

South Placer Municipal Utility District Code

CHAPTER 3 FATS, OILS & GREASE

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CHAPTER 3 FATS, OILS & GREASE

CHAPTER 3 .00 GENERAL

3.00.001 Purpose

- A. This Chapter in whole or in part is based on excerpts from Ordinance 09-01 adopted by the Board of Directors on March 5, 2009 and shall govern the use of public and private sewers and establish the rules and regulations for the prevention of blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) into the public sewer, and to specify appropriate FOG discharge requirements for food service establishments (FSEs).
- B. The requirements of this Code shall supplement and be in addition to the requirements of the Districts Ordinance 01-01, and amendments updates, and/or replacements thereto, establishing rules and regulations for services rendered by South Placer Municipal Utility District, and the District's Ordinance 88-3, an ordinance adopting Chapter 14.26 of the Roseville Municipal Code related to Industrial Wastewater, and amendments thereto.
 - 1. This Code shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.
 - 2. The provisions set forth in this Code are designed to ensure compliance with federal, state and local laws and regulations, and to allow the District to meet applicable standards.
 - 3. This Code also establishes quantity and quality standards on all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows (SSOs).

CHAPTER 3 .01 DEFINITIONS

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works

Association and the Water Environment Federation. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations 136. Subject to the foregoing, the meaning of the terms used in this Code shall be as follows:

3.01.005 Automatic solids transfer unit / automatic grease removal device

Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils, and grease (FOG) from the interceptor, the control of which are automatically initiated.

3.01.010 Best Management Practices (BMPs)

Best Management Practices are activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.

3.01.015 Board

Board of Directors of the South Placer Municipal Utility District (District).

3.01.020 Change in operations

Any change in the ownership, food types, or operational procedures that have the potential to change the amount of FOG discharged by FSEs in an amount that alone or collectively causes or creates a potential for SSOs to occur.

3.01.025 Collection system

Portions of the public sewer consisting of all pipes, sewers and conveyance systems conveying wastewater to the publicly owned treatment works excluding privately owned sewer lateral line connections.

3.01.030 Compliance schedule

A time schedule, enforceable under the provisions of this Code that contains increments of progress (e.g. milestones, in the form of dates). These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for permittees to comply with

all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the permittee's wastewater.

3.01.035 Composite sample

A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sampling period.

3.01.040 Discharger

Any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.

3.01.045 District

The South Placer Municipal Utility District, a statutorily created district operating under the authority of and pursuant to the provisions of the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq).

3.01.050 District General Manager

The General Manager as appointed by the Board of Directors of the South Placer Municipal Utility District in accordance with the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq) or any District employee or agent of the District authorized by the General Manager to act on their behalf to enforce the provisions of this code.

3.01.055 District Specifications

The Standard Specifications and Improvement Standards for Sanitary Sewers prepared and ordered effective by the General Manager pursuant to the provisions of Section 11937(e) of the Municipal Utility District Act, Division 6, of the Public Utilities Code, State of California and as delineated in Chapter 5 of this Code. All work associated with wastewater systems shall be performed pursuant to and in compliance with this Code and the District Specifications.

3.01.060 Equivalent Dwelling Unit (EDU)

The unit of measurement, used to determine design and fee requirements based on the typical average flow and strength of wastewater from a single family residential occupancy.

3.01.065 Fats, Oils, and Grease (FOG)

Any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

3.01.070 FOG control program

The program developed by the District, as required by, and pursuant to State Water Resources Control Board Order No. 2006-0003, and any subsequent modifications.

3.01.075 FOG Wastewater Discharge Permit (WDP)

FOG Wastewater Discharge Permit, a permit issued by the District, subject to the requirements and conditions established by the General Manager, authorizing a Permittee to discharge wastewater from an FSE into the public sewer.

3.01.080 Food Service Establishment (FSE)

Food Service Establishment, any facility, including but not limited to, any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health and Safety Code section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code sections 113700, et seq.). A limited food preparation establishment may be considered a non-FOG producing FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that there is no wastewater discharge containing a significant amount of FOG.

3.01.085 Food grinder

Any device installed in the plumbing or sewage system for the purpose of grinding food or food waste, also commercial called a garbage disposal.

3.01.090 Grab sample

A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

3.01.095 Grease control device (GCD)

Any mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the public sewer. A grease control device may also include any other proven method to reduce FOG subject to the approval of the General Manager.

