

City of Brookings Meeting Agenda

CITY COUNCIL WORKSHOP

Monday, February 3, 2025, 5:00pm

EOC, 888 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

- 1.** Strategic Plan Review [Pg. 1]
 - a.** Amended 2019 Strategic Plan to include updates, staff and council input [Pg. 2]
- 2.** Fats, Oil and Grease Ordinance [Pg. 7]
 - a.** Draft Ordinance 24-O-813 Fats, Oil and Grease [Pg. 9]
 - b.** Draft Information Brochure on FOG [Pg. 10]

D. Council Member Requests for Workshop Topics

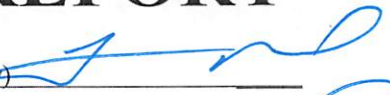
E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: February 3, 2025

Signature (submitted by) 

Originating Dept: City Manager

Signature (CM Approval) 

Subject: Strategic Plan Review

Background/Discussion:

The City Council adopted the first Strategic Plan in 2009. Since then, both short, and long term strategic plans were developed comprised of elements from the Comprehensive Plan, Downtown Master Plan and Urban Renewal Plan.

The City Council, in the past, has conducted an annual workshop to develop a strategic plan for the calendar year. The strategic plan is used as a guidance document for budget preparation and prioritization of work/services. Progress on the strategic plan is typically reviewed at a City Council workshop on a quarterly basis.

The City adopted the 2019-2021 Strategic Plan in October 2019. A Council Workshop was held on August 5, 2019. A number of action items were identified as completed and were proposed for deletion. There were other items that were discussed as additions or updates. An additional Council Workshop was held on October 7, 2019 to discuss updates to this plan and review the proposed changes. Council conducted a workshop on September 3, 2024 and staff asked for their input for the update. Those are incorporated into the attached draft 2019-2021 Strategic Plan.

The 2019-2021 Strategic Plan is the last plan adopted by Council. Staff and Council turnover the past several years has delayed the process of adopting a new strategic plan. I have provided a copy of the plan for your review. Staff is seeking to integrate councilor comments into a final draft for adoption at a future council meeting.

Attachment(s):

- a. Amended 2019 Strategic Plan to include updates, staff and council input

GOAL 1: An Effective, Responsive, Ethical City Government That Is Fiscally Sustainable.					
Objectives		Action Items		Resp Party	Status/Notes
1	Sufficient revenue to sustain City services at appropriate levels.	1.1	Encourage new private investment in the community	CM	Working to improve community services (i.e., health care) before developing marketing strategy. Focus on housing
		1.2	Maintain General Fund reserve at 5 percent of operating budget.	BC	Included in 24-25 budget; In budget message
		1.3	Conduct energy conservation improvements at water and wastewater plants.	PWDS	Pump replacement needed, VFD's at water plant, lighting retrofits to LED on downtown lights, tennis courts and pool completed. Retrofits planned for Stout path, parks shop, PW shop, upper yard and pool interior.
		1.4	Significantly reduce vehicle fuel consumption.	PWDS	Purchasing the most fuel efficient vehicles possible; reducing travel through combination of carpooling and on-line/in-house trainings; reduce fleet vehicles - surplus; continue to improve efficiencies and educate employees. Successfully awarded Carbon Reduction Grant for 2 electric trucks and installation of charging station at City Hall.
		1.5	Balanced revenue system that recognizes demands on City services by residents, businesses and visitors.	CM	Fuel Tax increased to 5 cent per gallon and reauthorized by voters in 2023. Expires in 5 years. Marijuana sales tax is 3% and Transient Occupancy Tax is 6%.
		1.6	Assure internal consistency and efficiency.	CM	Ongoing
2	Stable, effective and accountable management. Sustain positive workplace environment and employee morale.	2.1	Provide competitive employee compensation through a merit-based system.	CM/CC	LGIP study to update 2009 study, will complete 2021-22
		2.2	Succession planning	CM	Identify key positions; recruit for and/or train successors
		2.3	Complete infrastructure GIS project	PWDS	GIS framework complete; need to update with newest data. State is no longer supporting GIS software licensing, City will need to determine needs and new licensing agreement.
		2.4	Develop plan for recruiting and sustaining volunteers	PWDS	On Going - Adopt a park
Pereda/ Malmberg	Community Outreach/Improve Stakeholder Engagement		Develop and implement engagement tools targeted specifically toward the varying classifications (1. Residents 2. Employees 3. Business Owners 4. Tourists) that make up our community. Improve stakeholder engagement by encouraging community input in decision making processes.		
Pereda	Create a transparent and informative environment - Develop and implement multifaceted communication methods to continously inform and transparently communicate.		Council norms - Research, develop, and implement agreed-upon behavior and procedures that all Council members will demonstrate for the benefit of the City.		
Pereda	City-wide assessment – Recruit organization to conduct a comprehensive and detailed efficiency and best practices evaluation of all aspects of City operations (including but not limited to policies, procedures, systems, facilities, and finances) and implement a plan of action based upon findings				
Pereda	Asset management – Conduct an assessment of City assets and infrastructure to create and implement a replacement/upkeep plan.				Capella needs assessment. See master plans that have been adopted. Replacement fund is in place. WWTP needs siding and painting.
Pereda	Explore the need for and possibility of utilizing URA to relocate City Hall as outlined in the Downtown Brookings Master Plan and Urban Renewal Plan. (Include exploration of the inclusion of a Central Plaza at City Hall as identified in the Downtown Brookings Master Plan and identified as a project in Urban Renewal Plan.)				
GOAL 2: A Safe Community					
Objectives		Action Items		Resp Party	Status/Notes
1	A disaster resilient community with including infrastructure, adequately staff, equipped and housed police/fire departments and City Hall.	1.1	Pursue resilience projects and grant funding for seismic retrofit	CM	Repair, remove or replace FC Reservoir; Reservoir grant pending; Engineering study completed. Tank seismic valves completed. City Hall retrofit completed
		Malmberg	Build resistance in infrastructure to reduce risk of damage related to wildfire, flood, drought, etc.		
2	Provide clean drinking water and compliant waste water treatment.			PWDS	Goal achieved
3	Improve community health care.	3.1	Establish Emergency Department at Brookings clinic.	CM	CHN opened ER
		3.2	Simultaneously undertake feasibility study for hospital	CM	Funding needed for study

4	Maintain streets in safe/serviceable condition on a 10 year cycle	4.1	Allocate \$250,000 annually for street reconstruction and major maintenance. (perhaps increase Lu?)	BC	Annual program. \$330,000 in fuel tax revenues; pavement management plan completed. study plan (PMS) prior to 20203 election
		4.2	Improve pedestrian/vehicle safety; make pedestrian facilities more accessible.	PWDS	TSP update adopted; N. Chetco sidewalk; Project schedule for 2025; SRTS projects; \$2500 annual for ADA improvements. Downtown ADA ramps through ODOT.
		4.3	Develop multi-year street/sidewalk improvement plan to include developing bicycle plan & pursuing funding for improvements.	PWDS	URA downtown traffic reconfig project Kittleson, Bike Friendly Community status earned, grant funded bike repair stations installed. Bicycle Plan Adopted - Harris/Dawson Project completed 2015; more grants in progress. Pavement Mgt plan completed in 2022. 5 year outlook.
5	Safe Parks	5.1	Develop lighting plan for parks; Making parks available for nighttime use	PWDS	Azalea Park sports field lighting grant completed; Mill Beach Hours adjusted, Capella and Azalea lower parking lot lights installed. Parks available through special event permits.
		5.2	Develop Hazardous Tree removal plan	PWDS	Stout Park and Azalea Park. Easy Manor
6	Improve pedestrian and cyclist safety	6.1	Allocate \$2500 for ADA annual improvements	PWDS	Included in 24-25 budget
		6.2	Add/Infill sidewalks as needed	PWDS	ODOT N. Chetco sidewalk project, SRTS projects, Alder St. sidewalk and parking area completed.
		Fulton	Improve pedestrian and cyclist safety through sidewalk gap construction, intersection and sidewalk ramp improvements, and protected bike lanes (especially in the north part of town on 101 and around the school district).		
		Fulton	Complete/Continue 101 improvements to increase safety and pedestrian connections between area neighborhoods and businesses		
Fulton /Hodges	Increase City-Community engagement to build trust and grow partnerships for proactive crime prevention, focus on our youth, elderly, neighborhood residents, and downtown businesses				
Fulton	Partnership with community resources to support a mental health emergency response initiative to address critical community behavioral health needs (mental health, substance use, dealing with stress and crisis).				
Fulton	Improve traffic safety for pedestrians, cyclists and motorists through land use planning, infrastructure design, increased public education, and enforcement.				
Fulton	Promote Water Safety - Enhance community awareness and preparedness to prevent water-related accidents and injuries, particularly among children		Promote wearing life jackets, understanding the unique risks of our rivers and ocean's currents and underwater hazards, swimming with a buddy, and ensuring everyone has basic swimming competency, while also taking steps to educate the community about local water safety rules and potential dangers.		City provides swimming lessons. Funding and support of pool operations with extended season.
Fulton	Continue to prioritize Police recruitment and retention through proactive marketing and outreach.				
Fulton	Increase investment in City pavement, alleys, and public spaces with and emphasis on designing for safety and long-term sustainability.				
Fulton	Fund and implement safety improvements to traffic signal infrastructure				ODOT - We are doing RFB's in Downtown & ADA. We will continue to pursue SRTS
GOAL 3: Influence Economic Growth / Improve Quality of Life					
Objectives		Action Items		Resp Party	Status/Notes
1	Establish pro-growth policy	1.1	Develop business and resident attraction program.	CM	Video library promoting City on website; New resident recruitment video completed, Hired GPM
		1.2	Develop business retention strategy	CM	Create regional SOREDI type agency. Meet with key businesses. Expand participation in SCDC.
		Pereda	Explore possible annexation opportunities and proceed to execution where viable.		PSU Studey on annexation completed in 2017. Ongoing list of properties interested in annexation executed every 2-3 years.
		Fulton	Promote entrepreneurship and new businesses, small and micro-businesses development, and job creation.		SCDC Pitch Night, ongoing member of the Chamber

2	Establish development policies and public improvements/standards - Create a strategy and actions aimed towards sustaining, expanding and diversifying the Brookings's economy.	2.1	Develop comprehensive plan for addressing wastewater I&I issue	PWDS	Annual program to correct I & I; Projects in progress, USDA projects to address I&T
		2.4	Work with private interests to improve appearance of downtown through building & streetscape	PWDS	Façade Improvement Program. Partnership with DT Merchants assoc.
		Pereda	Review current economic development plans and policies. Determine objectives. Develop policies for business attraction, incentives, retention and development.		Review Comp Plan for consistencies
		Pereda	Review LOC's revenue study when available and identify any viable options for City implementation.		
		Pereda	If possible, recruit economic experts to provide opinions about how to grow and diversify the Brookings economy.		
		Pereda	Develop codes to promote infill.		
		Hodges	Create a more vibrant downtown. No empty store fronts, more commercial area, more street activities.		Vacant building registry. Work with DT merchants to implement DT master plan.
		Pereda	Strengthen partnerships with governmental and community partners		IGAs with school district, ODOT, County
		Fulton	Create a City Economic Development Policy while continuing to support the Façade Program. Invest in redevelopment and economic growth through Urban Renewal Funds.		
3	Provide infrastructure to support economic growth.	3.1	Lone Ranch Infrastructure - water and sewer improvements	PWDS	Lone Ranch plan pending, USDA-RD Loan
		3.2	Continue to encourage growth downtown, through Urban Renewal funds, for construction and development of programs to activate the space for local business activity and community engagement.		
4	Complete approved capital projects in a timely and cost efficient manner.	4.1	Complete Railroad Wharf to 5th	PWDS	
		4.2	Pursue pedestrian improvement funding: Hwy101 north of Lucky Lane	PWDS	Tentatively approved by State for 2020-21
		4.3	Pursue State/Federal grants to fund economic development and infrastructure improvements	GPM	Ongoing. USDA loan application in progress; currently in environmental review. SDWRLF funding in place for water.
5	Attract tourists to stop in downtown.	5.1	Improve downtown directional/parking signs	PWDS	Need further direction - Master Plan update directed
		5.2	Incentive program for downtown shops	PWDS/BLD	Need further direction; workshop needed; façade program
		5.3	Promote downtown public art	GPM	Exploring opportunity with Public Art group - Botanical Garden welcome piece
6	Provide additional recreational opportunities and facilities to include neighborhood parks, beach and river access				Added downtown pocket park
7	Implement policies and implementation items included under economic section of Comprehensive Plan.	7.1	Utilize zoning ordinance to provide commercial/industrial lands for development	PWDS	Would need zoning changes`
		7.2	Work with landowners to create larger development opportunity sites	CM	Opportunities scarce
		7.3	Encourage cottage industry/professional service home occupations	PWDS	Code adopted for cottage industries
		7.4	Provide development opportunities for senior housing ranging from single-family detached dwellings to nursing facilities.	CM	Code revised to include workforce housing (smaller, low rent housing) and nursing/assisted living housing as CUP in all residential zones. Facilitating meetings between land owners and housing developers.
8	More Affordable Housing (Pereda - Attainable Housing Objective: Develop and implement housing strategies that: 1. Support the demographics unique to Brookings and increase attainable house stock (by % by year(s)); and 2.Protect and promote the health of neighborhoods.)	8.1	Complete Housing Needs Assessment	CM	2017 Housing Analysis was for RE marketing. New formal Housing Needs Assessment per ORS needed for SDC study.
		8.2	Encourage development of undeveloped, annexed property north end of City	CM	Working with Rainbow Rock Condo Association for possible annexation
		8.3	Perform updated SDC study	PWDS	In progress
		Pereda	Collaborate with government and business partners to explore and incentivize investment into attainable housing development and seek financial support for investment in attainable housing development.		
		Pereda	Conduct fee study and implement findings that encourage and incentivize needed housing demographic.		
		Pereda	Explore and research ways to protect housing inventory for residents and limit short term rentals.		
		Pereda	Develop guidelines pertaining to the operation of short-term rentals.		
		Pereda	Seek ways to streamline approval of developments that meet zoning laws.		


