



1       **WHEREAS**, the regulatory oversight and duties related to Fats, Oils, and Grease (“FOG”) are  
2 substantially different from the duties related to pretreatment of sewer, and should therefore be codified  
3 separate from pretreatment; and,

4       **WHEREAS**, the provisions set forth herein contain requirements for the collection, transport and  
5 disposal of FOG; and,

6       **WHEREAS**, it is essential the Commission have the authority to perform all acts as provided in this  
7 Ordinance to effectively regulate the use and operation of the sewer lines and system within the jurisdiction  
8 of the City.

9       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**  
10 **OF LITTLE ROCK, ARKANSAS THAT:**

11       **Section 1.** The Board of Directors of the City have determined that it is essential that the Commission  
12 have the authority to regulate the use of public and private sewers in accordance with the provisions  
13 contained in Exhibit A attached hereto in order to accomplish the purposes of these provisions.

14       **Section 2. *Severability.*** In the event any section, subsection, subdivision, paragraph, subparagraph,  
15 item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or  
16 unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this  
17 ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.

18       **Section 3. *Repealer.*** All ordinances, resolutions, bylaws, and other matters inconsistent with this  
19 ordinance are hereby repealed to the extent of such inconsistency.

20       **Section 4. *Emergency Clause.*** Unless the provisions of this ordinance are put into effect  
21 immediately, the public health, safety and welfare of the citizens of Little Rock will be adversely affected;  
22 therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from  
23 and after its passage.

24 **PASSED: November 5, 2019**

25 **ATTEST:**

**APPROVED:**

26  
27 \_\_\_\_\_  
28 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

29 **APPROVED AS TO LEGAL FORM:**

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31 \_\_\_\_\_  
32 **Thomas M. Carpenter, City Attorney**

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Exhibit A

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9 **SECTION 1 - GENERAL PROVISIONS**

10 **1.1 Title, Purpose, and Policy.** This ordinance shall be known as "the Fats, Oils, and Grease ('FOG')  
11 Ordinance." This ordinance sets forth uniform maintenance and monitoring requirements for controlling  
12 the discharge of Grease from Food Service Establishments ('FSE') discharging into the City of Little Rock  
13 ('CLR') Publicly Owned Treatment Works ('POTW'), and for regulation of FOG Service Providers  
14 ('FSPs') operating within Little Rock Water Reclamation Authority's ('LRWRA') Jurisdiction. The  
15 objectives of this ordinance are:

- 16        A. To prevent the introduction of excessive amounts of Grease into the City of Little Rock's  
17            POTW.
- 18        B. To prevent clogging or blocking of the City of Little Rock's Sewer lines due to Grease build-  
19            up causing Sanitary Sewer overflows onto streets or waterways and into residences and  
20            commercial buildings.
- 21        C. To prevent maintenance and odor problems at wastewater pumping stations due to Grease  
22            build-up.
- 23        D. To regulate discharges to LRWRA's FOG Receiving Station.
- 24        E. To register FSPs within the LRWRA Jurisdiction.
- 25        F. To permit FSPs discharging to LRWRA FOG Receiving Station.
- 26        G. To establish fees for the recovery of costs resulting from the program established herein.
- 27        H. To establish enforcement procedures for violations of this ordinance.

28 This ordinance shall apply to the following: 1) All FSEs discharging into the City of Little Rock POTW;  
29 2) All FSPs operating within the LRWRA Jurisdiction; and 3) All FSPs discharging to LRWRA's FOG  
30 Receiving Station. The ordinance establishes requirements related to Grease Traps and Grease Interceptors;  
31 authorizes the issuance of FSP Permits; provides for monitoring, compliance, and enforcement activities;  
32 establishes administrative review procedures; requires User reporting; and provides for the setting of such  
33 fees as necessary for the equitable distribution of costs resulting from the program established herein.

1 **1.2 Administration.** Except as otherwise provided herein, the CEO shall administer, implement, and  
2 enforce the provisions of this ordinance. Any powers granted to, or duties imposed upon, the CEO may be  
3 delegated by the CEO to other LRWRA personnel.

4 **1.3 Abbreviations.** The following abbreviations, when used in this ordinance, shall have the designated  
5 meanings:

BMP	Best Management Practice
CLR	City of Little Rock
FOG	Fats, Oils, and Grease
FSE	Food Service Establishment
FSP	FOG Service Provider
gpm	gallons per minute
LRWRA	Little Rock Water Reclamation Authority
LRWRC	Little Rock Water Reclamation Commission
mg/L	milligrams per liter
POTW	Publicly Owned Treatment Works

6 **1.4 Definitions.** Unless a provision explicitly states otherwise, the following terms and phrases, as used  
7 in this ordinance, shall have the meanings hereinafter designated:

8 CEO. The Chief Executive Officer of LRWRA, or a duly authorized representative.

9 City. The City of Little Rock, Arkansas.

10 Commission or LRWRC. Little Rock Water Reclamation Commission.

11 Defective or Deficiency. A Grease Trap or Interceptor which has a faulty, missing, or broken  
12 component, or any other impairment which results in reduced grease removal, reduced structural  
13 integrity, reduced containment capability, or flow impairment.

14 Evacuate, Evacuated, or Evacuation. Complete removal of all contents, including but not limited  
15 to floating materials, Gray Water, bottom sludge, and solids from a Grease Interceptor's or  
16 Grease Trap's walls, floors, baffles, sampling port, chambers, and piping.

17 Fats, Oils, and Grease or FOG. Any animal, vegetable, or mineral fats, oils, or Greases and any  
18 organic polar or nonpolar compounds derived from animal/or plant sources that contain multiple  
19 carbon chain triglyceride molecules, or are byproducts of, the cooking or food preparation  
20 process. A wide range of food preparation activities, including but not limited to the following,  
21 can generate fats, oils, or Grease: cooking by frying, baking, grilling, sautéing, rotisserie cooking,  
22 broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing,  
23 or any other food preparation activity that produces a hot food product in or on a receptacle that  
24 requires washing.

1 FOG Disposal Site. A site approved by the appropriate regulatory authority where FOG is  
2 disposed or reused, or a facility that is designed to accept FOG for disposal or reuse.

3 FOG Service Provider or FSP. A person or business who Evacuates, transports, or discharges  
4 the contents of a Grease Interceptor or Trap to a FOG Disposal Site. This shall not include any  
5 entity defined in this Ordinance as a Food Service Establishment.

6 Food Service Establishment or FSE. Any business or food service which prepares and/or  
7 packages food or beverages for sale or consumption. This shall not apply to private residences.  
8 Food Service Establishments may include, but are not limited to, food courts, food manufacturers,  
9 food packagers, restaurants, grocery stores, bakeries, lounges, meat markets, hospitals, hotels,  
10 nursing homes, churches, schools, cafeterias, delicatessens, coffee shops, concession stands, and  
11 all other Food Service Establishments not specifically listed above.

12 Food Service Establishment Owner or FSE Owner. In the case of individual Food Service  
13 Establishments, the owner or proprietor of said establishment. Where the Food Service  
14 Establishment is a franchise operation, the owner of the franchise. Where the establishment is  
15 owned by a partnership, corporation, or other type of business entity, the individual who is  
16 authorized to legally act on behalf of the business entity under Arkansas law. Where two or more  
17 Food Service Establishments share a common Grease Interceptor, the owner shall be the  
18 individual who owns or assumes control of the Grease Interceptor or the property on which the  
19 Grease Interceptor is located. Owner shall also mean his or her duly authorized representative(s),  
20 employee(s), or agent(s).

21 Gray Water. All liquid contained in a Grease Interceptor that lies below the floating Grease layer  
22 and above the food solids layer.

23 Grease. A material, either liquid or solid, composed primarily of fats or oils from animal or  
24 vegetable sources.

25 Grease Interceptor or Interceptor. A device which has a rated flow exceeding seventy-five (75)  
26 gallons per minute or which has a minimum storage capacity of 250 gallons or more and designed  
27 to collect, contain or remove food wastes or Grease from the wastewater while allowing the  
28 wastewater to discharge to the collection system by gravity.

29 Grease Trap or Trap. A device which has a rated flow under seventy-five (75) gallons per minute  
30 or which has a minimum storage capacity less than 250 gallons or more and designed to collect,  
31 contain or remove food wastes or Grease from the wastewater while allowing the wastewater to  
32 discharge to the collection system by gravity.

33 Inspector. An employee of LRWRA authorized by the CEO to implement the provisions of this  
34 ordinance.

1 Interference. A discharge, which alone or in conjunction with a discharge or discharges from  
2 other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids  
3 processes, use or disposal.

4 LRWRA Jurisdiction. All areas within or outside the corporate limits of the City of Little Rock  
5 which discharge into the City of Little Rock POTW. This shall include incorporated cities which  
6 discharge to the City of Little Rock POTW.

7 New Food Service Establishment or New FSE. A Food Service Establishment which is newly  
8 proposed or constructed, or an existing Food Service Establishment which expands or renovates  
9 its facility, plumbing, or plumbing fixtures in any manner.

10 Publicly Owned Treatment Works or POTW. A ‘treatment works’ as defined by the *Clean Water*  
11 *Act* (33 U.S.C. §1292(2)(A)) which is publicly owned and is designed to provide treatment to  
12 wastewater. This definition includes any devices or systems used in the collection, storage,  
13 treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any  
14 conveyances which convey wastewater to a treatment facility.

15 Registered FSP. A FOG Service Provider registered with LRWRA in accordance with this  
16 Ordinance who is authorized to perform Inspection, Evacuation, and Grease disposal for Food  
17 Service Establishments.

18 Sanitary Sewer. A Sewer in which sewage is carried, and to which storm, surface, and  
19 groundwater are not intentionally admitted.

20 Sewer. A pipe or conduit for carrying sewage.

## 21 **SECTION 2 - FOOD SERVICE ESTABLISHMENT REQUIREMENTS**

### 22 **2.1 Prohibitions.**

23 A. Disposal of Fats, Oils, and Grease or any food waste containing FOG directly into drains  
24 leading to the City of Little Rock POTW is prohibited.

25 B. Discharge of wastewater with temperatures higher than 140° Fahrenheit to or through Grease  
26 capturing equipment is prohibited.

27 C. Discharge of water closets, urinals, and other plumbing fixtures conveying human waste to  
28 or through any type of Grease capturing equipment is prohibited.

29 D. Discharge of solvents or additives that emulsify Grease into drainage pipes leading to Grease  
30 capturing equipment is prohibited.

31 E. Discharge of biological additives, including, but not limited to enzymes, into drainage pipes  
32 leading to Grease capturing equipment is prohibited.

1 **2.2 Approval Required.** Any Food Service Establishment that intends to erect, install, enlarge, alter,  
2 repair, remove, convert or replace any Grease Trap or Interceptor is required to obtain approval from  
3 LRWRA and comply with all LRWRA requirements for said Grease Trap or Interceptor.

4 **2.3 Grease Traps and Interceptors Required.**

5 A. Requirements. All Food Service Establishments are required to have a Grease Interceptor or  
6 Trap properly installed in accordance with any and all applicable LRWRA requirements.

7 1. New FSE. A New FSE shall be required to install, operate, and maintain a Grease  
8 Interceptor or other authorized Grease removal device according to the requirements  
9 of LRWRA and those contained in this ordinance.

10 2. FSE with Change of Ownership. An FSE which changes ownership shall be  
11 permitted to operate and maintain an existing Grease Trap or Interceptor provided  
12 their Grease Trap or Interceptor is in good operating condition, according to the  
13 requirements of LRWRA and those contained in this ordinance.

14 3. Existing FSE. FSEs existing prior to the effective date of this ordinance shall be  
15 permitted to operate and maintain an existing Grease Trap or Interceptor provided  
16 their Grease Trap or Interceptor is in good operating condition, according to the  
17 requirements of LRWRA and those contained in this ordinance.

18 4. LRWRA may require any existing FSE to install a new Grease Interceptor or Trap  
19 that complies with this ordinance, or to modify or repair any noncompliant plumbing  
20 or existing Grease Interceptor or Trap when any one (1) or more of the following  
21 conditions exist:

22 a. The FSE is found to be contributing Grease in quantities sufficient to cause  
23 Interference or necessitate increased maintenance of the City of Little Rock  
24 POTW.

25 b. The FSE does not have a Grease Interceptor or Trap.

26 c. The FSE has an irreparable or Defective Grease Interceptor or Trap.

27 d. Remodeling of the food preparation or kitchen waste plumbing system is  
28 performed.

29 e. The FSE does not have plumbing connections to a Grease Interceptor or Trap  
30 in compliance with the requirements of this ordinance.

31 B. Plumbing Connections. Grease Interceptors or Traps shall be installed in accordance with  
32 LRWRA requirements. Wastewater from a sanitary facility, and other non-FOG related  
33 wastewater, shall not be introduced into the Grease Interceptor or Trap under any  
34 circumstances.

1 **2.4 Grease Interceptor Maintenance Requirements.** Grease Interceptors shall be designed and  
2 installed in accordance with LRWRA requirements, and shall be operated and maintained as follows:

3 A. Evacuation and Maintenance. Each FSE shall be responsible for the costs of the Evacuation  
4 and maintenance of its Grease Interceptor. All FSEs that have Grease Interceptors shall  
5 utilize a Registered FSP for the Evacuation of its Grease Interceptor.

6 1. New FSE. A new FSE should operate under a baseline of a quarterly collection  
7 frequency.

8 2. Existing FSE. An Existing FSE may maintain their current Evacuation schedule  
9 unless the FSE is found to be contributing FOG in quantities sufficient to cause  
10 Interference or necessitate increased maintenance of the City of Little Rock POTW.

11 3. Interceptor Evacuation Frequency. Each FSE shall have its Grease Interceptor  
12 Evacuated according to the following criteria:

13 a. When the settled solids layer exceeds the invert of the outlet pipe (typically  
14 eight (8) inches in depth); or

15 b. When the Interceptor is not retaining or capturing solids and FOG.

16 B. Disposal. Wastes removed from each Grease Interceptor shall be disposed of at a site  
17 permitted to receive such wastes. Grease, solid materials, or Gray Water removed from  
18 Interceptors shall not be returned to any Grease Interceptor, private Sewer line or to any  
19 portion of the CLR POTW not specifically designed and installed for the collection of FOG,  
20 in accordance with Section 4 below.

21 C. It shall be the responsibility of the FSP to inspect an Interceptor while, or immediately after,  
22 Evacuating the Interceptor to ensure that the Interceptor is clean and that all fittings and  
23 fixtures are in working condition and functioning properly. If the Interceptor is not  
24 functioning properly the FSP shall immediately notify the owner in writing. The notice shall  
25 include a sufficient description of the Deficiency.

26 **2.5 Grease Trap Requirements.** Grease Traps shall be maintained in accordance with LRWRA  
27 requirements and shall meet the following criteria:

28 A. Flow Control Device. Grease Traps shall be equipped with a device to control the rate of  
29 flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity  
30 recommended in gallons per minute for the unit. Each FSE is responsible for maintaining  
31 appropriate flow control devices.

32 B. Venting. The flow control device and the Grease Trap shall be vented in accordance with  
33 LRWRA requirements. The vent shall terminate not less than six (6) inches above the flood-

1 rim level or in accordance with the manufacturer’s instructions. Each FSE is responsible for  
2 maintaining appropriate venting of the Grease Trap.

- 3 C. Evacuation and Maintenance. Each FSE shall be responsible for the costs of the Evacuation  
4 and maintenance of its Grease Trap. Each FSE may contract with a Registered FSP or it may  
5 develop a written protocol and perform its own Grease Trap Evacuation and maintenance  
6 procedures. Evacuation and maintenance must be performed when the total volume of  
7 captured FOG and solid material eliminates the Grease removal capacity of the Grease Trap.  
8 Each FSE shall cooperate with LRWRA to determine the frequency at which their Grease  
9 Trap shall be Evacuated, but all Grease Traps shall be opened, inspected, Evacuated and  
10 maintained at a minimum of once per week.
- 11 D. Disposal. Grease, solid materials, or Gray Water removed from Trap shall not be returned  
12 to any Grease Trap or Interceptor, private Sewer line or to any portion of the CLR POTW  
13 not specifically designed and installed for the collection of FOG, in accordance with Section  
14 4 below.

15 **2.6 Miscellaneous Grease Trap & Interceptor Provisions.**

- 16 A. Additives. Any chemicals, enzymes, emulsifiers, live bacteria or other Grease cutters or  
17 additives, used for the purpose of Grease reduction shall be prohibited unless approved by  
18 LRWRA prior to their addition to Grease Interceptors or Traps.
- 19 B. Alternative Grease Removal Devices or Technologies. Alternative devices and technologies  
20 such as automatic Grease removal systems must be approved in writing by LRWRA prior to  
21 installation. Permission to use such devices and technologies shall be based on demonstrated  
22 and proven removal efficiencies and reliability of operation. LRWRA may permit these  
23 devices and technologies depending on the manufacturer’s specifications and on a case-by-  
24 case basis. The FSE may be required to furnish analytical data which demonstrates Grease  
25 removal effectiveness or perform effluent monitoring. The FSE shall be required to maintain  
26 the device in the manner prescribed by the manufacturer and LRWRA. Permission to use  
27 alternative devices and technologies may be withdrawn by LRWRA at any time if doing so  
28 would be in the best interest of the operation of the POTW.

29 **SECTION 3 – FOG SERVICE PROVIDER REQUIREMENTS**

30 **3.1 FOG Service Provider Registration.**

- 31 A. Any person or entity owning or operating FOG Pump Trucks who wishes to operate within  
32 the LRWRA Jurisdiction to remove the contents of, and perform maintenance on, Grease  
33 Interceptors or Traps, shall first register with LRWRA. All FSPs who register shall complete  
34 the registration form, pay the appropriate registration fee, receive a copy of the requirements

1 governing removal and Evacuation of Grease Interceptors, and shall agree, in writing, to  
2 comply with LRWRA's requirements and all other applicable environmental regulations. It  
3 shall be unlawful for any FSP to Evacuate Grease Interceptors or Traps within the LRWRA  
4 Jurisdiction without being registered.

5 B. Registrations shall be effective for a period of one (1)-year. The registration required by  
6 LRWRA shall be in addition to any other permits, registrations, or occupational licenses  
7 required by federal, state, and local agencies having lawful jurisdiction. A registration is not  
8 transferable. LRWRA shall issue stickers to all Registered FSPs. The stickers shall be  
9 displayed in a visible location on all vehicles used to Evacuate Interceptors or Traps.

10 1. Registration. To register with LRWRA, an FSP shall submit a completed registration  
11 form to LRWRA. LRWRA shall approve, approve with conditions, or deny all  
12 registration forms by written notice within thirty (30) calendar days of LRWRA's  
13 receipt of the completed registration form. The FSP shall be registered prior to  
14 providing Grease Evacuation services within the LRWRA Jurisdiction. The  
15 registration form shall require, but not be limited to, the following information:

16 a. List of all trucks or vehicles used to Evacuate Interceptors. The list shall  
17 include vehicle make, model, year, vehicle identification number, color, tank  
18 capacity, proof of insurance, and license plate.

19 b. List of all drivers or personnel used to Evacuate Interceptors, including proof  
20 of valid driver's license(s).

21 c. Documentation which demonstrates the FSP's FOG Disposal Site.

22 d. List of all FOG Disposal Sites which may be used by the FSP.

23 2. Information Update. Registered FSPs shall update application information annually  
24 from the date of issuance of registration and within ten (10) days of changes to  
25 registration information.

26 3. Registration Renewal. An application for registration renewal shall be submitted on the  
27 appropriate renewal form at least thirty (30) calendar days prior to the expiration date of  
28 the existing registration by each applicant wishing to provide Grease Evacuation services  
29 within the LRWRA Jurisdiction.

### 30 **3.2 Spill Reporting and Cleanup.**

31 A. In the event of a discharge or spill of waste during Evacuation or transport, the FSP shall take  
32 appropriate action to protect human health and the environment. Appropriate action shall  
33 include notifying LRWRA as soon as possible, but not longer than twenty-four (24) hours  
34 after the incident. Appropriate action may also include building an embankment around the

1 discharge area, cleaning up the spill or discharge materials, or other action as may be required  
2 by LRWRA or federal, state or local officials having jurisdiction, so that the waste does not,  
3 or is not likely to, cause harm to human health or the environment.

4 1. Spills shall be prevented from entering any waterway or water supply, including  
5 storm sewers.

6 2. Spills that enter a waterway or otherwise contaminate a waterway or water supply  
7 shall be reported to all other appropriate state and local officials.

8 B. If a spill, splash, spray, or leak occurs during Evacuation, transport or discharge, the FSP, at  
9 his/her expense, shall clean and properly dispose of the spilled, splashed, sprayed, or leaked  
10 waste.

11 C. Where a spill, splash, spray, or leak occurs or has occurred during transport or discharge, the  
12 FSP shall make necessary repairs or modifications to the vehicle prior to subsequent  
13 operation of the vehicle.

### 14 **3.3 Records Requirements.**

15 A. Records shall be maintained for each individual Evacuation and disposal. Such records shall  
16 be maintained using a waste hauler manifest form issued by LRWRA.

17 1. The waste manifest shall require, but not be limited to, the following information: 1)  
18 The date and time of the Evacuation event; 2) Name, physical address, and phone  
19 number of FSE being serviced; 3) Estimated or measured volume of waste removed;  
20 4) Name of the driver; 5) Date, time, and location of the FOG disposal; 6) Defects  
21 or damage to the structure of the Grease Interceptor; 7) Serviced condition of the  
22 Grease Interceptor; 8) The Grease Interceptor Evacuation schedule; 9) Name,  
23 address and phone number of the representative operating the FOG Disposal Site;  
24 and 10) A certification that the FSP completely Evacuated the Grease Trap or  
25 Interceptor.

26 B. A copy of the manifest shall be submitted to LRWRA, in any manner authorized by LRWRA,  
27 within ten (10) days of performing a regularly scheduled Evacuation, or within two (2) days  
28 of performing an emergency or unscheduled Evacuation.

29 C. A copy of the manifest shall be submitted to LRWRA within twenty-four (24) hours of  
30 performing an Evacuation if the Grease Interceptor or Trap is found to be Defective.

31 **3.4 Vehicle Inspection.** An FSP shall permit LRWRA to inspect and sample the contents of the FSP's  
32 registered vehicle(s).

33 **3.5 Disposal.** Waste removed from each Grease Interceptor shall be disposed of at a FOG Disposal Site  
34 or receiving station permitted to receive such wastes. Grease, solid materials, or Gray Water removed from

1 Interceptors shall not be returned to any Grease Interceptor, Grease Trap, private Sewer line, or any portion  
2 of the CLR POTW not specifically designed and installed for the collection of FOG, in accordance with  
3 Section 4 below.

#### 4 **SECTION 4 - FATS, OILS, AND GREASE RECEIVING STATION REQUIREMENTS**

5 This section shall apply if LRWRA maintains a receiving station specifically designed and installed for the  
6 collection of FOG from an FSP.

##### 7 **4.1 Permit to Discharge.**

- 8 A. LRWRA will require an FSP to obtain a receiving station permit before it will authorize the  
9 FSP to deposit hauled FOG at LRWRA's receiving station.
- 10 B. To obtain a receiving station permit, an FSP will be required to:
- 11 1. Complete the LRWRA permit application;
  - 12 2. Be a Registered FSP;
  - 13 3. Have liability insurance in the amount stated in the permit application; and
  - 14 4. Follow all requirements for entering a LRWRA treatment facility which shall be  
15 established to protect the property and personnel of the POTW.

##### 16 **4.2 Conditions of Acceptance.**

- 17 A. An FSP who wishes to discharge FOG at the receiving station shall possess and present, upon  
18 request, a completed LRWRA manifest prior to discharge.
- 19 B. Hauled FOG waste received at the POTW shall contain only FOG generated from Food  
20 Service Establishments and shall not be mixed with domestic or any other waste type. All  
21 hauled FOG waste is subject to sampling prior to acceptance. If a load is suspected or  
22 determined to be mixed or contaminated, then it will be subject to refusal. An FSP responsible  
23 for discharging a contaminated load shall be subject to fines, permit revocation, or other  
24 enforcement actions.
- 25 C. LRWRA shall accept FOG at its receiving station from FSEs located within the City of Little  
26 Rock and from cities outside of the jurisdiction of the CLR with whom LRWRA has executed  
27 a contract to provide sewer service. LRWRA may accept FOG at its receiving station from  
28 any other city provided that LRWRA's receiving station has the capacity to accept such FOG.  
29 This determination shall be made by the CEO at his/her sole discretion and may be made  
30 without prior notice being required.
- 31 D. LRWRA reserves the right to refuse acceptance or require scheduled delivery of FOG to its  
32 receiving station if doing so would be in the best interest of the operation of the POTW. This  
33 determination shall be made by the CEO at his/her sole discretion and may be made without  
34 prior notice being required.

1 **4.3 Authority to Establish Operating Policies and Procedures.** The CEO shall have the authority to  
2 establish operating policies and procedures, including the issuance of permits to FSPs, to ensure the efficient  
3 and effective operation of the FOG receiving station, and to protect the integrity and operation of the  
4 wastewater treatment plant.

5 **SECTION 5 - REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS**

6 All dischargers to the City of Little Rock POTW which are outside the jurisdiction and are not part of  
7 another incorporated city, and all incorporated cities which discharge to the City of Little Rock POTW,  
8 shall be required to agree by written contract to comply with the conditions set forth in this ordinance,  
9 subsequent revisions and amendments to this ordinance, and any related rules or regulations promulgated  
10 by the Little Rock Water Reclamation Commission.

11 **SECTION 6 - POWER AND AUTHORITY OF INSPECTORS**

12 **6.1 Right-of-Entry: Inspection and Sampling.** The CEO shall have the right to enter the premises of  
13 any FSE to determine whether it is complying with all requirements of this ordinance or orders issued  
14 hereunder. An FSE shall allow the CEO ready access to all parts of the premises for the purposes of  
15 inspection, sampling, records examination and copying, and the performance of any additional FOG-related  
16 duties.

17 A. The CEO shall inspect FSEs on either an unannounced or scheduled basis to verify continued  
18 compliance with the requirements of this ordinance. LRWRA shall inspect all Grease Traps,  
19 Interceptors, and plumbing connections; may request other pertinent data; and may take  
20 samples, as necessary. LRWRA may record all observations. Any Deficiency shall be noted,  
21 including but not limited to:

- 22 1. Failure to properly maintain the Grease Interceptor or Trap in accordance with the  
23 provisions of this ordinance;
- 24 2. Failure to report changes in operations, or wastewater constituents and  
25 characteristics;
- 26 3. Failure to maintain logs, files, records or access for inspection or monitoring  
27 activities;
- 28 4. Inability of existing Grease Interceptor or Trap to prevent discharge of Grease into  
29 the City of Little Rock's POTW; and
- 30 5. Any other inconsistency with, or violation of, this ordinance.

31 B. The CEO shall inspect any repair, replacement, or Deficiency and shall provide written notice  
32 of compliance or noncompliance. In the event of continuing noncompliance, LRWRA will  
33 perform reinspections.

1 C. Unreasonable delays or refusals in allowing the CEO access to the User's premises for the  
2 purpose of making an inspection authorized by this section shall be a violation of this  
3 ordinance.

4 **6.2 Search Warrants.** If the CEO has been refused access to a building, structure, or property, or any  
5 part thereof, then upon application and affidavit, the Little Rock Water Reclamation Commission, through  
6 its attorney, may request a search warrant from the appropriate Municipal Court Judge of the City of Little  
7 Rock, Arkansas. The CEO must demonstrate probable cause to believe that there may be a violation of this  
8 ordinance, that there is a need to inspect or sample as part of a routine inspection and sampling program  
9 designed to verify compliance with this ordinance, or that access is necessary to protect the overall public  
10 health, safety and welfare of the community. The warrant shall describe the specific location subject to the  
11 warrant and specify what, if anything, may be searched or seized on the property described. Such warrant  
12 shall be served at reasonable hours by the CEO or the Little Rock Water Reclamation Commission attorney  
13 in the company of a uniformed Police Officer of the City of Little Rock. In the event of an emergency  
14 affecting public health and safety, inspections shall be made without the issuance of a warrant.

## 15 **SECTION 7 - ENFORCEMENT**

16 **7.1 Enforcement of Food Service Establishments.** When LRWRA determines that an FSE has  
17 violated, or is violating, this ordinance, enforcement may include the following:

18 A. Noncompliance Incident. The CEO may notify the FSE of noncompliance. This notification  
19 may be oral or written. Within thirty (30) days of receipt of notice of the noncompliance  
20 incident, or within a timeframe specified by the CEO, the FSE must notify LRWRA of the  
21 reason for the noncompliance and the steps taken to prevent any recurrence. Submission of  
22 this information shall not relieve the FSE of liability for any violation occurring before or  
23 after receipt of the notice of the noncompliance incident. Nothing in this section shall limit  
24 the authority of LRWRA to take any action, including emergency actions or any other  
25 enforcement action, without first notifying an FSE of a noncompliance incident.

26 B. Notice of Violation ('NOV'). The CEO may serve upon the FSE a written Notice of  
27 Violation. Within thirty (30) days of receipt of this notice, or within a timeframe specified  
28 by the CEO in the Notice of Violation, the FSE shall submit to the CEO an explanation of  
29 the violation and a plan for the satisfactory correction and prevention thereof, including, but  
30 not limited to, specified required actions and milestone schedules. Submission of this plan  
31 shall not relieve the FSE of liability for any violations occurring before or after receipt of the  
32 Notice of Violation. Nothing in this section shall limit the authority of LRWRA to take any  
33 action, including emergency actions or any other enforcement action, without first issuing a  
34 Notice of Violation.

1 C. Consent Orders. The CEO is authorized to enter into consent orders, assurances of voluntary  
2 compliance, or other similar documents establishing an agreement with any FSE responsible  
3 for noncompliance. Such orders, assurances, or other similar documents will include specific  
4 action to be taken by the FSE to correct the noncompliance within a time period specified by  
5 the document. Such orders, assurances, or other similar documents shall be judicially  
6 enforceable.

7 D. Compliance Orders and Schedules. When the CEO finds that an FSE has violated, or  
8 continues to violate, any provision of this Ordinance, the CEO may issue an order or schedule  
9 to the FSE directing that the FSE come into compliance within a specified time. Issuance of  
10 a compliance order shall not be a bar against, or a prerequisite for, taking any other action  
11 against the FSE.

12 E. Inspection and Reinspection. If a Grease Interceptor or Grease Trap has to be reinspected  
13 because of deficiencies found during a previous inspection, and if all deficiencies have been  
14 corrected, there shall be no charge for the reinspection. If all deficiencies have not been  
15 corrected, a re-inspection fee shall be charged to the FSE.

16 F. Evacuation. A violation involving the lack of proper cleaning and maintenance of a Grease  
17 Trap or Interceptor shall require the FSE owner to Evacuate the Trap or Interceptor within  
18 twenty-four (24) hours of notification of the violation.

19 G. Repairs and replacement. The FSE owner shall be responsible for the cost and scheduling of  
20 all repairs to or replacement of its Grease Trap or Interceptor. Repairs and replacements  
21 required by LRWRA shall be completed within a reasonable time as defined by LRWRA.  
22 The time for corrective action shall commence on the date of notification of the  
23 Noncompliance incident or NOV.

24 H. Continuous Violations. If the FSE Owner continues to violate the provisions set forth in this  
25 ordinance, or fails to initiate or complete corrective action in response to an NOV or  
26 LRWRA-approved Compliance Schedule, the CEO may pursue one (1) or more of the  
27 following options at the CEO's sole discretion:

- 28 a. Have the Grease Interceptor Evacuated and seek reimbursement of the costs  
29 from the FSE Owner; or
- 30 b. Assess further inspection fees.

31 **7.2 Enforcement of FOG Service Providers**. When LRWRA determines that a FOG Service Provider,  
32 has violated, or is violating, this ordinance, enforcement may include the following. This shall apply  
33 whether or not the FOG Service Provider is registered with LRWRA.

