

RESOLUTION NO. 522

**A RESOLUTION TO DEFINE AND IMPLEMENT A FATS, OILS AND GREASE
MANAGEMENT PROGRAM PER MUNICIPAL CODE SEWER SECTION 15-227
DISCHARGE REGULATIONS AND LIMITATIONS**

WHEREAS, the Board of Trustees determined that in the best interest of enforcement of Section 15-227 Discharge Regulation and Limitation as adopted in Ordinance 469, November 16, 2021 this regulation defining and implementing a fats, oils, and grease management program is necessary, and

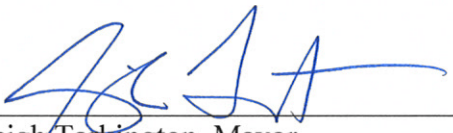
WHEREAS, Town Staff will engage with commercial operations and operators to provide information and educational opportunities regarding fats, oils and grease; and

WHEREAS, all Town Staff communication regarding fats, oils and grease within the next twelve (12) months shall be in a pre-enforcement stance to allow for full compliance enforcement implementation by June 1, 2023.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF BAYFIELD, COLORADO AS FOLLOWS:**

The Fats, Oils and Grease Management Program is hereby adopted per Exhibit A to define and implement Municipal Code Sewer Section 15-227 Discharge Regulations and Limitations. Effective date is June 1, 2022 with a pre-enforcement implementation the first twelve (12) months and full enforcement beginning June 1, 2023.

**PASSED, APPROVED, and ADOPTED this 17th day of May 2022, by the Board of
Trustees of the Town of Bayfield, Colorado.**



Ashleigh Tarkington, Mayor

ATTEST:



Kathleen Cathcart, Town Clerk



Resolution 522 – Exhibit A

Fats, Oils, and Grease Management Program

A. Fats, Oils, and Grease Management Program Goals

1. Educate all system users about kitchen best management practices.
2. Educate food service establishments (FSEs) about the Town's Municipal Code.
3. Improve current grease control device maintenance practices.
4. Minimize the amount of fats, oils, and grease (FOG) discharged into the wastewater collection system which causes difficulty in treatment at the wastewater treatment plant.
5. Eliminate any and all grease related sanitary sewer overflows within the Town's system.
6. Track the pumping and disposal of waste from all grease traps and interceptors within the Town's system, to include self-cleaners and self-haulers.
7. Maintain compliance with the federal Clean Water Act, discharge permit requirements from Colorado Department of Public Health and Environment (CDPHE), and ensure that water passing through the collection and treatment system will not deteriorate the quality of Colorado waters.

B. FOG Management Program Regulation

1. Regulate installation and register appropriately sized grease control devices (GCD) within individual service systems.
2. Monitor the performed regular maintenance and cleaning to maintain a minimum flow through the GCD.
 - i. Ensure all contents of the GCD are completely cleared of all solids and liquids.
 - ii. Ensure walls are completely scraped clear of all FOG buildup on all surfaces of the GCD interior.
 - iii. Maintain a pH level between 5.5 and 9.5.
 - iv. Keeping all faucet temperatures under 150 °F.
3. Complete and maintain records of GCD maintenance and FOG hauling for a two-year period.

C. FOG Management Program Inspection Procedures

Town staff or their designees shall perform FOG program inspections for FSEs within Town's sewer service jurisdiction. The goals of inspection include education as well as compliance assurance.

1. Explain the FOG program and review kitchen best management practices (BMP) and FOG management.
2. Review information provided in each FSE's registration documentation, review maintenance logs, and inspect each GCD within the establishment.
3. Perform a visual inspection, evaluate cleaning frequency based on maintenance logs, and verify that each installed device meets the 25% Rule as required by Town code.

4. Measure pH levels of the GCD to ensure FSE's discharge is within allowable limits per CDPHE permit requirements.
5. Measure the temperatures of water at the faucets to ensure compliance with Town code.

D. FOG Management Program Inspection Reports

Inspection reports will be provided to FSEs with a detail of findings. The inspector may also provide a notice of violation (NOV) or recommended corrective actions based on findings.

1. Evaluate new or remodeled facilities.
2. Evaluate facilities with seasonal or variable effluent discharges.
3. Evaluate installations or changes for pretreatment equipment (i.e., new GCD).
4. Ensure compliance with applicable FOG program standards.
5. Verify that best management practices are being followed.
6. Ensure maintenance logs are current and accurate.
7. Determine adequacy of maintenance schedules for each FSE.
8. Determine adequacy of GCD installations for each FSE.
9. Resolve a Town employee, citizen or agency complaint
10. Address a sanitary sewer overflow (SSO), odor complaint or sanitary sewer backup.
11. Verify compliance with an enforcement action.
12. Investigate any previously identified illicit discharge.

