharges to the WCTS.

- (d) *Dilution.* No FOG Generator shall ever increase the use of process water or in any other manner attempt to dilute a discharge as a partial or complete substitute for adequate FOG handling.

Section 25-240. FOG Wastewater Discharge Permit Required

- (a) No FOG Generator shall discharge wastewater into the WCTS without first obtaining a FOG Wastewater Discharge Permit ("Permit") from the Control Authority, provided any existing FOG Generator may continue to discharge for the time periods specified herein for timely application for and obtaining issuance of the Permit. No Permit shall be issued to a FOG Generator without provision for the installation, operation and maintenance by the FOG Generator of a FOG Control Device.
- (b) The Control Authority may issue a FOG Wastewater Discharge Permit to any other user as necessary to carry out the purposes of this Division.
- (c) Any violation of the terms and conditions of a FOG Wastewater Discharge Permit shall be deemed a violation of this Division and subjects the wastewater discharge permittee to the sanctions set out in §25-247 through §25-248 of this Division. Obtaining a FOG Wastewater Discharge Permit does not relieve a User of any obligation to comply with all federal and state standards or requirements or with any other requirements of federal, state, and local law.

Section 25-241. FOG Wastewater Discharge Permit Procedures

- (a) *Existing Connections.* All FOG Generators operating from facilities currently connected to the WCTS shall, within ninety (90) days of the Effective Date of the ordinance codified as this Division ("Effective Date"), apply to the Control Authority for a FOG Wastewater Discharge Permit ("Permit") and shall not cause or allow discharges to the WCTS after one hundred eighty (180) days of the Effective Date except in accordance with a Permit issued by the Control Authority. Prior to issuance of a Permit, all FOG Generators shall repair or replace any noncompliant plumbing including any existing FOG Control Device within ninety (90) days of written notification by the Control Authority if any one or more of the following conditions exist or occur:
  - (1) The User's facility does not have a FOG Control Device;
  - (2) The User's facility has a defective FOG Control Device; or,
  - (3) Remodeling of the User's food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City.
- (b) *New Connections.* Any FOG Generator which begins operation subsequent to the Effective Date, whether from an existing or subsequently remodeled or constructed facility, shall apply for and obtain issuance of a Permit prior to beginning or recommencing discharge into the WCTS.
- (c) *FOG Wastewater Discharge Permit application.*
  - (1) The Control Authority may require FOG Generators to submit all or some of the following information as part of a Permit application:
    - a. Identifying Information.

- i. The name and address of the discharging facility, and the names of all principals and owners of the FOG Generator.
  - ii. If the FOG Generator is the lessee of the discharging property, the name and address of the property owner and the property manager for the property where the FOG Generator is located.
  - iii. Contact information for day-to-day contact, description of activities, facilities, and processes of the FOG Generator.
- b. Description of Operations.
- i. A comprehensive description of the FOG Generator; its operation, cuisine and service activities.
  - ii. Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, chemical storage areas, and FOG Control Devices by size, location, and elevation, and all points of discharge. A qualified professional must certify to the accuracy of these submittals for new construction. For existing facilities, the FOG Generator may provide a schematic drawing and permit access for inspection by the Control Authority.
  - iii. NAICS codes [defined by Fort Smith Code Section 25-206(d)(35)] of all processes being conducted at the facility, if applicable.
  - iv. Number of employees, hours of operation, and proposed or actual hours of operation.
  - v. Seating capacity and table turnover rates, if applicable.
  - vi. Type and amount of raw materials processed (average and maximum per day).
- c. The location for monitoring all FOG Control Devices covered by the Permit;
- d. Pollution Prevention activities such as source reduction, waste minimization, environmental management systems, best management practices, and water and energy conservation.
- e. Any other information as requested by the Control Authority to evaluate the Permit application.

(2) Incomplete or inaccurate applications may not be processed and may be returned to the FOG Generator for revision.

*(d) Application Signatories and Certification.*

- (1) All Permit applications must be signed by an authorized signatory of the FOG Generator and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

- (e) *FOG Wastewater Discharge Permit decisions.* The Control Authority will evaluate the data furnished by the FOG Generator and may require submission of additional information. Within ninety (90) days of receipt of a complete Permit application, the Control Authority will determine whether to issue or deny issuance of the Permit.

#### Section 25-242. - FOG Wastewater Discharge Permit Administration

- (a) *Permit Duration.* Permits shall be issued for a specified time period, not to exceed two (2) years from the effective date of the permit. A Permit may be issued for a period less than two (2) years, at the discretion of the Control Authority. Each Permit will indicate a specific date upon which it will expire.
- (b) *Permit Contents.* Permits shall include such conditions as are deemed reasonably necessary by the Control Authority to achieve the objectives stated in Section 25-238(a). A Permit must contain:
  - (1) A statement of issuance date, effective date and expiration date;
  - (2) A statement that the FOG Wastewater Discharge Permit is nontransferable;
  - (3) Requirements for the FOG Generator to construct, operate and maintain, at its own expense, FOG Control Device(s) including sampling facility(ies);
  - (4) Limits on discharge of FOG in excess of one hundred (100) mg/L in any wastewater discharge to the WCTS;
  - (5) Self-monitoring and record-keeping requirements;
  - (6) Requirements for FOG Control Device maintenance frequency and schedule;
  - (7) Requirements for implementation, maintaining and reporting of best management practices;
  - (8) Requirements for maintaining and retaining logs and records, including waste hauling records and waste manifests;
  - (9) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Division, and State and Federal laws, rules, and regulations; and,

- (10) A statement that compliance with the Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state standards, including those which become effective during the term of the Permit.
- (c) *FOG Wastewater Discharge Permit Appeals.* A permittee may petition the Control Authority to reconsider a decision to not issue or the terms of an issued Permit within thirty (30) days of decision to not issue or of notice of issuance of the discharge permit.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
  - (2) In its petition regarding terms, the appealing party must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Permit.
  - (3) Unless the Control Authority provides otherwise in writing, the effectiveness of an issued Permit shall not be stayed pending the appeal.
  - (4) If the Control Authority fails to act within thirty (30) days, the request for reconsideration shall be deemed to be denied. Control Authority decisions not to reconsider a Permit, not to issue a Permit, or not to modify a Permit shall be considered final administrative actions for purposes of judicial review.
- (d) *FOG Wastewater Discharge Permit Modification.* The Control Authority may modify a Permit for good cause including, but not limited to, the following reasons:
- a. To incorporate any new or revised federal, state, or local standards or requirements;
  - b. To address significant alterations or additions to the FOG Generator's operation, processes, or wastewater volume or character since the time of Permit issuance;
  - c. Violation of any terms or conditions of the Permit;
  - d. Misrepresentations or failure to fully disclose all relevant facts in the Permit application; or,
  - e. To correct typographical or other errors in the Permit;
- (e) *FOG Wastewater Discharge Permit Transfer.*
- (1) A Permit issued under this Division is for a specific FOG Generator and for a specific operation and creates no vested rights.
  - (2) No permit holder shall assign, transfer, or sell any Permit issued under this Division nor use any such permit for any premises, facilities or operations or discharges not expressly encompassed within the underlying permit.
- (f) *FOG Wastewater Discharge Permit Revocation.* The Control Authority may revoke a Permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;

- (2) Failure to provide prior notification to the Control Authority of changed conditions pursuant to §25-243 through §25-246 of this Division;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the FOG Wastewater Discharge Permit application;
- (4) Tampering with a required Fog Control Device or Control Authority monitoring equipment;
- (5) Refusing to allow the Control Authority timely access to the facility premises and records;
- (6) Failure to pay fines;
- (7) Failure to pay sewer charges;
- (8) Failure to meet Permit compliance schedules;
- (9) Failure to timely complete a Questionnaire [Section 25-239(b)] or timely submit a Permit application; or,
- (10) Violation of any terms of the Permit or this Division.

(g) *Application for Re-Issuance.* A FOG Generator with an expiring FOG Wastewater Discharge Permit shall apply for Permit re-issuance by submitting a complete Permit application, in accordance with §25-240, a minimum of ninety (90) days prior to the expiration of the FOG Generator's existing Permit.

#### Section 25-243. FOG Control Devices

- (a) *FOG Control Devices.* All FOG Control Devices necessary for compliance with this Division and the FOG Wastewater Discharge Permit shall be installed, operated, and maintained at the FOG Generator's expense.
- (b) *FOG Control Device Sizing.* Plans for installation of all FOG Control Devices shall be submitted to and subject to approval by the Control Authority. Generally, the Control Authority shall be guided by the PDI G101, ASME A1 12.14.3 Appendix A or ASME A1 12.14.4.
- (c) *Grease Recycling Container.* Unless the Control Authority approves alternative procedures, a grease recycling container must be provided and routinely serviced by a licensed grease retrieval service when a FOG Generator's facility has a fryer, grill, or other cooking process that produces waste grease. It is a violation of this Division to dispose of waste cooking grease by direct or indirect connection to the WCTS, and waste cooking grease may not be dumped directly into a FOG Control Device.
- (d) *Existing Facilities.* An existing FOG Generator in operation on the Effective Date which does not have a FOG Control Device is required to install a FOG Control Device, at the FOG Generator's expense, within one year of the Effective Date.
- (e) *Repair.* If any FOG Control Device is found to be non-compliant with any Division or Permit standard or inadequate to prevent FOG discharges to the WCTS in excess of concentrations of 100 mg/L, the FOG Generator, at the FOG Generator's expense, shall repair or replace any

noncompliant plumbing or the existing FOG Control Device within ninety (90) days of written notification by the Control Authority.

- (f) *Historic and extreme hardship restrictions.* A FOG Generator operating in a structure subject to architectural or historical restrictions or who will suffer Extreme Economic Hardship in order to upgrade an existing FOG Control Device may keep the current FOG Control Device in place provided that all fresh air fixtures are tied into the current FOG Control Device, or install a FOG Control Device approved by the Control Authority. In the event of remodeling or if the FOG Generator changes ownership, a FOG Control Device that complies with all applicable requirements of this Division shall be installed.
- (g) *Sampling.* All FOG Control Devices shall have a sampling point on the effluent discharge side of the FOG Control Device to allow for observation, sampling, and measurement of wastewaters. The FOG Wastewater Discharge Permit shall identify the sampling point location. The sampling point shall be maintained and kept safe and accessible to the Control Authority at all reasonable times.
- (h) *FOG Control Device inspection.* Not less frequently than once per permit cycle (once every two (2) years), each FOG Generator shall have a licensed plumber or other qualified professional approved by the Control Authority inspect each FOG Control Device. After evacuation of the FOG Control Device, the licensed plumber or other qualified professional approved by the Control Authority shall provide a written report of the inspection to the FOG Generator and certify the FOG Control Device is operating properly. All defects found during the inspection shall be corrected by each FOG Generator within ninety (90) days of each inspection.
- (i) *Notification of spills by the FOG Generator:*
  - (1) In the event that any FOG Generator is unable to comply with any Permit condition due to a breakdown of equipment, accidents, human error, or the FOG Generator has reasonable opportunity to know that his/her/its discharge shall exceed the discharge provisions of the FOG Wastewater Discharge Permit or the regulations in this Division, the FOG Generator shall immediately notify the Control Authority by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or sanitary sewer overflows, the FOG Generator shall immediately notify the Control Authority by telephone at the number specified in the Permit.
  - (2) All FOG Generators shall provide written notification of this oral or telephonic notification to the Control Authority at the address specified in the Permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to correct the problem, and what steps are being taken to prevent the problem from recurring.
  - (3) Such notification shall not relieve a FOG Generator of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor will such notification relieve a FOG Generator from payment of any fees or imposition of any other liability which may be authorized by this Division or other applicable law.

Section 25-244. Hauler and Manifest

- (a) Any person or entity owning or operating vacuum or "FOG Hauler" pump trucks, or other liquid transport trucks, who wishes to operate inside the City to remove and perform maintenance on FOG Control Devices, shall first obtain from the Control Authority a FOG Hauler Permit. All applicants for the FOG Hauler Permit shall complete the application form, pay the appropriate permit fee, receive a copy of this Division governing removal and cleaning of FOG Control Devices, and shall agree, in writing, to abide by this Division and all other applicable environmental regulations.
- (b) The FOG Hauler must maintain a daily log and record of operations, which may include, but is not limited to: the date and time of the pumping event; name and FOG Wastewater Discharge Permit number of business requesting service; name, physical address, and phone number of the FOG Generator representative; type of facility; estimated or measured volume of waste collected; name of the driver; date and time the FOG waste was properly disposed; ultimate disposal location; name, physical address, and phone number of the representative operating the ultimate disposal location; and discharge ticket number.
- (c) At the end of each quarter (March, June, September and December), copies of such log shall be forwarded to the Control Authority by the 15th day of the following month (April, July, October and January).
- (d) *Cleanup of leak and spills.*
  - (1) In the event a discharge or spill of waste during collection or transport, the FOG Hauler shall take appropriate action to protect human health and the environment. Appropriate action may include notifying local law enforcement and health officials, build an embankment around the discharge area, cleaning up the spill or discharge materials or other action as may be required or approved by federal, state, and local officials having jurisdiction so that the waste no longer presents a public health or environmental problem.
    - a. Spills shall be prevented from entering any water supply or water way, including storm sewers.
    - b. Spills that enter a water way or otherwise contaminate water way or water supply shall be reported to the appropriate state and local officials.
  - (2) If a spill, splash, spray, or leak occurs during collection, transport or discharge, the FOG Hauler shall clean and properly dispose the spilled, splashed, sprayed, or leaked waste at his expense.
  - (3) Where a spill, splash, spray, or leak occurred during transport or discharge, the owner shall make necessary repairs or modifications to the vehicle prior to subsequent operation of the vehicle.
- (e) *Transported waste disposal records requirements.*
  - (1) Records shall be maintained for each individual collection and disposal. Such records shall be maintained using a waste hauler manifest form issued by the Control Authority upon written request by the FOG Hauler.



- (2) The waste manifest forms shall consist of five copies which shall be used to document the receipt, transportation, and disposal of applicable waste.
- (3) The first section of the manifest shall be completed at the time of collection and before the vehicle is moved from the generator's property. The remainder of the manifest shall be completed at the time of transfer or disposal as appropriate.
  - a. The manifest form shall be signed by the FOG Generator at the time of waste collection.
  - b. The manifest form shall be signed by the FOG Hauler at the time of waste collection.
- (4) The copies of the manifest forms shall be distributed as follows:
  - a. The fifth copy with the FOG Generator information and FOG Hauler information and signatures completed shall be given to the FOG Generator at the time of waste collection.
  - b. The fourth copy with all information and signatures completed shall be given to the disposal site at the time of disposal.
  - c. The third copy with all information and signatures completed shall be retained by the FOG Hauler at the time of disposal.
  - d. The second copy with all information and signatures completed shall be given to the FOG Generator after ultimate disposal of the FOG waste.
  - e. The original copy with all information and signatures completed shall be given to the Control Authority.
- (5) All copies of the manifest form shall be retained by the respective recipients for a minimum of three (3) years and shall be made available to the Control Authority, state, and EPA upon request or demand for inspection and /or copying. This period shall be automatically extended for duration of any litigation concerning the FOG Generator, FOG Hauler, or Control Authority, or where any involved party has been specifically notified by the Control Authority of a longer retention period.

#### Section 25-245. Reporting Requirements

- (a) *Notification of planned changes.* All FOG Generators shall notify the Control Authority of any significant planned changes to the FOG Generator's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change including, but not limited to, facility expansion/remodeling or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. All FOG Generators shall submit any information requested by the Control Authority for evaluation of the effect of such expansion on the FOG Generator's FOG discharge to the WCTS.
- (b) *Required FOG Control Device records.* All FOG Generators shall maintain records which shall be kept on site and made available on demand by the Control Authority during inspection. Records shall include but are not limited to:

- (1) A record of best management practices being utilized, including employee training;
- (2) Records of scheduled visual inspections conducted by the authorized representative of the FOG Generator, which shall include the date and time of the visual inspections, any observed abnormalities, and the signature of the person that performed the visual inspection;
- (3) A logbook of FOG Control Device cleaning and maintenance;
- (4) Records of required inspections by a certified plumber of the FOG Control Device;
- (5) A record of any spills and/or cleaning of the lateral sewer line; and,
- (6) Copies of FOG Control Device manifests of the transportation and disposal of FOG Control Device contents, if applicable.

Section 25-246. Control Authority Compliance Monitoring

(a) *Inspections and authority to enforce regulations.*

- (1) **Right of Entry: Inspection and Sampling.** The Control Authority shall have the right to enter the premises of any FOG Generator to determine whether the FOG Generator is complying with all requirements of this Division, any FOG Wastewater Discharge Permit or order issued by the Control Authority. FOG Generators shall allow the Control Authority reasonable access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. In the event of an emergency involving actual or imminent sanitary sewer overflow, the Control Authority may access adjoining businesses or properties that share a WCTS connection with a FOG Generator in order to prevent or remediate an actual or imminent sewer overflow.
- (2) The Control Authority shall inspect FOG Generators on both an unscheduled and unannounced basis or on a scheduled basis. Inspection of a FOG Control Device may be performed at frequencies necessary to protect the WCTS against the accumulation of FOG in an amount that would exceed the twenty-five (25) percent rule, but at a minimum of once every two (2) years. Inspection shall include all fixtures, equipment, food processing, and storage areas, and shall include a review of the processes that produce wastewater discharged from a facility through the FOG Control Device. Any deficiencies may be noted, including but not to be limited to:
  - a. Failure to report changes in operations or wastewater constituents and characteristics;
  - b. Failure to properly maintain the FOG Control Device;
  - c. Failure to maintain logs, files, records, or access for inspection or monitoring activities;
  - d. Failure to obtain or renew the FOG Wastewater Discharge Permit in a timely manner; or,

- e. Any other violations of the regulations of this Division or state law that may require correction by the FOG Generator.
- (b) *Search Warrants.* If the Control Authority 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 Division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Division, any Permit or an order issued by the Control Authority, or to protect the overall public health, safety and welfare of the community, the Control Authority may seek issuance of a search warrant from the District Court of Sebastian County, Arkansas, Fort Smith Division.

#### Section 25-246. Administrative Enforcement Remedies

- (a) *Notification of Violation.* When the Control Authority finds that a FOG Generator has violated, or continues to violate, any provision of this Division, an individual FOG Wastewater Discharge Permit, or an order issued by the Control Authority, the Control Authority may serve upon that FOG Generator a written Notice of Violation. Within five (5) business days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the FOG Generator to the Control Authority. Submission of such a plan in no way relieves the FOG Generator of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (b) *Procedures and Enforcement Remedies.* A Notice of Violation shall be subject to the procedures, possible enforcement remedies and affirmative defenses provided in Fort Smith Code Section 25-216(b) through Section 25-218. Any reference to Publically Owned Treatment Works (POTW) in Sections 25-216(b) through 25-218 shall be deemed a reference to the WCTS.
- (c) *Damage to facilities or interruption of normal operations of the POTW.* Any person who discharges any waste which causes or contributes to any sewer blockage, sanitary sewer overflows, obstruction, interference, damage, or any other impairment to the City's WCTS and/or equipment, or to the operation of those facilities and/or equipment shall be liable for all costs required to clean and/or repair the facilities and/or equipment, together with expenses incurred by the City to resume normal operations. A service charge of fifteen (15) percent of the City's costs shall be added to the costs and charges to reimburse the City for miscellaneous overhead, including administrative personnel and recordkeeping. The total amount shall be payable within forty five (45) days of invoicing by the City.