- 1 A. Noncompliance Incident. The CEO may notify the FSP of noncompliance. This notification  
2 may be oral or written. Within thirty (30) days of the receipt of notice of the noncompliance  
3 incident, or within a timeframe specified by the CEO, the FSP must notify LRWRA of the  
4 reason for the noncompliance and the steps taken to prevent any recurrence. Submission of  
5 this information shall not relieve the FSP of liability for any violation occurring before or  
6 after receipt of the notice of the noncompliance incident. Nothing in this section shall limit  
7 the authority of LRWRA to take any action, including emergency actions or any other  
8 enforcement action, without first notifying an FSP of a noncompliance incident.
- 9 B. Notice of Violation ('NOV'). The CEO may serve upon the FSP a written Notice of  
10 Violation. Within thirty (30) days of receipt of this notice, or within a timeframe specified  
11 by the CEO in the Notice of Violation, the FSP shall submit to the CEO an explanation of  
12 the violation and a plan for the satisfactory correction and prevention thereof, including, but  
13 not limited to, specified required actions and milestone schedules. Submission of this plan  
14 shall not relieve the FSP of liability for any violations occurring before or after receipt of the  
15 Notice of Violation. Nothing in this section shall limit the authority of LRWRA to take any  
16 action, including emergency actions or any other enforcement action, without first issuing a  
17 Notice of Violation.
- 18 C. Consent Orders. The CEO is authorized to enter into consent orders, assurances of voluntary  
19 compliance, or other similar documents establishing an agreement with any FSP responsible  
20 for noncompliance. Such orders, assurances, or other similar documents will include specific  
21 action to be taken by the FSP to correct the noncompliance within a time period specified by  
22 the document. Such orders, assurances, or other similar documents shall be judicially  
23 enforceable.
- 24 D. Compliance Orders and Schedules. When the CEO finds that an FSP has violated, or  
25 continues to violate, any provision of this ordinance, the CEO may issue an order or schedule  
26 to the FSP directing that the FSP come into compliance within a specified time. Issuance of  
27 a compliance order shall not be a bar against, or a prerequisite for, taking any other action  
28 against the FSP.
- 29 E. Cease and Desist Orders. When the CEO finds that an FSP has violated, or continues to  
30 violate, any provision of this ordinance, or that the FSP's violations are likely to recur, the  
31 CEO may issue an order to the FSP directing it to cease and desist all such violations and  
32 directing the FSP to immediately comply with all requirements and take such appropriate  
33 remedial or preventive action as may be needed to properly address a continuing or  
34 threatened violation, including halting operations and/or terminating the discharge. Issuance

1 of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other  
2 action against the FSP.

3 F. Civil Penalties. An FSP who has violated, or continues to violate, any provision of this  
4 ordinance, may be liable to LRWRA for the maximum civil penalty allowed under applicable  
5 Arkansas State Law. In determining the amount of a civil penalty, a court of competent  
6 jurisdiction may take into account all relevant circumstances, including, but not limited to,  
7 the extent of harm caused by the violation, the magnitude and duration of the violation, any  
8 economic benefit gained through the FSP's violation, corrective actions by the FSP, the  
9 compliance history of the FSP, and any other factor as justice requires. Filing a suit for civil  
10 penalties shall not be a bar against, or a prerequisite for, taking any other action against an  
11 FSP, provided that no such suit to collect civil penalties shall be commenced without a  
12 resolution from the Little Rock Water Reclamation Commission authorizing such court  
13 action.

14 1. For FSPs who operate their business within the corporate limits of the City of Little  
15 Rock, no suit to collect civil penalties may be initiated until after such time that a  
16 resolution authorizing such suit is duly adopted by the Commission, LRWRA's  
17 governing body, as authorized by Ark. Code Ann. § 8-4-103(g)(1).

18 2. For FSPs who operate their businesses outside the corporate limits of the City of  
19 Little Rock, the Board of Directors of the City of Little Rock hereby delegates  
20 authority to the Commission to be the governing body to authorize, by resolution, a  
21 legal action to collect civil penalties, as authorized by A.C.A. § 8-4-103(g)(1).

22 G. Registration/Permit Revocation.

23 1. The CEO may modify, suspend, or revoke, in whole, or in part, any registration or  
24 permit issued pursuant to the provisions of this ordinance during its term for good  
25 cause including but not limited to the following reasons:

26 a. Falsification of any information;

27 b. Discharge of any Grease, liquid, or solid waste into a non-authorized location;  
28 or

29 c. Failure to comply with this ordinance in a continuous or egregious manner.

30 Any registration or permit modification, suspension, revocation, or denial shall be in  
31 writing, and shall delineate the specific reason(s) for the modification, suspension,  
32 revocation, or denial.

33 2. Appeal of Suspension, Revocation, or Denial of FSP Registration or Permit.

34 a. Any registration or permit suspension, revocation, or denial may be appealed to

1 the CEO within fifteen (15) calendar days of the suspension, revocation, or  
2 denial. The CEO shall issue a written decision upon consideration of the appeal.

3 b. The decision of the CEO may be appealed to the Little Rock Water Reclamation  
4 Commission within fifteen (15) calendar days of the CEO's decision. The  
5 Commission shall consider the appeal at its next regularly scheduled  
6 Commission meeting. The Commission shall issue a written decision upon  
7 consideration of the appeal.

8 c. Failure of the FSP to file an appeal under ¶7.2(G)(2)(a) of this ordinance within  
9 the timeframe specified shall constitute acceptance of the decision to suspend,  
10 revoke, or deny the registration or permit.

11 H. Payment of Outstanding Fees and Penalties. The CEO may decline to issue or reissue a  
12 registration or receiving station permit to any FSP who has failed to pay any outstanding fees,  
13 fines, or penalties incurred as a result of any provision of this ordinance or a previous FSP  
14 registration or permit issued hereunder.

15 **7.3 Enforcement Generally.**

16 A. Recovery of Damages. When the discharge from an FSE or FSP causes an obstruction,  
17 damage, or any other impairment to a City of Little Rock POTW, or causes any expense,  
18 fine, penalty, or damage of any character or nature to the City of Little Rock or LRWRA, the  
19 FSE Owner or FSP shall be liable for all costs required to Evacuate and/or repair the facilities  
20 and/or equipment, together with expenses incurred by the CLR or LRWRA to resume normal  
21 operations. A service charge of 15% of the CLR or LRWRA's costs shall be added to the  
22 costs and charges to reimburse the CLR or LRWRA for miscellaneous overhead, including  
23 administrative personnel and recordkeeping. The total amount shall be paid within forty-five  
24 (45) days of billing by LRWRA. The CEO shall bill the owner for the cost incurred by the  
25 CLR or LRWRA. If the bill is not paid, the CEO shall notify its attorney to take such actions  
26 as shall be appropriate to seek reimbursement.

27 B. Injunctive and Other Relief. LRWRA, through its attorney, may file a petition in the name  
28 of the City of Little Rock and LRWRA in Pulaski County Circuit Court, seeking: 1)  
29 Damages; 2) The issuance of a temporary or permanent injunction, as appropriate, which  
30 restrains or compels specific performance of an FSE or FSP; or 3) Other appropriate relief to  
31 enforce the provision of this ordinance.

32 C. Public Nuisances. A violation of any provision of this ordinance is hereby declared to be a  
33 public nuisance and shall be corrected or abated as directed by the CEO. Any person(s)  
34 creating a public nuisance may be subject to the provisions of the City Code of the City of

1 Little Rock governing such nuisances, including reimbursing LRWRA or the CLR for any  
2 costs incurred in removing, abating, or remedying said nuisance.

3 D. Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The  
4 CEO may take any, all, or any combination of these actions against a non-compliant FSE or  
5 FSP. However, the CEO may take other action against any FSE or FSP when the  
6 circumstances warrant. Further, the CEO is empowered to take more than one enforcement  
7 action against any non-compliant FSE or FSP.

#### 8 **SECTION 8 - REQUIREMENTS FOR FINANCIAL ASSURANCE**

9 The CEO may decline to issue or reissue an FSP Permit to any FSP who has failed to comply with any  
10 provision of this ordinance, a previous FSP Permit, or order issued hereunder, unless the FSP first submits  
11 proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused  
12 by its discharge, or as necessary to achieve consistent compliance. Acceptable forms of financial assurance  
13 include, but are not limited to, liability insurance or performance bonds payable to the Little Rock Water  
14 Reclamation Commission.

#### 15 **SECTION 9 - ADMINISTRATIVE FEES**

16 The CEO may adopt fees for reimbursement of the costs of setting up and operating Little Rock Water  
17 Reclamation Authority's FOG Program which may include, but are not limited to, the following:

- 18 A. Fees for FSP Permit applications including the cost of processing such permits and  
19 permit renewals;
- 20 B. Fees for FSP registrations including the cost of processing such registrations and  
21 registration renewals;
- 22 C. A FOG receiving station Tipping Fee.
- 23 D. Fees for monitoring, inspection, or other actions including the cost of sample collection  
24 and analyzing an FSE's or FSP's FOG;
- 25 E. Fees for reviewing and responding to accumulated FOG, including reasonable costs  
26 incurred for labor, materials, and proper disposal of a Food Service Establishment's  
27 FOG;
- 28 F. Other fees as the CEO may deem necessary to carry out the requirements contained  
29 herein.

30 These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines,  
31 and penalties chargeable by the City of Little Rock or LRWRA. Any fees assessed under this ordinance  
32 shall be set annually by LRWRA and shall be listed in LRWRA's *Consolidated Fee Schedule* contained  
33 within LRWRA's Annual Operating Budget and Capital Improvement Plan.

1 **SECTION 10 - SEVERABILITY**

2 In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared  
3 or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining  
4 portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged  
5 invalid or unconstitutional was not originally a part of the ordinance.

6 **SECTION 11 - REPEALER**

7 All ordinances, resolutions, or parts of the same that are inconsistent with provisions of this ordinance are  
8 hereby repealed to the extent of such inconsistency.

9 **SECTION 12 - AUTHORITY OF LITTLE ROCK WATER RECLAMATION COMMISSION**

10 The City Board of Directors of the City of Little Rock has determined that it is essential that the Little Rock  
11 Water Reclamation Commission should have the authority to regulate the use of public and private Sewers  
12 in accordance with the provisions contained in this ordinance in order to accomplish the purposes thereof.

13 **SECTION 13 - EFFECTIVE DATE**

14 This ordinance will go into effect ninety (90) days after the passage of this ordinance by the City Board of  
15 Directors of the City of Little Rock.

16 PASSED:

17 ATTEST:

APPROVED:

18

19

20 \_\_\_\_\_  
Susan Langley, City Clerk

\_\_\_\_\_

Frank Scott, Jr., Mayor

21 APPROVED AS TO LEGAL FORM:

22

23

24 \_\_\_\_\_  
Thomas M. Carpenter, City Attorney

25

26 PREPARED BY:

27 Jean C. Block, Chief Legal Officer

28 Little Rock Water Reclamation Authority

29 11 Clearwater Drive

30 Little Rock, AR 72204

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