E. FOG Management Program Enforcement Actions and Compliance Status

When a violation is identified upon inspection, an NOV and compliance schedule will be issued. The matrix below provides an outline of violations, responses, and follow up activities required when violations occur.

Town of Bayfield, Fats, Oils and Grease (FOG) Program Violation Matrix				
Violation Type	Condition	Town	FSE Action	Town Follow-up Activity
Unauthorized Discharge	No GCD	Issue NOV and Compliance Schedule	Respond to required Action within Compliance Schedule	Perform Follow-up Inspection
	Failure of 25% Rule	Issue NOV	Respond to Required Action Within 7 Days	Perform Follow-up Inspection
Refusal of Entry	Refusal to Allow Inspection	Issue NOV	Respond to Required Action Within 7 Days	Rack and submit to Marshal's Office
Inaccessible GCD	GCD is Inaccessible for Inspection	Issue NOV	Respond to Required Action Within 7 Days	Perform Follow-up Inspection
Inadequate/Unavailable Maintenance Log	No maintenance log or maintenance log does not include required information	Issue NOV	Respond to Required Action Within 7 Days	Evaluate log at Subsequent Inspections
GCD Malfunction	GCD Leaking	Issue NOV	Repair or replace GCD; add to maintenance log	Notify San Juan Basin Public Health; reevaluate for compliance at subsequent inspections
	GCD Not Functional			
	GCD has no or incorrectly installed baffles			
Missed Milestone or Compliance Date	Failure to respond to any violation within required timeframe	Issue NOV	Respond to Required Action Within 7 Days	Schedule meeting with FSE management
Other	BMP not followed	Provide BMP's, discuss implementation and request preparation of BMP plan	Review BMP materials, prepare and implement BMP plan prior to subsequent inspection	Evaluate BMP plan implementation at next inspection

F. Additional Town Regulated Actions

1. Violation of discharge prohibitions, interference or pass through of GCDs, or other intentional amendment to the system that causes discharge of FOG to the wastewater treatment system.
2. Discharge of a pollutant which causes imminent endangerment of human health, safety, or the environment.
3. Failure to meet milestones for compliance with an NOV, consent agreement, or administrative order.

4. Any other violations determined by Town Public Works Department to adversely affect the operation of the wastewater collection system and the implementation of the FOG program.

G. Compliance Status

FSE compliance status is determined by the FOG inspector based on the results of the most recent inspection and any remedial actions defined in the NOV. Enforcement actions may be necessary due to a pattern of continued non-compliance or due to an egregious violation of the FOG program requirements.

1. Notice of Violation is generated upon the occurrence of any violation of FOG requirements. Any NOV will be accompanied by an inspection report referencing the occurrence of a violation.
2. Consent Agreement is developed when repeat violations have occurred with no resolution or return to compliance. The consent agreement will provide reference to previously provided NOVs, Town code provisions found in violation, an identified remedy to resolve non-compliance, and finally a schedule of implementation of remedy.
3. Administrative Order is developed when repeat violations have occurred with no resolution or when violations have been found to be egregious. An administrative order will include all aspects included in a consent agreement but may also include an assessment of penalties.
4. Permit Revocation may occur when repeat enforcement actions have not resulted in compliance or when a violation causes imminent or substantial danger to human health, safety, or the environment. A permit revocation will include all aspects included in an administrative order but will also include specific prohibition on continued operations until the identified violations are resolved.

Town of Bayfield Fats, Oils and Grease Compliance Matrix			
Town Action	FSE Action	Compliance Status	Additional Town Action
Issue NOV	Takes Corrective Action	Compliance	Continue Periodic Inspections
	Does Not Take Corrective Action	Non-Compliance	Issue Second NOV
Issue Second NOV	Takes Corrective Action	Compliance	Continue Periodic Inspection
	Does Not Take Corrective Action	Non-Compliance	Consent Agreement
Consent Agreement	Takes Corrective Action	Compliance	Continue Periodic Inspections
	Does Not Take Corrective Action	Non-Compliance	Administrative Order
Administrative Order	Takes Corrective Action	Compliance	Continue Periodic Inspections
	Does Not Take Corrective Action	Non-Compliance	Permit Revocation, Termination of Service, Judicial Action
Permit Revocation, Termination of Service Judicial Action	Takes Corrective Action	Compliance	Restore Permit and Service