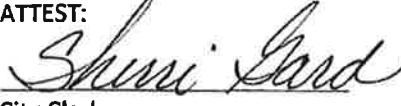
#### Section 25-247. Miscellaneous Provisions

- (a) *FOG Control Program Charges and Fees.* The Control Authority reserves the right to adopt fees for reimbursement of costs of setting up and operating the City's FOG Control Program.
- (b) *Effective date.* This Ordinance adopting Division 4 of Article VI of Chapter 25 of the Fort Smith Code shall be effective on January 1, 2017.


(c) *Severability*. If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected and shall continue in full force and effect.

This Ordinance adopted this 20<sup>th</sup> day of December, 2016.

APPROVED:  
  
Mayor

ATTEST:  
  
City Clerk

Approved as to form:

  
Publish 1 Time

## **Appendix D: Ordinance 61-11**

61-11

ORDINANCE NO. 61-11

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 25 OF THE FORT SMITH MUNICIPAL CODE, ESTABLISHING CHARGES FOR WATER AND SANITARY SEWER CONNECTIONS; ESTABLISHING FEES FOR INDUSTRIAL USER PERMITS AND VACUUM TRUCK DISCHARGE PERMITS TO THE UTILITY SYSTEMS OF THE CITY OF FORT SMITH; ESTABLISHING A PERMIT PROCEDURE FOR CERTAIN CONNECTIONS TO THE UTILITY SYSTEMS OF THE CITY; PROHIBITING UNAUTHORIZED USE OF UTILITY EASEMENTS AND RIGHTS-OF-WAY; REPEALING ORDINANCES IN CONFLICT HERewith; AND, FOR OTHER PURPOSES**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:**

**SECTION 1:** Chapter 25, Article III, Section 25-67 of the Fort Smith Municipal Code is hereby amended to read as follows:

The City Administrator, or his authorized representative, shall have the sole authority to determine the adequacy of existing water system mains and sanitary sewer collection lines for the purpose of making additional service connections thereto. Likewise, the City Administrator, or his authorized representative, shall have the sole authority to determine whether it would be economically feasible for the city itself to extend and/or replace water or sewer lines into additional and/or existing service areas. The City Administrator, or his authorized representative, shall have the authority to issue written permits authorizing the designated permittee to have access to the city's easements and rights-of-way for the installation of water service lines and sanitary sewer service lines, and for extensions to the water and sewer utility systems of the city in circumstances where, pursuant to Resolution R-188-84, the City Administrator, or his authorized representative, has determined that it would not be economically feasible for the city itself to extend or replace water or sewer lines into additional and/or existing service areas or has determined that existing water or sewer lines are not adequate for additional connections.

**SECTION 2:** Chapter 25, Article III, Section 25-68, subsections (a), (b), (c) and (d) of the Fort Smith Municipal Code are hereby repealed as stated and replaced with the following language:

- (a) One-Inch and Two-Inch Metered Water Service Installation
  - (1) All connections of water service lines, up to and including connections two-inches

(2") in diameter, to the public water lines of the city shall be accomplished by city personnel or by a contractor retained by the city. The city shall provide all equipment and labor and all materials to accomplish the connection from the water main to the property or private easement line of the customer being served. The city shall, in its sole discretion, determine the appropriate route for the connection.

- (2) The base charge for installation of a water service connection to a water main that is on the same side of any street, alley, or easement to the water main and that does not require the crossing or cutting of any pavement, sidewalk or other type of improved hard surface shall be as follows:

1-inch

Effective October 1, 2011	\$ 423.00
Effective July 1, 2012	\$ 547.00
Effective January 1, 2013	\$ 670.00

2-inch

Effective October 1, 2011	\$1,120.00
Effective July 1, 2012	\$1,280.00
Effective January 1, 2013	\$1,440.00

- (3) Any installation of a water service connection to a water main that may be installed utilizing a conduit or encasement passing under and across the full width of a paved street, alley or easement shall result in an additional amount being added to the base charge established in paragraph (2) above which additional amount shall be as follows:

Materials and excavation

Effective October 1, 2011	\$ 17.00
Effective July 1, 2012	\$ 34.00
Effective January 1, 2013	\$ 50.00

- (4) Any installation of a water service connection that requires the open excavation of the partial width of any paved street, alley, easement, or that requires the replacement of any other type of improved hard surface within a public right-of-

way or easement, shall result in an additional amount being added to the base charge established in paragraph (2) above in order to compensate for the replacement of the pavement or surface improvement. The additional charge shall be as follows:

**16 square feet or less**

Effective October 1, 2011	\$ 32.00
Effective July 1, 2012	\$ 64.00
Effective January 1, 2013	\$ 95.00

**Above 16 square feet for each square foot**

Effective October 1, 2011	\$ 2.00
Effective July 1, 2012	\$ 4.00
Effective January 1, 2013	\$ 6.00

- (5) The base charge for installation of a water service connection to a water main that requires the crossing by open excavation of the full width of pavement of any paved street, alley, not-to-exceed 27-feet of paved width, shall be as follows:

**1-inch**

Effective October 1, 2011	\$1,018.00
Effective July 1, 2012	\$1,167.00
Effective January 1, 2013	\$1,315.00

**2-inch**

Effective October 1, 2011	\$1,807.00
Effective July 1, 2012	\$1,963.00
Effective January 1, 2013	\$2,120.00

- (6) Any installation of a water service connection that requires the crossing by open excavation of any paved street, alley or easement exceeding 27-feet of paved width, or requires replacement of any other type of improved hard surface, shall result in an additional amount being added to the charge established in paragraph (5) above as follows:



**16 square feet or less**

Effective October 1, 2011	\$ 32.00
Effective July 1, 2012	\$ 64.00
Effective January 1, 2013	\$ 95.00

**Above 16 square feet for each square foot**

Effective October 1, 2011	\$ 2.00
Effective July 1, 2012	\$ 4.00
Effective January 1, 2013	\$ 6.00

- (7) The charge for any installation of a water service accomplished by the city utilizing the services of a contractor to bore under any street, alley or easement shall include the actual cost of said contract services plus the base charge established in paragraph (2) above, as well as any additional amounts required as established in paragraphs (3) and (4) above.
- (8) All charges shall be included as part of the initial water billing(s) and shall be paid by the customer and shall be subject to late charges or termination of service if payment becomes delinquent.

(b) Greater than Two-Inch Metered Water Service Installation

- (1) All connections of water service lines to the city's public water lines, which connections are greater than two-inches (2") in diameter, shall be accomplished by city personnel or by a contractor retained by the city, for the purpose of attaching the tapping sleeve and valve to the water main and for performing water main tapping services. The city shall provide, at the customer's expense, the tapping sleeve and valve and water meter for these connections. All other materials and labor used in the construction of a service line and meter vault shall be in accordance with plans and specifications of the city and shall be the financial responsibility of the customer.
- (2) Any installation of a metered water service line that is greater than two-inches (2") shall include the following charges:

Meter and strainer	actual cost
Tapping sleeve and valve - materials	actual cost

Tapping sleeve and valve attachment  
and tapping service - labor                      \$ 160.00

(c) Temporary Water Service

- (1) All connections for temporary water service from a fire hydrant or other supply point on the city's public water lines or from an unmetered private water line shall be metered by the city and the installation of said meters shall be accomplished by city personnel. The city shall provide all equipment and labor and all materials, including the water meter, to accomplish the temporary connection from the water main. The city, in its sole discretion, shall determine the appropriate location for the temporary water service connection.
- (2) The base charge for installation of a temporary water service connection shall be \$60.00.
- (3) The charge for relocation of any temporary water service connection to a subsequent supply point shall be \$30.00.
- (4) The responsibility for protection from damage or theft shall be the responsibility of the customer.
- (5) All installation, relocation and damage repair charges shall be included as part of the water billing(s) and shall be paid by the customer and shall be subject to late charges or termination of service if payment becomes delinquent. Payment of all charges shall be required before the release of any security deposit is made.

**SECTION 3:** Chapter 25, Article III, Section 25-69, subsections (a), (b), (c) and (d) of the Fort Smith Municipal Code are hereby repealed as stated and replaced with the following language:

(a) Sanitary Sewer Service Installation

- (1) All connections of sanitary sewer service lines to the city's public sanitary sewer lines, including connections up to and including those four-inches (4") in diameter, shall be accomplished by city personnel or a contractor retained by the city. The city shall provide all equipment, labor and all materials, including a "clean-out" to be placed at the approximate location of the property or private easement line where the customer's private sanitary sewer service line is to connect to the city's installation. The city, in its sole discretion, shall determine the appropriate route for the connection.

- (2) The base charge for installation of a sewer service connection to a sewer main that does not require the crossing or cutting of any pavement, sidewalk or other type of improved hard surface shall be:

Effective October 1, 2011	\$ 780.00
Effective July 1, 2012	\$ 945.00
Effective January 1, 2013	\$1,110.00

- (3) The base charge for installation of a sewer service connection to a sewer main that requires the open excavation of any paved street, alley, or easement, not-to-exceed 27-feet of paved width, shall be:

Effective October 1, 2011	\$1,467.00
Effective July 1, 2012	\$1,633.00
Effective January 1, 2013	\$1,800.00

- (4) Any installation of a sewer service connection that requires open excavation of any paved street, alley or easement exceeding 27-feet of paved width, or requires replacement of other type of improved hard surface, shall result in an additional amount being added to the charges established in paragraphs (2) or (3) above as follows:

16 square feet or less

Effective October 1, 2011	\$ 32.00
Effective July 1, 2012	\$ 64.00
Effective January 1, 2013	\$ 95.00

Above 16 square feet for square foot

Effective October 1, 2011	\$ 2.00
Effective July 1, 2012	\$ 4.00
Effective January 1, 2013	\$ 6.00

- (5) Any installation of a sewer service accomplished by the city utilizing the services of a contractor to bore under any street, alley or easement shall result in the actual cost of said contract services being added to the base charges established by paragraph (2) or (3) above, as well as any additional amounts required as established in paragraph (4) above.

- (6) Any installation of a sewer service accomplished by the city utilizing the services of a contractor for an aerial pipeline crossing that incorporates support piers or self-supporting pipe shall result in the actual cost of said contract services being added to the base charges established in paragraph (2) or (3) as well as any additional amounts required as established in paragraph (4) above.
- (7) If the property for which a sewer service connection is being requested is determined to have been assessed previously and has paid the appropriate sewer tie-on connection fee required for each service connection requested, then an amount of \$350.00 shall be deducted from the base charges set by paragraph (2) or (3) above for said connection.
- (8) For any connection to the sanitary sewer lines of any sewer improvement district, the charges established by this section shall be in addition to any tie-on fee charged by the district.
- (9) All charges shall be included as part of the initial water billing(s), or included as part of the next water billing(s) if a current water customer, and shall be paid by the customer and shall be subject to late charges or termination of service if payment becomes delinquent.

**SECTION 4:** The last paragraph, consisting of one sentence, of Chapter 25, Article VI, Section 25-187 of the Fort Smith Municipal Code is hereby amended to read as follows:

The septic tank discharge permit fee shall be \$2,000.00 per year from date of issuance.

**SECTION 5:** The last sentence of Chapter 25, Article VI, subsection (c) of Section 25-188 of the Fort Smith Municipal Code is hereby amended to read as follows:

- (a) The fee for the permit shall be \$82.00 per month and sampling and analysis fees per monitoring sample for each Industrial User as follows:

**Sampling and analysis fees**

metals digestion	\$ 10.00 each sample
metals analysis	\$ 20.00 each analyte
BODs	\$ 30.00 each sample
COD	\$ 20.00 each sample
TSS	\$ 15.00 each sample
oil & grease	\$ 35.00

total cyanide	\$ 40.00
flash point	\$ 40.00
pH	\$ 9.00
grab collection	\$ 10.00
composite collection	\$ 100.00
resampling required by violation	as identified above

(b) In the event that the city determines that an outside laboratory should be utilized for the analysis of any parameter identified in paragraph (a) above, the actual cost of analysis by the outside laboratory shall be borne by the Industrial User.

**SECTION 6: Repealing Clause.** All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 7:** This Ordinance shall become effective on the 1st day of September, 2011.

PASSED AND APPROVED this 2nd day of August, 2011.


APPROVED:

  
 Mayor

ATTEST:

  
 City Clerk

APPROVED AS TO FORM:

  
 Publish One Time

## **Appendix E: Ordinance 23-15**

ORDINANCE NO. 23-15 <sup>1</sup>  
as amended

AN ORDINANCE TO PROVIDE FOR RATES FOR SERVICES  
OF THE SANITARY SEWER SYSTEM AND SUPERSEDING  
ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith,  
Arkansas that:

SECTION 1: Ordinance No. 73-10 and prior sanitary sewer system rate ordinances are hereby repealed on the effective date of the rates established by this ordinance and replaced with the following:

Users of the sanitary sewer system shall be and are hereby required to pay monthly sewer user charges in accordance with the schedule set forth below. The user charge accrual shall commence on the date the customer makes the service connection or on the date the City's facilities are ready for use, whichever is later. If a customer receives water solely for irrigation purposes through a totally separate meter and system, or, if a customer receives water through a totally separate meter and system for other verifiable purpose and the water is not discharged into the sewer system, such water shall not be subject to charges under this ordinance.

Rate Schedule  
Effective May 1, 2015

<u>User Class</u>	<u>Unit</u>	<u>Dollars</u>
Billing Charge	Per Account	\$2.50
Volume Charge		
Residential	ccf	\$5.30
Commercial	ccf	\$5.30
Industrial	ccf	\$5.30
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	\$0.2786

TSS Monitoring	lb. Actual Cost	\$0.2124 Actual Cost
Contract/Wholesale Users High-Strength Charge (for strengths above 250 mg/l)	ccf	\$1.68
BOD	lb.	\$0.2786
TSS Monitoring	lb. Actual Cost	\$0.2124 Actual Cost

Effective January 1, 2016

<u>User Class</u>	<u>Unit</u>	<u>Dollars</u>
Billing Charge	Per Account	\$3.50
Volume Charge		
Residential	ccf	\$7.10
Commercial	ccf	\$7.10
Industrial	ccf	\$7.10
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	\$0.3762
TSS Monitoring	lb. Actual Cost	\$0.2867 Actual Cost
Contract/Wholesale Users High-Strength Charge (for strengths above 250 mg/l)	ccf	\$2.26
BOD	lb.	\$0.3762
TSS Monitoring	lb. Actual Cost	\$0.2867 Actual Cost

Effective January 1, 2017

<u>User Class</u>	<u>Unit</u>	<u>Dollars</u>
Billing Charge	Per Account	\$4.50
Volume Charge		
Residential	ccf	\$8.45
Commercial	ccf	\$8.45
Industrial	ccf	\$8.45
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	\$0.4476



TSS Monitoring	lb. Actual Cost	\$0.3412 Actual Cost
Contract/Wholesale Users High-Strength Charge (for strengths above 250 mg/l)	ccf	\$2.69
BOD	lb.	\$0.4476
TSS Monitoring	lb. Actual Cost	\$0.3412 Actual Cost

SECTION 2: For residential users only, a winter month's average will be used to calculate the metered water usage so that for the months of April through October a residential customer's sewer bill will be based upon the average monthly water usage during the previous five (5) months, i.e., November through March.

SECTION 3: Emergency Clause. It is hereby determined that the adoption and collection of the monthly sewer user charges set forth herein is essential to the proper operation and maintenance of the City's sanitary sewer system. Therefore, an emergency is declared so that the provisions of this Ordinance shall be in full force and effect as of passage and the user charges shall be effective as of the dates set forth herein.

PASSED AND APPROVED this 7<sup>th</sup> day of April 2015.

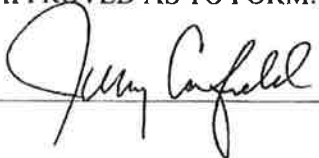
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

 publish once

## **Attachment F: Enforcement Response Plan**

2017

# Enforcement Response Plan

FOG Program

CITY OF FORT SMITH | 3900 Kelley Hwy. Fort Smith, Arkansas

# Enforcement Response Plan

## 1.0 General

The purpose of the City of Fort Smith Enforcement Response Plan (ERP) is to provide guidance for City staff in all phases of enforcement related to the City's FOG Program. Ordinance 89-16 provides general guidance. The ERP is subject to the provisions of Ordinance 89-16.

## 2.0 Enforcement Response Plan

Ordinance 89-16 implements the City of Fort Smith FOG Program mandated by the Consent Decree. The ordinance provides limitations on discharges in Section 25-239 for FOG Generators and for enforcement actions in Section 25-246. The enforcement philosophy is progressive; that is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. No enforcement procedure is contingent upon the completion of any less formal procedure. The procedures provided in the ERP are for general guidance of the City staff; its procedures are not jurisdictional and are not a basis for defense to action taken by the City as a result of a violation of Ordinance 89-16, a permit or other applicable law.

Section 25-240 of Ordinance 89-16 requires that all FOG Generators obtain a FOG wastewater discharge permit as a condition of discharge. Permits may be for a period as long as two years, and may limit wastewater constituents and flows, may require installation of appropriate grease control device(s), ensure operation of sampling and monitoring facilities, and establish compliance schedules and require submission of periodic reports and notices as needed. The FOG wastewater discharge permit represents the City's first means of controlling the wastewater discharge by FOG Generators since, if permit requirements are met by the permittee, no further enforcement activity should be required.

## 3.0 Staff Responsibilities

The ERP is administered by the Environmental Monitoring Supervisor under the general supervision of the Management Team and in close coordination with Legal Counsel. The Management Team consists of the Environmental Quality Program Manager, Deputy Director of Operations, and the Director of Utilities. The Environmental Monitoring Supervisor may delegate certain tasks to subordinates. The Environmental Monitoring Supervisor shall maintain records of activities conducted as part of the ERP and render periodic reports to the Management Team at such frequency and in such detail as the Management Team shall determine. Table 3.1 shows the enforcement response and the personnel who have a role in each response. The bolded "X" indicates the person who has primary responsibility for that enforcement response.

# Enforcement Response Plan

Table 3.1: Personnel Involved in Enforcement Response

Enforcement Response	Legal Staff	Director of Utilities	Deputy Director of Operations	Environ. Quality Program Manager	Environ. Monitoring Supervisor	FOG Coord.	FOG Insp.
Notice of Deficiency					X	<b>X</b>	X
Notice of Violation					<b>X</b>	X	X
Final Notice of Violation					<b>X</b>	X	X
Review Meeting				X	<b>X</b>	X	
Standards Meeting			X	<b>X</b>	<b>X</b>	X	
Admin. Order			X	<b>X</b>	X	X	
Admin. Penalties			X	<b>X</b>	X	X	
Show Cause Hearing		X	X	<b>X</b>	X	X	
Judicial Actions	X	<b>X</b>	X	X	X	X	
Termination of Permit or Service	X	<b>X</b>	X	X	X	X	

Note: The bolded "X" means that person has primary responsibility for that enforcement response.

### 3.1 FOG Inspectors(s)

The FOG Inspector(s) is responsible for all sample collection, flow analysis, and conducts site inspections/audits of all FOG Generators currently permitted. The FOG Inspector reviews and logs all data into the City Lucity Computer Database and notifies the appropriate staff of any violations found during those activities. In the event a permit compliance violation is found, the FOG Inspector also notifies the FOG Coordinator.

The FOG Inspector(s) also reviews and logs all data obtained from FOG hauler permits and manifests and if a violation is found, produce the notice of violation for the appropriate staff to sign.

### 3.2 FOG Coordinator

The FOG Coordinator oversees the day-to-day operations of the City's FOG program. When informed of a violation, the FOG Coordinator reviews and verifies the violation, and produce the Notice of Violation for the appropriate staff to sign. The FOG Coordinator tracks all violations and the responses to those

# Enforcement Response Plan

violations to ensure all responses are received in a timely manner.

The FOG Coordinator also conducts site inspections/audits of all FOG Generators currently under informal and formal enforcement actions as well as a portion of those is compliance to ensure proper inspections/audits protocol is followed and to look for way to better the inspections/audits procedures. As part of that inspection/audit a report is generated which contains both required actions by the FOG generator and recommended actions by the user.

The FOG Coordinator is responsible for producing all informal enforcement actions (i.e. Notice of Deficiency, Notice of Violation, Final Notice of Violation, Review Meetings, etc.)

## 3.3 Environmental Monitoring Supervisor

The Environmental Monitoring Supervisor is responsible for the day-to-day operations of the City's FOG Program. The Environmental Monitoring Supervisor signs all informal enforcement actions (i.e. Notice of Deficiency, Notice of Violation, Final Notice of Violation, Review Meetings, etc.) The Environmental Monitoring Supervisor also keeps the Environmental Quality Program Manager informed about all informal enforcement actions.

The Environmental Monitoring Supervisor also conducts annual site inspections/audits of FOG Generators currently under formal enforcement actions.

The Environmental Monitoring Supervisor is responsible for producing low-level formal enforcement actions (i.e. Standards Meetings, Administrative Orders, and Penalties).

## 3.4 Environmental Quality Program Manager

The Environmental Quality Program Manager is ultimately responsible for the day-to-day administration of the City's FOG program. The Environmental Quality Program Manager signs all low-level formal enforcement actions (i.e. Standards Meetings, Administrative Orders, and Administrative Penalties). The Environmental Quality Program Manager also keeps the other members of the Management Team informed about all formal enforcement actions.

## Enforcement Response Plan

The Environmental Quality Program Manager is responsible for producing mid-level formal enforcement actions (i.e. Compliance Schedules and Consent Orders) as well as organizes evidence and documentation for high-level formal enforcement actions (i.e. Show Cause Hearings, Judicial Actions, and Termination of Permit, Services and Sewer Bans).

### 3.5 Deputy Director of Operation

The Deputy Director of Operations is responsible for the administration of both the wastewater treatment plants and Environmental Quality Program. The Deputy Director of Operations chair all Standards Meetings and Show Cause Hearings, and review Administrative Orders and Administrative Penalty assessments.

The Deputy Director of Operations will review all evidence and documentation for high-level formal enforcement actions (i.e. Show Cause Hearings, Judicial Actions, and Termination of Permit, Services and Sewer Bans), to determine if those steps should proceed.

### 3.6 Director of Utilities

The Director of Utilities will review all evidence and documentation for high-level formal enforcement actions (i.e. Show Cause Hearings, Judicial Actions, and Termination of Permit, Services and Sewer Bans), and will make the final decision to move forward with the high-level formal enforcement actions. The Director of Utilities will chair any meeting held with the FOG Generator prior to such action being taken.

### 3.7 Legal Staff

The Legal Staff will review all evidence and documentation for high-level formal enforcement actions and advise the Director of Utilities if such actions are warranted and legal. If the Legal Staff deems the actions are not warranted or legal, the Legal Staff will make recommendation on how to proceed based on Ordinance 89-16 and the ERP.

## 4.0 Collection and Dissemination of Information

For each FOG Generator, the Environmental Monitoring Supervisor shall determine what data is required or needed to determine compliance with applicable FOG standards as well as when and how it can be obtained. The Environmental Monitoring Supervisor shall specify reporting requirements for each FOG Generator in its permit as required by the United States Environmental Protection Agency (EPA) and shall then track the submission of reports. If information submitted is deficient or late, the FOG Generator shall be notified and required to complete the submission as detailed in the appropriate enforcement response.

## Enforcement Response Plan

Inspection/audit reports, 90-day compliance reports, reports required by compliance directives and continuing compliance reports as received shall be retained for at least three years under the provisions of 40 CFR, 403.12(o).

The Environmental Monitoring Supervisor shall report the results of City inspections, sampling and analysis to FOG Generators. The Environmental Monitoring Supervisor will provide feedback to FOG Generators on compliance status and inform FOG Generators of their compliance with City's enforcement requirements and City's general responses to instances of noncompliance.

### 5.0 Sampling and Inspection of FOG Generators

The FOG Coordinator shall prepare and update, as required, an inspection plan for field investigations including sample collection, facility inspections and flow monitoring. Field investigations shall be used to verify compliance status, to monitor FOG Generator self-monitoring activities, to collect samples, to initiate emergency or remedial action and to gather additional information. City personnel may conduct routine compliance monitoring or special monitoring in response to violations, technical problems or support for permit modifications. Routine inspections, audits, and wastewater sampling shall be conducted for each FOG Generator at least once per permit cycle.

The Environmental Monitoring Supervisor shall further develop such checklists and procedures for routine inspections as are necessary to assure that the results of each visit are documented and notify FOG Generators of any deficiencies found during any inspection.

### 6.0 Compliance Screening and Evaluation

Using all available information, the FOG Coordinator and Environmental Monitoring Supervisor, or their designated agent, shall conduct an initial compliance review or screening process to determine and assess compliance with schedules, reporting requirements and applicable FOG standards. Reviews completed under this section is designed to identify compliance issues.

During the screening process, the reviewer shall verify that any required reports are submitted on schedule, cover the proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with the requirements in the FOG generator's permit. Any discrepancy shall be



## Enforcement Response Plan

considered to be a violation of the ERP. To the extent possible, the FOG Generator will be required to correct such discrepancies immediately upon their discovery.

### 7.0 Significant Noncompliance (SNC)

After completion of the compliance screening, violations will be characterized and a determination made as to whether the user is in Significant Noncompliance (SNC). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations are significant and must be identified as such. Such SNC may be on an individual or long-term basis of occurrence.

Categorization of FOG Generators as being in SNC allows the City to establish priorities for enforcement action and provides a means for reporting on the FOG Generator performance summary.

#### 7.1 Determining SNC

Instances of SNC are FOG Generator violations that meet one or more of the following criteria (From 40 CFR Part 403.8 (f)(2)(viii)):

- A. Any other violation of a FOG Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- B. 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 under paragraph (f)(1)(vi)(B) of the above cited CFR, to halt or prevent such a discharge;
- C. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- D. Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

## Enforcement Response Plan

- E. Failure to accurately report non-compliance;
- F. Any other violation or group of violations that the City determines will adversely affect the operation or implementation of the local pretreatment program.
- G. Actions that are directly responsible for a FOG related SSO, which the City is able to track it solely to a specific generator.

- 7.2 When a FOG Generator is in SNC, the City shall address the SNC through appropriate enforcement action.

## 8.0 Enforcement Evaluation

Violations and discrepancies identified during the compliance screening process will be evaluated by the Environmental Monitoring Supervisor, or his/her designated agent, to evaluate the type of enforcement response required. The “Enforcement Response Plan Guide” attached to the ERP will be used for this determination.

# Enforcement Response Plan

## 9.0 Means of Enforcement

The enforcement philosophy of the City's ERP is progressive; that is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. However, no enforcement procedure is contingent upon the completion of any less formal procedure. Enforcement is based on the level of severity of the violation.

The ERP Enforcement Actions are broken into two (2) categories, informal and formal. This allows the City to work with the FOG Generators to achieve compliance, yet gives the tools required to bring FOG Generators into compliance when needed.

### 9.1 Informal Enforcement Actions

Informal enforcement actions consist of the following:

- Notice of Deficiency;
- Notice of Violation;
- Final Notice of Violation; and
- Review Meeting.

A description of the informal enforcement actions is given in the succeeding paragraphs. No informal action is a prerequisite for instituting formal enforcement procedures.

#### 9.1.1 Notice of Deficiency

A Notice of Deficiency is a written notice to the FOG Generator that the City has noted a minor computational or typographical error on a submitted report and expects the error to be corrected. The Notice of Deficiency shall state that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. Notices of Deficiency shall be sent by mail or e-mail with copies maintained in the FOG Generator's file.

#### 9.1.2 Notice of Violation

A Notice of Violation(s) is a written notice to the FOG Generator that the City has observed a violation of FOG standards or requirements and expects the non-compliance to be corrected. The Notice of Violation shall state that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. A notice of violation shall also state that an explanation of the violation does not excuse it or any previous violations. Notices of violation shall be sent by e-mail and certified mail, return receipt requested, with copies maintained in the FOG Generator's file.

# Enforcement Response Plan

## 9.1.3 Final Notice of Violation

A Final Notice of Violation shall be issued upon the instance of a repeat violation as determined by repeat inspection/sampling. The Final Notice of Violation shall have the same content as a Notice of Violation. However, if said compliance is not achieved in a timely manner, the City shall proceed with other methods as outlined in other sections of this document. Final Notice of Violation shall be sent by e-mail and certified mail, return receipt requested, with copies maintained in the FOG Generator's file.

## 9.1.4 Review Meeting

Where further violations continue to occur, the FOG Generator shall be notified by the Environmental Monitoring Supervisor in writing as to the particulars of the violations and be called for a voluntary meeting with the FOG Generator. Review meetings are intended to provide a voluntary means of preventing future violations of the City's FOG Program. The notice sent to the FOG Generator shall be sent by e-mail and certified mail, return receipt requested, with copies maintained in the FOG Generator's file, and shall be entitled "Notice of Review".

Neither the Notice of Violation nor Final Notice of Violation is a precondition for calling a review meeting.

## 9.2 Formal Enforcement Actions

Formal enforcement actions consist of the following:

- Standards Meeting;
- Administrative Order;
- Administrative Penalties;
- Show Cause Hearing;
- Judicial Actions; and
- Termination of Permit, Service, and Sewer Ban.

A description of the formal enforcement actions is given in the succeeding paragraphs. No informal or formal action is a prerequisite for instituting a higher level of formal enforcement procedures.

### 9.2.1 Standards Meeting

Standards Meetings are called in cases where, following a review meeting, continued violations occur or where violations of themselves are either of significant magnitude or duration, an FOG Generator may be required by

## Enforcement Response Plan

the City through a “Notice of Standards Meeting” to attend a “Standards Meeting.”

Notice of such a meeting shall be sent by e-mail and certified mail, return receipt requested. Attendance is mandatory by the FOG Generator and failure to comply with such a notice may result in other formal action. The Standards Meeting shall establish procedures, investigations and studies as the Environmental Quality Program Manager deems necessary and desirable to determine the cause of such violations and methods to correct them. The Deputy Director of Operations shall chair the Standards Meeting and minutes shall be kept.

### 9.2.2 Administrative Orders

Administrative Orders (AOs) are enforcement documents that direct FOG Generators to undertake or to cease specified activities. Administrative orders are the first formal response to significant non-compliance, and may incorporate compliance schedules, administrative penalties, and termination of service orders. Compliance with the terms and conditions of the AO will not be construed to relieve the user of its obligation to comply with applicable Federal, State or local law. Violation of the AO itself may subject the user to all penalties available under the Ordinance 89-16. No provision of the order will be construed to limit the City's authority to implement its FOG program. The provisions of the order shall be binding upon the user, its officers, directors, agents, employees, successors, assigns, and all persons, firms, and corporations acting under, through, or on behalf of the FOG Generator.

The AO shall be sent to the FOG Generator by e-mail and certified mail, return receipt requested, with copies maintained in the FOG Generator's file, and shall be entitled “Administrative Order to Comply”.

### 9.2.3 Administrative Penalties

Notwithstanding any other section of this ERP, any user who is found to have violated any provision of Ordinance 89-16, or FOG regulation, requirement, or permits and orders issued, may be fined using a flat rate schedule with escalation not to exceed one thousand dollars (\$1,000.00) per violation.

Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. The fine schedule for violations of FOG discharge permits shall begin at one hundred dollars (\$100.00) per violation and increases by \$100.00 increments for each subsequent violation to a maximum of \$1,000.00 per violation. If the user remains in full compliance for a period of one year, the cycle

## Enforcement Response Plan

begins anew and subsequent fines are assessed at \$100.00 and increased by \$100.00 increments.

The City shall notify the FOG Generator when administrative penalties are assessed and the amount of the administrative penalty. This will be done by mail or e-mail for each fine assessed during a month. At the end of the month a formal notice of all administrative penalties assessed during the month and the total administrative penalties amount for that month for that FOG Generator shall be sent by e-mail and certified mail, return receipt requested, with copies maintained in the FOG Generator's file, and shall be entitled "Administrative Penalties Assessed". The administrative penalties will then be sent to City's Finance Department and the administrative penalties will be added on to the FOG Generator's monthly sewer bill.

The City may allow a non-compliant FOG generator who voluntarily comes under a consent order to redirect the collection of a portion of the administrative penalty funds into physical environmental improvements at the FOG generator user's facility. This will allow the FOG Generator to reinvest the funds rather than be purely punitive in nature and bring the FOG Generator back into compliance. This option shall be a onetime venture and approval shall be at the discretion of the City.

### 9.2.4 Show Cause Hearing

The City may order any FOG Generator who causes or allows an unauthorized discharge into the City's sanitary sewer system or violates the City's FOG program to show "cause" why the City should not revoke the FOG Generator's wastewater discharge permit or take such other enforcement action as is dictated by the facts of the case. The City shall issue such a notice for Show Cause Hearing specifying the time and place of a hearing to be held by the City. Such notice shall state the reasons why the action is to be taken and the proposed enforcement action. Such notice shall direct the FOG Generator to show cause before the City why such action should not be taken. Following such hearing, the City may take such action as it deems appropriate. The notice of the Show Cause Hearing shall be served personally or by certified or registered mail, return receipt requested, with copies maintained in the FOG Generator's file.

Subsequent to a Show Cause Hearing, appropriate actions may include the following:

- a. Consent Order. The Consent Order is an agreement between the City and the FOG Generator containing: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of the City and FOG Generator representatives.
- b. Judicial Actions.

## Enforcement Response Plan

- c. Termination of permit, service, and sewer ban.

The Utilities Director shall chair the Standards Meeting and minutes shall be kept.

### 9.2.5 Judicial Actions

If any person discharges sewage, FOG/industrial wastes, or other wastes into the City's sanitary sewer system contrary to provisions of Ordinance 27-16 and 89-16, its wastewater discharge permit or order, or any applicable State or Federal law, the City, through legal counsel, may commence an action for appropriate legal and/or equitable relief, including recovery of civil penalties assessed by the City, in the appropriate court in Sebastian County, subject to the provisions of Section 25-246 of Ordinance 87-16.

#### 9.2.5.1 *Injunctive Relief*

Whenever a FOG Generator has violated or continues to violate the provisions of Ordinance 89-16, its wastewater discharge permit or order, or any applicable State or Federal law, the City through legal counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the FOG Generator.

#### 9.2.5.2 *Civil Penalties*

Whenever a FOG Generator has violated or continues to violate the provisions of Ordinance 89-16, its wastewater discharge permit or order, or any applicable State or Federal law, the City through legal counsel may commence an action for appropriate legal and/or equitable relief, including recovery of civil penalties assessed by the City, in the appropriate court in Sebastian County, subject to the provisions of Section 25-246 of Ordinance 89-16.

### 9.2.6 Termination of Permit, Service, and Sewer Ban

Any user who violates the conditions of Ordinance 89-16, or a wastewater discharge permit or order, or any applicable or State and Federal law, is subject to permit termination. The City shall have legal authority to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons, or to the environment, or which threatens to interfere with the POTW's operation.

## Enforcement Response Plan

Assuming other enforcement responses are unsuccessful, the types of violations warranting termination of service are:

- Unpermitted discharge(s) which violate the POTW's NPDES permit or which create a dangerous situation threatening human health, the environment, or the treatment plant.
- Discharge(s) that exceed local or categorical discharge limits and result in damage to the environment.
- Slug loads causing interference, pass through, or damage to human health, the environment, or the treatment plant.
- Failure of the FOG Generator to notify the City of effluent limit violations or slug discharge which resulted in environmental or POTW damage.
- Complete failure of the FOG Generator to sample, monitor, or report as required by an Administrative Order.
- Failure of the FOG Generator to install required monitoring equipment per the condition of an Administrative Order.
- Major violation of a permit condition or Administrative Order accompanied by evidence of negligence or intent.

Termination would include turning off water service to the user, the physical disconnection of the user's service lateral, and forbidding reconnection to the sewer.

### 10.0 Affirmative Defenses

FOG Generators may at any time request an informal meeting or a Review Meeting with the City. These meetings can be used to clarify permit or violation issues. All FOG Generators have the right to defend themselves by presenting evidence when violations are issued. The two (2) affirmative defenses recognized are "Treatment Upset" and "Treatment Bypasses", however, certain conditions must be met to use these affirmative defenses.

#### 10.1 Treatment Upset

Any FOG Generator which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment devices, inadequate treatment devices, lack of preventative maintenance, or careless or improper operation, shall inform the Environmental Monitoring Supervisor thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filled by the user within five (5) days. The report shall contain:

- a) A description of the upset, its cause(s), and impact on the discharger's compliance status;



## Enforcement Response Plan

- b) The duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance is continuing, and the time by which compliance is reasonably expected to be restored; and
- c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

A FOG Generator which complies with the notification provision of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the City for any noncompliance with Ordinance 89-16, or an order or permit issued hereunder by the user, which arises out of violations attributed to and alleged to have occurred during the period of the documented and verified upset.

### 10.2 Treatment Bypasses

A bypass of the treatment system is prohibited unless all of the following conditions are met:

- a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
- c) The FOG Generator properly notified the Environmental Monitoring Supervisor as described in the paragraph below.

FOG Generators must provide immediate notice to the Environmental Monitoring Supervisor upon the discovery of an unanticipated bypass. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

- a) An explanation of the cause(s) and nature of the bypass;
- b) The duration of the bypass, including exact dates and times of bypass and if the bypass is continuing, and the time by which bypass is reasonably expected to be ended; and
- c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such a bypass.

A FOG Generator may allow a bypass to occur which does not cause FOG standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. FOG Generators anticipating a bypass must submit a written notice to Environmental Monitoring Supervisor at least ten (10) days prior to the bypass. The Environmental Monitoring Supervisor may only approve the anticipated bypass if the circumstances satisfy those set forth in this paragraph.

