

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2013-2**

**AN ORDINANCE REDUCING THE TESTING SCHEDULE  
FOR GREASE INTERCEPTORS IN ESTABLISHMENTS  
SHOWN REPEATEDLY TO DISCHARGE SUBSTANTIALY LESS THAN THE  
MAXIMUM PERMITTED CONCENTRATION OF GREASE, AND AMENDING  
CHAPTER 159 OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Chapter 159 of the Borough Code requires food establishments and facilities to install grease interceptors to trap grease in wastewater that would otherwise be discharged to the Borough's sewer system;

**WHEREAS**, the Code permits a food establishment or facility to defer installation of a grease interceptor if instead it installs a control manhole to permit sampling of wastewater and it demonstrates through quarterly laboratory testing that its wastewater does not contain more than the maximum permitted concentration of grease;

**WHEREAS**, Borough Council determines that when the sampled wastewater from a particular establishment is repeatedly found to contain substantially less than the maximum permitted concentration of grease, it is fair to reduce the frequency of testing for that establishment, subject to conditions;

**WHEREAS**, Borough Council of the Borough of Pennington therefore seeks to amend Chapter 159 of the Code to provide that when the results of three consecutive quarterly samples are found to be no more than twenty percent (20%) of the maximum concentration permitted, the owner may petition the Borough in writing to reduce laboratory testing to two (2) tests per calendar year on a schedule approved by the Borough, subject to reinstatement of quarterly testing if the situation changes;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Chapter 159, Section 159-13.2 of the Code of the Borough of Pennington, is hereby amended to read:

The owner of a property containing a food establishment or facility in operation at the time of the adoption of this amendatory ordinance may elect to defer installation of one or more exterior grease interceptors otherwise required by this chapter, provided this election shall expire if the establishment or facility expands, constructs new facilities or makes renovation, repair or alteration of existing facilities in a manner which requires issuance of a permit by the municipal Construction Office, and provided further that deferring the installation of the exterior grease interceptor may continue only for as long as the owner demonstrates to the reasonable satisfaction of the Borough, based on the testing of wastewater as prescribed herein, that the food establishment or facility does not discharge grease, fat or oil in excess of the maximum concentration permitted by § 159-8D of the Code. The testing of wastewater shall comply with the following standards and procedures.

A. The owner, at the owner's sole expense, shall install and maintain a suitable control manhole in the building sewer conveying wastewater from the property to permit observation, sampling and measurement of wastes. The manhole shall be installed downstream of all fixtures discharging grease or oil and upstream of the building sewer. The owner also shall at its expense modify the building sewerage conveyance system by installing waste piping as needed to effect the complete segregation of fixtures receiving grease or oil so that only the waste from these fixtures is monitored through the manhole. Such manhole shall be accessible and safely located and, together with all related system modifications, shall be constructed in accordance with plans approved by the Borough Plumbing Subcode Official or the Borough Engineer, as appropriate.

B. The owner shall, at owner's sole expense, contract with a laboratory certified by the New Jersey Department of Environmental Protection to obtain suitable samples from the control manhole to determine the concentration of grease and oil in the monitored wastewater under representative operating conditions. The laboratory shall test the sampled wastewater in compliance with EPA Method 1664A HEM or such other testing protocol as may hereafter be approved by the Department of Environmental Protection for this purpose. The sampling and testing shall be performed at least quarterly. The owner shall promptly submit full details and results of such sampling and testing to the Borough Department of Health and shall maintain copies on the premises. Sampling and testing information shall include for each sample the date, exact location, method, volume and time of sampling, the name of the person(s) taking the sample, the date or dates of analysis of the sample, the name of the person(s) performing the analysis, the analytical techniques or methods used, and the results of the analysis. When the results of tested samples in three consecutive quarters indicate no more than 20% of the maximum concentration permitted by § 159-8D of the Code, the owner may petition the Borough in writing to reduce laboratory testing to two (2) tests per calendar year on a schedule approved by the Borough. Any change in ownership of the business or building, a change in use of the building likely to increase the discharge of grease, a substantial change in the product produced by the

business, any indication between tests that the discharge of grease or oil has increased, or a single test with a result in excess of 20% of the maximum amount permitted by the Code shall require the immediate reinstatement of quarterly testing.

C. The sampling of wastewater shall be performed when the establishment or facility is in full operation and shall be of sufficient frequency during an ordinary day and week to permit reliable measurement of whether maximum permissible concentrations of grease, fat and oil have been exceeded. It shall be unlawful to add water to the monitored wastewater for the purpose of diluting wastes. The Borough reserves the right to conduct its own sampling and testing, at the owner's expense. For this purpose, the owner or the operator of the food establishment or facility, as appropriate, shall afford the Borough and its authorized representatives immediate, full and safe access to the control manhole upon request, without prior notice.

D. Upon a determination by the Borough, based on the described sampling and facility is not discharging grease, fat or oil in excess of the maximum concentration permitted by Section 159-8D of the Code, the Borough shall notify the property owner that installation of one or more exterior grease interceptors is required. The notice shall provide a deadline for completing the installation as set forth in Section 159-13.3 of the Code.

E. All engineering, laboratory and other professional fees incurred by the Borough in connection with approvals required by this chapter or in connection with implementation of the sampling and testing procedures set forth herein shall be promptly reimbursed to the Borough by the owner.

2. This ordinance shall be effective upon passage and publication as required by law.

Introduced: March 4, 2013

Advertised: March 14, 2013

Public Hearing: April 1, 2013

Adoption: April 1, 2013

Final Publication: April 11, 2013

ATTEST:

APPROVED:

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Elizabeth Sterling, Borough Clerk

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Anthony Persichilli, Mayor