

**AN ORDER OF THE BOARD OF DIRECTORS OF KINGSLAND MUNICIPAL UTILITY DISTRICT AMENDING THE DISTRICT'S ORDINANCE NO. 82-2, SEWER USE ORDINANCE, SECTION 13 -- REQUIREMENTS FOR TRAPS, SO AS TO ENSURE THE PROPER SIZING, DESIGN, INSTALLATION AND OPERATION OF GREASE, LINT AND SAND INTERCEPTORS AND SEPARATORS AND OTHER DEVICES TO PREVENT CERTAIN DELETERIOUS MATERIALS FROM ENTERING AND/OR INTERFERING WITH THE DISTRICT'S WASTEWATER COLLECTION AND TREATMENT SYSTEM; PROVIDING FOR WASTEWATER SURCHARGES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT**

**(Adopted October 28, 2002)  
(Amended Effective January 1, 2017)**

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WHEREAS, the Board of Directors of Kingsland Municipal Utility District (District) finds it to be in the public interest to amend the District's Sewer Use Ordinance regarding interceptors and separators to provide comprehensive standards for the proper design, size, installation, operation and maintenance of interceptors and separators to prevent the introduction of materials harmful to the District's wastewater collection and treatment system and to provide a cost effective mechanism for the recovery of District expenses occasioned by non-compliance, including the costs of monitoring and treating the discharge of interceptable deteriorous substances; Now, Therefore

BE IT ORDERED AND ORDAINED BY THE BOARD OF DIRECTORS OF KINGSLAND MUNICIPAL UTILITY DISTRICT:

SECTION ONE. District Ordinance No. 82-2, Sewer Use Ordinance, Section 13 -- Requirements for Traps, is hereby amended to read as follows:

Section 13. Interceptors and Separators

13.1 Interceptors Required. Interceptors, separators, grease traps and sampling and inspection portals for the collection and monitoring of oil, grease, sand and other substances harmful or hazardous to the building drainage system, the District's sewerage or collection system, and the District's sewage treatment plant and processes shall be provided and maintained by all establishments served by the District's wastewater system as required in this section. Where food waste grinders connect to grease interceptors, the grease interceptor shall be sized and rated for the discharge of the food waste grinder. Access shall be provided to each interceptor and separator for inspection, sampling, service and maintenance.

13.1.1 Establishments Not Required to Provide Interceptors and Separators. An interceptor shall not be required for individual residential dwelling units or private living quarters.

13.2 Establishments Required to Provide and Maintain Interceptors and Separators.

13.2.1 Food Preparation Establishments. All cafeterias, kitchens, fast food and full service restaurants, wholesale food processors and preparers, meat and fish markets, slaughter houses, and pizza and donut shops connected to the District's sewage system utilizing a grill, griddle, deep-fat fryer, commercial range or oven, rotisserie, charbroiler, smoker, wok/stir-fry or other similar oil grease or fat producing equipment, or having any area where the cutting, cooking or processing of meat, fat, oil, poultry, fish or pork is conducted or subject to wet cleaning procedures, are required to have an adequately sized and approved interceptor, separator or grease trap as specified in this section for the interception and prevention of greasy, fatty, semi-liquid and/or solid waste generated by such operations from entering the District 's sanitary sewer system. Establishments preparing any foods on the premises which do not utilize oil or grease generating, or producing equipment or processes are likewise required to maintain an interceptor or separator of lesser size as specified herein below.

- A. Food preparation facilities operating 3 days per week or more and capable of either serving twenty-five or more occupants or customers or processing 25 or more pounds of meat, poultry or fish within a one hour time period shall have installed and maintained a minimum 1000 gallon capacity double baffle interceptor;
- B. Food preparation facilities operating 3 days per week or more and capable of either serving a maximum of less than twenty- five occupants or customers or processing a maximum of less than twenty-five pounds of meat, poultry or fish in a one hour time period shall have installed a minimum 500 gallon capacity triple baffle interceptor; and
- C. Intermittent food preparation facilities operating less than 3 days per week, such as kitchens operated by churches and social and public service clubs and organizations, and all daily food preparation facilities operating without the use of fryers, grills or other similar grease generating equipment, for the on premises preparation of hot dogs, sandwiches, salads, soups/chili or other similar foods, shall have installed and maintained a minimum 200 gallon capacity triple baffle interceptor.

