

Establishing an Ordinance to Control Fats Oils and Greases (FOG) in Sewers

Fats, Oils and Greases (FOG) Can Cause Sanitary Sewer Overflows

Sanitary sewer overflows (SSOs) are a threat to human health and the environment and are a major concern to wastewater agencies across the U.S. The USEPA estimates that more SSOs are caused by FOG than by any other factor. This fact, plus the cost of cleaning wastewater conveyance lines and treatment of FOG at the Publicly Owned Treatment Works (POTW) lead state and local wastewater agencies to develop FOG control programs.



Establishing a FOG Ordinance or Rules

All Publicly Owned Treatment Works (POTW) must comply with the Clean Water Act, Title 40, Code of Federal Regulations (40 CFR), Part 403 (40 CFR Part 403). Therefore, even if a jurisdiction does not have an approved pretreatment program, they have the authority to establish a pretreatment ordinance. To formalize and clearly communicate the expectations and requirements of FOG abatement, the jurisdiction may want to establish a sewer use ordinance. This factsheet describes the elements of an ordinance for POTW's without an EPA or State approved pretreatment program. Ordinance elements include definitions, wastewater discharge prohibitions, implementation procedures for pretreatment requirements, recordkeeping, notification, reporting, right of entry, authority to gather information, enforcement, and authority to control discharge of trucked/hailed waste.



The ordinance must be able to:

Condition or Prohibit Discharges

An ordinance shall prohibit intentional and non-intentional discharges of prohibited pollutants into the wastewater collection system by non-residential entities. A threshold criterion might be, “in amounts that interfere with the collection and treatment system or cause the pollutants to pass through the treatment works into the environment.” If the ordinance is written to cover all industrial users, eight discharge prohibitions under 40 CFR Part 403.5 are applicable to every industrial user and therefore must be included in the ordinance. Additional prohibitions can be included based upon local, environmental, or collection system concerns.

Implement Procedures for Pretreatment Requirements

It is an option to require a permit for discharging and pumping FOG. All Food Service Establishments (FSE's) or property owners with FSEs located onsite as well as all pumping contractors may be required to apply for and receive a general permit for FOG pretreatment. Permits can include control measures, such as Best Management Practices (BMPs) and do not limit the ability to inspect, sample, require reports or enforce the permit. BMPs can include treatment system installation and maintenance and record retention and reporting requirements.

Require Periodic Reports

All FSE's or property owners may be required to provide periodic Pump-Out, Training Log, and Pump Out Invoices that meet specified standards. They may also be required to submit an Industrial User Questionnaire, Notification of Change in Discharge, Notification of Hazardous Waste Discharge, or Report of Potential Problems.

Provide Right to Inspect Non-Domestic Facilities

The POTW shall have the right to enter the premises of any FSE to carry out inspections to determine whether the FSE is complying with all permit requirements.

Take Enforcement for Non-Compliance

When a POTW finds that an industrial user has violated or continues to violate any provision of its ordinance, it may take enforcement action for noncompliance through notification of violation, suspension of service, administrative order, administrative penalty, or judicial enforcement remedies.

For further information see:

- Rules Relating to Fats, Oils, and Grease (FOG) Program Compliance template
- Plumbing and Drainage Institute Model Grease Ordinance
- [EPA Region 8 Example Ordinance](#)

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