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# Enforcement Response Plan Guide

SUPPLEMENT TO THE ENFORCEMENT RESPONSE PLAN

CITY OF FORT SMITH | 801 Carnall Ave. Suite 500. Fort Smith, Arkansas

# Enforcement Response Plan Guide

## PART I: Reporting (FLOW CHART #I-3)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
<b>Reporting Deficiencies</b>	Minor deficiency (computational or typographical)	Written and e-mailed NOD requiring a corrected report within 5 days.	EMS, FC	5-Days from Discovery	Compliant
	No response received for NOD.	Written and e-mailed NOV requiring a report within 10 days.	EMS, FC	5-Days from Discovery	NC
	No response received for NOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC
	Major deficiency - isolated or infrequent incident (missing info, late report)	Written and e-mailed NOV, requiring a report within 10 days. RM requested.	EMS, FC	5-Days from Discovery	NC
	No response received for NOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC
	Second major deficiency in a row - (missing info, late report)	Written and e-mailed FNOV, requiring a report within 10 days. RM requested.	EMS, FC	5-Days from Discovery	NC
	No response received for FNOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC

DU = Director of Utilities	NOD = Notice of Deficiency	AP = Administrative Penalties
DDO = Deputy Director of Operations	NOV = Notice of Violation	SCH = Show Cause Hearing
EQPM = Environmental Qual. Program Manager	FNOV = Final Notice of Violation	JA = Judicial Action
EMS = Environmental Monitoring Supervisor	RM = Review Meeting	TPS = Terminate Permit & Service
FC = FOG Coordinator	SM = Standards Meeting	NC = Noncompliant
LS = Legal Staff	AO = Administrative Order	SNC = Significant Noncompliance

# Enforcement Response Plan Guide

## PART I: Reporting (FLOW CHART #I-6)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
<b>Report false information</b>	Any instance	SCH called, JA (including civil penalties), TPS.	DU, DDO, EQPM, EMS,LS	5-Days from Discovery	SNC

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
<b>Failure to re-report</b>	Failure to respond to request or submit any required report later than 45 days of the due date	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	50-Days from Due Date	SNC

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## Enforcement Response Plan Guide

### PART II: Effluent Limits & BMPs (FLOW CHART #II-1)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Exceed permitted effluent limits or failed to follow BMPs	Exceedance caused known environmental (inhibition or pass-through) or POTW damage, 1-time event.	SCH called, AO issued, AP assessed.	DU, DDO, EQPM, EMS, FC	5-Days from Discovery	SNC
	Exceedance caused known environmental (inhibition or pass-through) or POTW damage, multiple times	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	5-Days from Discovery	SNC
	Exceedance caused known environmental (inhibition or pass-through) or POTW damage, continuous	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	15-Days from Initial Discovery	NA
	Isolated or infrequent exceedance, 1-time. < TRC	Written and e-mailed NOV requiring a report within 10 days.	EMS, FC	5-Days from Discovery	NC
	No response received for NOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC
	Second exceedance in a row. < TRC	Written and e-mailed FNOV, requiring a report within 10 days. RM requested.	EMS, FC	5-Days from Discovery	NC
	No response received for FNOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC

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## Enforcement Response Plan Guide

### PART II: Effluent Limits & BMPs (FLOW CHART #II-1: Continued)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Exceed permitted effluent limits or failed to follow BMPs	No response received for the SM or AO.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	Working towards but not in compliance and not yet SNC	AP assessed until compliant or reached SNC	DDO, EQPM, EMS, FC	Ongoing	NC
	Does not follow through on written agreement AO.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	Not working towards compliance.	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	90-Days from Initial Discovery	SNC
	Isolated or infrequent exceedance, 1-time. > TRC	Written and e-mailed NOV, requiring a report within 10 days. SM called.	EQPM, EMS, FC	5-Days from Discovery	NC
	No response received for NOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC
	Second exceedance in a row. > TRC	Written and e-mailed FNOV, requiring a report within 10 days. SM called.	DDO, EQPM, EMS, FC	5-Days from Discovery	NC
	No response received for FNOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC

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## Enforcement Response Plan Guide

### PART II: Effluent Limits & BMPs (FLOW CHART #II-1: Continued)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Exceed permitted effluent limits or failed to follow BMPs	No response received for the SM or AO.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	FSE working towards but not in compliance and not yet SNC	SM called, AP assessed until compliant or reached SNC	DDO, EQPM, EMS, FC	Ongoing	NC
	Does not follow through on written agreement AO.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	Not working towards compliance.	SCH called, JA (including civil penalties), TPS.	DU, DDO, EQPM, EMS, LS	90-Days from Initial Discovery	SNC
	Frequent or continued violation, puts FSE in SNC.	SM called, AO issued, AP assessed.	DDO, EQPM, EMS, FC	90-Days from Initial Discovery	SNC
	No response received for the AO or SM.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	FSE working towards but not in compliance but in SNC	SM called, AP assessed until compliant or reached SNC, Consent Schedule in permit.	DDO, EQPM, EMS, FC	Ongoing	SNC
	FSE refuses or will not come into compliance.	SCH called, JA (including civil penalties), TPS.	DU, DDO, EQPM, EMS, LS	30-Days from Initial Discovery	SNC

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EMS = Environmental Monitoring Supervisor	RM = Review Meeting	TPS = Terminate Permit & Service
FC = FOG Coordinator	SM = Standards Meeting	NC = Noncompliant
LS = Legal Staff	AO = Administrative Order	SNC = Significant Noncompliance



# Enforcement Response Plan Guide

## PART II: Effluent Limits & BMPs (FLOW CHART #II-3)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Discharge without a permit or approval	Discharge has no known environmental (inhibition or pass-through) or POTW damage, 1-time event.	SM called, AO issued.	DDO, EQPM, EMS, FC	5-Days from Discovery	NC
	Discharge has no known environmental (inhibition or pass-through) or POTW damage, multiple times.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	5-Days from Discovery	SNC
	Discharge has no known environmental (inhibition or pass-through) or POTW damage, continuous.	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	15-Days from Initial Discovery	SNC
	Discharge caused known environmental (inhibition or pass-through) or POTW damage, 1-time event.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	5-Days from Discovery	SNC
	Discharge caused known environmental (inhibition or pass-through) or POTW damage, multiple times	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	5-Days from Discovery	SNC
	Discharge caused known environmental (inhibition or pass-through) or POTW damage, continuous	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	15-Days from Initial Discovery	SNC

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LS = Legal Staff	AO = Administrative Order	SNC = Significant Noncompliance



# Enforcement Response Plan Guide

## PART III: Non-compliance Detected Through Inspection/Field Investigation (FLOW CHART #III-2)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Violation of permit conditions	No evidence of negligence or intent	Verbal, written and e-mailed NOV requiring immediate correction and a report within 10 days.	EMS, FC	5-Days from Discovery	NC
	No response received for NOV.	SM called, AO issued.	DDO, EQPM, EMS, FC	20-Days from Initial Discovery	NC
	No response received for the SM or AO.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	Does not follow through on written agreement AO.	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	45-Days from Initial Discovery	SNC
	Evidence of negligence or intent (not deemed extreme)	SCH called, JA (including civil penalties).	DU, DDO, EQPM, EMS, LS	5-Days from Discovery	SNC
	Evidence of negligence or intent (deemed extreme)	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	10-Days from Discovery	SNC
	FSE works towards compliance	AP assessed until compliant.	DDO, EQPM, EMS, FC	Ongoing	Maybe SNC
	FSE refuses or will not come into compliance.	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	90-Days from Initial Discovery	SNC

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FC = FOG Coordinator	SM = Standards Meeting	NC = Noncompliant
LS = Legal Staff	AO = Administrative Order	SNC = Significant Noncompliance

## Enforcement Response Plan Guide

### PART III: Non-compliance Detected Through Inspection/Field Investigation (FLOW CHART #III-3)

	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Refuse access to City Personnel	Refusal of access to City personnel for the purpose of inspection, sampling, or monitoring	Obtain search warrant, SCH called, TPS.	DU, DDO, EQPM, EMS, LS	ASAP	SNC

### PART III: Non-compliance Detected Through Inspection/Field Investigation (FLOW CHART #III-4)

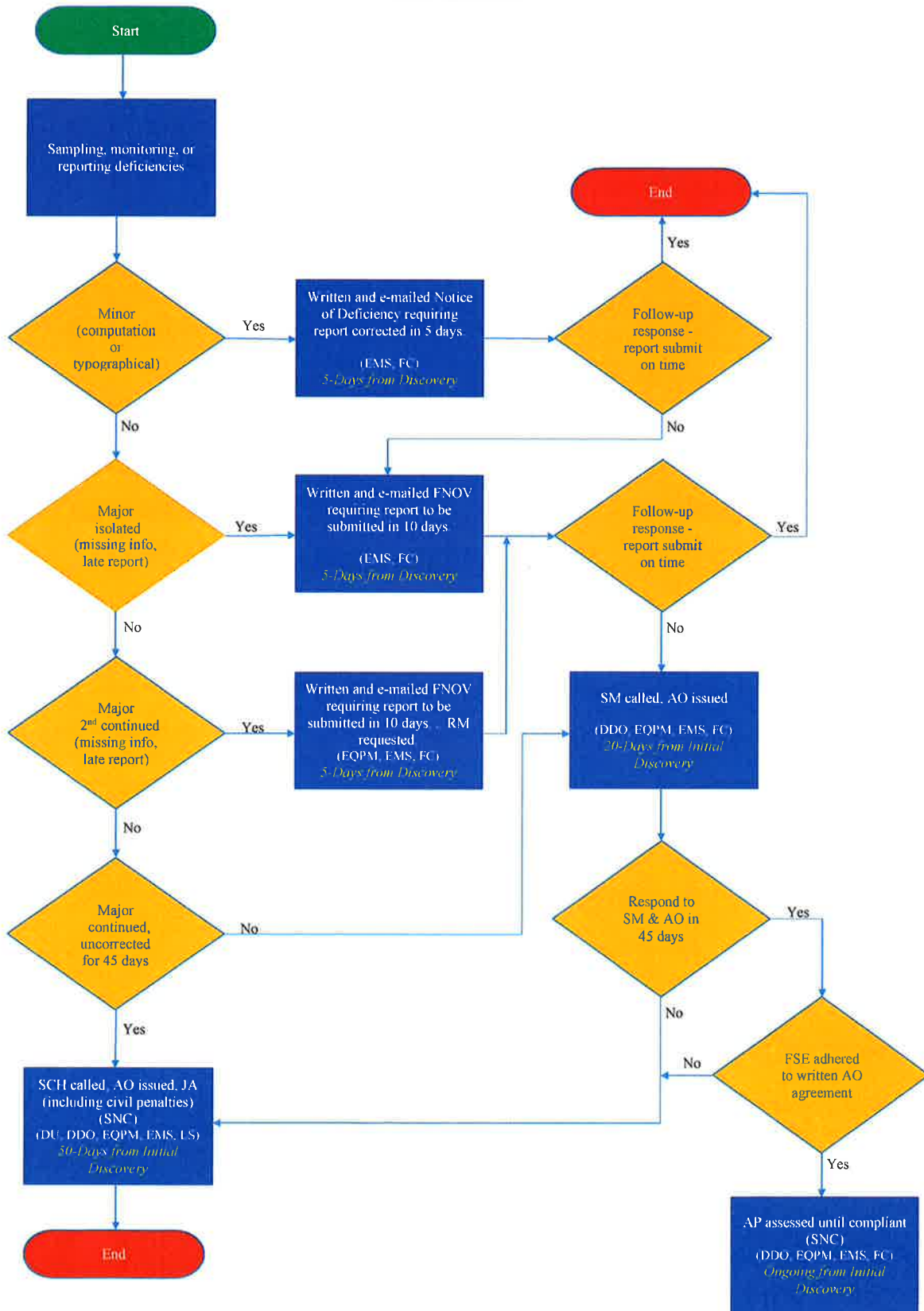
	Circumstances	Response	Personnel	Time Frame of Response	Compliance Status
Failure to comply with repeated requests	Failure to comply with repeated request	SCH called, TPS.	DU, DDO, EQPM, EMS, LS	ASAP	SNC

DU = Director of Utilities	NOD = Notice of Deficiency	AP = Administrative Penalties
DDO = Deputy Director of Operations	NOV = Notice of Violation	SCH = Show Cause Hearing
EQPM = Environmental Qual. Program Manager	FNOV = Final Notice of Violation	JA = Judicial Action
EMS = Environmental Monitoring Supervisor	RM = Review Meeting	TPS = Terminate Permit & Service
FC = FOG Coordinator	SM = Standards Meeting	NC = Noncompliant
LS = Legal Staff	AO = Administrative Order	SNC = Significant Noncompliance

# Enforcement Response Plan Guide

PART I: Reporting

FLOW CHART #I-3



DU = Director of Utilities	NOD = Notice of Deficiency	AP = Administrative Penalties
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## Enforcement Response Plan Guide

PART I: Reporting:

FLOW CHART #I-6



PART I: Reporting:

FLOW CHART #I-7

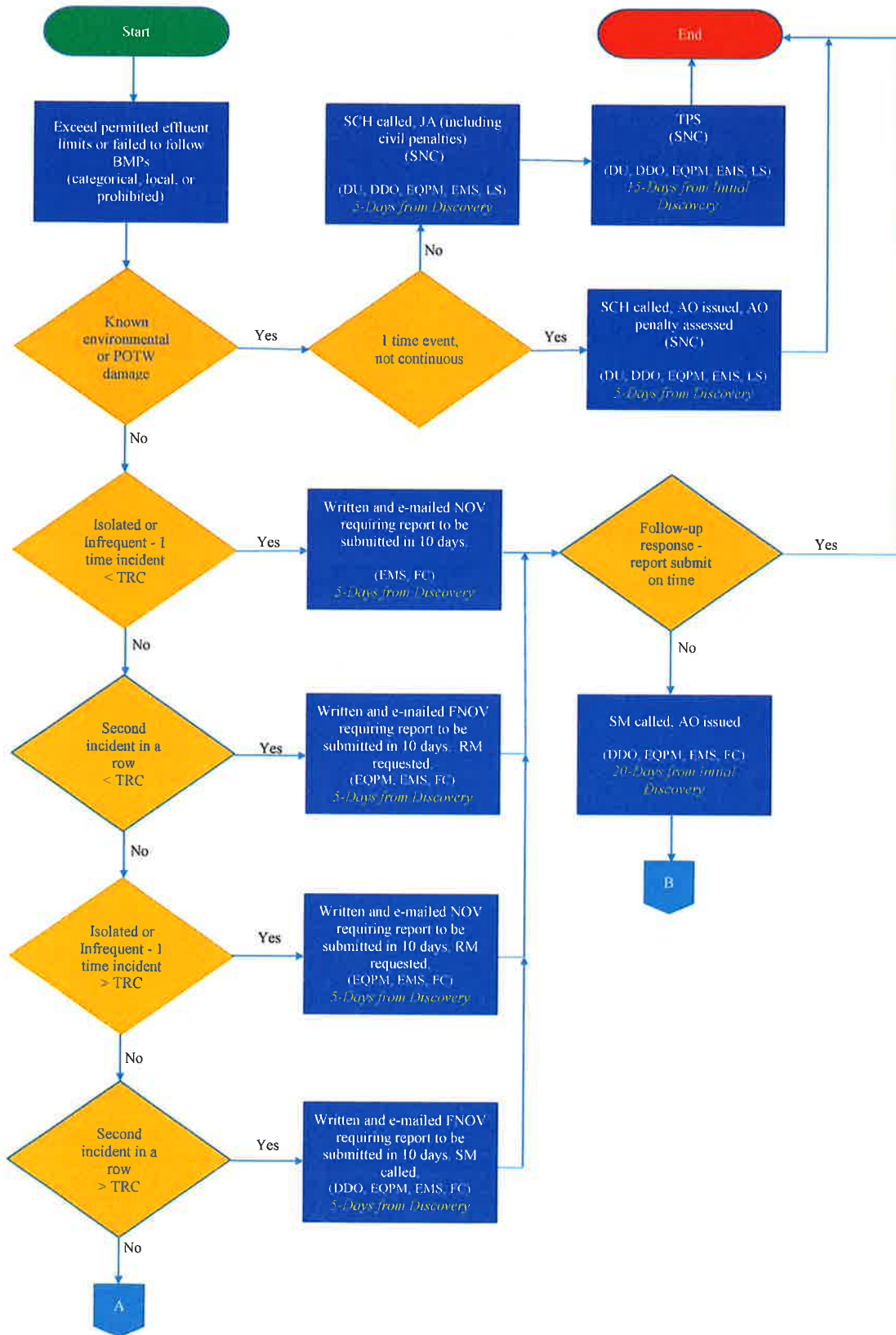


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# Enforcement Response Plan Guide

PART II: Effluent Limits & BMPs:

