CITY OF MULBERRY, ARKANSAS

ORDINANCE 2025-02

AN ORDINANCE AMENDING ORDINANCE NO. 2016-02 AND 2011-09 TO UPDATE GREASE TRAP REQUIREMENTS AND ESTABLISH PRETREATMENT STANDARDS FOR NEW COMMERCIAL AND INDUSTRIAL USERS OF THE CITY OF MULBERRY SEWER SYSTEM; DECLAING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Mulberry must maintain compliance with current Arkansas Department of Health (ADH) regulations, Arkansas Department of Environmental Quality (ADEQ) requirements, and Arkansas Plumbing Code provisions regarding wastewater collection and treatment; and

WHEREAS, the City of Mulberry has determined that pretreatment of wastewater by commercial and industrial users is necessary to protect the City's wastewater collection and treatment infrastructure; and

WHEREAS, the City wishes to update its grease trap requirements to comply with current ADH standards while establishing pretreatment requirements for new commercial and industrial users; and

WHEREAS, the City recognizes the need to balance regulatory compliance with the needs of existing businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. DEFINITIONS

For the purposes of this ordinance, the following definitions shall apply:

a. "Change of Ownership" means the sale or transfer of fifty percent (50%) or more of the ownership of a business.
b. "Existing User" means any commercial or industrial establishment connected to the City's sewer system prior to the effective date of this ordinance.

c. "Food Service Establishment" means any establishment primarily engaged in the preparation and serving of food beverages, including but not limited to restaurants, cafeterias, hotels, schools, hospitals, nursing homes, and other facilities that prepare, serve, or otherwise make food available for consumption.
d. "New User" means any commercial or industrial establishment that connects to the City's sewer system on or after the effective date of this ordinance, or any existing user that changes its use category or undergoes significant expansion.
e. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to introduction such pollutants into the City sewer system.
f. "Superintendent" means the Public Works Director and or the Water Superintendent of the City of Mulberry, or his or her authorized deputy, agent, or representative.

SECTION 2. GREASE TRAP REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS

1. Applicability: All food service establishments shall install, operate, and maintain grease traps or interceptors in compliance with this ordinance and current Arkansas Department of Health regulations.
2. Design and Installation Requirements:

A. Minimum Capacity of 1,000 gallons
   a. Proper sizing according to the following formula:
   (S) x (GS) x (HR/12) x (LF) = Capacity in gallons, where:
   S = Number of seats in dining area
   GS = Gallons of wastewater per seat (25 gallons)
   HR = Number of hours establishment is open
   LF = Loading factor (1.25 for highway locations 1.0 for other locations)
   b. Two-compartment design with properly sized inlet and outlet tees extending to within twelve (12) inches of the bottom of the interceptor
   c. Minimum retention time of thirty (30) minutes at peak hour flow
   d. Located outside the building with proper access for cleaning and inspection

e. Constructed of Materials in compliance with the Arkansas Plumbing Code

B. Existing food service establishments may continue to use properly functioning grease traps or interceptors that were installed prior to the effective date of this ordinance, provided they are adequately sized and maintained. However, upon any of the following conditions, the establishment must install grease interceptors meeting the new standards:
   a. Change of ownership
   b. Renovation requiring a building permit
   c. Documented history of non-compliance
   d. Significant change in menu or operations that increases grease production
   e. Going out of business for more than 90 consecutive days

C. Maintenance Requirements:
   a. Grease traps and interceptors shall be cleaned at a minimum of every 90 days or when the combined thickness of floating grease and settled solids equals twenty-five percent (25%) of the hydraulic working capacity of the grease trap, whichever comes first.
   b. Cleaning shall be performed by a licensed waste hauler, and a manifest or receipt documenting proper disposal shall be maintained on site.
   c. Maintenance records shall be kept on site for a minimum on-site for a minimum of three years and shall be available for inspection by City personnel upon request.
   d. The use of enzymes, bacteria, chemicals, or other additives designed to emulsify grease is prohibited.

SECTION 3. PRETREATMENT REQUIREMENTS FOR NEW COMMERCIAL AND INDUSTRIAL USERS

A. Applicability
   a. All new commercial and industrial users connecting to the City sewer system shall install and maintain appropriate pretreatment systems prior to discharging any wastewater into the public sewer system.
   b. Existing users shall be exempt from the pretreatment requirements of this section unless:
      a. The establishment changes ownership

b. The establishment goes out of business for more than 90 consecutive days
c. The establishment undergoes significant expansion or change in operations that increases or changes the character of wastewater discharge
d. The establishment is found to be in violation of the discharge limitations set forth in Ordinance 2016-02
e. The establishment's discharge is causing documented interference with the operation of the City's wastewater treatment system

B. Pretreatment System Requirements:
   a. All new commercial and industrial users subject to this section shall:
      i. Submit detailed plans oof proposed pretreatment systems to the Public Works Director and/or Water Superintendent for approval before installation
      ii. Design and install pretreatment systems capable of treating wastewater to meet the following minimum standards:
         1. Biochemical Oxygen Demand (BOD): not to exceed 250 mg/L
         2. Suspended solids: not to exceed 250 milligrams dissolved in one liter of water (mg/L)
         3. Oil and grease: not to exceed 50 mg/L
         4. The concentration of hydrogen ions in a water based solution (pH): between 6.0 and 9.0
         5. Temperature not to exceed 104° Fahrenheit (40° Celsius)
         6. Install sampling ports accessible to City personnel for inspection and sampling
         7. Obtain a Pretreatment System Permit from the Public Works Director and/or the Water Superintendent before commencing discharge

C. Industry specific requirements shall apply as follows:
   a. Vehicle service facilities: Oil/water separators designed to remove petroleum based products to below 50 mg/L.
   b. Manufacturing facilities: Pretreatment systems specific to the type of manufacturing process
   c. Laundry facilities: Lint and sediment removal systems

d. Other facilities: As determined by the Public Works Director and/or Water Superintendent based on the specific character of the wastewater to be discharged

D. Monitoring and Compliance:
   a. The Public Works Director and/or the Water Superintendent shall have the right to enter and inspect any facility with a pretreatment system during normal business hours to verify compliance.

E. Users subject to this section shall:
   a. Conduct wastewater testing at a frequency determined by the Public Works Director and/or Water Superintendent
   b. Submit testing results within fifteen (15) days of sample collection
   c. Maintain records of all pretreatment system maintenance for a minimum of three years

SECTION 4. ENFORCEMENT

A. Violations of this ordinance shall be subject to the following penalties:
   a. First violation: Written warning and thirty (30) days to correct the violation
   b. Second violation: $250 fine and fifteen (15) days to correct the violation
   c. Third violation: $500 fine and potential termination of sewer service

B. In cases where a discharge poses an immediate threat to public health, safety, or the environment, the Public Works Director and/or Water Superintendent may immediately suspend sewer service.

C. Any person aggrieved by a decision of the Public Works Director and/or Water Superintendent may appeal to the City Council within thirty (30) days of the decision.

SECTION 5. SEVERABILITY

If any provision of this ordinance is held invalid or unconstitutional, that provision shall be deemed severable and separable, and the remaining provisions shall remain in full force and effect.

SECTION 6. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. Emergency Clause

It being determined by the City Council that there is an immediate need to protect the City's wastewater treatment system and ensure compliance with state and federal regulations, an emergency is hereby declared to exist, and this offering being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 20 DAY OF May, 2025.

APPROVED: Gary D. Baxter

Gary D. Baxter, Mayor

ATTEST: Carla Dickerson

Carla Dickerson, Recorder/Treasurer