

The following excerpts from the City of Norman Code of Ordinances address the legal authority to implement a Fats, Oils and Grease (FOG) Best Management Program (BMP). Adopted January 13, 2009

Article IV. Industrial Wastewater Pretreatment Program

10-401 – General Provisions

(a) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases as used in this article shall have the meanings hereinafter designated:

Best Management Practices or *BMPs* are management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs are distinguished from numerical effluent limits that regulate the pollutants once they enter a wastestream. BMPs may include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 10-402(a) and (b) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs may also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

(c) *Abbreviations.* The following abbreviations shall have the designated meanings:

BMP: Best Management Practices

10-404 – Administration

(f) *Pretreatment.*

(3) Non-significant users which generate fats, oils, and grease (FOG) in their process and, as a result thereof, have a wastewater discharge from that process containing waste FOG must participate in the FOG Best Management Practices (BMP) Program and meet the requirements described generally in subsection 10-402(p) or be permitted as a significant industrial user. Upon approval of the BMP, the Control Authority will issue the facility a certificate of BMP approval. Until the issuance of a certificate of BMP approval, facilities are subject to the local limits set out in subsection 10-402(d).

(4) Enzymes, microbes, etc. are prohibited, for oil and grease, BOD, and/or TSS removal unless special permission is granted by the Utilities Director and proof is given that they cause no harm to the system.

10-402 – Regulations

(p) *Best management practices.*

(1) *Application of best management practices.* Upon petition to, and approval by the Control Authority, users may, in lieu of monitoring for the local limits set forth in section 10-402, develop and implement a best management practice (BMP) policy. When facilities defined to be significant industrial users are allowed to use BMPs to control pollutants, those BMPs will become a part of their wastewater discharge permit and subject to the same conditions. Once approved by the Control Authority, a facility's BMP becomes a fully enforceable pretreatment standard. After approval of a BMP policy for a non-significant user, the Control Authority shall issue the nonsignificant industrial a Certificate of BMP Approval. BMPs are subject to revision as deemed necessary by the Control Authority and facilities will be given thirty (30) days notice. Facilities failing to abide by an approved BMP, will be subject to:

- a. The local limits set forth in section 10-402.
- b. Enforcement actions set out in section 10-405.
- a. Obtaining a permit as set forth in section 10-404.

(2) *BMP policy components.* The minimum components of an approved BMP include the following:

- a. A description of the facility's industrial processes;
- b. A detailed description of the facility's wastewater treatment operations;
- c. A list and description of the chemicals used or stored at the facility;
- d. Policies and procedures for employee training;
- e. A detailed description of the industry's pollution prevention policies;
- f. A detailed description of the methods used for minimizing, to the greatest practical extent, adverse environmental impact;
- g. Other information as required by the Control Authority.

(3) *Certificate of BMP approval.* Upon approval of a BMP, the Control Authority will issue the non-significant user a certificate of BMP approval. Until the issuance of a certificate of BMP approval, non-significant users are subject to the local limits set out in section 10-402. A certificate of BMP approval shall be issued for a specified period of time, not to exceed five (5) years from the effective date of the certificate. A certificate of BMP approval may be issued for a period less than five (5) years, at the discretion of the

Control Authority. Approval of BMPs for significant industrial users shall be through the issuance/modification of a wastewater discharge permit.

(4) *Transfer of BMP approval.* A certificate of BMP approval for a non-significant user may be transferred to a new owner or operator only after at least thirty (30) days advance notice is given to the Control Authority. The notice from the non-significant user to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations;
- b. Identifies the specific date on which the transfer is to occur;
- c. Acknowledges full responsibility for complying with the existing BMP policy.

Transfer of BMPs by significant industrial users shall adhere to the conditions of section 10-404(b)(6).

(5) *Revocation of BMP approval.* The Control Authority may revoke a certificate of BMP approval for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Control Authority of significant changes to the facility or the type of wastewater discharged from the facility;
- b. Misrepresentation or failure to fully disclose all relevant facts in the request for certificate of BMP approval;
- c. Failure to update and revise a facility's BMP policy as needed, and submit such changes to the Control Authority within thirty (30) days of such change(s);
- d. Refusing to allow the Control Authority timely access to the facility premises and records;
- e. Failure to comply with an enforcement action;
- f. Failure to complete a wastewater survey;
- g. Failure to provide advance notice of the transfer of business ownership;
- h. Failure to comply with the provisions and intent of an approved BMP policy.