FLOW CHART #II-1



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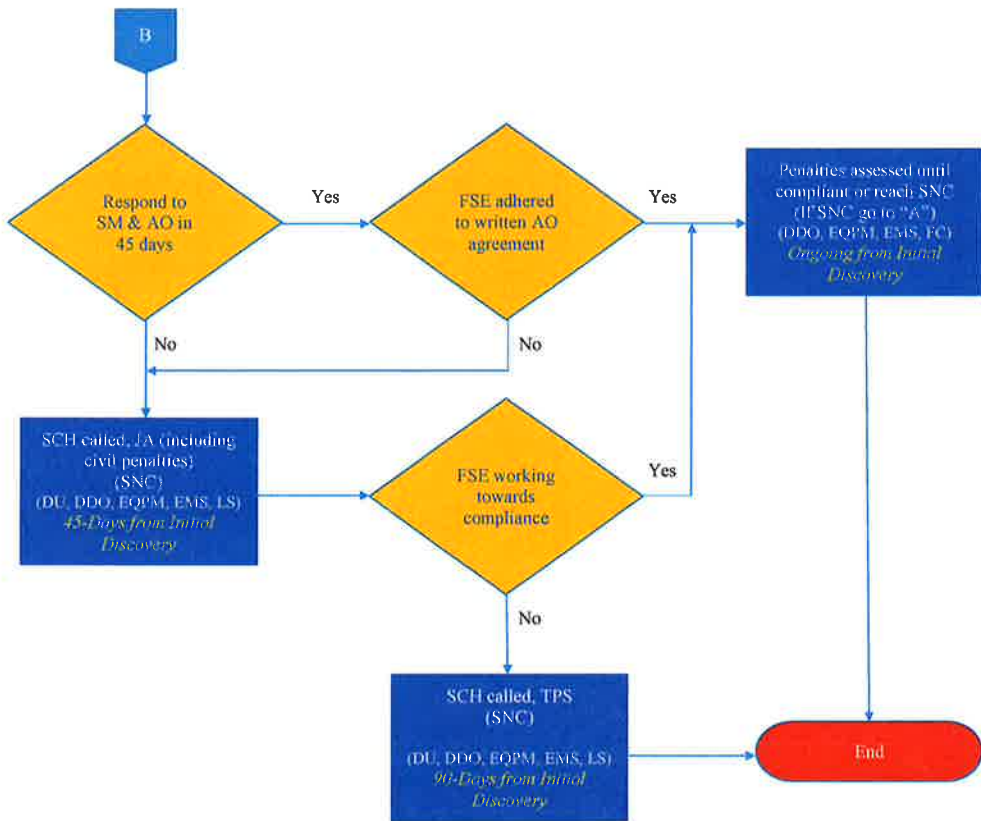
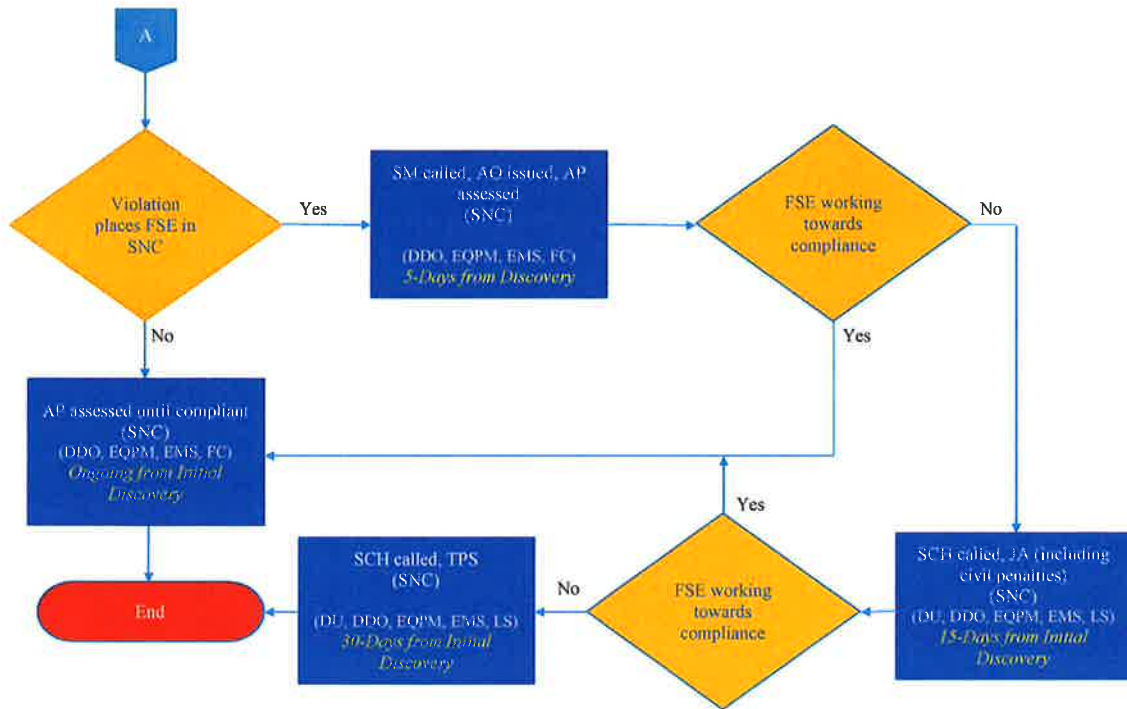
Rev 10/2015



# Enforcement Response Plan Guide

PART II: Effluent Limits & BMPs:

FLOW CHART #II-1 (Continued)

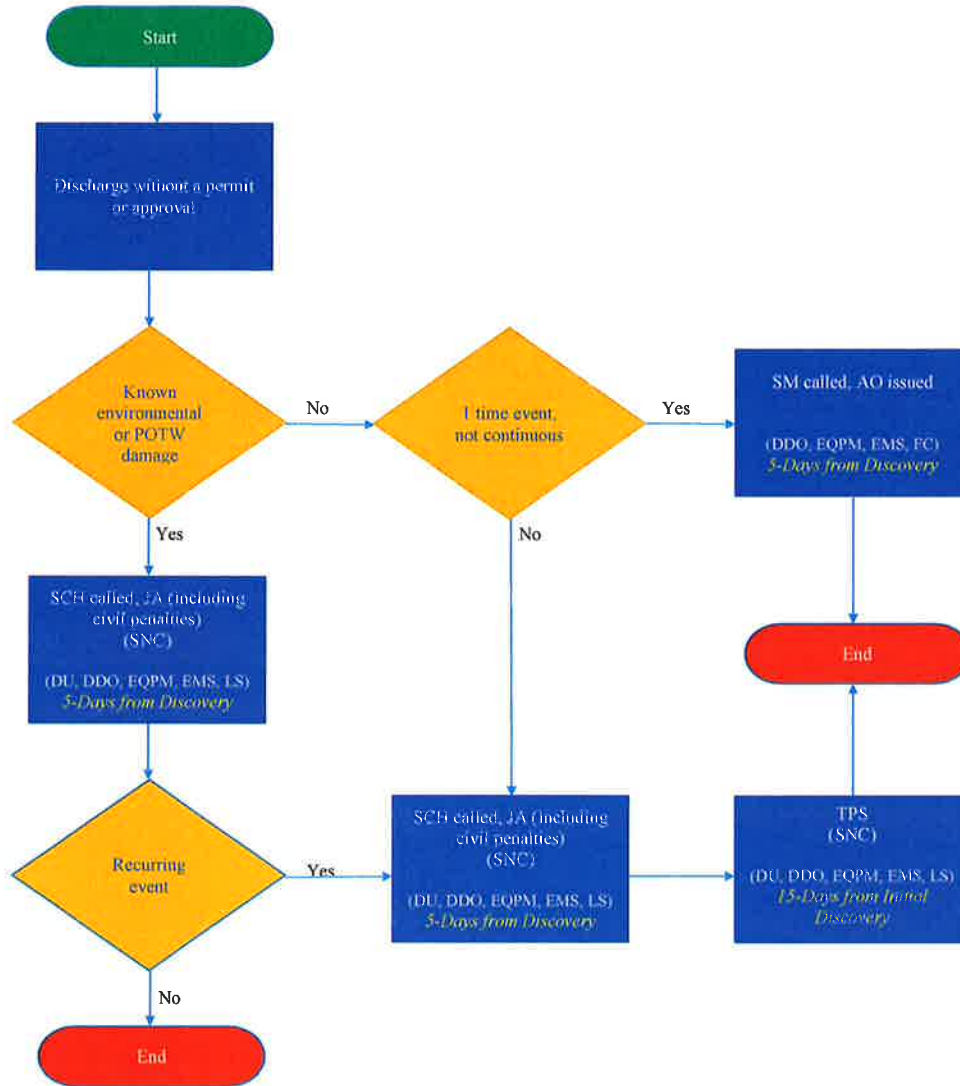


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# Enforcement Response Plan Guide

PART II: Effluent Limits & BMPs:

FLOW CHART #II-3



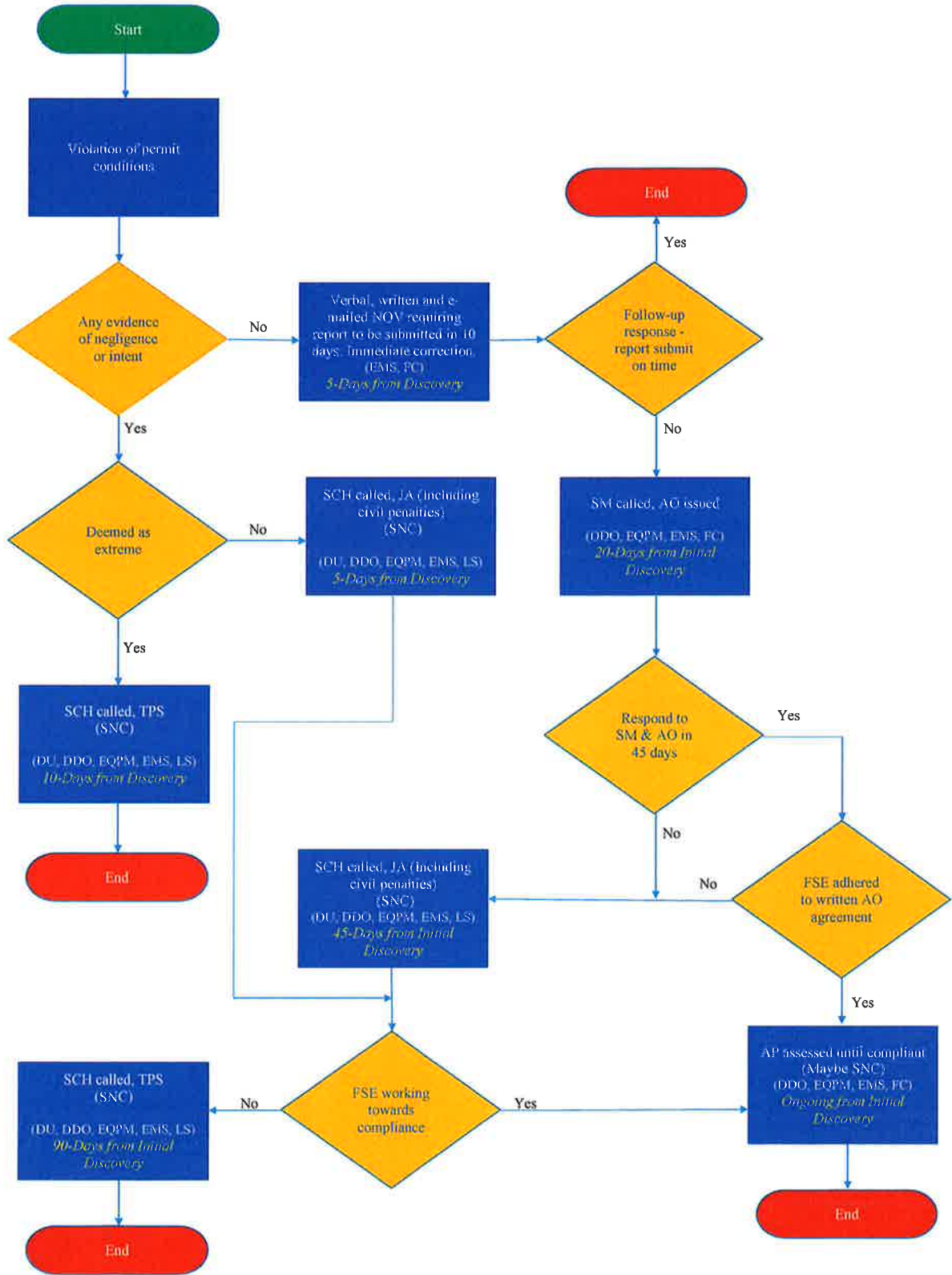
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Rev 10/2015

# Enforcement Response Plan Guide

PART III: Non-compliance Detected Through Inspections/Field Investigations:

FLOW CHART #III-2



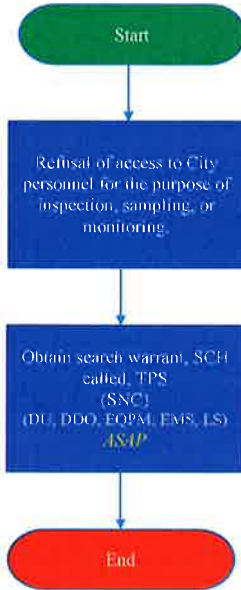
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## Enforcement Response Plan Guide

PART III: Non-compliance Detected Through Inspections/Field Investigations:

FLOW CHART #III-3

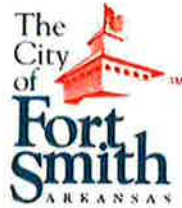


FLOW CHART #III-4



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FC	= FOG Coordinator	SM	= Standards Meeting	NC	= Noncompliant
LS	= Legal Staff	AO	= Administrative Order	SNC	= Significant Noncompliance

## **Attachment G: Templates**



Dear Sir or Madam:

This cover letter serves to help explain why the attached Fats, Oils, and Grease Waste Survey is being sent to you or your business. The Fats, Oils, and Grease Waste Survey is designed to identify those non-residential water users which may generate Fats, Oils, and Grease (FOG). Even if you feel that your business would not be applicable to this survey, please fill it out to the best of your ability so that the City may keep updated records to stay compliant with local, state, and federal regulations.

The Consent Decree that was issued to the City of Fort Smith by the U.S. Department of Justice, as well as City Ordinance 89-16 requires the identification of all possible FOG Generators to identify the character and volume of pollutant(s) contributed to the Publicly Owned Treatment Works by the user, and to notify users of applicable FOG Standards and other applicable regulatory requirements.

In addition to identifying potential FOG Generators that may be subject to the FOG Program, the Fats, Oils, and Grease Waste Survey provides the City with a comprehensive list of non-residential users. This information is useful for identifying potential problem discharges that may occur, for characterizing the user base and in contacting non-residential users regarding information requests or notification of program or ordinance changes which may affect the Users.

If you have any questions, you may contact the City at one of the contacts listed below.

Rachel Sharp  
(479)-494-3938  
rsharp@fortsmithar.gov

John Hancock  
(479)-784-2335  
jhancock@fortsmithar.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "JWalters".

Jerry Walters  
Utility Director  
City of Fort Smith

Utility Department • 801 Carnall Avenue, Suite 500  
Fort Smith, Arkansas 72901  
(479) 494-3939



# CITY OF FORT SMITH UTILITY DEPARTMENT FATS, OILS, & GREASE WASTE SURVEY

This survey is intended to obtain information needed by the City of Fort Smith to comply with state and federal Pretreatment requirements. Failure to submit a complete and accurate survey may result in penalties including the termination of service. The City may verify the data submitted through phone calls, site inspection, and sample analysis. Answer each question accurately to reflect existing conditions and conditions proposed to occur within 3 to 5 years. Attach additional sheets as necessary.

DIRECTIONS FOR COMPLETING THIS INDUSTRIAL WASTE SURVEY FORM
1. Fill out FOG waste survey form completely. Answer all questions. If you do not know the answer to a question, write "Unknown" in the box. If an answer is not applicable to your facility, write "N/A".
2. Sign the FOG waste survey form (see last page). Must be signed by an Authorized Representative of the User.
3. Failure to submit a complete FOG Waste Survey form or to submit the form <i>within thirty (30) business days</i> is a violation of the City's Ordinance 89-16.
4. Fill out using ink. Do not use a pencil. Write clearly.
5. If you have any questions, please contact the City at: 479-494-3938 or 479-784-2335 or via email at <a href="mailto:rsharp@fortsmithar.gov">rsharp@fortsmithar.gov</a> or <a href="mailto:jhancock@fortsmithar.gov">jhancock@fortsmithar.gov</a>

GENERAL INFORMATION	
Company Name and d.b.a. Business Name, if different	
Name of responsible person at the facility authorized to represent the company in official dealings with the City of Fort Smith.	
Title:	Phone:
Non business hours contact:	Phone:
Email Address (if available):	Physical Street Address of Facility:
Website (if available):	Official Mailing Address if Different:

## SECTION 1

FOOD ESTABLISHMENT/PROCESSING/RESTAURANT SECTOR SPECIFIC QUESTIONS				
<b>Type of Cuisine:</b>				
Seating Capacity:		Average # of meals served/prepared per day:		
Methods of Cooking/Heating/Frying:				
<b>Grease Handling and Disposal</b>				
Garbage Dumpster: <input type="checkbox"/> Yes <input type="checkbox"/> No Maintenance/Cleaning Schedule:				
Grease Control Devices: <input type="checkbox"/> Yes <input type="checkbox"/> No Grease Interceptor <input type="checkbox"/> Grease Trap <input type="checkbox"/> Other <input type="checkbox"/> Specify:				
Waste Oil Recycling Containers: <input type="checkbox"/> Yes <input type="checkbox"/> No Schedule/Frequency of Disposal:				
For each grease trap/interceptor at your facility, complete the chart. If more than 3 are present, attach the additional information on another sheet. Provide a drawing for each under sink and in-ground grease trap/interceptor. The drawing must indicate dimensions in feet.				
Location at Facility	Source of Wastewater <sup>1</sup>	Capacity (lbs or Gal)	Pounds of Grease Removed per Year	Maintenance Service Frequency <sup>2</sup>
<sup>1</sup> <i>Source of Wastewater:</i> In the space provided in the chart, fill in the letter corresponding to the applicable source.				
A. Food Processing		D. Rinses Containing Spent/Discarded Food Product		G. Laboratory Operations
B. Equipment/Vessel Wash Down		E. Spent Cleaning/Sanitizing Solutions		H. Dishwasher
C. Floor Wash Down		F. Fruits/Vegetable Grindings		I. <sup>Other</sup>
<sup>2</sup> <i>Maintenance Service Frequency:</i> In the space provided in the chart, fill in the number corresponding to the applicable maintenance for each trap/interceptor.				

1. Daily	3. Every Month	5. Every Six Months (Semi-Annually)	7. Other
2. Weekly	4. Every Three Months (Quarterly)	6. Every Twelve Months (Annually)	
<b>Waste Hauler Used?</b> : <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, please list the following			
Waste Hauler Company:			
Mailing Address:		Phone #:	
Check below each type of waste that is hauled from your facility.			
Waste Type	Estimated Gallons/Pounds Per Year	Hauler Utilized	
<input type="checkbox"/> Spent Grease Wastes from Grease Trap/Interceptor (Brown Grease)			
<input type="checkbox"/> Spent Cooking Grease from Deep Frying Equipment (Yellow Grease)			
<input type="checkbox"/> Other:			
<b>Kitchen/Prep Area Fixtures</b> (How many of each are present?)			
3 compartment sink :	Floor sink :	Wok :	
2 compartment sink :	Floor drains :	Fryer(s) :	
Hand sink :	Mop sink :	Oven :	
Dishwasher :	Disposal :	Grill :	
Pre-wash sink :	Stove:	Other (specify) _____ :	
<b>Additional Information</b>			
Property Owner:		Phone #:	
Mailing Address:		Email:	
<b>ATTACH A COPY OF THE MENU OR A LIST OF THE ITEMS PREPARED/SERVED AT THE FACILITY</b>			

## SECTION 2

### SIGNATURE SECTION

The Authorized Representative for the Business shall sign this survey and return it within thirty (30) days to:

Environmental Monitoring Supervisor  
City of Fort Smith  
801 Carnall Avenue, Suite 500  
Fort Smith, AR 72901

“I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment for knowing violations.”

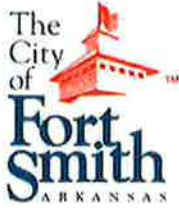
\_\_\_\_\_  
Printed Name of Authorized Representative from Page 1

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Authorized Representative from Page 1

\_\_\_\_\_  
Date

The signing official must have authorization to provide such information on behalf of the company, corporation or partnership. In accordance with Arkansas law, information and data provided in the questionnaire may be available for public review under the Freedom of Information Act. Requests for confidential treatment of the information will be governed by procedures specified by the City's Pretreatment Program and the Freedom of Information Act.



Dear Sir or Madam:

This cover letter serves to help explain why the attached Fats, Oils, and Grease (FOG) Waste Permit Application is being sent to you and/or your business. The FOG Waste Permit Application is designed to assist in compliance with those non-residential water/wastewater users which generate FOG. Even if you feel that your business would not be applicable to this application form, please fill it out to the best of your ability so that the City may keep updated records to stay compliant with local, state, and federal regulations.

The Consent Decree that was issued to the City of Fort Smith by the U.S. Department of Justice, as well as City Ordinance 89-16 requires the identification and permitting of all FOG Generators to identify the character and volume of pollutant(s) contributed to the Publicly Owned Treatment Works by the user, and to notify users of applicable FOG Standards and other applicable regulatory requirements. The Consent Decree also requires the implementation of a permit and enforcement program for all FOG Generators.

With the successful submittal of this FOG Waste Permit Application, the City of Fort Smith will issue you or your business a FOG Waste Permit. There is no current fee associated with this permit, and all supplemental documents such as Best Management Practices, training and maintenance logs, and other record keeping documents will be provided to you at no cost. The permit will be issued in person with a training and educational walk-thru provided by the City of Fort Smith Environmental Quality Staff.

If you have any questions, you may contact the City at one of the contacts listed below.

Rachel Sharp  
(479)-494-3938  
rsharp@fortsmithar.gov

John Hancock  
(479)-784-2335  
jhancock@fortsmithar.gov

Sincerely,

A handwritten signature in black ink, appearing to read "J. Walters".

Jerry Walters  
Utility Director  
City of Fort Smith

Utility Department • 801 Carnall Avenue, Suite 500  
Fort Smith, Arkansas 72901  
(479) 494-3939



**FOG Permit Application Form**  
**Ordinance # 89-16**  
**APPLICATION FOR FATS, OILS AND GREASE (FOG) WASTEWATER**  
**DISCHARGE PERMIT**

**APPLICATION INSTRUCTIONS:** Applicants must provide complete and legible information for this form to be considered for permit application. Incomplete or illegible forms will be returned to the applicant for completion and resubmittal to the City of Fort Smith. The Permit Application must be signed by the official company representative.

**SECTION 1 - General Facility Information**

A. Facility Name: \_\_\_\_\_

B. Facility Address: \_\_\_\_\_  
Street City State Zip Code

C. Facility Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

D. Facility Contact Information:

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Street City State Zip Code

\_\_\_\_\_  
Phone Number Fax e-mail

E. Billing Contact Information:

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Street City State Zip Code

\_\_\_\_\_  
Phone Number Fax e-mail

Utility Department • 801 Carnall Avenue, Suite 500  
Fort Smith, Arkansas 72901  
(479) 494-3939

**SECTION II – Facility Operations Information**

F. Check all that apply to your facility:

Type of Food Service	Location
<input type="checkbox"/> Fast Food Restaurant	<input type="checkbox"/> School
<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Strip Mall
<input type="checkbox"/> Buffet	<input type="checkbox"/> Restaurant
<input type="checkbox"/> Take Out Facility	<input type="checkbox"/> Mall/Food Court
<input type="checkbox"/> Coffee Shop	<input type="checkbox"/> Stadium/Amusement Park
<input type="checkbox"/> Bakery	<input type="checkbox"/> Club/Organization
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Company/Office Building
<input type="checkbox"/> Ice Cream Shop	<input type="checkbox"/> Hospital/Medical Center
<input type="checkbox"/> Cocktail or Bar	<input type="checkbox"/> Nursing Home
<input type="checkbox"/> Catering	<input type="checkbox"/> Hotel/Motel
<input type="checkbox"/> Food Packager	<input type="checkbox"/> Supermarket
<input type="checkbox"/> Meat Processor	<input type="checkbox"/> Church/Religious Institution
<input type="checkbox"/> Other	<input type="checkbox"/> Prison/Jail
	<input type="checkbox"/> Other

G. Provide comprehensive site plans including:

- Floor Plans
- Plumbing Plans
- Mechanical Plans
- Sewer Location
- Floor Drains
- Chemical Storage Sites
- FOG Control Devices by size, location, elevation and all points of discharge.

For existing facilities, the FOG Generator may provide a schematic drawing and permit access for inspection by the Control Authority. A qualified professional must certify to the accuracy of these submittals for new construction.

H. NAICS codes (defined by Fort Smith Code Section 25-206(d) (35) of all process being conducted at the facility.

I. Please indicate each item and the quantity your facility currently operates:

Food Processing Equipment	Kitchen Equipment
---------------------------	-------------------



	QTY		QTY		QTY
<input type="checkbox"/> Deep Fryer		<input type="checkbox"/> Wok		<input type="checkbox"/> Dishwasher	
<input type="checkbox"/> Char broiler		<input type="checkbox"/> Other		<input type="checkbox"/> Pre-Rinse Sink	
<input type="checkbox"/> Griddle				<input type="checkbox"/> Mop Sink	
<input type="checkbox"/> Grill				<input type="checkbox"/> Floor Drains	
<input type="checkbox"/> Stove				<input type="checkbox"/> Garbage Disposal	
<input type="checkbox"/> Oven				<input type="checkbox"/> Other	
<input type="checkbox"/> Rotisserie				<input type="checkbox"/> Other	

**J. Hours of Operation:**

Days of Operation	Hours of Operation			
Monday	Start _____	Stop _____	24-Hours _____	Closed _____
Tuesday	Start _____	Stop _____	24-Hours _____	Closed _____
Wednesday	Start _____	Stop _____	24-Hours _____	Closed _____
Thursday	Start _____	Stop _____	24-Hours _____	Closed _____
Friday	Start _____	Stop _____	24-Hours _____	Closed _____
Saturday	Start _____	Stop _____	24-Hours _____	Closed _____
Sunday	Start _____	Stop _____	24-Hours _____	Closed _____

**K. Miscellaneous Operations Information:**

Miscellaneous Information			
Number of Employees		Do you wash food prep equipment and/or eating utensils?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Seating Capacity		Type of Facility	<input type="checkbox"/> Chain <input type="checkbox"/> Independent
Average number of Meals Served/Prepared Per Day			

**L. Pollution Prevention Activities**

The applicant will summarize any Best Management Practices (BMP's) that are currently in place to reduce source water, minimize wastewater and/or actions taken to reduce the introduction of FOG into the wastewater collection system.

**Section III – Owner Information**

M. Are you operating your business from the sewer address indicated?  Yes  No

N. Do you have a grease interceptor/trap in this facility?  Yes  No

O. Property Owner:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail

**Section IV – Certification**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designated to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, of those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations.

P. Certification of Owner, General Partner or Chief Executive Officer:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Section V – Contact for this Application**

Q. Name of representative to contact regarding information in this application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail

**PERMIT NO: FOG00001**

**FOG WASTEWATER DISCHARGE PERMIT**

In accordance with the provisions of Section 25. Ordinance 89-16

**[BUSINESS NAME]**  
**[ADDRESS]**  
Fort Smith, AR 729XX

is hereby authorized to discharge wastewater from the above identified facility and through the outfall identified herein into the Control Authority's sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the Control Authority's sewer use ordinance.

This permit became effective on **[DATE]** and shall expire at midnight on **[DATE]**.

This permit cannot be transferred, reassigned or sold to a new owner, new user, different premises or new or changed operation without the consent of the Control Authority.

FOG Control Device(s) including sampling facility(ies) necessary for compliance with this permit and with Ordinance 89-16 shall be installed, operated, and maintained at the permittee's expense.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Section 25-240 Ordinance 89-16, a minimum of 90 days prior to the expiration date.

By: \_\_\_\_\_  
John Hancock,  
Environmental Monitoring Supervisor

**PART 1 - DISCHARGE LIMITATIONS**

A. During the period of [DATE] to [DATE] the permittee is authorized to discharge wastewater into the Control Authority sewer system from the outfall(s) listed below.

Description of outfall(s):

Outfall: Description:

# 001 [DESCRIPTION/LOCATION OF OUTFALL]

B. During the period of [DATE] to [DATE] the discharge from outfall #001 shall not exceed the following effluent limitations.

**EFFLUENT LIMITATIONS**

Parameter	Discharge Limits			Monitoring Requirements	
	Mass (lbs/day)	Concentration (mg/L, unless otherwise specified)		Frequency	Sample Type
		Daily Max	Monthly Average		
Fats, Oil, & Grease (FOG)	N/A	100	N/A	Once/Month	Grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 11.0 s.u.	Once/Month	Grab

1. The designated sampling point for all parameters shall be [DESCRIPTION/LOCATION OF OUTFALL] just prior to discharge into the City's sanitary sewer system. [TRIANGULATION MEASUREMENT OF OUTFALL].

2. All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit.

C. The permittee shall not discharge wastewater containing any of the prohibitions listed in the prohibited discharge standards found in Section 25-239 of Ordinance 89-16 or in Part 2, Section A, Sub-section 11 of this permit.

D. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in Ordinance 89-16 and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

## **PART 2 - REPORTING REQUIREMENTS**

- A. The permittee shall notify the Control Authority of any significant planned changes to the FOG Generator's operation or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change including, but not limited to, facility expansion/remodeling or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. The permittee shall submit any information requested by the Control Authority for evaluation of the effect of such expansion on the permittee's FOG discharge to the WCTS.
- B. The permittee shall maintain records which shall be kept on site and made available on demand by the Control Authority during inspection. Records shall include but are not limited to:
1. A record of best management practices being utilized, including employee training;
  2. Records of scheduled visual inspections conducted by the authorized representative of the permittee, which shall include the date and time of the visual inspections, any observed abnormalities, and the signature of the person that performed the visual inspection;
  3. A logbook of FOG Control Device cleaning and maintenance;
  4. Records of required inspections by a certified plumber of the FOG Control Device;
  5. A record of any spills and/or cleaning of the lateral sewer line; and,
  6. Copies of FOG Control Device manifests of the transportation and disposal of FOG Control Device contents, if applicable.
- C. The permittee shall ensure that maintenance of FOG Control Devices shall be performed by completely evacuating the FOG Control Device at least once every ninety (90) days, or more frequently when:
1. The depth of FOG (floating and settled) in the FOG Control Device is equal to or greater than twenty-five (25) percent of the total operating depth of the FOG Control Device;
  2. The discharge of free or emulsified fats, oils or grease deposits into the sanitary sewer lines obstruct flow;  
or
  3. There is a history of non-compliance.
  4. Skimming, decanting, and/or any reintroduction of water into exterior FOG Control Devices shall not be allowed under any conditions.

### **Section A. General Conditions and Definitions**

#### **1. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

#### **2. Duty to Comply**

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

### 3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

### 4. Permit Modification

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local standards or requirements;
- b. To address significant alternations or additions to the permittee's operation, processes, or wastewater volume or character since the time of Permit issuance;
- c. Violation of any terms or conditions of this permit;
- d. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting; or,
- e. To correct typographical or other errors in the permit;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

### 5. Permit Revocation

The Control Authority may revoke this permit for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Control Authority of significant changes to the water prior to the changed discharge;
- b. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Sections 25-243 through 25-246 of Ordinance 89-16;
- c. Misrepresentation or failure to fully disclose all relevant facts in the FOG Wastewater Discharge Permit application.
- d. Tampering with a required FOG Control Device or Control Authority monitoring equipment;
- e. Refusing to allow the Control Authority timely access to the facility premises and records;
- f. Failure to pay fines
- g. Failure to pay sewer charges
- h. Failure to meet compliance schedules.
- i. Failure to timely complete a Questionnaire [Section 25-239(b)] or timely submit a Permit application; or,
- j. Violation of any terms of this permit or Ordinance 89-16.

## 6. Permit Appeals

The permittee may petition the Control Authority to reconsider a decision to not issue or the terms of the issued permit within thirty (30) days of the decision to not issue or of notice of issuance of the discharge permit.

- a. Failure to submit in writing a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition regarding terms, the permittee must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Permit.
- c. Unless the Control Authority provides otherwise in writing, the effectiveness of this permit shall not be stayed pending the appeal.
- d. If the Control Authority fails to act within thirty (30) days, the request for reconsideration shall be deemed to be denied. Control Authority decisions not to reconsider the permit, not to issue the permit, or not to modify the permit shall be considered final administrative actions for purposes of judicial review.

## 7. Permit Transfer

- a. This permit issued under Ordinance 89-16 is for this specific FOG Generator and for this specific operation and creates no vested rights.
- b. The permittee shall not assign, transfer, or sell any permit under Ordinance 89-16 nor use any such permit for any premises, facilities or operations or discharges not expressly encompassed within this permit.

## 8. Permit Re-Issuance

The permittee shall apply for Permit re-issuance by submitting a complete permit application, in accordance with Section 25-240 Ordinance 89-16, a minimum of ninety (90) days prior to the expiration of the permittee's current existing permit.

## 9. Dilution

The permittee shall not increase the use of process water or in other manner attempt to dilute a discharge as a partial or complete substitute for adequate FOG handling.

## 10. Definitions

- a. *Architectural or Historical Restrictions.* Physical or legal restrictions limiting an owner's ability to renovate location of a FOG Control Device in a building or structure in the City that is one hundred (100) years or older and has special historical or esthetic interest or value.
- b. *Extreme Economic Hardship.* A cost to comply with the requirements of Ordinance 89-16 that exceeds twenty thousand dollars (\$20,000.00)
- c. *FOG or Fats, Oils, and Grease.* Fats, oil, and grease, whether petroleum-based, mineral-oil-based, animal-based or vegetable-based.
- d. *FOG Control Device.* Any grease interceptor, grease trap, or other mechanism, device, or process which meets or exceeds the requirements of Section 1003.3 of the 2006 Arkansas Plumbing Code (or subsequent modifications thereof) and that attaches to or is applied to the User's wastewater plumbing fixtures and/or private service line to collect, contain, or remove FOG from the wastewater stream of a FOG Generator prior to discharge into the WCTS.

- e. *FOG Generator*. Any Food Service Establishment or Food-Processing Establishment that discharges FOG into the WCTS, provided, however, that those establishments covered by the City's Industrial User Pretreatment Program shall not be considered a FOG Generator for the purpose of Ordinance 89-16.
- f. *FOG Hauler*. A licensed and permitted company that empties, cleans, and transports waste from FOG Control Devices and is responsible for the proper disposal of the waste.
- g. *FOG Manifest*. A document that the FOG Hauler must provide to the FOG Generator as proof of services rendered. An identical copy must be maintained by the FOG Generator and FOG Hauler.
- h. *FOG Wastewater Discharge Permit*. A permit issued by the City, authorizing a FOG Generator to discharge wastewater into the City's WCTS.
- i. *Food-Processing Establishment (FPE)*. Any non-residential user of the WCTS which manufacturers, processes or packages food for human consumption.
- j. *Food Service Establishment (FSE)*. Any non-residential user of the WCTS which prepares food for sale or consumption on or off site. Food Service establishments include, but are not limited to, food courts; catering services; bars/taverns; cafeterias; soda fountains; institutions; both public and private; diners; grocery stores; bakeries; coffee shops; ice cream shops; lounges; hospitals; hotels; nursing homes; churches; schools; daycare center; and all other food service users of the WCTS. A User that is engaged only in reheating or serving of ready-to-eat food products is not considered a FSE.
- k. *Oil*. Any petroleum-based product.
- l. *Grease Recycling Container*. A container, with a lid, located outside a food service facility for the specific purpose of collecting liquid cooking grease from deep fryers, woks, and other cooking containers, and from the cleaning of griddles and other cooking fixtures. Grease collected in oil/grease dumpsters can be recycled and/or re-processed.
- m. *Remodeling or Remodeled*. A physical change or operational change in a structure that requires an issuance of or revision to a business license or a building permit.
- n. *Twenty-Five (25) Percent Rule*. The requirement for a FOG Control Device to be maintained such that the combined FOG solids accumulation does not exceed twenty-five (25) percent of the design hydraulic capacity of the FOG Control Device.
- o. *User*. Any person or entity which contributes, or causes or permits the contribution, of wastewater into the City's WCTS.

#### 11. General Prohibitive Standards

The permittee shall comply with the provisions of Fort Smith Code Section 25-207(a). For the purposes of this permit, any reference to the Publicly Owned Treatment Works (POTW) in Section 25-207(a) shall be deemed a reference to the WCTS.

- a. The direct or indirect introduction of additives into the FOG Control Device is prohibited. Additives include but are not limited to biological agents such as enzymes, bacteria, and/or degreasing agents.
- b. No liquid or grease that is removed from a FOG Control Device shall be discharged to the WCTS as otherwise prohibited in these regulations. This includes actions taken during maintenance of FOG Control Devices and FOG Haulers.



## 12. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with all other applicable laws, regulations, standards, and requirements contained in Ordinance 89-16 and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

## Section B. Operation and Maintenance of Pollution Controls

### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance and procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

### 2. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment system, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment system is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment system fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### 3. Bypass of Treatment Facilities

It shall be unlawful for the permittee to allow any bypass of the Control Authority's treatment systems. It shall also be unlawful to discharge any tanked septage or FOG waste at locations other than those described in this permit.

## Section C. Monitoring and Records

### 1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of the Control Authority.

### 2. Analytical Methods to Demonstrate Continued Compliance

All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit.

### 3. Inspection and Entry

The Control Authority shall have the right to enter the premises of any FOG Generator to determine whether the FOG Generator is complying with all requirements of Ordinance 89-16, any FOG Wastewater Discharge Permit or order issued by the Control Authority. FOG Generators shall allow the Control Authority reasonable access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. In the event of an emergency involving actual or imminent sanitary sewer

overflow, the Control Authority may access adjoining businesses or properties that share a WCTS connection with a FOG Generator in order to prevent or remediate an actual or imminent sewer overflow.

The Control Authority shall inspect FOG Generators on both an unscheduled and unannounced basis or on a scheduled basis. Inspection of a FOG Control Device may be performed at frequencies necessary to protect the WCTS against the accumulations of FOG in an amount that would exceed the twenty-five (25) percent rule, but at a minimum of once every two (2) years. Inspection shall include all fixtures, equipment, food processing, and storage areas, and shall include a review of the processes that produce wastewater discharged from a facility through the FOG Control Device. Any deficiencies may be noted, including but not to be limited to:

- a. Failure to report changes in operations or wastewater constituents and characteristics;
- b. Failure to properly maintain the FOG Control Device;
- c. Failure to maintain logs, files, records, or access for inspection or monitoring activities;
- d. Failure to obtain or renew the FOG Wastewater Discharge Permit in a timely manner; or
- e. Any other violations of the regulations of this permit, Ordinance 89-16, or local/state/federal law that may require correction by the FOG Generator.

4. Retention of Records

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application.

5. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

## **Section D. Additional Reporting Requirements**

1. Planned Changes

The permittee shall give notice to the Control Authority ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increase discharges or a change in the nature of the discharge.

2. Duty to Provide Information

The permittee shall furnish to the Control Authority within 30 days any information which the Control Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the Control Authority within 30 days, copies of any records required to be kept by this permit.

3. Signatory Requirements

All applications, reports, or information submitted to the Control Authority must be signed by and authorized signatory of the permittee and contain the following certification statement:

[BUSINESS NAME]

Permit #: FOG00001

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

4. Notification of spills by the permittee

- a. In the event that the permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, human error, or the permittee has reasonable opportunity to know that his/her/its discharge shall exceed the discharge provisions of the permit or the regulations in Ordinance 89-16, the permittee shall immediately notify the Control Authority by telephone at the number specified in the permit. If the material discharged to the sewer has potential to cause or result in sewer blockages or sanitary sewer overflows, the FOG Generator shall immediately notify the Control Authority by telephone at the number specified in the permit.
- b. The permittee shall provide written notification of this oral or telephonic notification to the Control Authority at the address specified in the permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to correct the problem, and what steps are being taken to prevent the problem from recurring.
- c. Such notification shall not relieve the permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor will such notification relieve the permittee from payment or any fees or imposition of any other liability which may be authorized by Ordinance 89-16 or other applicable law.

