

SOUTH PLACER MUNICIPAL UTILITY DISTRICT
ORDINANCE 09-01

AN ORDINANCE ESTABLISHING REQUIREMENTS REGARDING
FATS, OILS AND GREASE

BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE SOUTH PLACER
MUNICIPAL DISTRICT AS FOLLOWS:

SECTION 1: GENERAL PROVISIONS

Section 1.01 Purpose:

- A. The purpose of this Ordinance is to facilitate the maximum beneficial use of the District's sewer services and facilities while preventing 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) as defined herein. The requirements of this ordinance 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.
- B. This Ordinance shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.
- C. The provisions set forth in this Ordinance are designed to ensure compliance with federal, state and local laws and regulations, and to allow the District to meet applicable standards.
- D. This Ordinance 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).

Section 1.02 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 Ordinance shall be as follows:

- A. "District" means the South Placer Municipal Utility District.
- B. "Board" means the Board of Directors of the South Placer Municipal Utility District
- C. "General Manager" means the General Manager of the District appointed pursuant to the provisions of Section 11926 of the Public Utilities Code and any District employee or agent of the District authorized by the General Manager to act on his behalf to enforce the provisions of this Ordinance.
- D. "Inspector" means a person authorized by the General Manager to inspect any existing or proposed wastewater generation, conveyance, processing and/or disposal facilities.
- E. "Shall" is mandatory; "May" is permissive.
- F. "BMP's" (Best management practices) means activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.
- G. "Change in Operations" means 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.
- H. "Collection system" means 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.
- I. "Compliance schedule" means a time schedule, enforceable under the provisions of this ordinance 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.
- J. "Composite sample" means 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 sample period

- K. “Discharger” means any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.
- L. “Effluent” means any wastewater outflow from an FSE or privately owned sewer service lateral that is discharged into the public sewer.
- M. “FOG” (Fats, oils, and grease) means 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.
- N. “FOG control program” means 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.
- O. “FOG WDP” (FOG Wastewater Discharge Permit) means 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.
- P. “FSE” (Food Service Establishment) means a 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 not be considered to be an 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.
- Q. “Food grinder” means any device installed in the plumbing or sewage system for the purpose of grinding food or food waste.
- R. “Grab sample” means 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.
- S. “Grease control device” means any grease interceptor, grease trap or other 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.

- T. "Grease interceptor" means a multi-compartment device that is generally required, according to the Uniform Plumbing Code, to be located underground between an FSE and the connection to the public sewer.
- U. "Grease trap" means a grease control device that is used to serve individual plumbing fixtures and should only be used in those cases where the use of a grease interceptor or other grease control device is determined by the General Manager to be impossible and/or impracticable. A grease trap is typically installed indoors, under or near a dishwashing sink.
- V. "Hot spots" mean areas in sewer lines that must be cleaned or maintained frequently to avoid blockages of the public sewer caused by FOG.
- W. "Manifest" means that receipt which is retained by a permittee for the disposal of FOG, recyclable wastes and/or liquid wastes.
- X. "New Construction" means any structure planned or under construction that the sewer facilities have not been approved by the District.
- Y. "Obstruction" means 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 or State discharge requirements.
- Z. "Permittee" means the holder or holders of a FOG WDP issued for an FSE and is subject to the requirements and conditions established in this Ordinance or as otherwise established by the General Manager.
- AA. "Person" means 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.
- BB. "Property Owner" means 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.
- CC. "POTW" (Publicly Owned Treatment Works) means 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.

- DD. "Public sewer" means a sewer in which all owners of abutting property have equal rights, and is controlled by a public authority.
- EE. "Remodeling" means any physical and/or operational change to an FSE causing a change in FOG quantity or consistency and/or that involves any one or a combination of the following:
1. Under slab plumbing in the food processing area
 2. A thirty percent (30%) increase in the net public seating area
 3. A thirty percent (30%) increase in the size of the kitchen area
 4. Any change in the size or type of food preparation equipment.
- FF. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- GG. "Sewer facilities or system" means any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
- HH. "Sewer lateral" means a Building Sewer as defined in the latest edition of the Uniform Plumbing Code. It is the wastewater connection between the building's wastewater drain facilities and a public sewer.
- II. "User" means any person who contributes, causes or permits the contribution of wastewater into the public sewer and the POTW.
- JJ. "Wastewater" means 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.

