

**NEW BETHLEHEM BOROUGH,  
CLARION COUNTY, PENNSYLVANIA**

**Ordinance No. 869**

**Section 1. Title.** This article shall be hereafter known as the "Borough of New Bethlehem Grease Clogging Remediation Ordinance."

**Section 2. Scope and purpose.** To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, grease and other items into the sanitary sewer system from industrial, residential or commercial establishments, particularly food preparation and serving facilities.

**Section 3. Definitions.** As used in this article, the following terms shall have the meanings indicated:

a. **FOOD PREPARATION FACILITY** — Includes any food establishment in any building, room or place or any portion thereof or appurtenance thereto where human food, foodstuff or beverages is mixed, cooked or otherwise prepared, offered for sale, sold, served or given, with or without charge, to patrons, customers or guests for consumption on the premises; including, among others, hotels, restaurants, cafes, cafeterias, clubs, boardinghouses, ice cream parlors, soda water or soft drink fountains and bars or taverns; any establishment where food, food products and beverages are manufactured, processed, packaged or bottled, or sold for consumption off the premises of the seller, including, among others, bakeries, beverage distributors, bottlers, candy and confectionery manufacturers, dairies, frozen food locker plants, wholesalers and retailers, and operators of vending machine services. Provided, however, that this does not include the mixing, cooking or other preparation and serving of food in single-family dwellings to the resident family or its guests.

b. **gpm** — Gallons per minute of flow.

c. **GREASE TRAP** — An interceptor whose flow rate is 35 gpm or less and which is located inside the building. Grease traps shall be rated for a minimum of 22.5 gpm.

d. **GREASE INTERCEPTOR** — An interceptor whose rated flow exceeds 35 gpm and which is located underground outside the building.

e. **RESTAURANT** — Includes any public eating place where regular meals are prepared, offered for sale, sold and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words "regular meals" as used herein means meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverage and accompaniments, served at more or less regular intervals.

f. **USER** — Any person or corporation, including those located outside the corporate limits of New Bethlehem Borough, who contributes, causes or permits the contribution of discharge of

wastewater into sewers or the sewer system within the Borough's boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

**Section 4. Plumbing to be in good repair.** Every building or room occupied or used or used as a public eating place, restaurant or food preparation facility shall be well-drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main public sewer. All drains, sewers, waste and soil pipes, traps and water and gas pipes shall, at all times, be kept in good repair and order so that no gases or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.

**Section 5. Installation of grease interceptors and traps.**

A. On or before September 1, 2006, every building, room or space or part thereof used as a restaurant or food preparation facility shall install or cause to be installed a grease interceptor or grease trap. The type of installation shall be determined by the total fixture flow through rate of potential grease laden fixtures discharging through the building sewage lines as determined by the Redbank Valley Municipal Authority or its authorized agents. For flow through rates of 35 gpm or less, an internal grease trap may be installed in certain existing structures used as restaurants and food preparation facilities. For flow through rates exceeding 35 gpm, an external underground grease interceptor must be installed in all new structures or changes of use involving restaurants or food preparation facilities.

B. Said grease trap or interceptor shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main public sewer line. An inspection site tee shall be installed between the interceptor discharge and connect to the public sewer system. All grease interceptors shall be readily and easily accessible for user cleaning and inspection by the Borough, the Redbank Valley Municipal Authority, or their authorized agents. All installations shall be in accordance with the International Plumbing Code or other applicable plumbing code and regulations.

C. No solid waste devices, such as waste grinders, disposals, potato peelers, etc., shall discharge through the grease trap or grease interceptor. Only potential grease laden fixtures may discharge through the trap or interceptor.

D. All new restaurants or food preparation facilities shall be required to install an exterior, underground grease interceptor of a minimum of 1,000 gallons, regardless of flow through rate.

E. In all existing restaurants or food preparation facilities, there shall be installed a grease interceptor or grease trap as determined by flow through rate, as detailed above. In existing facilities where it is determined by the Redbank Valley Municipal Authority that a grease trap is not sufficient, the Borough of New Bethlehem may require that a grease interceptor (as detailed above) be installed. Such insufficiency shall be evidenced by excessive amounts of grease being discharged into the public sewer system by a facility. All existing restaurants or food preparation facilities shall, at a change of ownership or alteration, install an exterior underground grease

interceptor of a minimum capacity of 1,000 gallons. In all existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility there shall be installed a grease interceptor, minimum capacity of 1,000 gallons, regardless of flow-through rate. Each grease interceptor or grease trap shall and must be installed by a licensed plumber.