John Hancock  
Environmental Monitoring Supervisor  
City of Fort Smith  
801 Carnall Avenue; Suite 500  
Fort Smith, AR 72901  
(479) 784-2335  
jhancock@fortsmithar.gov

OFFICIAL USE ONLY: TO BE COMPLETED BY CITY	
DATE APPLICATION RECEIVED	
DATE PERMIT ISSUED	
DATE PERMIT EXPIRES	
PERMIT NUMBER	

**CITY OF FORT SMITH UTILITY  
FOG HAULER PERMIT APPLICATION**

**SECTION A – COMPANY INFORMATION**

1. Facility/Company Name: \_\_\_\_\_

2. Facility/Company Address:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

3. Business Mailing Address:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

4. Designated signatory authority of the facility/company: (Note: If more than one authorized representative, please provide similar information for each.)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

5. Designated Contact Person:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

6. Operator's Name: \_\_\_\_\_

6a. Is the operator of the FOG hauler truck listed in either item 4 or 5?  Yes  No

(If "No", provide the name, address phone number and e-mail of the operator and submit a copy of the contract and/or other documents indicating the operator's scope of responsibility for the facility.)

**SECTION B - BUSINESS ACTIVITY**

1. Give a brief description of all operations at this facility including primary products or services (attach additional sheets if necessary).

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2. Indicate applicable North American Industry Classification System (NAICS) Code for all processes collected/hailed (If more than one applies, list in descending order of importance.):

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

e. \_\_\_\_\_

3. FOG Wastewater Volume Hauled/Stored/Disposed of:

**Past Calendar Year:**

Gallons Per Month:	Average:	Maximum:	Minimum:

**Projected Calendar Year:**

Gallons Per Month:	Average:	Maximum:	Minimum:

4. For each truck operated list the following information:

Vehicle	Make	Model	Tank Vol. (Gallons)	Vehicle License		ADH Permit #
				License No.	State	
1						
2						
3						
4						

5. Provide a color photograph of each truck clearly showing Company Name and Truck Capacity.

**SECTION C - SEWER INFORMATION**

1. For an existing business:

Does the company have a current permit?  Yes  No

If "Yes": Permit number(s): \_\_\_\_\_ Expiration Date: \_\_\_\_\_

If "No": Have you reapplied for a permit before the permit expired?  Yes  No

2. For a new business:

a. Will you be occupying an existing vacant building?  Yes  No

b. Have you applied for a building permit if a new facility will be constructed?  Yes  No

c. Will you be connected to the public sanitary sewer system?  Yes  No

**SECTION D - FACILITY OPERATIONAL CHARACTERISTICS**

1. Shift Information

Work Days	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Shifts per work day							
Employee's per shift							
Shift start and end times							

2. Indicate whether the business activity is:

Continuous through the year, or

Seasonal - Check the months of the year during which the business activity occurs:

Jan  Feb  Mar  Apr  May  Jun  Jul  Aug  Sep  Oct  Nov  Dec

3. Does operation shut down for vacation, maintenance, or other reasons?  Yes  No

If "Yes", indicate reasons and period when shutdown occurs:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. List types and quantity of chemicals used or planned for use (attach list if needed). Include copies of Manufacturer's Material Safety Data sheets (MSDS) for all chemicals identified:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SECTION E - NON-DISCHARGED WASTES**

1. Are any FOG wastes, liquids or sludges collected and hauled not stored/disposed of?

Yes, please describe below

No

Waste Collected/Hauled	Quantity Per Year	Disposal Method

2. Indicate which wastes identified above are disposed of at an off-site treatment facility and which are disposed of on-site. (Use separate sheet if necessary)

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3. If any of your wastes are sent to an off-site centralized waste treatment facility, identify the waste and facility. (Use separate sheet if necessary)

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4. If an outside firm removes any of the above checked wastes, state the name(s) and address(es) of all waste haulers and include appropriate permit numbers. (Use separate sheet if necessary)

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5. Have you been issued any other Federal, State, or local environmental permits?

Yes, please list below

No

Permit Type	Permit Number

**Section F - Authorized Signatures**

Compliance certification:

1. Are all applicable Federal, State, or local pretreatment standards and requirements being met on a consistent basis?

Yes

No

Not yet discharging

2. If No:

- a. List what additional operations and maintenance procedures are being considered to bring the facility into compliance. (Use separate sheet if necessary)

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- b. Provide a schedule for bringing the facility into compliance. Specify major events planned along with reasonable completion dates. Note that if the Approving Authority issues a permit to the applicant, it may establish a schedule for compliance different from the one submitted by the facility. (Use separate sheet if necessary)

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**Authorized Representative Statement:**

"I certify under penalty of law that this document and all attachments were prepared under by direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**PERMIT NO: FOGH0001**

FOG WASTEWATER HAULER PERMIT

In accordance with the provisions of Section 25. Ordinance 89-16

[BUSINESS]

[ADDRESS]

[CITY, STATE, ZIPCODE]

is hereby authorized to pump and transport wastewater from FOG Generators in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the Control Authority's sewer use ordinance.

This permit became effective on [DATE] and shall expire at midnight on [DATE].

This permit cannot be transferred, reassigned or sold to a new owner, new user, different premises or new or changed operation without the consent of the Control Authority.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Section 25-240 Ordinance 89-16, a minimum of 90 days prior to the expiration date.

By:

\_\_\_\_\_  
John Hancock,  
Environmental Monitoring Supervisor

## PART 1 – GENERAL PERMIT REQUIREMENTS

- A. The permittee must maintain a daily log and record of operations, which may include, but is not limited to: the date and time of the pumping event; name and FOG Wastewater Discharge Permit number of the business requesting service; name, physical address, and phone number of the FOG Generator representative; type of facility; estimated or measured volume of waste collected; name of the driver; date and time the FOG waste was properly disposed; ultimate disposal location; name, physical address, and phone number of the representative operating the ultimate disposal location; and discharge ticket number.
- B. At the end of each quarter (March, June, September, and December), copies of such logs shall be forwarded to the Control Authority by the 15<sup>th</sup> day of the following month (April, July, October, and January).
- C. Cleanup of leaks and spills.
1. In the event a discharge or spill of waste during collection or transport, the permittee shall take appropriate action to protect human health and the environment. Appropriate action may include notifying local law enforcement and health officials, build an embankment around the discharge area, cleaning up the spill or discharge materials or other action as may be required or approved by federal, state, and local officials having jurisdiction so that the waste no longer presents a public health or environmental problem.
    - a. Spills shall be prevented from entering any water supply or water way, including storm sewers.
    - b. Spills that enter a water way or otherwise contaminate water way or water supply shall be reported to the appropriate state and local officials.
  2. If a spill, splash, spray, or leak occurs during collection, transport or discharge, the permittee shall clean and properly dispose the spilled, splashed, sprayed, or leaked waste at the permittee's expense.
  3. Where a spill, splash, spray, or leak occurred during transport or discharge, the owner permittee shall make necessary repairs or modifications to the vehicle prior to subsequent operation of the vehicle.
- D. Transported waste disposal records requirements
1. Records shall be maintained for each individual collection and disposal. Such records shall be maintained using a waste hauler manifest form issued by the Control Authority upon written request by the permittee.
  2. The waste manifest forms shall consist of five (5) copies which shall be used to document the receipt, transportation, and disposal of applicable waste.
  3. The first section of the manifest shall be completed at the time of collection and before the vehicle is moved from the generator's property. The remainder of the manifest shall be completed at the time of transfer or disposal as appropriate.
    - a. The manifest form shall be signed by the FOG Generator at the time of waste collection.
    - b. The manifest form shall be signed by the FOG Hauler at the time of waste collection.
  4. The copies of the manifest forms shall be distributed as follows:
    - a. The fifth copy with the FOG Generator information and FOG Hauler information and signatures completed shall be given to the FOG Generator at the time of waste collection.
    - b. The fourth copy with all the information and signatures completed shall be given to the disposal site at the time of disposal.

- c. The third copy with all information and signatures completed shall be retained by the FOG Hauler at the time of disposal.
  - d. The second copy with all information and signatures completed shall be given to the FOG Generator after ultimate disposal of the FOG waste.
  - e. The original copy with all information and signatures completed shall be given to the Control Authority.
5. All copies of the manifest form shall be retained by the respective recipients for a minimum of three (3) years and shall be made available to the Control Authority, state, and EPA upon request or demand for inspection and/or copying. This period shall be automatically extended for duration of any litigation concerning the FOG Generator, FOG Hauler, or Control Authority, or where any involved party has been specifically notified by the Control Authority of a longer retention period.
- C. The permittee shall ensure that maintenance of FOG Control Devices shall be performed by completely evacuating the FOG Control Device.
1. Skimming, decanting, and/or any reintroduction of water into exterior FOG Control Devices shall not be allowed under any conditions.

## **Section A. General Conditions and Definitions**

### **1. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### **2. Duty to Comply**

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

### **3. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

### **4. Permit Modification**

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local standards or requirements;
- b. To address significant alternations or additions to the permittee's operation, processes, or wastewater volume or character since the time of Permit issuance;
- c. Violation of any terms or conditions of this permit;

- d. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting; or,
- e. To correct typographical or other errors in the permit;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### 5. Permit Revocation

The Control Authority may revoke this permit for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Control Authority of significant changes to the water prior to the changed discharge;
- b. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Sections 25-243 through 25-246 of Ordinance 89-16;
- c. Misrepresentation or failure to fully disclose all relevant facts in the FOG Wastewater Hauler Permit application.
- d. Tampering with a required FOG Control Device or Control Authority monitoring equipment;
- e. Refusing to allow the Control Authority timely access to the facility premises and records;
- f. Failure to pay fines
- g. Failure to pay sewer charges
- h. Failure to meet compliance schedules.
- i. Failure to timely complete a Questionnaire [Section 25-239(b)] or timely submit a Permit application; or,
- j. Violation of any terms of this permit or Ordinance 89-16.

#### 6. Permit Appeals

The permittee may petition the Control Authority to reconsider a decision to not issue or the terms of the issued permit within thirty (30) days of the decision to not issue or of notice of issuance of the discharge permit.

- a. Failure to submit in writing a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition regarding terms, the permittee must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Permit.
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- a. This permit issued under Ordinance 89-16 is for this specific FOG Generator and for this specific operation and creates no vested rights.
- b. The permittee shall not assign, transfer, or sell any permit under Ordinance XX-XX nor use any such permit for any premises, facilities or operations or discharges not expressly encompassed within this permit.

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The permittee shall apply for Permit re-issuance by submitting a complete permit application, in accordance with Section 25-240 Ordinance 89-16, a minimum of ninety (90) days prior to the expiration of the permittee's current existing permit.

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The permittee shall not increase the use of process water or in other manner attempt to dilute a discharge as a partial or complete substitute for adequate FOG handling.

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- a. *Architectural or Historical Restrictions.* Physical or legal restrictions limiting an owner's ability to renovate location of a FOG Control Device in a building or structure in the City that is one hundred (100) years or older and has special historical or esthetic interest or value.
- b. *Extreme Economic Hardship.* A cost to comply with the requirements of Ordinance XX-XX that exceeds twenty thousand dollars (\$20,000.00)
- c. *FOG or Fats, Oils, and Grease.* Fats, oil, and grease, whether petroleum-based, mineral-oil-based, animal-based or vegetable-based.
- d. *FOG Control Device.* Any grease interceptor, grease trap, or other mechanism, device, or process which meets or exceeds the requirements of Section 1003.3 of the 2006 Arkansas Plumbing Code (or subsequent modifications thereof) and that attaches to or is applied to the User's wastewater plumbing fixtures and/or private service line to collect, contain, or remove FOG from the wastewater stream of a FOG Generator prior to discharge into the WCTS.
- e. *FOG Generator.* Any Food Service Establishment or Food-Processing Establishment that discharges FOG into the WCTS, provided, however, that those establishments covered by the City's Industrial User Pretreatment Program shall not be considered a FOG Generator for the purpose of Ordinance XX-XX.
- f. *FOG Hauler.* A licensed and permitted company that empties, cleans, and transports waste from FOG Control Devices and is responsible for the proper disposal of the waste.
- g. *FOG Manifest.* A document that the FOG Hauler must provide to the FOG Generator as proof of services rendered. An identical copy must be maintained by the FOG Generator and FOG Hauler.
- h. *FOG Wastewater Discharge Permit.* A permit issued by the City, authorizing a FOG Generator to discharge wastewater into the City's WCTS.
- i. *Food-Processing Establishment (FPE).* Any non-residential user of the WCTS which manufacturers, processes or packages food for human consumption.
- j. *Food Service Establishment (FSE).* Any non-residential user of the WCTS which prepares food for sale or consumption on or off site. Food Service establishments include, but are not limited to, food courts; catering services; bars/taverns; cafeterias; soda fountains; institutions; both public and private; diners;p

grocery stores; bakeries; coffee shops; ice cream shops; lounges; hospitals; hotels; nursing homes; churches; schools; daycare center; and all other food service users of the WCTS. A User that is engaged only in reheating or serving of ready-to-eat food products is not considered a FSE.

- k. *Oil*. Any petroleum-based product.
- l. *Grease Recycling Container*. A container, with a lid, located outside a food service facility for the specific purpose of collecting liquid cooking grease from deep fryers, woks, and other cooking containers, and from the cleaning of griddles and other cooking fixtures. Grease collected in oil/grease dumpsters can be recycled and/or re-processed.
- m. *Remodeling or Remodeled*. A physical change or operational change in a structure that requires an issuance of or revision to a business license or a building permit.
- n. *Twenty-Five (25) Percent Rule*. The requirement for a FOG Control Device to be maintained such that the combined FOG solids accumulation does not exceed twenty-five (25) percent of the design hydraulic capacity of the FOG Control Device.
- o. *User*. Any person or entity which contributes, or causes or permits the contribution, of wastewater into the City's WCTS.

#### 11. General Prohibitive Standards

The permittee shall comply with the provisions of Fort Smith Code Section 25-207(a). For the purposes of this permit, any reference to the Publicly Owned Treatment Works (POTW) in Section 25-207(a) shall be deemed a reference to the WCTS.

- a. The direct or indirect introduction of additives into the FOG Control Device is prohibited. Additives include but are not limited to biological agents such as enzymes, bacteria, and/or degreasing agents.
- b. No liquid or grease that is removed from a FOG Control Device shall be discharged to the WCTS as otherwise prohibited in these regulations. This includes actions taken during maintenance of FOG Control Devices and FOG Haulers.

#### 12. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with all other applicable laws, regulations, standards, and requirements contained in Ordinance 27-16 and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

### **Section B. Operation and Maintenance of Pollution Controls**

#### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance and procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

#### 2. Duty to Halt or Reduce Activity



Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### 3. Bypass of Treatment Facilities

It shall be unlawful for the permittee to allow any bypass of the Control Authority's treatment facilities. It shall also be unlawful to discharge any tanked wastewater at locations other than those described in this permit.

## Section C. Monitoring and Records

### 1. Retention of Records

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application.

### 2. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

## Section D. Additional Reporting Requirements

### 1. Planned Changes

The permittee shall give notice to the Control Authority ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increase discharges or a change in the nature of the discharge.

### 2. Duty to Provide Information

The permittee shall furnish to the Control Authority within 30 days any information which the Control Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the Control Authority within 30 days, copies of any records required to be kept by this permit.

### 3. Signatory Requirements

All applications, reports, or information submitted to the Control Authority must be signed by and authorized signatory of the permittee and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

4. Notification of spills by the permittee

- a. In the event that the permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, human error, or the permittee has reasonable opportunity to know that his/her/its discharge shall exceed the discharge provisions of the permit or the regulations in Ordinance 89-16, the permittee shall immediately notify the Control Authority by telephone at the number specified in the permit. If the material discharged to the sewer has potential to cause or result in sewer blockages or sanitary sewer overflows, the FOG Generator shall immediately notify the Control Authority by telephone at the number specified in the permit.
- b. The permittee shall provide written notification of this oral or telephonic notification to the Control Authority at the address specified in the permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to correct the problem, and what steps are being taken to prevent the problem from recurring.
- c. Such notification shall not relieve the permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor will such notification relieve the permittee from payment or any fees or imposition of any other liability which may be authorized by Ordinance 89-16 or other applicable law.

John Hancock  
Environmental Monitoring Supervisor  
City of Fort Smith  
801 Carnall Avenue; Suite 500  
Fort Smith, AR 72901  
(479) 784-2335  
jhancock@fortsmithar.gov





# 1. Inspection Info

Permitted Name

Permit Number

Facility Number

Date

Time

Inspection Type

No Grease Control Device

Inspection Findings

# 2. Signatures

Inspector

Contact

Inspector Signature

Contact Signature

Date

Time

Date

Time

### 3. Records

- 1. Does the permittee have a copy of its current FOG permit on file and available for inspection?  Yes  No
- 2. FOG Control Device(s) maintenance/inspection logs on file and available for inspection?  Yes  No
- 3. Copies of training logs for BMPS on file and available for inspection?  Yes  No
- 4. Are copies of all FOG Control Device(s) manifest tickets on file and available for inspection?  Yes  No
- 5. FOG Control Device(s) pumped/cleaned within the frequency specified in their permit?  Yes  No
- 6. Does the permittee have a copy of its previous FOG inspection on file and available for review?  Yes  No  N/A
- 7. Copies of all records requested by the Control Authority furnished within 30 days?  Yes  No  N/A

Number of FOG Control Devices

No Sample Point

#### Comments on Records

## 4. Best Management Practices

- |   |                                 |                                |                                 |
|---|---------------------------------|--------------------------------|---------------------------------|
| <p>1. Does the permittee have BMP signage posted in easily visible and appropriate areas?<br/>(food prep, dishwashing areas, etc.)</p>                    | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |
| <p>2. Is there evidence food waste is being put down drains leading to FOG Control Device(s)?</p>   | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |
| <p>3. Are dishes, pots, pans, and other food service appurtenances dry wiped before rinsing/washing?</p>  | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |
| <p>4. Is the permittee utilizing drain screens/grates?</p>  | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |
| <p>5. Is the permittee properly cleaning and maintaining the drain screen/grates?</p>   | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |
| <p>6. Is the permittee collecting waste oil (yellow grease) into a recycle/storage bin?</p>   | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No | <input type="checkbox"/><br>N/A |
| <p>7. Are emergency spill response materials (grease absorbent materials) on site/accessible?</p>   | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |
| <p>8. Food prep/storage areas inspected for housekeeping issues related to FOG?<br/>(floors, fixtures, hoods, walls, drains, kitchen equipment, etc.)</p> | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |                                 |

Comments on Best Management Practices

## 5. Facility Exterior Inspection

1. Are outdoor grease and oil storage containers covered?

Yes

No

Notes on #1

2. Do outdoor grease and oil storage containers show signs of overflow or leakage?

Yes

No

Notes on #2

3. Are dumpsters and grease/oil storage containers located in a safe area that is sufficiently away from storm drains?

Yes

No

Notes on #3

4. Do any catch basins, storm drains, or other areas of flow collection show signs of FOG runoff?

Yes

No

Notes on #4

5. Were facility exterior areas inspected for housekeeping issues relating to FOG? (walls, pavement/grounds, roof, etc.)

Yes

No

Notes on #5

Comments on Facility Exterior Inspection

## 6. FOG Control Devices #1

Device ID

1. Is the FOG Control Device accessible for inspection?

Yes No

Provide a short description of the FOG Control Device.

2. Is there evidence of solids in the effluent chamber?

Yes No N/A

3. Is the device effluent accessible for sampling?

Yes No N/A

4. Is the FOG Control Device functional?

Yes No N/A

Condition score

### Stage 1 (Inlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

### Stage 2 (Outlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

5. Is the permittee's FOG Control Device(s) meeting the "25% Rule"?

Yes No

### Effluent grab sample analyses

pH  Temp  °C Infracal O&G

6. Was the Infracal O&G result greater than 70 mg/L?

Yes No

If yes, submit a 500 ml O&G grab for lab analysis

### Comments on FOG Control Device 1

Does the permittee have additional FOG Control Devices?

Yes No

If yes, continue to the next page

## 6. FOG Control Devices #2

Device ID

1. Is the FOG Control Device accessible for inspection?

Yes  No

Provide a short description of the FOG Control Device.

2. Is there evidence of solids in the effluent chamber?

Yes  No  N/A

3. Is the device effluent accessible for sampling?

Yes  No  N/A

4. Is the FOG Control Device functional?

Yes  No  N/A

Condition score

---

### Stage 1 (Inlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

### Stage 2 (Outlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

5. Is the permittee's FOG Control Device(s) meeting the "25% Rule"?

Yes  No

### Effluent grab sample analyses

pH  Temp  °C Infracal O&G

6. Was the Infracal O&G result greater than 70 mg/L?

If yes, submit a 500 ml O&G grab for lab analysis

Yes  No

### Comments on FOG Control Device 2

Does the permittee have additional FOG Control Devices?

If yes, continue to the next page

Yes  No

## 6. FOG Control Devices #3

Device ID

1. Is the FOG Control Device accessible for inspection?

Yes No

Provide a short description of the FOG Control Device.

2. Is there evidence of solids in the effluent chamber?

Yes No N/A

3. Is the device effluent accessible for sampling?

Yes No N/A

4. Is the FOG Control Device functional?

Yes No N/A

Condition score

### Stage 1 (Inlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

### Stage 2 (Outlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

5. Is the permittee's FOG Control Device(s) meeting the "25% Rule"?

Yes No

### Effluent grab sample analyses

pH  Temp  °C Infracal O&G

6. Was the Infracal O&G result greater than 70 mg/L?

Yes No

If yes, submit a 500 ml O&G grab for lab analysis

### Comments on FOG Control Device 3

Does the permittee have additional FOG Control Devices?

If yes, continue to the next page

Yes No

## 6. FOG Control Devices #4

Device ID

1. Is the FOG Control Device accessible for inspection?

Yes No

Provide a short description of the FOG Control Device.

2. Is there evidence of solids in the effluent chamber?

Yes No N/A

3. Is the device effluent accessible for sampling?

Yes No N/A

4. Is the FOG Control Device functional?

Yes No N/A

Condition score

---

### Stage 1 (Inlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

### Stage 2 (Outlet) Depth Measurements

Grease  in. + Deposition  in. ÷ Total Fluid  in. = Percent Full  0.00%

5. Is the permittee's FOG Control Device(s) meeting the "25% Rule"?

Yes No

### Effluent grab sample analyses

pH  Temp  °C Infracal O&G

6. Was the Infracal O&G result greater than 70 mg/L?

Yes No

If yes, submit a 500 ml O&G grab for lab analysis

Comments on FOG Control Device 4



CITY OF FORT  
SMITH "FOG"  
MANIFEST FORM

Manifest Number:  
0000000

**GENERATOR INFORMATION** (Information for the first site listed on the manifest)

Generator Permit Number: FOG0001 Date: 01 / 01 / 2017 Time: 13:17

Generator Name: Suzy's Sandwich Shop Telephone: 4 7 9 - 5 5 5 - 5 5 5 5  
Please Print

Address: 123 A Street Anytown AR 72999  
Please Print (Street) (City) (State) (Zip)

FOG Control Device Type:  Grease Interceptor  Grease Trap  Outside  Inside

Type of Facility: \_\_\_\_\_ Pumping Frequency: XX Days  
Please Print (Please Specify)

Certification: I certify under penalty of law that the information given is true and complete and the waste contains no hazardous, prohibited or industrial waste according to federal, state and local laws.

Generator Name: Suzy Suzette Signed: Suzy Suzette Date: 01 / 01 / 2017  
Please Print

**TRANSPORTER & HAULER INFORMATION**

Company Name: Any Septic Hauler, Inc. Permit Number: FOGH000  
Please Print

Tanker/Trailer License No.: AR00000 Volume Collected: 1000 (Gallons)

Certification: I certify under penalty of law that the information given is true and complete and the waste contains no hazardous, prohibited or industrial waste according to federal, state and local laws.

Generator Name: Jon Doe Signed: Jon Doe Date: 01 / 01 / 2017

**DISPOSAL SITE INFORMATION**

Company Name: Any Septic Hauler, Inc. Facility Permit Number: DISP000  
Please Print

Telephone: 4 7 9 - 5 5 5 - 5 5 5 5

Address: 123 B Street Anytown AR 72999  
Please Print (Street) (City) (State) (Zip)

Date: 01 / 01 / 2017 Time: 13:17 Volume Discharged: 1000 (Gallons)

Certification: I certify under penalty of law that the information given is true and complete and the waste contains no hazardous, prohibited or industrial waste according to federal, state and local laws.

Generator Name: Herbie Hightower Signed: Herbie Hightower Date: 01 / 01 / 2017



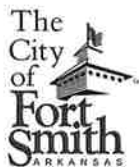


**FOG BEST  
MANAGEMENT  
PRACTICES  
(BMPS)**

## **FATS, OILS, AND GREASE BEST MANAGEMENT PRACTICES (BMPs)**

- To reduce the amount of FOG entering the collection system, remember to **SCRAPE**.
  - Scrape or wipe grease and food scraps into a sealable container or trash bin.
  - Collect liquid cooking oils in an oil rendering tank or oil recycling container.
  - Rotate cleaning schedule among fryers and food preparation devices.
  - Assign clean-up tasks to specific employees
  - Prepare foods with minimal amounts of fats, oil, and grease.
  - Educate your employees on the importance of reducing FOG and following proper FOG Best Management Practices (BMPs)
- Keep FOG out of all drains
- Don't dump grease in drains, but collect for proper disposal or reuse
- Collect extra grease from cookware and plates
- Use absorbents such as cat litter or paper towels to pick up oil and grease spills before mopping
- Dry wipe pots, pans and kitchen equipment before cleaning
- Use floor drain and sink drain screens to prevent food waste and large pieces of FOG and food from entering interceptor
- Use absorbent paper under fryer baskets
- Post "NO GREASE" signs above sinks and on the front of dishwashers
- Maintain a routine grease trap cleaning schedule
- Train all staff on these practices How to Keep Your Grease Trap/Interceptor
- Clean all vent hoods regularly
- Place BMP posters near sinks or on employee bulletin boards
- Scrape food waste into the trash
- Disconnect or minimize the use of garbage disposals (garbage grinders)
- Use water that is less than 140° F in all sinks
- Recycle waste cooking oil.
- Witness all grease trap or interceptor cleaning/maintenance activities to ensure the device is properly operating.
- Cover outdoor grease and oil storage containers. Some local jurisdictions will have BMPs in place for storm water also.
- Locate grease dumpsters and storage containers away from storm drain catch basins.
- Routinely clean kitchen exhaust system filters.

# RESTAURANT OWNER'S GREASE MANAGEMENT GUIDE



## Protect your business

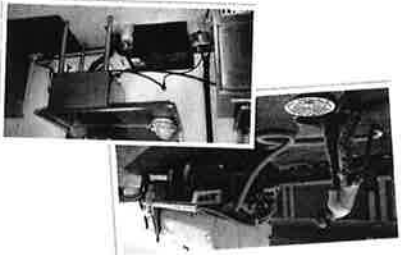
F.O.G. is found in common food and food ingredients such as meat, fish, butter, cooking oil, mayonnaise, gravies, sauces and food scraps.

The City of Fort Smith Ordinance 89-16 prohibits discharge of pollutants, including F.O.G., that will cause flow obstructions in the city sewer system and allows for assessment of penalties and charges related to prohibited discharges.



## Best practices for a F.O.G. free kitchen

**Install a grease interceptor or trap**  
Your best line of defense against F.O.G. is to install a grease interceptor. A grease interceptor is a catch basin/storage system that separates fats, oils, grease and food solids from entering the sewer system. Interceptors can be above ground or below ground so contact a licensed plumber to determine the best option for your facility.



### Maintain your grease interceptor or trap

A grease interceptor is required to be pumped out and cleaned monthly by a permitted waste hauler. An interceptor with more than 25% accumulation, by volume, of food and F.O.G. indicates that your system is not working properly.

### Maintain a F.O.G. LOG

Keep a maintenance log for your interceptor. Your log should indicate who performed maintenance, the date cleaned, how much waste was removed, and where it was disposed of.

### Maintain a spill kit

so F.O.G. spills inside and outside your business can be cleaned up properly and immediately.

### Replace garbage grinder and install a solids interceptor

Provide a compost option for employees to get rid of food scraps wherever possible.

### Provide a sink plumbed to a grease interceptor

for employees to wash all floor mats, grills and greasy equipment.

### Install and maintain screens

in all floor and sink drains.

### Educate Employees

on the importance of controlling F.O.G. Hang the poster on the reverse side in a visible location.

## Fats Oils and Grease Down Your Drain Is Trouble.

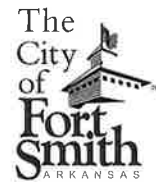
If not handled properly, Fats, Oils and Grease (F.O.G.) sticks to pipes and can lead to expensive clogs for your business. Proper disposal of F.O.G. and knowing your city's code is important!



The City of Fort Smith  
Utility Department  
801 Carnall Ave, Suite 500  
Fort Smith, AR 72901



# Keep Fats, Oils & Grease from clogging pipes!



City of Fort Smith  
Utility Department  
801 Carnall Ave. Suite 500  
Fort Smith, AR 72901

## THE RIGHT WAY

**CORRECTO**  
**CÁCH LÀM ĐÚNG**

**Wipe dishes, pots, pans and cooking equipment before rinsing or washing.**

Limpie con papel los platos, ollas, sartenes y equipo de cocina antes de enjuagarlos o lavarlos.

Gạt bỏ hết thức ăn trong chén đĩa, nồi, chảo và đồ dùng nấu ăn trước khi tráng hoặc rửa.



**Put food waste into food compost container or trash.**

Coloque los restos de comida en contenedores para reciclar alimentos o en la basura.

Đặt rác thực phẩm vào các thùng chứa phân trộn.



**Collect waste oil and store for recycling. Clean up spills immediately.**

Junte el aceite usado y guárdelo para reciclar. Limpie los derrames inmediatamente.

Đổ dầu cũ vào một chỗ chứa và giữ lại để tái tạo (recycle). Lau chùi ngay những chỗ bị đổ.



**Wash floor mats in a utility sink.**

Lave los tapetes en un lavabo de servicio.

Giặt tấm chùi chân trong bồn (utility sink).



**Keep screens in all drains to catch food waste.**

Coloque coladores en todos los desagües para retener los desperdicios.

Đề đồ chặn bằng lưới trong tất cả những chỗ thoát nước để chặn thức ăn dư.



## THE WRONG WAY

**INCORRECTO**  
**CÁCH LÀM SAI**

**Do not pour cooking residue into the drain.**

No arroje por el desagüe los residuos de alimentos cocinados.

Đừng đổ dầu cặn xuống cống.



**Do not put food waste down the drain.**

No arroje los desperdicios de alimentos por el desagüe.

Đừng đổ thức ăn dư xuống cống.



**Do not pour cooking oil into the drain.**

No vierta aceite de cocina directamente en el desagüe.

Đừng đổ dầu ăn xuống cống.



**Do not wash floor mats outside.**

No lave los tapetes en el exterior.

Đừng giặt tấm chùi chân ngoài sân.



**Do not remove screens from drains.**

No quite los coladores de los desagües.

Đừng lấy đồ chặn bằng lưới ra khỏi chỗ thoát nước.



# **FOG FREQUENTLY ASKED QUESTIONS**



## FATS, OILS, AND GREASE FREQUENTLY ASKED QUESTIONS (FAQS)

- **What is FOG?**

- FOG is a semi-solid viscous byproduct of food preparation. It can be derived from either vegetable or animal sources. Although it can be found in residential kitchens, it is of particular concern in commercial kitchens due to the large volume of fats, oils, and grease used to prepare food on a daily basis.

*Did you know that FOG causes approximately 80% of all dry weather sanitary sewer overflows within the City of Fort Smith?*

- **What is the difference between Oil and Grease?**

- The terms oil and grease, though almost always used together, represent very different substances.
- Oil is the liquid from left over from frying which does not solidify.
- Grease is the white solid residue left in the pan after frying items such as bacon.

- **What are common sources of FOG? Where does FOG come from?**

- FOG comes from cooking meat and meat based products. Sauces, salad dressings and the use of butter, margarine, lard or oil in food preparation are also major sources of FOG.
- When foods are prepared, oils and greases are cooked out of foods or are added as ingredients or non-stick remedies. The FOG ends up on cookware, dishware, kitchen equipment and even floors and floor-mats, all of which must be washed. When kitchen equipment and wares are cleaned, the FOG is washed off and enters the plumbing system. Shortly after this grease enters the drain, it begins to cool and separate from the dishwater.
- Some of the common sources of FOG include:

Butter	Mayonnaise
Cheese	Meats
Cookies	Pastries
Gravy	Salad Dressings
Ice Cream	Sauces
Margarine	Used Fryer Oil

Marinades            Yogurt  
Food Scraps         Bacon Grease and Au Jour

- **Why should you be concerned about FOG?**
  - Sewer capacity reduction, increased maintenance costs, shortened infrastructure lifespan, blockages, backups, overflows, fines, facility closures, vermin, treatment plant upsets, environmental damage, odor, human health hazards..... Quite an extensive list of potential problems from just a little grease.
  - FOG sticks to the walls of sewer pipes and builds up over time. Eventually, it can block the pipes completely, resulting in sewage backing up into basements, overflowing from manholes or discharging into local streams (SSOs).
  - FOG related overflows can result in property damage, environmental damage, and civil penalties and fines.
  - It is no coincidence that plumbing companies are frequently called to restaurants and other food service establishments to un-clog blocked lines.
  
- **How does FOG enter the sewer system?**
  - At food service establishments, the common ways for FOG to get into the sewer system include the following:
    - Washing FOG covered dishes and cookware without first scraping and wiping grease into a trash container.
    - Washing hood and grill wash-down-water into floor drains.
    - Using garbage disposals to dispose of FOG bearing food particles and scraps.
    - Improper drain connections that bypass FOG collection systems.
    - Flushing FOG down the drain with hot water (hot-flushing).
  
- **What can I do to help prevent FOG from entering the sewer system?**
  - To reduce the amount of FOG entering the collection system, remember to **SCRAPE**.
    - Scrape or wipe grease and food scraps from all cookware into a sealable container or trash bin.

- Collect liquid cooking oils in an oil rendering tank or oil recycling container.
  - Rotate cleaning schedule among fryers and food preparation devices.
  - Assign clean-up tasks to specific employees
  - Prepare foods with minimal amounts of fats, oil, and grease.
  - Educate your employees on the importance of reducing FOG and following proper FOG Best Management Practices (BMPs).
- **What are BMPs?**
  - BMPs are Best Management Practices. These are things that can be performed at your business to help reduce the amount of FOG that could go down the sewer.
- **Are all FOG Generators required to implement BMPs?**
  - Yes, BMPs are vital to help reduce the amount of FOG that can enter into the sewer.
  - When you receive a FOG Permit, you will be trained on BMPs by City staff.
- **What about using a garbage grinder, hot water, or detergents to wash FOG down the drain?**
  - Garbage disposals grind up grease bearing food particles. However, it does nothing to prevent FOG from entering the sewer system. This leads to a higher incidence of sewer clogs and SSOs.  
*A much safer practice is to simply scrape all remaining food particles and scraps into a trash bin.*
  - Hot water will cool down once it enters the sewer system and cause any FOG that had come into contact with the hot water to cool down and coagulate and solidify. This is also called “hot flushing”.
  - Detergents other than typical dishwashing detergents that claim to dissolve FOG may cause blockages to occur further down the sewer system.
- **Can enzymes or additives be used to lower my FOG discharge?**
  - The use of enzymes and additives are prohibited.

- **What is a FOG interceptor and how does it work?**
  - A FOG interceptor is a multi-compartment device that is constructed in different sizes and is generally required to be located underground between a FOG generator and the connection to the sewer system.
  - These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next.
  - These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.
  - They are also known as grease interceptors, oil interceptors, or oil/water separators.
  
- **Is there a permit fee and how much is it?**
  - There are currently no permit fees for the FOG Program.
  
- **How will I know what to do to be compliant?**
  - When you receive a FOG Permit, you will be trained by City staff on the permit requirements.
  - City staff will provide all the needed paperwork and forms you need to fill out.
  - City staff will also be available for questions by phone and e-mail during the week.



### *What is F.O.G (Fats, Oils, & Grease)*

- FOG is a semi-solid viscous byproduct of food preparation. It can be derived from either vegetable or animal sources. The kitchen is the primary location of FOG in the home.
- Did you know that FOG contributes to approximately 80% of all dry weather sanitary sewer overflows (SSOs) within the City of Fort Smith?

### *Why should you be concerned?*

- FOG sticks to the walls of sewer pipes and builds up over time. Eventually, it can block the pipes completely, resulting in sewage backing up into your home, overflowing from manholes or discharging into local streams. FOG related overflows can result in property damage, environmental damage, and civil penalties and fines.

### *What are common sources of FOG?*

Butter	Mayonnaise
Cheese	Pastries
Cookies	Salad Dressings
Gravy	Sauces
Ice Cream	Used Fryer Oil
Margarine	Yogurt
Marinades	Pan Drippings/Residue
Food Scraps	



### *How does FOG enter the sewer system?*

- The common ways for FOG to get into the sewer system include the following:
  - ♦Washing FOG covered dishes and cookware without first scraping and wiping grease into a trash container.
  - ♦Using garbage disposals to dispose of FOG bearing food particles and scraps.
  - ♦Flushing FOG down the drain with hot water (hot-flushing).

### *What can I do as a resident to help prevent FOG from entering the sewer system?*

- Scrape food waste, dry-wipe pots, pans, and dishes with a paper towel, and dispose of these items directly into the trash before rinsing or washing dishes.
- Use a can with a plastic liner with some absorbent material inside like paper towels, kitty litter, or coffee grounds to mix with all excess fats, oils, and grease.
- Once the grease can is full, remove and tightly secure the liner. Place it in the trash along with other absorbent material like paper towels, kitty litter, or coffee grounds.
- Allowing fats, oils, and grease to cool slightly before being placed into the sealable can(s) can make the process easier.
- Fats, oils, and grease should never go down the sink or garbage disposal.