13.2.2 Laundries. Commercial Laundries and other establishments having five or more standard 20 lb., or two or more 50 lb. washing machines, or combination thereof, resulting in a total wash load capacity of 100 lbs. or more, shall be equipped with an interceptor containing a wire basket or similar device, removable for cleaning, that prevents the passage of solids ½-inch or larger in size, lint, strings, rags, buttons, or other materials detrimental to the public sewage system. Such wire baskets or other screening devices must be cleaned out not less frequently than once per week.

13.2.3 Garages, Service Stations and Car Wash Facilities. Where automobiles and/or trucks are serviced, repaired, greased or washed, such facilities shall be equipped with sand or similar interceptors or separators, for the removal of oil and other

viscous and heavy solid materials, having a minimum capacity of 6 cubic feet for the first 100 square feet of area to be drained, plus 1 cubic foot for each additional 100 square feet to be drained into the separator which shall have a water seal of not less than 6 inches. Waste materials shall be removed from such separator and properly disposed of at least every two months.

13.2.4 Medical, Dental and Veterinary Clinics. Dental offices shall be equipped with an amalgam trap. Medical and veterinary clinics shall prevent any bio hazardous material from entering the sanitary sewer system.

13.3 Testing; Removal and Disposal of Wastes from Interceptors, Separators or Grease Traps.

13.3.1 As provided in 13.6 below, the District may perform periodic sampling and obtain laboratory analyses of wastewater discharged into the District's wastewater collection system by its customers required hereunder to install and maintain interceptors, separators or grease traps in order to determine the existence and concentration in such discharge of grease and/or other materials described in this Ordinance. Such sampling and laboratory tests shall be done at such frequency as the District may determine from time to time and, as provided in 13.6 below, shall be at the expense of the customer.

13.3.2 Whenever such laboratory analysis shall determine that the concentration of greasy, fatty, semi-liquid and/or solid waste shall equal or exceed 100 parts per million (ppm), the District shall notify the customer of such fact, and the customer, without unnecessary delay thereafter, shall cause all such waste to be removed from the subject interceptor, separator or grease trap. The customer served by the interceptor, separator or grease trap shall give to the District evidence in writing of each such pumping or cleaning not later than ten (10) days thereafter. Failure to cause such pumping or cleaning to be done or to give evidence thereof to the District, as required herein, shall subject the customer to the surcharge provided in 13.7.4 and enforcement action under Section 13.8.

13.3.3 All interceptors, separators and grease traps installed within the District and serving customers of the District's wastewater system shall be pumped or otherwise cleaned of all grease and/or other materials not less often than every 24 months. The customer served by the interceptor, separator or grease trap shall give to the District evidence in writing of each such pumping or cleaning not later than ten (10) days thereafter. Failure to cause such pumping or cleaning to be done or to give evidence thereof to the District, as required herein, shall subject the customer to the surcharge provided in 13.7.4 and enforcement action under Section 13.8.

13.4 Size, Type and Location to be Approved. The sizing requirements set forth in 13.2 above are minimum standards and changes in use or volume, mischaracterization of operations, or discharge violations may require a larger interceptor at the owner's expense. Larger interceptors or multiple interceptors may be appropriate to achieve compliance with the District's discharge concentration requirements and are expressly encouraged. The size, type and location of each interceptor and of each

separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based upon the anticipated conditions of use and likely wastewater constituents to be generated by the customer establishment. Interceptors and separators shall be designed so as to not become air bound where tight covers are utilized and shall be vented where subject to a loss of trap seal. Wastes that do not require pre-treatment or separation shall not be discharged into any interceptor or separator, but shall be routed directly to the District's wastewater system. Interceptors shall be located outside of the building from which the waste is to be intercepted at a location readily and easily accessible for cleaning and inspection and shall not be located in or under fire lanes. The District's General Manager or his designated representative shall approve the size, type and location of each interceptor or separator to be installed within the District when same is in accordance with the requirements of this section; provided that the District reserves the right to apply more stringent requirements where circumstances, such as location or use, warrant more aggressive protection of the District's sewer system.

