

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, AS REVISED 1988, CHAPTER 25, ARTICLE IV,
PERTAINING TO SEWER AND SEWAGE DISPOSAL, DIVISION 5 RELATED TO
THE DISCHARGE OF FATS, OILS AND GREASE, AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection and preservation of the health, safety and welfare of the citizens of the county; and

WHEREAS, Chapter 25 of the Code of DeKalb County currently regulates water, sewers, and sewage disposal; and

WHEREAS, Chapter 25, Article IV, Division 5 of the Code of DeKalb County specifically regulates discharges into the County's Sanitary Sewer System, including the discharge of fats, oils and grease; and

WHEREAS, no water service will be provided by DeKalb County or through the Department of Watershed Management to any facility required to have a FOG wastewater discharge permit until such a permit has been issued by the FOG Control Program Manager; and

WHEREAS, the Governing Authority has determined that this Ordinance will help reduce blockages and sewer overflows that result from discharges of fats, oils, and grease into DeKalb County's Sanitary Sewer System; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 25, Article IV, Division 5 of the Code of DeKalb County, Georgia, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Chapter 25, Article IV, Division 5 by amending Section 25-265. Title, amending Section 25-265.1. Definitions, adding a new section, Section 25-265.22 as follows:

Sec. 25-265. Title.

Section 25-265 through Section 25-265.22 shall be known as the Fats, Oils and Greases (FOG) Regulations of DeKalb County, Georgia.

Sec. 25-265.1. Definitions.

Dwelling unit means one (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and bathroom facilities comprising an independent, self-contained residential unit.

Food Service Establishment (FSE) means any entity or person who prepares and/or packages food or beverage for sale or consumption, on or off site, with the exception of private residences so long as the private residence is not used to prepare or package food or beverage for sale. FSEs include, but are not limited to, food courts; food manufacturers; food packagers; restaurants; catering services; bars/taverns; cafeterias; soda fountains; institutions, both public and private; mobile food vehicles (coach); wing trailers; diners; grocery stores; bakeries; coffee shops; ice cream shops; lounges; hospitals; hotels; nursing homes; churches; schools; daycare centers; businesses with a dishwasher (with the exception of a business with non-commercial dishwasher(s) solely installed in areas designated as a break room or equivalent), and all other FSEs not listed above, either fixed or mobile, as are or may hereafter be recognized by the health department and/or the state department of agriculture.

Limited Food Preparation Establishment means an establishment that is engaged only in reheating or serving of ready-to-eat food products on all disposable ware and disposable utensils. Facilities that engage in preparation of fruit baskets, juicing or preparation of beverages that do not contain milk products, and, as a result, discharge Wastewater containing less than one hundred (100) mg/L of FOG per operating business day shall be included in this definition. A Limited Food Preparation Establishment does not include any operation that changes the form, flavor, or consistency of food.

Multi-family dwelling unit means seventy-five (75) or more dwelling units in a unified development and includes attached apartment, townhomes and condominium developments, but does not include detached single family residences.

Sec. 25-265.12 FOG Wastewater Discharge Permit Modification of Terms and Conditions.

- (a) The terms and conditions of an issued permit may be modified by the FOG Control Program Manager if there is a change in:
 - (1) The generator's current or anticipated operating data;
 - (2) DeKalb County's current or anticipated operating data;
 - (3) The requirements of regulatory agencies which affect DeKalb County; or
 - (4) A determination by the FOG Control Program Manager and his or her designee that such modification is required to comply with the provisions of these regulations.
- (b) The generator may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change and the reasons for the change. The FOG Control Program Manager shall review the written request, make a

determination on the request, and respond in writing within thirty (30) days of receipt of the request. The Director shall develop Standard Operating Procedures governing requests for variances from the sizing requirements of the Georgia Amendments to the International Plumbing Code for Generators. Those Standard Operating Procedures shall be available for inspection by the public at the Department of Watershed Management's (DWM) headquarters and on-line at DeKalb County's website.

- (c) The generator shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, not to exceed forty-five (45) days.

Sec. 25-265.22. FOG Requirements for Existing Multi-Family Dwelling Units.

- (a) Existing multi-family dwelling units shall not be required to comply with the FOG permitting requirements provided for in this Division until one of the following triggering events occurs:

- (1) FOG discharge is in concentrations greater than 100 mg/l maximum instantaneous reading in a discharge, and/or
- (2) A sanitary sewer overflow from the private sewer line occurs, and/or
- (3) An inspection performed by DWM or a County contractor which documents the multi-family dwelling unit is contributing to a buildup in the DeKalb County Sanitary Sewer below the property discharge point in excess of ten percent (10%) greater than above the property discharge point, with such measurements being taken as close to the actual property discharge point as practicable

- (b) After a triggering event occurs, the following tiered compliance shall be implemented for existing multi-family dwelling units:

- (1) Tier I: If a triggering event occurs, the Generator will be required to obtain a FOG wastewater discharge permit in accordance with the requirements of this Division as if it were a Food Service Establishment, implement a Comprehensive Education Program as provided for in Sec. 25-265.22(c), and within sixty (60) days of the triggering event or seven (7) days from receipt of a Georgia Department of Transportation (GDOT) Right of Way (ROW) required permit (if required), whichever is later, must assess and clean all private sewer line(s), six (6) inches or greater in diameter connected to the DeKalb County Sanitary Sewer System as follows:

- (a) The affected private sewer lines must be properly cleaned.
- (b) All debris and grease solids must be captured by screening and/or vacuuming from the receiving manhole and properly disposed. Generator must apply for the GDOT permit (if necessary to perform work in the right of way), if required for access. Volume must be recorded as estimated volume of the captured solids.
- (c) Provide CCTV inspection verifying that all FOG has been removed from the line(s) for lines six inches (6") or greater and a certification statement

from the cleaning contractor and owner for lines that do not support CCTV inspection.

- (d) Submit a report to the FOG Control Program Manager within fifteen (15) business days of completion of the work documenting the work and providing the required records.
- (2) Tier II: If a second triggering event occurs within three (3) years of attaining Tier I status, the Generator must clean the private sewer line(s) connected to the DeKalb County Sanitary Sewer System in accordance with the requirements contained in Sec. 25-265.22 (b)(1) and its FOG permit will be modified to require assessment and cleaning of the lines on an annual basis in accordance with the requirements contained in with the requirements contained in Sec. 25-265.22 (b)(1).
- (3) Tier III: If a third triggering event occurs within three (3) years of attaining Tier II status, the Generator must clean the private sewer line(s) connected to the DeKalb County Sanitary Sewer in accordance with the requirements contained in Sec. 25-265.22 (b)(1) and its FOG permit will be modified to require a FOG engineering remediation plan, certified by a Georgia Licensed Professional Engineer, within ninety (90) days of the applicable triggering event inclusive of an implementation schedule. The plan shall be designed and implemented to prevent triggering events listed in Sec. 25-265.22(a). Unless the FOG Control Program Manager takes exception to the submitted plan, the plan and its implementation schedule is incorporated into the permit thirty (30) days after submission to the FOG Control Program Manager.
- (4) Tier IV: If a fourth triggering event occurs within three (3) years of implementation of a remediation plan as described in Tier III, the Generator must install properly sized FOG Interceptor(s) within ninety (90) days of triggering event.
- (5) If no additional triggering events occur three (3) years from the last triggering event and the facility is not in Tier IV, the FOG permit will not be required to be renewed.
- (c) The following Comprehensive Education Program, to include residents, owners, managers, and staff, shall be implemented within sixty (60) days after the occurrence of a triggering event in accordance with Sec. 25-265.22(b)(1):

(1) *Resident Education.*

- (a) Informational brochures, handouts, or other written guidelines for correct residential FOG management must be:
 1. Distributed to each residential unit in a language(s) spoken by 50% or more of the residents (or be pictorial in nature). Documentation of distribution must be submitted to DWM and include signatures of receipt from individuals and/or a certified statement from management attesting to the delivery of the materials to each unit.
 2. Posted at common areas where other resident notifications are posted, such as central posting areas and/or mailbox areas in language(s) spoken by 50% or more of the residents (or be pictorial in nature).

3. Shared verbally in resident workshops, with appropriate demonstrations as necessary, in a language(s) spoken by residents. Such workshop must occur within sixty (60) days of the triggering event and at least one (1) additional meeting or workshop must be held within twelve (12) months of the triggering event. Documentation showing compliance must be submitted to DWM and include agendas of workshops and number of residents attending as well as a sign-in sheet or photographs of the event.
 - (b) Informational brochures, handouts, or other written guidelines and workshops from any government agency, FOG Alliance or educational programs, Metropolitan North Georgia Water Planning District, or other source pre-approved by the FOG Control Program Manager shall be acceptable. Approval of alternative educational materials may be requested through submittal of such alternative materials to the FOG Control Program Manager for review. Any such submission to the FOG Control Program Manager that is not responded to within fifteen (15) business days shall be deemed approved.
 - (2) *Owner, Manager and Staff Education.*
 - (a) The owner or property manager of an existing multi-family dwelling unit, as well as all maintenance staff, shall attend one or more of the following within six (6) months of a triggering event:
 1. Government provided targeted FOG educational program or workshop, in person or online.
 2. Regional or national seminar, workshop, or conference specific to FOG.
 3. Plumbing workshop, course, or educational event that specifically includes residential/commercial (dependent on type of property) maintenance of lines with a FOG component that is provided or approved by the Plumbing and Drainage Institute, in person or online.
 - (b) Documentation of attendance must be submitted to DWM and include attendance certification or proof of issuance of professional development hours or continuing educational points from the providing organization.
- (3) A report detailing the above activities, with the required documentation, shall be submitted to the FOG Control Program Manager within fifteen (15) days following the end of each calendar quarter. Submittals for quarters with no activity shall state that no activities were required during that quarter.

PART II. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any court of this state declare any section, part, paragraph or clause of this Article unconstitutional or invalid for any cause or reason, then such decision shall affect only that section, part, paragraph or clause so declared to be unconstitutional or invalid, and shall not affect any other section, part, paragraph or clause of this Article.

ADOPTED by the DeKalb County Board of Commissioners this _____ day of _____, 2018.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2018.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

Attest:

APPROVED AS TO FORM:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

VIVIANE H. ERNSTES
County Attorney