3.01.100 Gravity grease interceptor(GGI)

A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by volume, baffle(s), not less than two compartments, and gravity separation. Gravity grease interceptors are typically installed outside.

3.01.105 Hot spots

Areas in the collection system of sewer lines that must be cleaned or maintained frequently to avoid blockages of the public sewer caused by FOG.

3.01.110 Hydromechanical grease interceptor (HGI)

A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and greases (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately.

3.01.115 Inspector

Any person authorized by the General Manager to inspect any existing or proposed wastewater generation, conveyance, processing and/or disposal facilities.

3.01.120 Manifest

The receipt which is retained by a permittee for the disposal of FOG, recyclable wastes and/or liquid wastes.

3.01.125 New construction

Any structure planned or under construction that the sewer facilities have not been approved by the District.

3.01.130 Obstruction

Any discharge which, alone or in combination with discharges from other sources, inhibits or disrupts the public sewer, operations or is otherwise a violation of any District Ordinance, Code or State discharge requirements.

3.01.135 Permittee

The holder or holders of a FOG WDP issued for an FSE and is subject to the requirements and conditions established in this Code or as otherwise established by the General Manager.

3.01.140 Person

Any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

3.01.145 Property owner

The record owner of the real property upon which is located an FSE being served or to be served by the District's wastewater system, or his duly authorized agent.

3.01.150 Publicly Owned Treatment Works (POTW)

A wastewater treatment plant as defined by Section 212 of the Clean Water Act (33 United States Code 1291). The District's public sewer is a satellite wastewater collection system to the regional POTW located in the City of Roseville.

3.01.155 Public sewer

A sewer in which all owners of abutting property have equal rights and is controlled by a public authority.

3.01.160 Remodeling

Any physical alteration and/or operational change to an FSE.

3.01.165 Sanitary sewer

A sewer which carries wastewater or sewage and to which storm, surface and groundwaters are not intentionally admitted.

3.01.166 Sanitary Sewer Overflow (SSO)

Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

3.01.170 Sewer facilities (or system)

Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

3.01.175 Sewer lateral

A Building Sewer as defined in the latest edition of the Uniform Plumbing Code (UPC). It is the wastewater connection between the building's wastewater drain facilities and a public sewer.

3.01.180 Shall - May.

The term "shall" is mandatory and the term "may" is permissive.

3.01.185 User

Any person who contributes, causes or permits the contribution of wastewater into the public sewer and the POTW.

3.01.190 Wastewater

The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the public sewer and the POTW.

3.01.195 Wastewater Collection system

The pipe system and appurtenances for collecting and carrying water and water-carried wastes from domestic, non-residential and industrial sources to a wastewater treatment plant.

3.01.200 Wastewater system

All facilities for collecting, pumping, treating and disposing of wastewater.

3.01.205 Wastewater Treatment Plant (WWTP)

An arrangement of pipes, equipment, devices, tanks and structures for treating wastewater and industrial wastes.

CHAPTER 3 .02 REGULATIONS

3.02.001 FOG Wastewater Discharge Permit (FOG WDP) required

No person shall discharge, or cause to be discharged, any wastewater from FSEs directly or indirectly into the public sewer without first obtaining a FOG WDP pursuant to this Code.

3.02.002 FOG discharge limitation

No FSE/Permittee shall discharge FOG, or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level of 100 parts per million by weight of fats, oil or grease, or that may accumulate and/or cause or contribute to blockages in the public sewer. Property owner is responsible for the effectiveness of the grease control device to comply with the FOG discharge limitation of this code. Property owner shall provide means for the District to access the discharge from the FSE to inspect, sample, and confirm the FSE/Permittee is not exceeding the maximum concentration level of FOG.

3.02.003 Public sewer overflows; public nuisance; abatement orders and cleanup costs

Any FSE/Permittee determined by the General Manager to have contributed to a sewer blockage, SSO or any public sewer obstruction resulting from the discharge of wastewater or waste containing FOG, shall subject the property owner to an order to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance created by sewer line failures and blockages, SSOs or any other public sewer obstruction. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, SSOs caused by FSEs, alone or collectively, are the responsibility of the property owner, FSE/Permittee, and individuals who are responsible officers or owners of the FSE. If the General Manager determines that the public health and safety require the District to act immediately to contain and clean up any SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or if the District so acts at the request of the property owner and/or the operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the Districts costs for such abatement shall be entirely borne jointly and severally by the property owner, FSE/Permittee, and individuals who are responsible officers or owners of the FSE and may constitute a debt to the District, due and payable upon the Districts demand for reimbursement of such costs.

3.02.004 Best Management Practices (BMP's) required

Every FSE/Permittee shall implement BMP's in its operations, in accordance with the requirements and guidelines established by the District, to minimize the discharge of FOG to the grease control device and/or the public sewer. Detailed requirements for BMPs shall be specified in the FOG WDP and all FSE/Permittee as required, at a minimum, to comply with the BMPs set forth therein as well as any additional BMPs established by the General Manager. BMPs may include, but are not limited to, kitchen practices and employee training procedures that are essential in minimizing FOG discharge to the public sewer.

3.02.005 Prohibitions

FSE's/Permittee's are prohibited from doing any of the following:

- A. Installing food grinders or garbage disposals in the plumbing system or new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or

remodeling, except as otherwise expressly allowed by the General Manager.

- B. Introducing any additives into an FSE's plumbing system and/or grease control devices for the purpose of emulsifying FOG, and/or chemically treating FOG for grease remediation, including low-temperature chemical dishwashers, and/or as a supplement to grease control device maintenance, unless a specific written authorization from the District is first obtained.
- C. Disposing waste cooking oil into the public sewer.
- D. Discharging wastewater with temperatures in excess of 140°F into any grease control device.
- E. Connecting or discharging dishwashers and food waste disposal units into any grease control device.
- F. Discharging wastes containing fecal materials from toilets, urinals, washbasins or other fixtures to waste lines directed to grease interceptors and/or other grease control devices, or vice versa.
- G. Discharging FOG and solid materials removed from a grease control device to the public sewer.
- H. Operating grease control devices with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease control device.
- I. Discharging FOG and other pollutants above the local discharge limits set forth in the Roseville Municipal Code, Chapter 14.26 and amendments thereto, as adopted under District Ordinance 88-3.

3.02.006 FOG pretreatment required

Every FSE/Permittee shall, at the time of construction, remodel, and/or change in operations, install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Code, subject to the variance and waiver provisions of 3.02.011. The grease interceptor shall separate and remove FOG contained in wastewater from FSEs prior to discharge to the public sewer. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of any FSEs that are a source, or potential source, of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

A. New construction of FSEs

New construction of any FSE shall include complete installation of an adequately sized grease control device(s) exterior to the FSE, prior to commencing discharges of wastewater to the public sewer. Property owner shall be responsible for the design, ownership, operation, maintenance, and effectiveness of grease control device(s).

B. Existing FSEs

1. Any existing FSE, which, in the General Manager's determination, has caused or contributed to grease-related blockage in the public sewer, has one or more sewer laterals connected to hot spots, and/or has contributed significant FOG to the public sewer, shall be deemed to have reasonable potential to adversely impact the public sewer and shall be required to install grease control device(s) within Ninety (90) days upon issuance of written notification by the General Manager.
2. Any existing FSE or FSE that changes ownership or that undergoes remodeling and/or a change in operations, as defined in this Code, shall be required to install grease control device(s) or to obtain a variance or waiver in accordance with Chapter 3.02.010.

3.02.007 Commercial properties

Any property owner, or his duly authorized designee, of a commercial property where multiple FSEs are located shall be responsible for the installation and maintenance of grease control device(s) serving the FSEs that are located on a single parcel.

3.02.008 Grease interceptor requirements

- A. Any FSE/Permittee required by this Code to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease control device(s) necessary to maintain compliance with the objectives of this Code.
- B. Sizing of the grease control device shall conform to the then current edition of the Uniform Plumbing Code. Grease control devices shall be constructed in accordance with the District's Standard Specifications and Improvement Standards for Sanitary Sewers. Grease control devices shall be designed, maintained, and operated to meet the FOG discharge limitation defined in

3.02.002.

- C. The grease interceptor shall be installed at a location where it shall be at all times readily accessible for inspection, cleaning, and removal of accumulated grease.

3.02.009 Grease control device maintenance requirements

- A. FSE's/Permittees shall maintain grease control device(s) in efficient operating condition by periodic removal of the full content of the interceptor, which includes, but is not limited to, wastewater, accumulated FOG, floating materials, and solids.
- B. The District may require any FSE with a grease control device to submit data and information necessary to establish the required maintenance frequency of the grease control device.
- C. The required maintenance frequency for every FSE with a grease control device shall be determined in one of the following methods:
 - 1. Grease control devices shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the grease control device does not exceed twenty-five percent (25%) of the total designed hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from being discharged to the public sewer.
 - 2. Grease control devices shall be fully pumped out and cleaned quarterly when the frequency described in 3.02.009C.1. has not been established. The maintenance frequency shall be adjusted when sufficient data has been obtained to establish an average frequency based on the requirements described in 3.02.009C.1. and guidelines adopted by the District pursuant to the FOG control program, The District may change the required maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG control program. Based on the actual generation of FOG from the FSE, the required maintenance frequency may increase or decrease.
 - 3. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months.

4. The owner, operator or FOG WDP Permittee of an FSE may submit a request to the District for a change in the required maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in 3.02.009C.1. and that it is in full compliance with the conditions of its FOG WDP and this chapter. Upon determination by the District that the requested revision is justified, the required maintenance frequency shall be revised accordingly.
 5. If the grease control device, at any time, contains FOG and solids accumulation exceeding the requirements described in 3.02.009C.1. the FSE shall be required to have the grease control device serviced immediately such that all FOG, and other materials are completely removed from the grease control device. If deemed necessary, the District may also increase the required maintenance frequency of the grease control device.
- D. All grease control devices are required to have fittings and appurtenances as designed for proper function. Any interceptor that does not have the required fittings and appurtenances shall be repaired and/or retro-fitted with appropriate fittings and appurtenances.
- E. No FOG that has accumulated in a grease control device shall be allowed to pass into any sewer lateral or public sewer.
- F. Wastewater, accumulated FOG, floating materials, solids, and other materials removed from the grease control device shall be disposed of by waste haulers at an approved disposal site in accordance with all applicable federal, state, and/or local laws.
- G. The General Manager may direct District staff to service an FSE's grease control device if, in the determination of the General Manager, the FSE/Permittee has failed to comply with the terms of the FOG WDP or with this Code. The FSE shall be responsible for any and all expenses of the District in undertaking such work, in addition to being subject to any enforcement action taken by the District as provided for in this Code.

3.02.010 Variance and waiver of requirement for grease control device

- A. Variance from requirement to install grease control device(s).

An FSE may request that the District grant a variance from the requirement to install grease control device(s) to allow alternative pretreatment technology in lieu of a grease control device, if the FSE demonstrates that the alternative equals or exceeds the effectiveness of a grease control device, and that it is impossible or impracticable to install, operate, and maintain a grease control device. The District's determination to grant a variance will be based upon, but not limited to, an evaluation of the following conditions:

1. There is inadequate space for installation and maintenance of a grease control device.
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease control device and/or between the grease control device and the sewer lateral or the public sewer.
3. The FSE can prove that the alternative pretreatment technology is equally or more effective than a grease control device in controlling its FOG discharge. The FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through visual monitoring and water quality sampling of private sewer piping downstream from the FSE, for at least three (3) months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in the downstream sewer lines and the FOG discharge limitation per 3.02.002 is not exceeded. Any variance issued pursuant to this section may be revoked at any time at the discretion of the General Manager.

B. Conditional waiver of requirement to install grease control device(s).

A conditional waiver of the requirement to install a grease control device may be granted for FSEs that the District determines to have negligible FOG discharge and insignificant impact to the public sewer. Although a conditional waiver from installation of a grease control device may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a grease control device. The General Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, an evaluation of the following conditions:

1. Quantity of FOG discharge as measured or indicated by the size of the FSE based on water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions that may reasonably be shown to contribute to FOG discharges.

2. Adequacy of implementation of BMPs and compliance history.
3. Sewer size, grade, condition based on visual and other information, FOG deposition in the sewer by the FSE, and history of maintenance and SSOs caused by FOG from the FSE.
4. Changes in operations that significantly affect FOG discharge.
5. Any other condition that the District deems reasonably related to the generation of FOG discharges.

C. Waiver of grease control device installation requirement with a grease disposal mitigation fee.

Where the installation of a grease control device is not feasible, and no equivalent alternative pretreatment can be installed, an FSE may be granted a waiver of the grease control device requirement upon the payment of a grease disposal mitigation fee as described in 3.03.003. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer. The General Manager's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon, but not limited to, an evaluation of the following conditions:

1. There is inadequate space for installation and/or maintenance of a grease control device.
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease control device and/or between the grease control device and the sewer lateral or the public sewer.
3. A variance from grease control device installation to allow alternative pretreatment technology cannot be granted.

D. Application for variance or waiver of requirement for grease control device.

An FSE may submit to the District an application for waiver or variance from the grease control device requirement. The FSE bears the burden of demonstrating that the installation of a grease control device is not feasible or otherwise required. Upon determination by the General Manager that reasons are sufficient to justify a variance or waiver, the FOG WDP will be issued or

revised to include the variance or waiver and relieve the FSE from the requirement to install a grease control device.

E. Terms and conditions of variance or waiver.

A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance. A variance or waiver may be revoked by the General Manager at any time upon determination that any of the terms or conditions for its issuance is not satisfied or if the conditions upon which the variance or waiver was based have changed so that the justification for the variance or waiver no longer exists. The variance or waiver shall be valid so long as the FSE remains in compliance with the terms and conditions until the expiration date specified in the variance or waiver.

CHAPTER 3 .03 FEES

3.03.001 Purpose

It is the purpose of this section to provide for the recovery of costs from users of the public sewer for the implementation of the program established in this Code.

3.03.002 Charges and fees

The District may adopt charges and fees by resolution which may include, but not be limited to:

- A. Fees for reimbursement of costs or setting up and operating the District's FOG program.
- B. Fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards;
- C. Other fees as the District may deem necessary to carry out the requirements contained in this Code.

Costs incurred by the District as a result of required on-site sampling and analysis shall be reimbursed to the District by the Property Owner/Permittee.

3.03.003 Grease disposal mitigation fee

Any FSE that operates under a District approved waiver, as provided in 3.02.011 C,

without a grease control device may be required to pay an annual grease disposal mitigation fee. The grease disposal mitigation fee is intended to cover the costs of increased maintenance of the public sewer, for inspection and cleaning of FOG that a usual and customary, and properly maintained, grease control device would otherwise prevent from entering the public sewer. This section shall not be interpreted to allow new construction or an existing FSE undergoing remodeling and/or a change in operations to operate without an approved grease interceptor or a grease trap unless the General Manager has determined that it is impossible or impracticable to install and/or operate a grease control interceptor or a grease trap for the subject facility under the provisions of 3.02.011 of this Code.

The grease disposal mitigation fee shall be adjusted periodically by the General Manager based on the estimated annual increased cost of maintaining the public sewer for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease control device.

3.03.004 Collection of Fees

A. Pursuant to the provisions of Section 12811 of the Public Utilities Code, all fees, tolls, rates, rentals or other charges established under provisions of this Code may be collected by any lawful means including an action at law and all remedies for the collection and enforcement thereof are cumulative and may be pursued alternatively or consecutively.

B. Pursuant to the provisions of Section 12811.1 of the Public Utilities Code, the owner of record of real property within the District is required to pay fees, tolls, rates, rentals and other charges that have become delinquent together with interest and penalties thereon, for services rendered to a lessee, tenant; or other occupant of the property and those fees, tolls, rates, rentals and other charges will constitute a lien on the property when a certificate is filed in the Office of the County Recorder and such lien has the force, effect and property judgment lien.

C. Any fees, rates, or charges established by any of the provisions of this Code shall not exceed the reasonable cost to the District of the rendition of the service for which the fee or charge is imposed.

CHAPTER 3 .04 ADMINISTRATION

3.04.001 FOG WDP application

A. Any person required to obtain a FOG WDP for an FSE shall, jointly with the

property owner, complete and file with the District, prior to commencing or continuing discharges, an application in a form prescribed by the General Manager.

- B. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, grease control device or other pretreatment equipment and appurtenances with sizes, locations, and elevations shall be submitted with the application.
- C. Other information related to the business operations and potential discharge may be requested to properly evaluate the FOG WDP application.
- D. After evaluation of the data furnished, the FOG WDP may be issued, subject to terms and conditions set forth in this Code and as otherwise determined by the General Manager.

3.04.002 FOG WDP application fee

The FOG WDP application fee in accordance with the provisions of this Code shall accompany submission of the FOG WDP application.

3.04.003 FOG WDP conditions

The issuance of a FOG WDP may include, but is not limited to, any of the following conditions or limits:

- A. Limits on discharge of FOG and other pollutants.
- B. Requirements for proper operation and maintenance of grease control devices.
- C. Grease control device maintenance frequency and schedule.
- D. Requirements for implementation of BMP's.
- E. Requirements for maintaining and reporting status of BMP's.
- F. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests including the ultimate disposition of the wastes that contain FOG.
- G. Requirements to self-monitor.

- H. Requirements to self-report.
- I. Requirements for the FSE to construct, operate and maintain, at its own expense, grease control device(s) and sampling facilities.
- J. Additional requirements as otherwise determined to be reasonably appropriate by the General Manager to protect the public sewer or as specified by other regulatory agencies.
- K. Other terms and conditions which may be reasonably applicable to ensure compliance with this Code

3.04.004 FOG WDP modification of terms and conditions

- A. The terms and conditions of an issued FOG WDP may be subject to modification in the sole discretion of the General Manager during the life of the FOG WDP based on:
 - 1. The permittee's current or anticipated operating data;
 - 2. Changes in the requirements of state or federal regulatory agencies that oversee and monitor the District; or
 - 3. A determination by the General Manager that such modification is appropriate to further the objectives of this chapter and all applicable regulations.
- B. A Permittee may request modification of the terms and conditions of an issued FOG WDP. Any request shall be in writing stating the requested change and the reasons for the change. The General Manager shall review the request, make a determination on the request, and respond in writing.
- C. A permittee shall be informed by the District of any change in the FOG WDP limits, conditions and/or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the FOG WDP shall include a reasonable time schedule for compliance.

3.04.005 FOG WDP Duration and Renewal

FOG WDP's shall be issued and renewed according to the conditions set in the FOG WDP. At least thirty (30) days prior to the expiration (if one exists) of the FOG WDP, the Permittee shall apply for renewal and pay the applicable fees for the renewal of the

WDP in accordance with the provision of this Code. A Permittee shall also pay any delinquent invoices in full prior to any FOG WDP renewal.

3.04.006 Exemption from FOG WDP

- A. A limited food preparation establishment may be considered by the General Manager to be a low-FOG producing FSE and may be exempted from obtaining a FOG WDP. Exempt establishments shall be engaged only in reheating, hot holding or assembly of ready to eat food products, provided that, in the District's determination the wastewater discharge does not contain a significant amount of FOG.
- B. An exemption from obtaining a FOG WDP shall be requested in writing. If the General Manager determines that the reasons for the request are valid, an exemption may be granted.
- C. A limited food preparation establishment may be required to follow the BMPs defined for all FSEs. A limited food preparation establishment that discharges FOG at any time in excess of the defined limits per 3.02.002 may be reclassified as an FSE and required to obtain a FOG WDP at the General Manager's discretion.

3.04.007 Non-transferability of a FOG WDP

A FOG WDP issued pursuant to this Code is for a specific FSE and for a specific operation and creates no vested rights. No holder of a FOG WDP shall assign, transfer and/or sell the FOG WDP and/or use the FOG WDP on any property or premises or for any facilities, operations and/or discharges not expressly encompassed within the FOG WDP.

3.04.008 Facilities and drawing submittal requirements

An FSE/Permittee shall submit two (2) copies of facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the General Manager for review of the existing or proposed grease control device(s), monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the FSE of the responsibility of modifying the facilities or procedures in the future as necessary to produce an acceptable discharge per 3.02.002, and to meet the requirements of this Code or the requirements of any other regulatory agency.

The District may require the drawings be prepared by a California registered architect,

civil, mechanical or electrical engineer. If allowed by the District General Manager, these drawings may be prepared by a qualified plumbing or mechanical contractor.

3.04.009 Monitoring and Reporting Requirements

- A. The District may require periodic reporting of the status of implementation of BMPs, in accordance with the FOG control program.
- B. The District may require visual monitoring at the sole expense of the Owner/FSE/Permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream. The District may require reports for self-monitoring of wastewater constituents and FOG characteristics of the permittee needed for determining compliance with any conditions or requirements as specified in the FOG WDP or this Code. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the District and shall be submitted upon request of the General Manager. Failure by the permittee to perform any required monitoring, or to submit monitoring reports required by the General Manager constitutes a violation of this Code and shall be cause for the District to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG WDP or in this Code. The Permittee shall be responsible for any and all costs and expenses of the District in undertaking such monitoring analyses and preparation of reports.
- C. An FSE/Permittee shall self-report by electronically submitting, via email to the District, a copy of records (i.e., logbooks, manifests, receipts, invoices) provided at the time of each pump-out/cleaning/maintenance/repair of the grease control device. Submitted records shall indicate, at a minimum, the date of service, a description of the services provided, and the volume of material removed from the grease control device(s).
- D. Other reports may be required, such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the General Manager to ensure compliance with this Code.

3.04.010 Recordkeeping requirements

The Permittee shall be required to keep all manifests, receipts, and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three years. The permittee shall, upon

request, make the manifests, receipts and invoices available to the District, any inspector and/or any enforcement officer. These records may include:

- A. An on-site logbook of grease control device cleaning and maintenance practices.
- B. A record of BMPs being implemented, including employee training.
- C. Copies of records and manifests of waste hauling of grease control device contents.
- D. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease control device(s).
- E. Records of any spills and/or cleaning of the sewer lateral.
- F. Any other information deemed appropriate by the General Manager to ensure compliance with this Code.

3.04.011 Falsifying information or tampering with process

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Code.

3.04.012 Inspections and sampling conditions.

- A. The District may inspect or order the inspection and sample the wastewater discharges of any FSE/Permittee to ascertain that the requirements of this Code are being met and the Permittee is complying with all conditions of the FOG WDP. The Permittee shall allow access to the FSE/Permittee premises, during normal business hours, for purposes of inspecting the FSE's grease control devices reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices.
- B. The District shall have the right to place or order the placement on the property, containing an FSE, or other locations as determined by the General Manager, such devices as are necessary to conduct sampling or metering operations. Where an FSE/Permittee has security measures in force, the permittee shall make necessary arrangements so that the District and/or an inspector shall be permitted to enter without delay for the purpose of performing

their specific responsibilities.

- C. In order for the District to determine the wastewater characteristics of the discharger for purposes of determining compliance with FOG WDP requirements, the Permittee shall make available for inspection and copying by the General Manager, an inspector, an enforcement officer and/or service personnel, all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation and wastewater disposal.

3.04.013 Right of entry

Users or Permittees of properties where FSE wastewater is created or discharged shall allow the General Manager, an inspector and/or an enforcement officer, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time. No persons or occupants of an FSE shall interfere with, delay, resist or refuse entrance to the General Manager, an inspector and/or an enforcement officer attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer. In the event of an emergency involving an actual or imminent SSO, the General Manager, an inspector and/or an enforcement officer may immediately enter upon the property and may access adjoining businesses or properties that share a public sewer with an FSE in order to prevent or remediate the actual or imminent SSO.

3.04.013 Notification of spill.

- A. In the event a permittee is unable to comply with any FOG WDP condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FOG WDP or this Code, the User/Permittee shall immediately notify the District by telephone at the number specified in the FOG WDP. If the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSOs, the user/permittee shall immediately notify the District.
- B. Confirmation of this notification shall be made in writing to the District at the address specified in the FOG WDP postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

- C. Such notification shall not relieve the User/Permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to persons or property; nor shall such notification relieve the permittee of any fees or other liability which may be imposed by this Code.

3.04.014 Notification of planned changes

A Permittee shall notify the District in writing at least sixty (60) days prior to any facility expansion or remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. A Permittee shall submit any information requested by the District for evaluation of the effect of such expansion or remodeling on the permittee's FOG discharge to the public sewer.

CHAPTER 3 .05 ENFORCEMENT

3.05.001 Harmful discharge

- A. The District may, upon order of the General Manager, suspend the wastewater service or revoke a FOG WDP when such suspension or revocation is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or which causes obstruction to the collection system or causes the District to violate any condition of its permits or Federal and/or State regulations.
- B. Any FSE/Permittee notified of a suspension of the wastewater treatment service and/or revocation of a FOG WDP shall immediately stop or eliminate all nonconforming discharges to the public sewer. In the event of a failure of the FSE/Permittee to comply with the suspension order, the General Manager may take any and all such steps as he deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the collection system. The District may reinstate the FOG WDP and/or the wastewater service upon proof of the elimination of the nonconforming discharge. A detailed written statement submitted by the FSE/Permittee describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the General Manager within fifteen (15) days of the date of occurrence of the discharge.

3.05.002 Determination of non-compliance with FOG WDP conditions

A. Sampling and inspection procedures

1. Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the discretion of the General Manager.
2. Noncompliance with FOG WDP discharge conditions, or any discharge provisions of this Code may be determined by an inspection of the grease control device and associated manifest and documentation, or analysis of a grab or composite sample of the effluent of an FSE.
3. Any sample taken from a sample point, as determined representative by the District, is considered representative of the discharge to the public sewer.

B. Notice of Non-compliance/Notice of Violation

1. Any Permittee found to be in violation of this Code and/or the FOG WDP terms and conditions may be issued a Warning of Non-Compliance in which there will be a specified time period to correct tile violation.
2. If the violation is not corrected within the specified time period the Permittee will be issued a Notice of Violation, with a specified time period to correct the violation.
3. If the violation is not corrected within the time period specified in the Notice of Violation, the Permittee shall be deemed to be in noncompliance.

C. Noncompliance Fee

1. Any Permittee deemed by the General Manager to be in noncompliance with the terms and conditions specified in the FOG WDP or with any provision of this Code may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance and

shall be in addition to and not in lieu of any penalties as may be assessed pursuant to 3.05.005. Noncompliance fees shall be in the amount determined by the General Manager.

3.05.003 Compliance Schedule

- A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in the FOG WDP or any provision of this Code or needs to construct and/or acquire and install a grease control device, the District may require the permittee to enter a compliance schedule on terms and conditions specified by the General Manager.
- B. The compliance schedule may contain terms and conditions including but not limited to requirements for installation of a grease control device and facilities, submittal of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Code.
- C. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule during its term, the General Manager may issue an order suspending or revoking the FOG WDP pursuant to 3.05.004 of this Code.

3.05.004 FOG WDP suspension and/or revocation

- A. The General Manager may suspend and/or revoke any FOG WDP when the District determines that a Permittee:
 - 1. Fails to comply with the terms and conditions of a compliance schedule order.
 - 2. Knowingly provides a false statement, representation, record, report, or other document to the General Manager.
 - 3. Refuses to provide records, reports, plans, or other documents required by the General Manager to determine FOG WDP terms or conditions, discharge compliance or compliance with this Code.
 - 4. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method.
 - 5. Refuses reasonable access to the FSE for the purpose of inspection

and monitoring.

6. Fails to make timely payment of all amounts owed to the District for all costs, charges and fees required or imposed under this Code.
7. Causes obstruction, sewer blockages or SSOs in the public sewer.
8. Violates grease control device maintenance requirements, any condition or limit of its FOG WDP or any provision of this Code.
9. Fails to report significant changes in operations, or wastewater constituents and characteristics.

3.05.005 Violation- Penalty

- A. Any violation of this Code, or the orders, rules, regulations and permits issued under this Code is unlawful.
- B. Any user, discharger and/or permittee in violation of this Code, or the orders, rules, regulations and permits issued under this Code, may be ordered by the General Manager to cease and desist operations until the violation is corrected. Continuance of operations after notice to cease and desist has been furnished to the User, Discharger and/or Permittee shall be unlawful and may result in the severance of the sewer connection. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. The violation of any of the provisions of this Code, or the orders, rules, regulations and permits issued under this Code, or the doing of any act prohibited or the failure or omission to do any act required by this Code, or the orders, rules, and regulations and permits issued under this Code, is a public nuisance and may be enjoined by the District.
- D. If any violation of this Code, or the orders, rules, regulations and permits issued under this Code, causes damage to the District's wastewater system, the District may seek to recover civil damages from the User, Discharger, Owner and/or Permittee causing such damage.
- E. Civil Penalties. Pursuant to the authority of California Government Code Sections 54739 – 54740, any person who violates any provision of this Code shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occur. Pursuant to the authority of

the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Code shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occur. Pursuant to California Government Code Sections 54740.5 and 54740.6, the District may impose administrative fines up to the greater of \$5000 per day or \$10 per gallon for discharge violations. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Code and shall be subject to the penalties contained within.

- F. Criminal Penalties. Any person who violates any provision of this Code is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000, or imprisonment for not more than thirty (30) days, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Code and shall be subject to the penalties contained herein.
- G. The remedies and provisions of this section are cumulative and are in addition to any other remedy or provision of law.