SECTION 2: REGULATIONS

Section 2.01 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 Ordinance.

Section 2.02 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.

Section 2.03 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 District's 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 District's demand for reimbursement of such costs.

Section 2.04 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.

Section 2.05 Prohibitions – FSE's/Permittee's are Prohibited From Doing Any of the Following:

- A. Installing food grinders in the plumbing system of 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, grease trap and/or grease interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation and/or as a supplement to grease interceptor 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, including grease traps and grease interceptors.
- E. 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.
- F. Discharging a FOG and solid materials removed from a grease control device to the public sewer.
- G. Operating grease interceptors with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease interceptor.
- H. 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.

Section 2.06 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 Ordinance, subject to the variance and waiver provisions of section 2.10. 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. The outlet discharge line from the grease interceptor shall be independently connected to the public sewer unless otherwise waived by the General Manager.

Compliance shall be established as follows:

- A. New construction of FSEs**
 - 1. New construction of any FSE shall include complete installation of an approved type and adequately sized grease interceptor, with a minimum size of 1,000 gallons, prior to commencing discharges of wastewater to the public sewer.
- 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 interceptor(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 Ordinance, shall be required to install a grease interceptor or to obtain a variance or waiver in accordance with section 2.10.

Section 2.07 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 a grease interceptor or grease interceptors serving the FSEs that are located on a single parcel.

Section 2.08 Grease Interceptor Requirements:

- A. Any FSE/Permittee required by this Ordinance to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance.
- B. Grease interceptor sizing shall conform to the then current edition of the Uniform Plumbing Code, but not be less than 1000 gallons in size unless otherwise waived by the General Manager. Grease interceptors shall be constructed in accordance with the District's Standard Specifications and Improvement Standards for Sanitary Sewers and shall have a minimum of two compartments with fittings designed for grease retention.
- 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.
- D. An access manhole, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and each sanitary tee.

Section 2.09 Grease Trap Requirements:

- A. No new construction, change in operation or remodel of an FSE shall include installation of a grease trap without prior express written permission from the District.
- B. Existing grease traps shall be maintained in efficient operating condition by daily removal of the accumulated grease.
- C. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.

- D. Grease traps shall be inspected periodically by the FSE/Permittee to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- E. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

Section 2.10 Grease Interceptor Maintenance Requirements:

- A. FSE's/Permittees shall maintain grease interceptors 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 interceptor to submit data and information necessary to establish the required maintenance frequency of the grease interceptor.
- C. The required maintenance frequency for every FSE with a grease interceptor shall be determined in one of the following methods:
 - 1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the grease interceptor 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. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months.
 - 3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in section 2.9 (C)(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 section 2.9 (C)(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.
 - 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 section 2.9 (C)(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 FOG WDP shall be revised accordingly to reflect the change in required maintenance frequency.

5. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in section 2.9 (C)(1), the FSE shall be required to have the grease interceptor serviced immediately such that all FOG , and other materials are completely removed from the grease interceptor. If deemed necessary, the District may also increase the required maintenance frequency of the grease interceptor.
- D. All grease interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the General Manager.
- E. All grease interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have the grease retention fittings shall be repaired and/or retro fitted with appropriate grease retention fittings.
- F. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral or public sewer.
- G. Wastewater, accumulated FOG, floating materials, solids, and other materials removed from the grease interceptor shall be disposed of by waste haulers at an approved disposal site in accordance with all applicable federal, state, and/or local laws.
- H. The General Manager may direct District staff to service an FSE's grease interceptor 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 Ordinance. 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 Ordinance.

Section 2.11 Variance and Waiver of Grease Interceptor or Grease Trap Requirement:

- A. Variance from grease interceptor or grease trap requirements.
 1. An FSE may request that the District grant a variance from the grease interceptor or grease trap requirement to allow alternative pretreatment technology in lieu of a grease interceptor or grease trap, if the FSE demonstrates that the alternative equals or exceeds the effectiveness of a grease interceptor or grease trap, and that it is impossible or

impracticable to install, operate or maintain a grease interceptor or a grease trap. The District's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

- a) There is no adequate space for installation and/or maintenance of a grease interceptor or a grease trap.
- b) There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap and/or between the grease interceptor or the grease trap and the sewer lateral or the public sewer.
- c) The FSE can prove that the alternative pretreatment technology is equally or more effective than a grease interceptor or a grease trap 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 of 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 downstream sewer lines. 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 interceptor or grease trap.