		Fulton/ Hodges	Build relationships with public and private partners to facilitate all types of housing with focus on creating housing for working families. Develop a program to preserve the City's housing availability and bridge the affordability gap between household incomes and escalating housing costs.		
Fulton	Create a plan to increase tourism through partnerships with community organizations				
Fulton/ Malmberg	Build stronger connections by increasing resident involvement, diversity of representation, and active participation in city growth and development. Create opportunities for residents to participate in local decision-making that fosters a sense of belonging.				
Fulton	Develop an ongoing program to monitor neighborhood conditions and implement strategies to protect the wellbeing, vitality and unique identity of Brookings neighborhoods				
Fulton	Continue to develop parks and increase the number of green spaces in our community.		Develop addendum to current Parks Master Plan to include new parks and pool renovations/projects.		
Malmberg	Improvements for year round recreation by working toward developing infrastructure		Covered pool, community recreation and performing arts center, bike and trail networks, golf course enhancements.		
Fulton	Develop outreach and wrap around services through partners, available transitional housing, and support the business community to offset impacts.				
Fulton	Ensure equitable access to economic opportunity and community resources				
Fulton	Community Wellness & Enrichment		Empower the community to take ownership of its health and to make it a model for healthy communities by improving physical, social, environments, and economic health and well-being.		
			Increase affordable, quality healthcare access by attracting and retaining quality health care agencies and connect the community to resources through outreach and collaborative partnerships.		
			Support the long-term sustainability of our local shelter(s) and explore models to increase case management, supportive services, and long-term housing options for unhoused residents of the community.		
			Support endeavors that create and showcase a richly diverse community: Ex. Develop Public Art and expression through community committee action initiative. Ex. Explore possible areas to highlight a City Center area downtown that draws people together and creates a sense of community and belonging.		
			Search out and apply for grant funds to help financially support, improve and promote our cities existing resources. Ex. Cover City Pool for year round use, golf course, parks, beaches, airport, and river areas.		
Pereda	Develop a marketing strategy to expand the scope of awareness of our community and better promote our unique community including ways to enjoy Brookings and surrounding area.		TPAC - Rebranding strategy		
Hodges	Agree on a community theme that art and improvement committees can follow.		Explore ideas such as community history (pioneers, logging, fishing), natives, region, natural setting, etc.		Partnership with DT Merch assoc & TPAC
Pereda	Attract/incentivize Major Hotel Development		Develop and implement a strategy to attract and incentivize, if necessary, one major hotel chain to break ground in Brookings within ____ years.		Attracting a major hotel to a tourist community enhances the quality of life by driving economic growth, creating job opportunities, and boosting local services. The influx of visitors stimulates demand for restaurants, entertainment, and retail, enriching the community's cultural and social landscape. Additionally, the presence of a high-quality hotel can improve infrastructure and public amenities, making the area more attractive for residents and visitors alike. Overall, a major hotel not only supports the local economy but also contributes to a vibrant, thriving community. TPAC & Urban Renewal Funding, Partner with developer.

Pereda	Promote Arts - explore options to develop, support and promote the arts in Brookings.		Work with the committee for Public Art to develop and realize and inaugural public art project striving for placement within ____.		
			Explore the viability of utilizing URA to establish a Performing Arts Center.		
GOAL 4: Effective Intergovernmental Relations					
Objectives		Action Items		Resp Party	Status/Notes
1	Influence regional, state, national policy on issues important to achieving City goals.			CC	
2	Achieve City goals through strategic partnerships.				City participating in OCVA, DT Merchants Assoc, Curry Co. Chamber, BCRAA
3	Utilize Community College to fullest extent		Work with the college to address community needs	CM	
GOAL 5: Preserve and Enhance (Pereda)					
Objectives		Action Items		Resp Party	Status/Notes
Pereda	Small Town Feel/Connected Community - Maintain a close-knit community atmosphere fostering a sense of belonging, service, and continuity.				
Pereda	History - Safeguard and celebrate the City's rich cultural heritage and historical legacy.		Explore the creation of a Historic Society		Chetco Valley Historical Society
			Explore identifying a location and resurrecting the museum		
			Explore recording stories and collecting artifacts/documents from remaining founding pioneer families while still available to capture.		
			Explore maintaining, restoring, and preserving historical landmarks.		Chetco Point
			Identify ways to promote community and visitor awareness and education about Brookings' past.		
			Explore enhancement projects (signage, murals, etc.) that characterize Brookings' history.		Local Partnership with DT Merch assoc.
Pereda	Natural Resources - Safeguard and enhance accessibility to our natural resources for the enjoyment and well-being of the community and visitors		Explore utilizing URA to enhance Chetco Park as identified as a project in the Urban Renewal Plan.		
			Explore utilizing URA to create pedestrian connections to the waterfront as identified as a project in the Urban Renewal Plan		Private Property partnerships required
			Explore revitalizing trail to bomb site.		Allocate funding?
Pereda	Strengthen City Identity, Organization, and Design - Enhance the unique character of Brookings and create a cohesive City, to ensure it reflects and promotes our cultural, historical, and social values. Aim to foster a strong sense of community, improve the quality of life for residents, and attract visitors and businesses, ultimately contributing to the City's long-term sustainability and success.		Create community vision, mission, and value statements.		
			Review and reassess all City governing documents and potentially update antiquated codes and policies for consistency with current best practices and streamline where appropriate.		
			Recruit and create architectural committee and governing guidelines.		
			Develop and implement architectural guidelines.		PROUD study for Master Plan completed.
			Explore the implementation of streetscape elements as identified and laid out in the Downtown Brookings Master Plan and Urban Renewal Plan.		Private property (allyways)


CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: February 3, 2025


Signature (submitted by)

Originating Dept: PW/DS


City Manager Approval

Subject: Fats, Oil and Grease Ordinance

Financial Impact:

Unknown at this time

Background/Discussion:

Fat, Oils, and Grease (FOG) released into the City of Brookings wastewater system leads to serious issues of restricted flow capacity, interference with pump stations, deterioration of piping and sewer overflows in the collections system. FOG also can cause excessive foaming in the wastewater treatment plant. In order to eliminate these detrimental and costly effects, staff has prepared this draft ordinance for review with the intent to develop a FOG Control Program.

This Ordinance (24-O-813) applies to facilities classified as Food Preparation Establishments (FPEs) as defined in the draft ordinance that are connected to the public sewer system, excluding residential and significant industrial facilities.

The purpose of this Ordinance (also referred to herein as the “FOG Ordinance”) is to:

1. Prevent the introduction of excessive amounts of grease into the City’s public sanitary sewer system;
2. Prevent clogging or blockage of the City’s public sanitary sewer system due to grease buildup causing sewage to backup and flood streets, residences and commercial buildings, resulting in potential liability to the City, residences, commercial buildings and others;
3. Prevent clogging or blockage to prevent sewer overflows to navigable waters of the State;
4. Implement a procedure to recover the cost incurred from cleaning and maintaining sewer lines due to improper grease disposal;
5. Implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences, or commercial buildings;

6. Issue FOG Discharge Permits to FPEs and establish maintenance and monitoring requirements, and enforcement activities;
7. Establish administrative procedures and reporting requirements;
8. Establish permit fees for the recovery of costs resulting from this FOG Ordinance; and
9. Establish enforcement procedures for violations of any part or requirement of this Ordinance.

Staff, in conjunction with Jacobs Engineering, prepared the attached FOG ordinance 24-O-813 for review and consideration. The ordinance was reviewed by council at the November 4, 2024 council workshop and then again during the January 13, 2025 council meeting where additional questions were brought up during review. Council tabled a decision on the ordinance in order to have additional questions addressed.

Attachments:

1. Draft Ordinance 24-O-813 Fats, Oil and Grease
2. Draft Information Brochure on FOG

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 24-O-813

**IN THE MATTER OF ORDINANCE 24-O-813, AN ORDINANCE AMENDING TITLE 13 PUBLIC
SERVICES IN THE BROOKINGS MUNICIPAL CODE**

Sections:

Section 1. Ordinances Identified.

Section 2. Revise Chapter 13.10.160 Class of Sewer Permits, 13.10.350 Grease, oil and sand interceptors and 13.10.360 Pretreatment devices – installation and maintenance.

Adds Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Title 13 Public Services

Section 2. Revise Chapter 13.10.160 Class of Sewer Permits, 13.10.350 Grease, oil and sand interceptors and 13.10.360 Pretreatment devices – installation and maintenance.

Adds Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

First Reading: _____

Passage: _____

Second Reading: _____

Effective Date: _____

Signed by me in authentication of its passage on _____ day of _____, 2024

ATTEST:

Mayor /Council President

City Manager Tim Rundel

Under Title 13 Public Services

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

Sections:

- 13.45.010 General Introduction
- 13.45.020 Applicability
- 13.45.030 Purpose
- 13.45.040 Definitions
- 13.45.050 Food Preparation Establishment (FPE) Permitting Program
- 13.45.060 Wastewater Discharge Limitations and Prohibitions
- 13.45.070 Outdoor Grease Interceptor Requirements
- 13.45.080 Fees and Billing
- 13.45.090 Administrative Enforcement and Abatement

§ 13.45.010 General Introduction.

Fat, Oils, and Grease (FOG) released into the City of Brookings (City) wastewater system leads to serious issues of restricted flow capacity, interference with pump stations, deterioration of piping and sewer overflows in the collections system. FOG also can cause excessive foaming in the wastewater treatment plant. The City, to eliminate these detrimental and costly effects, has adopted this Ordinance to be monitored and conducted in accordance with the City FOG Control Program.

§ 13.45.020 Applicability.

- A. This Ordinance applies to facilities classified as Food Preparation Establishments (FPEs) as defined herein that are connected to the public sewer system, excluding residential and significant industrial facilities.

§ 13.45.030 Purpose

- A. The purpose of this Ordinance (also referred to herein as the "FOG Ordinance") is to:
 - 1. Prevent the introduction of excessive amounts of grease into the City's public sanitary sewer system;
 - 2. Prevent clogging or blockage of the City's public sanitary sewer system due to grease buildup causing sewage to backup and flood streets, residences and commercial buildings, resulting in potential liability to the City, residences, commercial buildings and others;
 - 3. Prevent clogging or blockage to prevent sewer overflows to navigable waters of the State;
 - 4. Implement a procedure to recover the cost incurred from cleaning and maintaining sewer lines due to improper grease disposal;
 - 5. Implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences, or commercial buildings;

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Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

6. Issue FOG Discharge Permits to FPEs and establish maintenance and monitoring requirements, and enforcement activities;
7. Establish administrative procedures and reporting requirements;
8. Establish permit fees for the recovery of costs resulting from this FOG Ordinance; and
9. Establish enforcement procedures for violations of any part or requirement of this Ordinance.

§ 13.45.040 Definitions.

The following definitions shall apply to this Ordinance:

A. "Authorized Representative of the User" means

1. If the User is a corporation:

- a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business/corporation; or
- b. The manager of one or more FPE facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term compliance with laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: A general partner or proprietor, respectively.

3. If the User is a federal, state, or local governmental facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

4. The individuals described in paragraphs 1 through 3 may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

B. "Automatic Grease Recovery Unit, (AGRU)" means an indoor grease trap that separates grease from wastewater by active mechanical or electrical means. Such traps should be as far away as possible from grease-bearing (cleaning) equipment, such as sinks, before exiting the building. See definition of Grease Trap.

C. "Best Management Practice, (BMP)" means the practices and procedures of a facility designed to prevent or minimize environmental damage. BMPs include but are not limited to treatment requirements, operating procedures, practices to control spillage or leaks, and grease disposal.

D. "City" means the City of Brookings acting through the City Council of Brookings and the City's duly authorized officers or agents on its behalf.

E. "City Manager" means the person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Ordinance or a duly authorized representative (designee).

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

F. "Fats, Oils and Grease (FOG)" means any fats, oils and grease generated from the food preparation process. All are sometimes referred to as "grease." The current methods approved under Title 40 *Code of Federal Regulations* (CFR) Part 136 measure total FOG that may contain hydrocarbon FOG from petroleum sources. For the purposes of this City Ordinance the term FOG will refer to total FOG.

G. "Food Preparation Establishments (FPE)" means facilities that are regulated by the Brookings Health Department and are classified as a Class III or Class IV food service establishment, defined as:

- Class I: Establishment serves only prepackaged foods and/or beverages.
- Class II: Establishment uses cold or ready-to-eat processed food.
- Class III: Establishment has exposed foods prepared by hot processes and consumed within 4 hours of preparation.
- Class IV: Establishment has exposed foods prepared by hot processes held for 4 hours or more prior to consumption.

or other facilities that engage in similar cooking methods that have the potential to produce fats, oils and grease.

The City Manager or their designee reserves the right to reclassify any establishment to either a higher or lower Class based on these criteria: a better understanding of facility operations (based on facility-reported information and/or City inspection), a change in facility operations, and/or evidence that the facility has caused or contributed to a blockage or interference in the collection system through the discharge of FOG.

H. "Existing FPE" means any FPE in existence at the time of the initial adoption of this Ordinance.

I. "New FPE" means any FPE that is established in a newly constructed building or in a building that previously was not a food establishment. An FPE that changes its menu substantially enough to move upward in Class may also be classified as a New FPE at the sole discretion of the City Manager or their designee.

J. "FOG Discharge Permit" means a permit issued by the City Manager or their designee authorizing the discharge of wastewater to the public sanitary sewer system from an FPE.

K. "Grease Disposal Facility (GDF)" means a regional collection/transfer/disposal site approved in accordance with the law for the disposal of FOG. This means an Oregon Department of Environmental Quality (ODEQ)-approved publicly/private owned treatment works that is for the separation and disposal of FOG by incineration or other methods.

L. "Grease Trap" means (collectively) devices intended to capture grease without the use of underground interceptors, including but not limited to sink traps, passive floor traps (indoor or outdoor) and AGRUs.

M. "Grease Interceptor" means an underground tank with baffles needed for FOG collection and access ports to facilitate cleaning, inspection and/or maintenance.

N. "Hauler" means any person who collects the contents of a grease trap or interceptor (Non-renderable Grease) and transports it to a GDF. A Hauler may also provide other services to FPEs related to trap maintenance. Haulers must be licensed in accordance with state and federal regulations.

O. "Non-renderable Grease" means fats, oils, and grease generated from food preparation or serving that has come into contact with water or other contaminants shall prevent this FOG from being rendered, also called Brown Grease. See Renderable Grease.

P. "Permittee" the Permittee represents the FPE and is authorized by the issuance of a FOG Discharge Permit to initiate, create, originate, or maintain a wastewater discharge from the FPE. The Permittee shall be the Authorized Representative of the User.

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

Q. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

R. "Public Sanitary Sewer System" means a sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority. Includes the main pipe, manholes, other structures, and equipment appurtenant thereto controlled and maintained by the City for the conveyance of sanitary sewage.

S. "Renderable Grease" means the uncontaminated FOG from the food preparation process that is free of impurities and has not come into contact with water and can be recycled into products such as, but not limited to, animal feed or cosmetics.

T. "Renderer" means any person who collects renderable grease from an FPE and transports it to another site for recycling.

U. "Variance" means a permit that reduces the obligations of an FPE. A variance, when granted, shall serve as a permit. Variances shall be granted at the sole discretion of the City Manager or their designee. Variances must be displayed onsite.

The City Manager or their designee reserves the right to revoke any variance based on a better understanding of facility operations (based on facility-reported information and/or City inspection), a change in facility operations, and/or evidence that the facility has caused or contributed to a blockage or interference in the collection system through the discharge of FOG.

§ 13.45.050 Food Preparation Establishment (FPE) Permitting Program:

A. All FPEs discharging wastewater to the public sanitary sewer system are subject to the following requirements.

1. **Permitting:** All FPE's shall be required to apply for and obtain a FOG Discharge Permit or variance from the City Manager or their designee. The City Manager or their designee shall approve or deny all applications for FOG discharge permits in accordance with the policies and regulations established in this Ordinance. The FOG Discharge Permit shall be in addition to any other permits, registrations, or occupational licenses, which may be required by federal, state, or local law. It shall be a violation of this Ordinance for any FPE identified by the City Manager or their designee to discharge wastewater containing fats, oils and grease to the public sanitary sewer system without a current FOG Discharge Permit.
2. **Application Form:** The City Manager or their designee shall provide an application form for a FOG Discharge Permit to all FPEs. All existing FPEs shall submit a completed application form within 60 days of: (a) receipt of the application, or (b) prior to the expiration of their valid FOG Discharge Permit. New FPEs shall obtain a FOG Discharge Permit prior to issuance of a Food Service License. Each application form submitted shall include but not be limited to the following information.
 - a. The FPE's engineer's design report for outdoor grease interceptor, grease trap or AGRUs, including unit specifications, cut sheet, and sizing calculations. Sizing shall not be less than specified in § 13.45.070 (E)(3).
 - b. Hours of facility operation.
 - c. A copy of the FPE's menu.
 - d. A statement signed by the Authorized Representative as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate, and complete to the best of my knowledge and belief."

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

3. Application Procedure: Upon the filing of a completed FOG Discharge Permit Application form with fee, and variance application if applicable, the City Manager or their designee shall review and approve or deny a FOG Discharge Permit. No system modification shall be initiated until approval is obtained.
4. FOG Discharge Permit:
 - a. The FOG Discharge Permit must be displayed in a prominent location where it can be seen by staff.
 - b. A FOG Discharge Permit shall not be transferred or sold to a new owner. A new owner is required to apply to the City Manager or their designee for a new FOG Discharge Permit.
 - c. A new FOG Discharge Permit must be applied for when renovations are completed at an existing FPE or upon making significant changes to the menu that may change the amount of FOG discharged by 25% (either increased or decreased). Any questions about whether a change is significant shall be directed to the City's FOG program manager.
 - d. The terms and conditions of the permit are subject to modification by the City Manager or their designee during the term of the permit. If due to changes in this Ordinance modifications to a facility are required to remain in compliance, the Permittee shall be informed at least 6 months prior to the compliance date of the new requirement or 6 months prior to the expiration date of the existing permit.
5. Entry: Each FPE shall allow the Inspector, bearing proper identification, access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurements, sampling and testing in accordance with the provisions of this Ordinance. The refusal of any FPE to allow the Inspector official entry for purposes of inspection or performing such other duties as shall be required shall constitute a violation of this Ordinance. The City may pursue legal action as provided for in §13.45.090 as may be advisable and reasonably necessary for Inspectors to carry out their duties.
6. Inspection: The Inspector shall inspect the FPE on an unscheduled basis after a FOG Discharge Permit has been issued to confirm compliance with the requirements of this Ordinance. All FPEs with a current FOG Discharge Permit shall be inspected. Inspections shall include but not be limited to all equipment, food processing, cleanup and storage areas and shall include any area that produces wastewater discharge to the grease trap. The Inspector shall also inspect the grease trap maintenance logbook and/or file and other data pertinent to the grease trap and may check the level of the trap contents and/or take samples/measurements as necessary. The Inspector shall record all observations in a written report. Any deficiencies as provided in this Ordinance shall be noted.
7. Violation Reporting: A Permittee shall immediately notify the City Manager or their designee by telephone upon learning or having reason to believe that a discharge may cause a sewer blockage or adversely affect the public sanitary sewer system and initiate corrective action to prevent further violations.

The Permittee shall file a written report of the violation and corrective actions taken to the City Manager or their designee within 5 days of the Permittee learning of such violation. Failure to report may result in a fine pursuant to §13.45.080.

§ 13.45.060 Wastewater Discharge Limitations and Prohibitions:

- A. No User shall allow wastewater discharge concentrations from a grease trap or alternative pretreatment technology to exceed 100 milligrams per liter (mg/L). All analyses shall be conducted according to the current method as listed in 40 CFR 136 or as approved in writing by the City Manager or their designee. All costs associated with testing are the responsibility of the FPE.
- B. Where outdoor grease interceptors/traps are used, separate wastewater lines shall be provided to convey the sanitary and kitchen wastewater outside the facility. Only wastewater from the kitchen and cleanup areas

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

shall be directed to the grease trap. In no case shall sanitary wastewater be allowed to enter a grease interceptor/trap.

- C. Wastewater having a temperature in excess of 140 degrees Fahrenheit shall not be discharged into any AGRU or other grease trap.
- D. Dishwashers equipped with prewash sinks shall be prohibited from discharging to grease interceptors or grease traps. Prewash sinks shall be discharged to the grease interceptor.
- E. Any use of enzymes, solvents, emulsifiers, biological agents and similar material for maintaining or cleaning grease traps is prohibited.
- F. No food grinder or food pulper shall discharge into a grease trap.
- G. All wastewater flows connected to grease traps shall be screened to prevent solids from entering the grease trap. Screened solids shall be disposed of in accordance with applicable solid waste regulations.

§ 13.45.070 Outdoor Grease Interceptor Requirements:

- A. Requirements: All new FPEs are required to have an outdoor grease interceptor or a variance.
- B. Equipment Requirements: On or after the effective date of this Ordinance, all FPEs discharging to or proposing to discharge to the City's public sanitary sewer system shall submit an application and obtain a permit to operate and maintain an outdoor grease interceptor, a variance for an AGRU, or a variance from the requirements of this Ordinance as established by § 13.45.070 (F)(1). All outdoor grease interceptors shall meet the requirements of this Ordinance.
- C. On or after the effective date of this Ordinance, the City Manager or their designee shall require an existing FPE to install, operate, and maintain a new grease interceptor that complies with the requirements of this Ordinance or to modify any non-compliant plumbing or existing grease trap within 60 days of written notification by the City Manager or their designee when any of the following conditions exist.
 - 1. The establishment is found to be contributing grease in quantities to cause pipe blockages or increase maintenance on the public sanitary sewer system.
 - 2. The establishment does not have a grease interceptor or a variance.
 - 3. The establishment has an undersized, irreparable, or defective grease interceptor or qualified equipment used to obtain a variance.
 - 4. Existing establishment is sold or undergoes a change of ownership.
 - 5. Remodeling of a kitchen, which requires a plumbing permit to be issued by the City.
 - 6. The menu of an establishment changes such that it meets the requirements of an FPE.
- D. Variance from Outdoor Grease Interceptor Requirements: An AGRU may only be installed in lieu of a Grease Interceptor after authorization by the City Manager or their designee. The FPE shall request a variance in writing, which shall consist of a completed Program Application and Variance Application. Variances shall be granted only when it is infeasible to install an interceptor and/or when the FPE can both demonstrate to the City Manager or their designee that adequate control of the discharge of FOG exists, and that discharges will not interfere with the collection system and will also meet the 100 -mg/L FOG limitation.
- E. Outdoor Grease Interceptor: Outdoor grease interceptors shall be installed in all FPEs as described in § 13.45.070 (B) and (C). All grease interceptors shall meet the following criteria.

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1. **Interceptor Design and Location:** Outdoor grease interceptor shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. Access manholes with a minimum diameter of 17 inches shall be provided over each trap chamber and sanitary tee. The manhole also shall have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities. The invert elevation of the inlet shall be between 3 and 6 inches above the invert elevation of the outlet.
 2. The trap shall be designed, constructed, and installed for adequate load-bearing capacity.
 3. **Trap Capacity:** The minimum capacity of any one unit shall be:
 - Fast Food Facilities: 1,000 gallons
 - Full-service Restaurants: 1,500 gallons
 - Prisons and Hospitals: 2,000 gallons
 4. These stated sizes may be increased if in the opinion of the City Manager or their designee additional capacity is needed. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series is required. For FPEs not listed in paragraph 3, the City Manager or their designee will calculate and require sizing based on an industry-accepted standard calculation.
 5. **Pumping and Maintenance:** Each FPE shall be responsible for the cost of installing, inspecting, pumping, cleaning, and maintaining its outdoor grease interceptor/trap. Outdoor grease interceptor cleaning shall include complete removal of all contents, including scraping of excessive solids from the walls, floors, baffles, and all pipe work. It shall be the responsibility of each FPE to inspect its outdoor grease interceptor during the pumping operation to ensure proper cleaning and that all fittings and fixtures are functioning properly.
 6. **Outdoor Interceptor Pumping Frequency:** Each FPE shall have its outdoor grease interceptor(s) pumped whenever 25% of the operating depth of the outdoor grease trap is occupied by grease and settled solids or a minimum of once every 3 months, whichever is more frequent.
 7. **Inspections:** The Inspector shall inspect grease interceptors/traps as necessary to ensure compliance with this Ordinance.
 8. **Disposal:** Renderable grease shall not be disposed of in any sewer, septic tank, or grease interceptor/trap. All renderable grease shall be stored in a separate, covered, leak-proof, labeled, renderable grease container stored out of reach of vermin and collected by a Renderer.
 9. Grease removed from outdoor grease interceptors shall be disposed of at a GDF permitted by ODEQ.
 10. **Recordkeeping:** Each FPE shall maintain a logbook in which a record of all grease trap maintenance is entered, including the date and time of the maintenance, repairs, records of inspection, log of pumping activities and GDF. The file shall be available at all times for inspection and review by the Inspector.
- F. **Variance Procedure:** Two types of variances may be granted, Program Variances and Equipment/BMP Variances, as follows.
1. **Program Variances:** The City or their designee may, at their sole discretion, exempt from this FOG Program facilities that meet the definition of FPE but whose wastewater discharge contributes negligible FOG to the sanitary sewer. This may include:
 - a. FPE's that are itinerant vendors, either truck or cart, with no fixed sewer connection;
 - b. FPE's that meet the Class I or Class II definition; or
 - c. Facility's generating a volume of wastewater less than 250 gallons per day; or

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- d. Class III FPE's that do not employ frying, sautéing, baking or roasting of meats or the use of rotisseries, grills, smokers, or other methods and/or food items that have the potential to generate fats, oils or grease.
- 2. Equipment/BMP Variances: At the request of the Permittee, the City Manager or their designee, at their sole discretion, may grant a variance from the equipment or BMP requirements of this Ordinance. Any change to the conditions of the variance must be reported to the City Manager or their designee for review within 30 days.
- G. Alternative Grease Removal Devices: The City or their designee, at their sole discretion, may approve these types of devices, depending on manufacturer's specifications and verified operations, on a case-by-case basis. Alternative devices shall be subject to written approval based on a demonstration prior to installation.
- 3. AGRU: AGRUs shall be prohibited at new FPEs, except as granted by variance at the discretion of the City or their designee per § 13.45.070 (B).
- 4. AGRU Size: The AGRU design flow shall be sized by a licensed engineer according to the City's guidelines, including all connected fixtures and drains.
- 5. AGRU shall have a removable lid on the top surface to facilitate inspection, cleaning and maintenance.
- 6. Flow Control Device: AGRUs shall be equipped with a device to control the rate of flow through the unit and shall not exceed the design flow capacity.
- 7. Cleaning and Maintenance: Each FPE shall be solely responsible for the cost of the AGRU installation, cleaning, and maintenance. The AGRU shall include a skimming device, automatic draw-off or other mechanical means to automatically separate fats and oils from the wastewater using a timer or level controller. The AGRU shall be connected to the electrical circuit by either hardwire or cord and plug. The AGRU shall operate no less than once per day.
- H. Other Approved Unit: If the Permittee requests the use of a unit other than an outdoor grease trap or an AGRU, the Permittee must demonstrate to the City Manager or their designee that the proposed unit can reliably meet the effluent limitations established in this Ordinance. Only after receiving approval from the City or their designee will the Permittee be authorized to install the proposed unit.
- I. An FPE that has been granted a variance shall have 30 days to report to the City or their designee and the Brookings Health Department any changes that cause a violation in the terms of the variance. Changes that may cause a violation to the terms of the variance may include but are not limited to hours of operation, food preparation techniques, or changes to the menu.

§ 13.45.080 Fees and Billing:

- A. The fees provided for in this Ordinance are separate and distinct from all other fees chargeable by the City. All invoiced fees, pursuant to this Ordinance, shall become immediately due and owed upon receipt of invoice and shall become delinquent if not fully paid within 30 days after receipt. Any delinquent amount shall be subject to the late fee.
- B. Fines shall fall into four classifications: Reporting violations (including failure to apply for permit), numerical limits violations (local limits), BMP violations, and equipment installation violations. The City's current fees applicable to all applications and permits pursuant to this Ordinance will be adopted by resolution by the City Council. Violations will be assessed per Chapter 1.05 General Penalty.
- C. FPEs shall be responsible for any processing fees on payments made through third parties. Processing fees include but are not limited to credit card fees, online payment fees and collection fees.

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

§ 13.45.090 Administrative Enforcement:

- A. **Violations:** If the City Manager or their designee records any deficiencies during an inspection, they will provide written or electronic Notice of Violation (NOV) to the FPE with instructions to correct the deficiency. An NOV shall be issued to an FPE for any one or more of the following violations:
1. Failure to properly clean and maintain the grease trap in accordance with the provisions of the FOG Ordinance.
 2. Failure to report changes in operations.
 3. Failure to report an unauthorized grease discharge per § 13.45.050 (A)(7).
 4. Failure to maintain grease records, including documentation of pumping activities, GDF or receipts onsite at all times.
 5. Failure to provide access for trap/interceptor cleaning, inspection, or monitoring activities.
 6. Failure to obtain or renew a Discharge Permit in a timely manner.
 7. Failure to store grease in a proper container or dispose of grease at an approved facility.
 8. Failure to correct deficiencies noted in NOV within 30 days of notice for BMP violations. This violation shall be considered a second infraction.
 9. Failure to correct deficiencies noted in NOV within 60 days of notice for equipment violations. This violation shall be considered a second infraction.
 10. Any other failure to comply with the requirements of this Ordinance or conditions of any permit issued pursuant to this Ordinance.
 11. Within 30 days, the Permittee shall have the right to appeal the issuance of an NOV.
 12. All NOVs shall be addressed and corrections reported in writing to the City Manager or their designee within 30 days, except for repair or installation of equipment that must be completed and reported within 60 days, unless the FPE requests in writing an appeal or an extension. An appeal shall not be grounds to extend the time requirements of this paragraph. Extensions will be granted at the sole discretion of the City Manager or their designee.
- B. **Enforcement Actions:** Enforcement actions against FPEs in violation of this Ordinance shall be according to the following provisions.
1. **Initial Violation Penalties:** The City Manager or their designee may take enforcement actions against FPEs, including fines, consent agreements, compliance agreements or written agreements for voluntary compliance, or with any User or other person responsible for non-compliance. Such documents will include specific actions to be taken to correct the non-compliance within a time period specified by the document. Such documents shall be judicially enforceable. Corrective actions may include but are not limited to:
 - a. Submittal of records for trap maintenance, immediate pump-out of the trap, or establishment of an ongoing contract with a Hauler or Renderer.
 - b. Requirements for submittal of plans or upgrade of grease traps, including time frames for preparation of plans, acquisitions of necessary equipment, initiation of construction (including time for permit approval, where required), completion of construction and date for achievement of final compliance within the provisions of the NOV and this Ordinance.

Chapter 13.45 Regulation of Fats, Oils, and Grease (FOG) Discharges to the Brookings Sanitary Sewer System

c. NOV Actions and Fines

- For the first violation in any 18-month period, an NOV will be issued with required corrective actions. Corrections must be made and reported or appealed within the time periods specified in § 13.45.090 (A)(11) and (12). At the sole discretion of the City Manager or their designee, a Tier 1 fine may be issued.
 - For a second violation in any 18-month period, a second NOV and a citation will be issued pursuant to Chapter 1.05 BMC. [Ord. 07-O-590 § 5; Ord. 88-O-430 Art. XI § 2.] Additionally, the FPE will be required to bring the facility into full compliance. Where the FPE cannot meet this requirement immediately, the FPE will prepare a plan within 30 days of the NOV that outlines the soonest that equipment and other measures can be installed to meet full compliance. This plan will be submitted to the City for review and approval. Upon approval, the City Manager or their designee will issue a compliance schedule to meet the plan with milestones and specific time limits for each milestone. The plan will also specify that the FPE must report completion of each milestone within 10 days after the milestone is reached. If an FPE cannot meet a milestone, it shall report this within 10 days of the milestone, including additional efforts that will be taken to accelerate activities to continue to meet all future milestones leading to compliance.
 - If a user of the system, including a Hauler, a Renderer, or an FPE, is discovered discharging FOG to a nonapproved discharge location (for instance, using a manhole in the City's wastewater collection system), enforcement for this action will be an immediate Tier 4 fine. This violation will not move through Tiers 1 through 3 as described above.
 - The time schedule will be enforceable at the discretion of the City Manager or their designee for missed milestones and completion of the schedule.
2. Continued Violations: If an FPE violates or continues to violate the provisions set forth in this Ordinance or fails to initiate/complete corrective action in response to an NOV(s), the City or their designee may pursue one or more of the following options:
- a. Referral to other appropriate enforcement agencies for further action, that is, the Brookings Health Department.
 - b. Refer the NOV to the Brookings Health Department, recommending closure of the facility and/or denial of Food Service License renewal.
3. The City may issue an immediate Cease and Desist Order when necessary to protect the public health, safety and welfare of the City or the environment.
4. Discharge Permit Revocation: Any Discharge Permit issued under the provisions of this Ordinance is subject to be modified, suspended, or revoked in whole or in part during its term for failure to comply with the terms of this Ordinance.
5. Any denial or revocation of a permit pursuant to this Ordinance may be appealed to the City. The Permittee shall have 15 days from date of notification of the permit denial or revocation to submit a written request for a hearing before the City. Failure to file an appeal constitutes acceptance of the decision to deny or revoke the permit and any conditions thereof.
6. If an appeal is filed, the City shall conduct a public hearing and decide within 60 days from receipt of appeal whether to grant the permit. The decision of the City shall be final. Cause for FOG Discharge Permit modification, suspension, or revocation shall include but not be limited to any one of the following:
- a. Falsification of any information submitted as part of the application for the Discharge Permit.
 - b. Failure to comply with the requirements or regulations concerning discharges to the public sanitary sewer system.