13.4.1 Variance. Any exception to the requirements of this section must be preceded by a request for variance from such requirements to be submitted to and approved by the District's Board of Directors prior to physically connecting the wastewater service customer's facilities to the District sewage system. Any request for variance must be in writing, state with particularity the requirement sought to be avoided or modified and the reasons and/or need therefor. A request for a variance from the capacity or sizing requirements of this section to permit the installation of an interceptor or separator not meeting the minimum requirements of this section must be accompanied by a schematic drawing of the device proposed to be installed, which shall be sealed by a Registered Sanitarian, Registered Environmental Engineer or Registered Professional Engineer, licensed in the State of Texas and a notarized statement by said Registered Sanitarian or Engineer to the effect that the proposed device and installation will prevent the introduction to the District's sewerage system of oil and grease in excess of 100 ppm, flammable waste materials, sand, solid materials ½-inch or larger in size, string, rags, or other materials, as applicable, that may be detrimental to the District's sewerage system and its operations.

### 13.5 Maintenance of Interceptors, Separators and Traps

Grease Interceptors, separators and traps shall be cleaned out and serviced on a regular basis to prevent the overloading of interceptor, separator and grease trap facilities and the introduction of grease, oil, scum and other floating substances and solids into the District's sewer lines. Use of hot water, chemicals, biological additives or other agents or devices, unless approved by the District, for the purpose of causing oil, grease, sand or other separated materials to pass through the customer's interceptor facility is prohibited. All establishments required to be equipped with an interceptor or separator facility shall maintain a copy of the clean out and disposal service manifest for 12 months following such service for review on site by District representatives. Failure to maintain the required manifest for this period shall subject the customer to enforcement action under Section 13.8

### 13.6 Right of Entry, Sampling and Testing

Authorized representatives of the District shall be permitted to gain access to such properties as

may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this section. Costs of District sampling and laboratory testing of liquid wastes from establishments governed by this section shall be borne by the customer establishment generating such waste. District sampling and analytic costs incurred in connection with sampling investigations of any customer establishment shall be included in the District's monthly service billings to such establishment and shall be in addition to the District's monthly sewer service charge.

### 13.7 Prohibited Discharges and Surcharges

13.7.1 Solids and Viscous Materials. Discharges to the District's sewage system of solid or viscous substances in quantities or size capable of causing obstructions to the flow in sewer lines or other interference with the proper operations of the sewage works such as, but not limited to, ashes, cinders, sand, mud, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, and entails are expressly prohibited.

13.7.2 Oil and Grease Materials. Discharges of wastewater having a concentration or weight of more than 100 parts per million (ppm) of oil, grease, fats and/or wax, or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit, are prohibited and are subject to a rate surcharge, in addition to any other fees, charges or surcharges invoiced by the District, in an amount equal to the District's monthly rate applicable to such customer establishment for each 100 ppm or fraction thereof in excess of such maximum allowable concentration found by the District to have been discharged . Such monthly surcharge shall continue in effect until the customer establishment can demonstrate compliance with such concentration limitation. In addition, any customer who discharges wastewater in violation of the prohibitions set forth herein shall be subject to enforcement action under the provisions of Section 13.8.

13.7.3 Failure to Equip Establishment with Required Intercepting and Separating Facilities. Each establishment required to have an approved interceptor in compliance with this section which fails to be equipped with same shall be subject to the following surcharges, which shall be in addition to other fees, charges or surcharges applicable to said establishments and be a multiple of the District's standard monthly rate applicable to such customer:

- 1) 1st month of non-compliance = 1 times the District's applicable monthly rate;
- 2) 2<sup>nd</sup> month of non-compliance = 2 times the District's applicable monthly rate; and
- 3) 3rd month of non-compliance and thereafter = 3 times the District's applicable monthly rate.

In the event that an establishment fails to have an approved interceptor installed

in accordance with the requirements of this section following 210 days, the District reserves the right to terminate service and/or pursue all other enforcement action under Section 13.8 below.

13.7.4 Failure to Service Interceptor and Maintain Clean Out and Disposal Manifest. Each establishment required to have an approved interceptor which fails to maintain on-site a copy of the clean out and disposal manifest required by Section 13.5 and/or which fails to remove accumulated waste from such interceptor in accordance with the requirements of Sections 13.2 and 13.5 shall be subject to a surcharge, in addition to other applicable rates, fees and charges, in an amount equal to the District's monthly service rate applicable to such establishment for each and every month during which such manifest has not been maintained on-site in accordance with Section 13.4 and for each and every month in which the waste clean out and disposal has been deferred beyond the sequence required by Section 13.2. Each such establishment shall also be subject to enforcement action under Section 13.8 below.