F. Waiver. A waiver of the requirements of this article may be permitted for new food establishments that do not generate a significant amount of grease or where the installation of a grease interceptor is not feasible due to space constraints. In order to be considered for a waiver, the User must establish that it will not perform any significant preparation of food on the premises. Borough Council shall require, in exchange for the waiver of the one-thousand-gallon grease trap interceptor, that the commercial enterprise install and maintain an undersink grease trap that provides the flow-through rate of at least 25 gallons per minute. The Borough may also authorize the installation of an indoor grease trap or alternative pretreatment technology if an establishment demonstrates that the installation of a grease interceptor is not feasible because of documented space constraints. Alternate pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the Redbank Valley Municipal Authority or its agents. Said waiver shall be presented to Borough Council for its review and approval. The Borough Council shall consult with Redbank Valley Municipal Authority and its agents in considering the application for waiver.

#### **Section 6. General requirements for wastewater discharges and maintenance of grease intercepts and grease traps.**

A. No User shall discharge any wastewater whose total content of fats, oils, waxes, and grease of mineral, petroleum, or unknown origin exceeds 100 ppm downstream of the interceptor or trap at any time as shown by grab sample, or undergoes any form of phase separation due to temperature differentials which involve solid or viscous substances which could impair the sewer systems of New Bethlehem Borough and the Redbank Valley Municipal Authority. The Borough may reduce the above concentration where it is demonstrated that the concentration is causing chronic or adverse effects to the collections system.

B. No User shall discharge or allow any discharges which settle or adhere to a collector pipe, causing a reduction of normal collector hydraulic capacity; obstruct flow; cause premature failure and/or loss of integrity of any component of collection and conveyance systems of the Borough; or prevent various equipment from functioning as intended. Such materials include but are not limited to: grease; garbage, fat; or other bulk solids with particles greater than 1/2 inch in any dimension; guts or tissues; manure; bones; hair; hides or fleshing; entrails; feathers; ashes; cinders; sand; spent lime; paint; stone or marble dust; metal; glass; straw; shavings; grass clippings; rags; spent grains; spent hops; waste paper; wood; rubber; plastics; gas; tar; asphalt residues; residues from refining or processing of fuel or lubrication oil; mud; glass or metal filing; polishing wastes; or any material which can be disposed of as solid waste.

C. No grease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service and under no circumstances shall water be added to any wastewater to dilute the wastewater concentration to acceptable levels.

D. No User shall contribute any wastewater which causes a hazard to human life or creates a public nuisance to the wastewater system.

E. All grease interceptors and grease traps shall be maintained and kept in good working order at all times. The interceptor or trap shall limit the amount of grease discharged into the public sewer system to levels not exceeding those permitted by the Redbank Valley Municipal Authority and the Pennsylvania Department of Environmental Protection (“DEP”).

F. Upon approval by the Borough, a grease trap complying with the provisions of this ordinance must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal.

1. Grease trap sizing and installation shall conform to the International Plumbing Code or other applicable code.

2. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. Accumulated grease can be disposed of by recycling, rendering, or land application. Under no circumstances should collected grease be introduced into any drainage piping or public or private sewers.

G. It shall be the duty and responsibility of any owner, lessee or agent of any restaurant or food preparation facility to, at a minimum of, annually inspect the grease interceptor or trap. A written record shall be kept of all inspections. The inspection record shall, at a minimum, list the name (inspector and company), address, phone number of the inspection/disposal company, the method and frequency of cleaning schedule and the data of the cleaning/inspection. Such records shall be presented to the Redbank Valley Municipal Authority upon request. A more frequent cleaning/inspection schedule may be ordered to be performed by the facility when it is determined by the Redbank Valley Municipal Authority that the facility is discharging excessive amounts of grease to the public sewer system.