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- c. Failure to comply with the requirements or regulations concerning grease interceptors/traps in this Ordinance.
 - d. Failure to pay required fees or penalties in a timely manner.
 - e. Failure to attend required BMP training courses if required by the City Manager or their designee.
 - f. When necessary to protect the public health, safety and welfare of the City.
7. **Recovery of Costs:** When a discharge causes any obstruction, damage or any other impairment to the public sanitary sewer system, damage to public or private property, or any expense of whatever character or nature to the City, the City shall assess the expenses incurred to clear the obstruction and/or repair damage to the system and any other expenses or damage of any kind or nature suffered by the City as a result thereof, including reimbursement for damage to private property. The City may file a claim with the User or other person that caused the obstruction, damage or other impairment for recovery of such costs, including any collection costs. If the claim is ignored or denied, the City shall notify the City Attorney to take such measures as shall be appropriate to recover any expense or to correct other damages suffered by the City.
 8. **Remedies Nonexclusive:** The remedies for this Ordinance are not exclusive. The City may take any, all, or any combination of these actions against any person violating this FOG Ordinance.
 9. **Search Warrant:** The City, through the City's Attorney, may seek to obtain a search warrant from the appropriate authority to gain access to an FPE's facility for the purposes of verification of compliance inspection and monitoring as provided for under §13.45.050 (A)(5) if such lawful entry has previously been denied by the FPE.
 10. **Citation to Superior Court:** Notwithstanding any of the aforementioned, the City may cite any User to Superior Court for violation of any provision of this Ordinance. A violation of any condition or requirement of a Discharge Permit, or failure to obtain such a permit, shall be deemed to be in violation of this Ordinance.
 11. **Injunction and Other Relief:** The City, through the City's Attorney, may file a petition in the name of the City in Superior Court or such other courts as may have jurisdiction seeking the issuance of an injunction, damages or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City as a result of any action or inaction of any person that causes or suffers damage to occur to the City's public sanitary sewer system.
- C. Upon issuance of a ~~fifth~~ **third** NOV in any 18-month period, any person found to have continued to violate any provision of this Ordinance, or any condition of a permit issued pursuant to this Ordinance, may be liable for an additional civil fine up to \$1,000 per violation. Each separate violation shall constitute a separate offense, and each day's continuance of a violation shall constitute a separate and distinct violation. In addition to the penalties provided herein, the City may recover attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

Additional Recommended Changes To Title 13 Public Services

13.10.160 Classes of sewer permits.

There shall be ~~two~~**three** classes of sewer permits:

- A. For residential and commercial service
- B. For service to establishments producing industrial wastes; ~~and~~

C. For service to food preparation establishments (Chapter 13.45)

[Ord. 88-O-430 Art. IV § 6.]

13.10.350 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided at establishments **producing industrial wastewater** when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, clay, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. [Ord. 88-O-430 Art. V § 7.]

13.10.360 Pretreatment devices – Installation and maintenance.

Where preliminary treatment, interceptors or flow-equalizing facilities are provided for any waters or wastes **at establishments producing industrial waste**, they shall be installed and maintained continuously in satisfactory and effective operation by the owner at his expense. All grease, oil and sand interceptors, pretreatment devices, control manholes, and other related apparatus shall be inspected to verify correct function upon installation and at least annually thereafter. Annual inspections shall be performed by a city of Brookings approved vendor and shall comply with all state, county, and city requirements. A copy of the annual inspection report shall be provided to the city of Brookings public works director. [Ord. 16-O-765 § 2; Ord. 88-O-430 Art. V § 8.]

The City of Brookings And the Problem of Fats, Oil and Grease (FOG)

Once FOG, especially food based FOG, is released in to the City wastewater collection system it starts to create a problem. This starts by clogging your drain but does not stop there. Grease accumulates and can clog even the largest of pipe diameters. It also accumulates in pump stations. Eventually this leads to spills and overflows. FOG, if not remedied, can shut down the entire wastewater system. FOG not only causes obstruction to the system, it traps bacteria against the pipes which then attacks both metal and concrete surfaces leading to substantial financial loss.

FOG is a serious matter.



**"Join the Fight to
keep (Fats, Oils and
Greases) F.O.G out of
the drain."**

What Can Be Done To Address FOG Problems In The Sewer Pipes?

Once grease enters the City collection system it must be removed mechanically which is very expensive. Depending on circumstances, the business owner may be required to pay for any costs incurred.

The best way to keep FOG out of the sewer pipes and prevent overflows is to keep the material out of the sewer in the first place. There are several ways to accomplish this:

- Install commercial grease traps/ interceptors; clean and maintain these frequently.
- Don't pour grease down sink drains.
- Pour used grease into sealable containers and dispose of the containers appropriately.
- Scrape grease and food waste into the trashcan for disposal.



City of Brookings
Wastewater Treatment Plant/
Department of Public Works
898 Elk Drive
Brookings, OR 97415

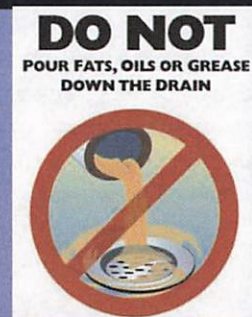
Phone: (541) 469-1159

Who Enforces the Regulations

The grease interceptor cleaning requirements are carried out by cooperation between the Brookings Public Works Department, Jacobs, and other agencies. The City of Brookings Building Inspector oversees the initial installation of new grease interceptors. After they are installed, they are subject to inspection by the City of Brookings Wastewater Treatment Plant personnel.

Questions about grease interceptor installation can be directed to the Project Manager of the City of Brookings' Wastewater Treatment Plant or their designee.

Businesses that routinely discharge FOG will be subject to permitting under a new City Ordinance. Permits will provide details about grease control requirements that will benefit all citizens of Brookings.



Contributions of F.O.G. From Your Drains Collects On the Walls Of Pipes With F.O.G. from other Dischargers and Over Time Results in Incredible Build Up in Sewer Lines Often Referred to As Fatbergs



According to Newsweek Magazine October 2021

Merriam Webster defines a "Fatberg" as a large mass of fat and solid waste that collects in a sewer system. This lump of congealed fat and household waste is toxic, destroys collection system lines due to trapping anaerobic organisms against the collection system walls and is heavy enough to break the collection lines. Removal is an expensive and potentially dangerous operation.

Oil and Grease

Is it a Prohibited Discharge?

Chapter 13.10 Section 320 of the City of Brookings Ordinance, prohibits discharge or deposit of oil and grease in quantities, or concentrations, that may clog the sewers, overload the discharge skimming and grease handling equipment, have an adverse affect on the receiving waters and/or cause harm to the normal sewage treatment processes.

Grease Interceptor Installation

What is the current requirement?

Chapter 13.10 Section 350 of the City of Brookings Ordinance, requires installation of an Oil and Grease Interceptor, when deemed necessary by the City, to remove excessive amounts of grease. Interceptors shall be of a type and capacity approved by the City Manager.

Grease Interceptor Cleaning

Is it currently a requirement?

Chapter 13.10 Section 350 of the City of Brookings Ordinance, requires interceptors to be located as to be readily and easily accessible for easy cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the

owner at his expense, in continuously effective operation at all times as required in Chapter 13.10 Section 360. In the new future, grease control will be required at food preparation establishments. These operations produce high levels of FOG.

The cleaning frequency for grease traps depends on several factors, including equipment design, restaurant seating capacity, cooking techniques, and local plumbing code.

Does this affect me?

All food operations, with currently installed interceptors, served by the City of Brookings Sanitary Sewer System must comply with the grease interceptor cleaning requirement.

Benefit?

While this cleaning is required, it is also a benefit to both your food operation and to the City as a whole. Clean grease interceptors prevent sewer back-ups that can put companies out of business for days. Such back ups are costly to repair.

For more information contact:

City of Brookings
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