### 13.8 Civil Penalties and Enforcement Action.

#### 13.8.1 Notice of Violation.

(a) Whenever the General Manager finds that a person has violated a prohibition or failed to meet a requirement of these Rules, the General Manager may order compliance by written Notice of Violation to the responsible person. Such notice may require without limitation:

- (i) The installation of required interception or separating facilities;
- (ii) The performance of monitoring, analyses, and/or reporting;
- (ii) Required maintenance and service to interceptors, separators and traps (including clean outs);
- (iv) The elimination of unauthorized discharges; and
- (iii) That discharges, practices, or operations in violation of these Rules shall cease and desist.

(b) Any person receiving a Notice of Violation may appeal the determination of the General Manager. The notice of appeal must be received by the District within 10 days from the date of issuance of the Notice of Violation. A hearing on the appeal before the Board of Directors of the District shall take place at the first meeting of the Board of Directors at which such matter may be considered after receipt of the notice of appeal by the District. The decision of the Board of Directors shall be final.

#### 13.8.2 Civil Penalties. Pursuant to the authority set forth in Section 49.004 of the Texas

Water Code, any person that fails to timely correct a violation of this Order in accordance with the Notice of Violation shall be subject to a civil penalty of \$200.00 dollars per violation, in addition to any applicable surcharges, charges or fees otherwise set forth herein. The District may seek recovery of all attorney's fees and court costs and other expenses associated with enforcement of these Rules in addition to recovery of the civil penalty.

### 13.8.3 Suspension of Wastewater Service.

(a) The District may terminate wastewater service to any customer that continues to fail to comply with the Notice of Violation after institution of the \$200 civil penalty (i.e., commits a second violation without corrective action). Under such circumstances, the District will provide notice of termination of service prior to termination of service.

(b) The District may, without prior notice, suspend sanitary sewer service to a person or establishment discharging to the District's wastewater system when such suspension is necessary to stop an actual or threatened discharge which:

(1) presents or may present imminent and substantial danger to the health or welfare of persons;

(2) presents or may present imminent and substantial danger to the District's wastewater system or interfere with the proper operation thereof; or

(3) may cause a violation or threatened violation of the District's waste disposal permit or of any applicable law or regulation.

(c) When the General Manager determines that District sanitary sewer service needs to be suspended pursuant to subsection (b), the General Manager is authorized to do so.

(d) As soon as is practicable after the suspension of service pursuant to subsection (b) above, the General Manager shall issue a Notice of Violation to the person or establishment in violation of these Rules and shall order the discharger to cease the discharge immediately.

(e) If the discharger fails to comply with a Notice of Violation issued under subsection (d), the General Manager may take such steps as the General Manager deems necessary to prevent or minimize damage to the District's wastewater system, or to minimize danger to persons.

(f) The District shall not reinstate suspended services to the discharger until:

(1) The discharger presents proof, satisfactory to the General Manager, that the noncomplying discharge has been eliminated and its cause determined and corrected, or has otherwise corrected the violation that is the subject of the Notice of Violation;

(2) The discharger pays the District for all costs the District incurred in responding to abating, and remediating the discharge or threatened discharge, as applicable; and

(3) The discharger pays the District for all costs the District will incur in reinstating service.

(g) A discharger whose service has been suspended or disconnected may appeal to the Board of Directors of the District the Notice of Violation and suspension of service. Any such appeal must be in writing and in accordance with the procedures set forth in Section 13.8.1 above.

13.8.4 Remedies Not Exclusive. The remedies listed in this Order are not exclusive, and it is within the discretion of the Board of Directors to seek any and all remedies available at law or in equity under state or federal law in the event of a violation.

SECTION TWO. The effective date of this Order shall be the 1<sup>st</sup> day of January, 2017. Until such time, the District's existing Ordinance shall remain in effect for all purposes.

SECTION THREE. The provisions of this Order are to be cumulative of all other ordinances, orders or resolutions governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances, resolutions and official actions of the District, or parts thereof, inconsistent with or in conflict with any of the provisions of this Resolution and Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Order is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Order. The Board of Directors of the District hereby declares that it would have passed this Order and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The General Manager is hereby authorized and directed to publish, once each week for two consecutive weeks, notice of the adoption of this Order together with a condensed substantive statement of actions required or prohibited hereunder and that breach of the rules will subject the violator to a penalty, with such notice to be published in the manner and as prescribed by Texas Water Code, Section 54.207. The date of first publication thereof to be on or before the 14th day prior to the effective date of this Order and amended rules set forth herein.

ADOPTED on this 24th day of October, 2016.



KINGSLAND MUNICIPAL UTILITY DISTRICT

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors

[SEAL]