## **Section 7. Violation and penalties.**

### **A. Civil Penalties.**

(1) In addition any other remedy available at law or equity for violation of this article and whether or not the violation was willful or negligent, any User who has violated or continues to violate any of the provisions of this article shall be liable to the Borough for a civil penalty not to exceed \$1,000 per day as long as the violation continues, plus actual damages, including, without limitation, DEP penalties, sampling and monitoring expenses, enzymes, cleaning and treatment costs, incurred by and payable to the Redbank Valley Municipal Authority per violation. Each day that a violation continues shall be deemed a separate offense.

- (2) In addition to the above-described penalty and damages, the Borough Council and the Redbank Valley Municipal Authority may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities.
- (3) The Borough shall petition the court to impose, assess and recover all such sums.
- (4) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User and any other factor as justice requires.
- (5) Whosoever violates any of the provisions of this article shall cease to discharge or infiltrate or permit the discharge or infiltration of the violating materials and substances upon receiving 30 days' notice, in writing, to do so. In case the violator neglects or refuses to do so, in addition to the fines set forth above, the Borough of New Bethlehem may proceed to have the violating system disconnected by the provider thereof and the cost thereof, together with the penalty of 10% additional thereto, shall be collected from the violator in the manner now provided by law. In addition to the penalties provided above, the Borough of New Bethlehem shall have the right, upon proper notification, to cause water service to the offending premises to be terminated by the provider thereof.
- (6) Filing a suit for civil penalties shall not be a bar against nor a prerequisite for taking any other action against a User.

#### **B. Criminal Prosecution.**

- (1) A User who willfully or negligently violates any provision of this article, or order issued hereunder or any other pretreatment standard or requirement shall, upon conviction thereof, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both.
- (2) A User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained, pursuant to this article or order issued hereunder or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both.

C. Remedies Nonexclusive. The remedies provided for in this article are not exclusive. The Borough may take any, all or any combination of these actions against a noncompliant User.

#### **Section 8. Right of Entry.**

A. In the discharge of duties, the New Bethlehem Code Enforcement Officer, Redbank Valley Municipal Authority, or their authorized representatives shall have the authority to enter, at any reasonable hour, any restaurant or food preparation facility in the jurisdiction to enforce the provisions of this article.

B. The New Bethlehem Code Enforcement Officer may cooperate with or delegate his authority to the appropriate official of DEP, the Redbank Valley Municipal Authority or other county or

government agency charged with the duty of enforcing any Clarion County ordinance or regulation relating to the subject matter of the within article.

**Section 9. Enforcement of Clarion County ordinances and/or regulations.** The Borough of New Bethlehem reserves the right to invoke and enforce any Clarion County ordinance or regulation relating to the subject matter of this article and to seek the imposition of the penalties provided in said Clarion County ordinance or regulation.

**Section 10. Responsibilities of Owners of Improved Property.** The Owner of each Improved Property connected to the Wastewater System shall be responsible for all acts of tenants or other occupants of such Improved Property insofar as such acts shall be governed by provisions of this article and requirements.

**Section 11. Waiver of Rights.** The failure of the Borough to insist upon the strict performance of the provisions of this article or any of the terms or conditions thereof shall not be construed as a waiver of any of its rights hereunder.

**Section 12. Amendments.** The Borough reserves the right to adopt, from time to time, such additional Regulations it shall deem necessary and proper in connection with use and operation of the Facilities, which Regulations shall become and shall be construed as part of this article.

**Section 13. Severability.** If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared as the intent of the Council of the Borough of New Bethlehem that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 14. Repealer.** Any ordinance or part of any ordinance conflicting with the provisions of this article are hereby repealed to the extent of such conflict.

ORDAINED and ENACTED as an Ordinance of the Borough of New Bethlehem, Clarion County, Pennsylvania, this 21st day of February, 2006.

NEW BETHLEHEM BOROUGH

By: Gary Shea  
President of New Bethlehem Borough Council

ATTEST:  
Richard D. McGarrity  
Secretary

The foregoing Ordinance of the Borough of New Bethlehem is hereby approved by the Mayor of New Bethlehem Borough on the 21st day of February, 2006.

Tom Seidle  
Mayor of the Borough of New Bethlehem