- 1. A conditional waiver of the requirement to install a grease interceptor or a grease trap 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 interceptor or a grease trap may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a grease interceptor or a grease trap. The General Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

- a) 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.
- b) Adequacy of implementation of BMPs and compliance history.
- c) 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.

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.

SECTION 3: FEES

Section 3.01 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 Ordinance.

Section 3.02 Charges and Fees:

- A.** The District may adopt charges and fees by resolution which may include, but not be limited to:
 - 1. Fees for reimbursement of costs of setting up and operating the District's FOG program.
 - 2. Fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards;
 - 3. Other fees as the District may deem necessary to carry out the requirements contained in this Ordinance.
- B.** 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.

Section 3.03 Grease Disposal Mitigation Fee:

- A.** Any FSE that operates under a District approved waiver, as provided in Section 2.10, without a grease control interceptor or a grease trap 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 section 2.10 of this Ordinance.
 - 1. 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 interceptor and/or a grease trap.

SECTION 4: ADMINISTRATION

Section 4.01 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, FOG control device, grease interceptor 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 Ordinance and as otherwise determined by the General Manager.

Section 4.02 FOG WDP Application Fee:

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

Section 4.03 FOG WDP Conditions:

- A.** The issuance of a FOG WDP may include, but is not limited to, any of the following conditions or limits:
 - 1.** Limits on discharge of FOG and other pollutants.
 - 2.** Requirements for proper operation and maintenance of grease interceptors and other grease control devices.
 - 3.** Grease interceptor maintenance frequency and schedule.
 - 4.** Requirements for implementation of BMP's.
 - 5.** Requirements for maintaining and reporting status of BMP's.
 - 6.** 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.

7. Requirements to self-monitor.
8. Requirements for the FSE to construct, operate and maintain, at its own expense, grease control device and sampling facilities.
9. 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.
10. Other terms and conditions which may be reasonably applicable to ensure compliance with this Ordinance.

Section 4.04 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.

Section 4.05 FOG WDP Duration and Renewal:

FOG WDP's shall be issued for a one-year period and renewed annually. At least thirty (30) days prior to the expiration 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 Ordinance. A Permittee shall also pay any delinquent invoices in full prior to any FOG WDP renewal.

Section 4.06 Exemption from FOG WDP:

- A. A limited food preparation establishment may be considered by the General Manager to not be an 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 may be reclassified as an FSE and required to obtain a FOG WDP at the General Manager's discretion.

Section 4.07 Non-transferability of a FOG DWP:

A FOG WDP issued pursuant to this Ordinance is for a specific FSE, 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.

Section 4.08 Facilities and Drawing Submittal Requirements:

- A. 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, grease interceptor, 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, and to meet the requirements of this Ordinance or the requirements of any other regulatory agency.
- B. The District may require the drawings be prepared by a California registered civil, chemical, and mechanical or electrical engineer.

Section 4.09 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 Permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.

- C. 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 Ordinance. 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 Ordinance 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 Ordinance. The Permittee shall be responsible for any and all costs and expenses of the District in undertaking such monitoring analyses and preparation of reports.
- 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 Ordinance.

Section 4.10 Recordkeeping Requirements:

- A. 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:
 - 1. An on-site logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
 - 2. A record of BMPs being implemented, including employee training.
 - 3. Copies of records and manifests of waste hauling interceptor contents.
 - 4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
 - 5. Records of any spills and/or cleaning of the sewer lateral or public sewer.
 - 6. Any other information deemed appropriate by the General Manager to ensure compliance with this Ordinance.

Section 4.11 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 Ordinance.

Section 4.12 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 Ordinance 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. All such records shall be kept by the Permittee a minimum of three (3) years.

Section 4.13 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.

Section 4.14 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 Ordinance, 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 Ordinance.

