

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2015-9**

**ORDINANCE AMENDING CERTAIN REQUIREMENTS AFFECTING INSTALLATION OF
EXTERIOR GREASE INTERCEPTORS BY RESTAURANTS AND OTHER FOOD
ESTABLISHMENTS, AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Chapter 159 of the Code of the Borough of Pennington requires installation of exterior grease interceptors by restaurants and other establishments which prepare, process or serve food unless the property owner can demonstrate objectively that the property does not discharge concentrations of grease and oil in excess of the maximum concentration permitted by the Code;

WHEREAS, the Code now requires that for the restaurant or other food establishment to demonstrate that the property does not discharge grease and oil in prohibited concentrations, the owner must install and maintain a suitable control manhole in the building sewer conveying wastewater from the property, to permit observation, sampling and testing of wastes;

WHEREAS, although construction and maintenance of a control manhole in the building sewer conveying wastewater from the property is less expensive than installation of an exterior grease interceptor, the expense may needlessly burden the owners of restaurants and food establishments if a less expensive option for testing wastewater is feasible;

WHEREAS, the additional option contemplated is an interior grease interceptor with a spout, faucet or other means of access to permit sampling and testing of effluent;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 159 of the Code of the Borough of Pennington, concerning Sewer Use, is hereby amended to modify the requirements for installation of external grease interceptors by the owners of properties in which any food establishment or facility is located (with new language underlined and deleted language bracketed) as follows:

1. Section 159-13.2 is amended to provide:

Section 159-13.2. When Interceptor Required.

The owner of a property containing a food establishment or facility which opens for business after October 1, 2015 [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 Section 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 monitoring system [control manhole in the building sewer conveying wastewater from the property to] which shall permit observation, sampling and measurement of wastes being discharged from affected buildings on the property. The monitoring system shall consist of either an exterior control manhole in the sewer conveying wastewater from the building or a grease interceptor inside the building with a spout or faucet or other means of access on its effluent pipe, each configured and equipped as set forth in this ordinance. The elected monitoring system [manhole] shall (1) be installed downstream of all fixtures discharging grease or oil and upstream of the building sewer; (2) include waste piping connected to all sinks, dishwashers, drains and other fixtures as needed to effect the complete segregation of fixtures receiving grease or oil so that only the waste from these fixtures is monitored by the system; (3) be accessible and safely located; and (4) together with all related waste piping and system modifications, be constructed in accordance with plans approved by the Borough Plumbing Subcode Official or the Borough Engineer, as appropriate. [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 monitoring system [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 Section 159-8D of the Code, the owner may petition the Borough in writing to reduce laboratory testing to two tests per calendar year on a schedule approved by the Borough. Any change in ownership of the business or building, a 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 monitoring system [control manhole] upon request, without prior notice.
 - D. Upon a determination by the Borough, based on the described sampling and testing, that the owner has failed to demonstrate that the food establishment or 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. Subsection C of Section 159-13.3 is amended to provide the following, leaving all other provisions of Section 159-13.3 unchanged:
- C. An owner electing to defer installation of an exterior grease interceptor by the installation of a monitoring system [construction of a control manhole] and the testing of wastewater, as provided in Section 159-13.2, shall install such system [manhole] and commence prescribed testing within 60 days of notice by the Borough that installation of one or more grease interceptors is required. If prior to October 1, 2015 [the adoption of this amendatory ordinance], such owner received notice by the Borough that installation of an exterior grease interceptor is required, the Borough shall issue a second notice to the owner, again requiring installation of an exterior grease interceptor. The owner receiving such second notice shall have 60 days thereafter to install a monitoring system [control manhole] if the owner so elects. Otherwise, within 60 days of the second notice or within the time remaining following the earlier notice under Subsection A(2), above, whichever is greater, the owner shall install the exterior grease interceptor. If at any time after installation of a monitoring system [control manhole] the Borough notifies the owner that installation of an exterior grease interceptor is required as provided herein, the installation of the interceptor shall be completed within 120 days of that notice.
3. This ordinance shall be effective upon passage and publication as provided by law.

Introduced: September 8, 2015

Advertised: September 17, 2015

Public Hearing: October 5, 2015

Adopted: October 5, 2015

Published: October 8, 2015

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor