BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-3

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON AMENDING CHAPTER 95, SEWERS, PART 1, PUBLIC SEWAGE SYSTEM, OF THE TOWNSHIP OF WASHINGTON CODE OF ORDINANCES, AS AMENDED, TO PROVIDE A NEW ARTICLE REGULATING FATS, OILS AND GREASES (FOG) ENTERING THE PUBLIC SEWER SYSTEM.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania, as follows:

Section 1. Chapter 95, Part 1, Public Sewage System, of the Code of Ordinances of the Township of Washington, as amended, is further amended to add the following new Article VII:

ARTICLE VII - FATS OILS AND GREASE (FOG) PROGRAM

§ 95-36. Purpose and Policy. The purpose of this Article is to reduce the amount of fats, oils and grease ("FOG") entering the Township of Washington ("Township") wastewater collection system in order to comply with the Clean Water Act of 1977 and general pretreatment regulations (40 CFR, Part 403). This Article provides for the regulation of FOG contributors to publicly owned treatment works ("POTW") through the issuance of permits, inspections, sampling and enforcement. The requirements within this Article shall be applied to, but not be limited to, all food processing facilities within the Township that discharge wastewater to be treated by the POTW. The requirements within this Article shall also be applied to residential users within the Township that discharge wastewater to the POTW and that contribute FOG to the Township's sewage collection system.

§95-37 Definitions. The following terms and phrases shall have the designated meanings in the context of this Article.

DAYS – Days shall be considered as calendar days unless otherwise specified.

FOG – Fats, oils and grease created as a byproduct of cooking.

FOG ADMINISTRATOR – Township POTW operator in charge or a duly authorized agent responsible for the enforcement of this Article.

FOG OVERFLOW REPORT – A report supplied to FOG Administrator by the Producer within five (5) days of a FOG overflow explaining the cause of the overflow, steps taken to contain and clean up the overflow, and measures taken to prevent the overflow from occurring again.

GREASE TRAP – An apparatus located inside the structure generating FOG that collects and contains FOG, and removes a significant portion of it from the wastewater to be discharged.

NOV – Notice of Violation. A written notice specifically citing the nature of the violation and a specified time frame for correction.

OIL AND GREASE INTERCEPTOR – An apparatus located outside the structure that collects and contains the FOG, and removes a significant portion of it from the wastewater to be discharged.

OVERFLOW – A discharge of FOG from a grease trap or interceptor into the POTW in a concentration greater than 100 mg/L or in the form of visible masses of a quantity or composition detrimental to the operation of the POTW.

POTW – Publicly owned treatment works, including the Township wastewater collection and conveyance system.

PRODUCER – Any commercial or public facility or private residential property that is connected to the Township POTW and that produces, directly or indirectly, wastewater containing FOG in a concentration greater than that defined in the General Regulations of this Article. Commercial facilities include, but are not limited to, restaurants, convenience stores which offer cooking other than heating of pre-packaged foods on -premises, schools, private clubs, delicatessens, churches and daycare centers. Producers shall be classified as follows:

CLASS 1 PRODUCER – Any Producer has an oil and grease interceptor on the building sewer outside of the structure.

CLASS 2 PRODUCER – Any Producer which has a grease trap.

CLASS 3 PRODUCER – Any residential Producer.

§95-38 General Regulations. The following regulations apply to all Producers contributing to the Township POTW.

(1) All Class 1 and 2 producers serviced by the Township, existing or new, which uses or produces FOG shall install, at its sole cost and expense, a grease trap/interceptor to prevent FOG in excess of the limits established in this Chapter from entering the sewer system. Existing Class 1 and 2 producers service facilities that are required by this section to install a grease trap/interceptor shall complete installation and have said grease trap/interceptor in full operation within three months of the date of enactment of this section. Furthermore, all Class 1 and 2 Producers must have a FOG permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG permit applications. All Class 1 and 2 Producers are required to renew their permit annually.

(2) At no time shall a Producer discharge, or cause to be discharged, any quantity of FOG to the POTW that exceeds the discharge limitation of 100 mg/L. At the discretion of the FOG Administrator, sampling by the Township of the Producer's discharge may occur

when the FOG Administrator has evidence that indicates the Producer may not be complying with the requirements of this Article. All Class 1 Producers shall be responsible for providing an adequate sampling port on their grease interceptors.

(3) The Producer is responsible for cleaning and/or having the oil and grease interceptor or grease trap cleaned on a regular basis so as not to discharge FOG to the POTW that exceed the discharge limitation of 100 mg/L. The frequency of cleaning at a minimum shall be in accordance with the "25% Rule", as determined by the FOG Administrator and directed in the FOG permit. The "25% Rule" requires that the depth of oil and grease (floating and settled) in an interceptor or trap shall not be equal to or greater than twenty-five percent (25%) of the total operating depth of the interceptor or trap. The operating depth of an interceptor or trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the interceptor or trap. In application of this 25% Rule, the cleaning frequency shall also be determined by the size of the interceptor and inspection of the sewer lines. The Class 1 Producer shall empty and clean the grease interceptor as often as is necessary to prevent overflowing of FOG into the POTW.

(4) Existing Producers which currently have an internal grease trap shall be required to clean and maintain that trap in an efficient manner. The following is prohibited to be discharged to an internal grease trap:

a. Wastewater with a temperature greater than one hundred forty (140) degrees Fahrenheit.

b. Acid or caustic trap cleaners including enzymes and/or degreasers which liquefy the FOG allowing them to pass from the grease trap and deposit in the POTW lines. All enzymes and degreasers which will come in contact with the grease trap must be approved by the FOG Administrator or duly authorized representatives.

(5) An existing Producer's FOG prevention procedures may be evaluated at any time by the FOG Administrator. If the FOG Administrator determines a Producer requires a grease interceptor as opposed to a grease trap, or requires a larger sized grease interceptor, the Producer shall have a maximum of forty-five (45) days to install a properly sized grease interceptor by a qualified installation company.

(6) Newly built Class 1 Producers or renovated existing Class 1 Producers shall install a properly sized oil and grease interceptor on the building sewer outside of the structure from the facility. The Producer shall submit oil and grease interceptor capacity calculations and a design to the FOG Administrator for approval prior to installation. The oil and grease interceptor shall have the following design features (as a minimum): a tee inlet in which one (1) tee branch extends a minimum of one (1) foot below the liquid level, an outlet tee with a minimum submergence of two-thirds (2/3) of the liquid depth, a baffle to separate the trap into two (2) compartments, and two (2) manhole access ways for inspection of the inlet and outlet tees. The interceptor shall have a minimum of two cleanouts, one on the inlet side and one on the outlet side, and shall be located with easy access for pump out and inspection. The Producer may present alternative designs to the FOG Administrator. The FOG Administrator reserves the right to approve or reject the alternative design at the FOG Administrator's sole discretion.

(7) All Producers may be inspected by the FOG Administrator at his sole discretion. The FOG Administrator has the authority to access and inspect any oil and grease interceptor or grease trap. The FOG Administrator shall give adequate notice to all Class 3 Producers prior to inspection on their property.

(8) Overflowing an oil and grease interceptor on the sewer line or on the sink discharge line is strictly prohibited. In such case, the Producer shall be responsible for the subsequent containment, cleanup and disposal of the overflow material as well as its expense. It is the responsibility of the Producer to immediately notify the Township FOG Administrator of the incident. The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within five (5) days of the overflow, the Producer shall submit to the Township a detailed written report describing the cause of the overflow, steps taken to contain the overflow, steps taken to prevent it from occurring again and the cleanup of the overflow, including details on method of disposal of overflow material.

(9) Class 1 and Class 2 Producers must keep on site a current grease interceptor and grease trap cleaning log. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of, location of disposal, and manifest if done by an outside hauler. Permit renewals shall require submission of the prior year's cleaning log. The Township shall have the right to inspect any grease trap/interceptor at any time to ensure that the systems are in working order and that the systems are being properly cleaned and maintained. Cleaning logs shall be presented to the Township upon request at the time of each inspection. The property owner and/or tenant shall pay to the Township an inspection fee for each grease trap/interceptor inspection by the Township, together with any and all costs and expenses incurred by the Township in connection with such inspection. The grease trap/interceptor inspection fee shall be established by resolution of the Township from time to time.

(10) The Township reserves the right to inspect a connected residential user(s) of the POTW if evidence within the POTW indicates that a significant buildup of FOG is occurring within proximity of the residential user(s) and that such evidence cannot be attributed to Class 1 or 2 Producers. Sampling will occur at the residential lateral cleanouts whenever possible.

§95-39. Permit Fees. The following permits shall apply to all Class 1 and Class 2 Producers contributing to the POTW:

(1) Initial Permit - $400.00

(2) Annual Permit Renewal - $50.00

All permit fees are the responsibility of the Producer and must be paid within thirty (30) days. Bills remaining unpaid after the due date will be charged additional interest at the rate of six percent (6%) per annum. Producers with unpaid permit fees shall be prohibited from obtaining any further annual permit renewals.

Any change in the rate and/or fees charged shall be made by a Resolution adopted by the Township of Washington Board of Supervisors.

§95-40. Enforcement.

(1) The Township shall suspend any FOG permit held by a Producer if the Producer does not adhere to the requirements of this Article. Once the permit is suspended, the Producer shall not discharge to the POTW until the permit is reinstated. The permit shall remain suspended until the Producer demonstrates proof that the noncompliance was eliminated and of compliance going forward.

(2) The methods of enforcement shall include, but not be limited to: the issuance of a NOV and/or the assessment of a monetary penalty as defined in Sections §95-42 and §95-43.

(3) Should the FOG inspectors need to sample any Producer, the Producer shall be responsible for the costs required for the analytical laboratory to perform the analysis of the sample. Payment must be paid within thirty (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such 30-day period will be charged interest at the rate of six percent (6%) per annum.

(4) Any costs incurred by the Township for cleaning the Producer's FOG from the POTW and/or penalties, fines or other costs incurred by the Township for the Producer's FOG shall be the responsibility of the Producer. Payment must be paid within thirty (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such 30-day period will be charged interest at the rate of six percent (6%) per annum.

§95-41. Notice of Violations. In addition to all other remedies available to it, the Township shall have the right to issue a NOV(s) and/or impose a monetary penalty(ies), as hereinafter set forth in §95-42 and § 95-43, for a violation of any requirements of this Article. The following factors shall be considered in imposing any and all monetary penalties:

(1) Damage to the air, water and land of the Township and surrounding Township.

(2) Damage and/or harm to the POTW and/or its personnel.

(3) Past violations and compliance history.

(4) Producer's willingness and efficiency to comply; response to the NOV in a timely manner; notification to the Township; and quick, effective corrective action to eliminate the noncompliance.

(5) Magnitude of the violation.

§ 95-42. Types of Violations and Penalties. The following is a schedule of violations and maximum penalties to be assessed. Payment must be paid within thirty (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such 30-day period will be charged interest at the rate of six percent (6%) per annum. Failure to pay the penalties below withing thirty (30) days, or failure to act or appeal within the time prescribed herein, shall result in prosecution as a summary offense, as set forth in §95-43 below.

(1) Failure to clean oil and grease interceptor/grease trap (1st offense) – NOV.

(2) Failure to clean oil and grease interceptor/grease trap (2nd offense) according to schedule – NOV plus up to a Two Hundred and Fifty Dollar ($250.00) penalty.

(3) Failure to clean oil and grease interceptor/grease trap (3rd offense and thereafter) according to schedule – NOV plus up to a Five Hundred Dollar ($500.00) penalty for every day the cleaning is not completed.

(4) Failure to clean oil and grease interceptor/grease trap four (4) or more times within a twelve (12) month time period – NOV plus up to a One Thousand Dollar ($1,000.00) penalty and the revocation of the Producer's permit.

(5) Failure to keep and maintain cleaning log with necessary hauling manifests (1st offense) – NOV plus up to a One Hundred Dollar ($100.00) penalty.

(6) Failure to keep and maintain cleaning log with necessary hauling manifests (2nd offense) – NOV plus up to a Two Hundred Dollar ($200.00) penalty.

(7) Failure to keep and maintain cleaning log with necessary hauling manifests (3rd offense and thereafter) – NOV plus up to a Three Hundred Dollar ($300.00) penalty.

(8) Failure to keep and maintain cleaning log with necessary hauling manifests four or more times within a twelve (12) month time period – NOV plus up to a Five Hundred Dollar ($500.00) penalty and the revocation of the Producer's permit.

(9) Overflow of oil and grease interceptor/grease trap – NOV plus a penalty to be assessed by factors set forth in §95-41, plus the violator will be liable for the entire cost of cleanup of site.

(10) Failure to notify FOG Administrator of overflow immediately – NOV plus up to a One Thousand Dollar ($1,000.00) penalty. Within 5 days, an overflow report must be submitted to the FOG Administrator.

(11) Failure to submit FOG overflow report within five (5) days to FOG Administrator – NOV plus up to a Two Hundred Fifty Dollar ($250.00) penalty.

(12) Deliberately pouring FOG into the sewer system, including pouring anything that will wash out the oil and grease interceptor/grease trap – NOV plus up to a Five Thousand Dollar ($5,000.00) penalty.

(13) Discharging more than 100 mg/L of fats, oil and grease – NOV plus up to a One Hundred Dollar ($100.00) penalty.

§95-43. Enforcement. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

§95-44. Rules and Regulations. The Board of Supervisors shall have the power to establish additional appropriate Rules and Regulations for the administration and enforcement of the provisions of the FOG Program.

Section 2. Construction and Severability. In the event any provision, section, sentence, clause or part of this Article shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Article, it being the intent of the Township Board of Supervisors that such remainder shall be and shall remain in full force and effect.

Section 3. Additional Remedies. Any Producer which refuses or fails to comply with any of the provisions of this Article, in addition to the enforcement proceedings, fines, and penalties set forth in Sections §95-42 and §95-43 may suffer discontinuance of water service and/or shall be subject to any and all other remedies available to the Township at law, or in equity, or both. Each owner of a regulated facility shall be deemed to have joint and several liability and responsibility under the provisions of this Ordinance.

Section 4. Repealer. All Ordinances, or parts of Ordinances, of the Township which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

Section 5. Effective Date. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED, this 23rd day of October 2025.

BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON BERKS COUNTY, PENNSYLVANIA

By: _____
David D. Moyer, Chairman

By: _____
Thomas Powanda, Vice Chairman

By: Romnie S Long
Romnie S. Long, Member

Attest: Susan K. Brower
Secretary

MUNICIPAL CERTIFICATION

I, Susan J. Brown Secretary of the Township of Washington, Berks County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2025-3 adopted at a regular meeting of the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania held on the 23rd day of October 2025.

Susan J. Brown
Secretary

[SEAL]