Section 4.15 Notification of Planned Changes:

- A. 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.

SECTION 5: ENFORCEMENT

Section 5.01 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.

Section 5.02 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 Ordinance may be determined by an inspection of the grease control device, grease interceptor 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 Ordinance 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 the 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 Ordinance 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 section 5.4. Noncompliance fees shall be in the amount determined by the General Manager.

Section 5.03 Compliance Schedule:

Upon determination that a permittee is in noncompliance with the terms and conditions specified in the FOG WDP or any provision of this Ordinance, or needs to construct and/or acquire and install a grease control device or grease interceptor, the District may require the permittee to enter into a compliance schedule on terms and conditions specified by the General Manager.

- A.** The compliance schedule may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor 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 Ordinance.
- B.** 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 section 5.3 of this Ordinance.

Section 5.04 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 Ordinance.
 - 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 Ordinance.

7. Causes obstruction, sewer blockages or SSOs in the public sewer.
8. Violates grease interceptor or grease trap maintenance requirements, any condition or limit of its FOG WDP or any provision of this Ordinance.
9. Fails to report significant changes in operations, or wastewater constituents and characteristics.

Section 5.05 Violation—Penalty:

- A. Any violation of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance is unlawful.
- B. Any user, discharger and/or permittee in violation of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance, 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. 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 Ordinance, or the orders, rules, regulations and permits issued under this Ordinance, or the doing of any act prohibited or the failure or omission to do any act required by this Ordinance, or the orders, rules, and regulations and permits issued under this Ordinance, is a public nuisance and may be enjoined by the District.
- D. If any violation of this Ordinance, or the orders, rules, regulations and permits issued under this Ordinance, 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.
 1. Pursuant to the authority of California Government Code Sections 54739 – 54740, any person who violates any provision of this Ordinance shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occurs. 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 Ordinance shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occurs. 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 Ordinance and shall be subject to the penalties contained within.

F. Criminal Penalties.

1. Any person who violates any provision of this Ordinance 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 Ordinance 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.

SECTION 6: MISCELLANEOUS

Section 6.01 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 Ordinance 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 Ordinance shall not exceed the reasonable cost to the District of the rendition of the service for which the fee or charge is imposed.

Section 6.02 Appeals Procedures:

- A. Any person aggrieved by a decision of the General Manager in the application of any provision of this Ordinance may appeal said decision to the Board of Directors pursuant to the following procedure:
 1. Within 20 calendar days after receipt of written notice of the decision of the General Manager, the aggrieved party may file a written Notice of Appeal setting forth in detail the reasons for said appeal. In the event no written Notice of Appeal is filed within the aforesaid 20 calendar day period, the decision of the General Manager shall become final.

2. Immediately upon receipt of any Notice of Appeal filed within said 20 calendar-day period, the Secretary shall mail copies thereof to each member of the Board of Directors.
3. At the next regular meeting following the filing of said Notice of Appeal, the Board can either hear the appeal or set a time convenient to the Board of the hearing of such appeal.
4. The aggrieved or appealing party, or his authorized representative, shall be personally present at the hearing of such appeal and failure of said aggrieved party or his authorized representative to appear at said hearing shall constitute sufficient grounds for affirmance of the decision of the General Manager.

Section 6.03 Severability:

- A. It is hereby declared that in the event any provision or section of this Ordinance is declared void or invalid by any Court of competent jurisdiction, that the remaining sections of the Ordinance shall not be affected thereby, and it is the intent of said Board of Directors to enact each and every, all and singular, of the provisions of this Ordinance irrespective of any provision which may be declared null and void.

Section 6.04 Ordinance Introduction:

- A. This Ordinance was introduced at a regular meeting of the Board of Directors on the 5th of February, 2009.

Section 6.05 Ordinance Publication:

- A. Upon final passage, this Ordinance, or a summary of this Ordinance, shall be published once a week for two successive weeks in a newspaper of general circulation within the District, pursuant to the provisions of Sections 11534 and 11910 of the Public Utilities Code.

Section 6.06 Effective Date:

- A. This Ordinance to take effect upon final passage.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of South Placer Municipal Utility District on this 5th day in March, 2009 by vote: