

# South San Luis Obispo County Sanitation District Fats, Oils, and Grease (FOG) Ordinance



October 2008

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South San Luis Obispo County Sanitation District Ordinance No. 2008-01

An Ordinance to the Board of Directors for the South San Luis Obispo County Sanitation District Establishing Fats, Oils, and Grease Regulations for the use of District FSE.

The Governing Board of South San Luis Obispo County Sanitation District ordains as follows:

## **ARTICLE 1 – GENERAL PROVISIONS**

### **1.1 PURPOSE**

- A. The purpose of this Ordinance is to establish a FOG Control Program that will facilitate the maximum beneficial public use of the South San Luis Obispo County Sanitation District's (District) sewer services and facilities while preventing blockages of the sewer facilities resulting from discharges of Fats, Oils and Grease (FOG) to sewer trunk lines, and to specify appropriate FOG discharge requirements for FSE (FSE).
- B. This Ordinance governs all FSE that discharge into the District or its Member Agencies sewer system.
- C. This FOG Ordinance is intended to be consistent with all rules, policies and other applicable governmental actions of the District. This Ordinance is not intended to contradict or repeal any rule, regulation, Ordinance, or other governmental action of the District. This Ordinance supplements the District's existing rules, policies and other governmental actions, and addresses specifically the discharges of FOG into the wastewater system to the District.
- D. Any User subject to this FOG Ordinance is hereby advised to review and strictly comply with all other rules, regulations, policies and other governmental actions of the District which may be construed as applicable to FOG discharges into the wastewater system to the District. In particular, any User subject to this FOG Ordinance is still required to meet and satisfy all of the provisions of the District's Pretreatment Ordinance 1994-1, including the general sewer use requirements set forth therein.
- E. This Ordinance sets uniform requirements for FOG discharges to the District's sewer system and enables the District to comply with all applicable State and Federal laws, including, but not limited to, the Clean Water Act.
- F. This Ordinance provides for the regulation of all FOG discharges into the sewer system. This Ordinance establishes administrative review procedures; monitoring; potential testing and regulation of the amount of the Users' fats, oils, and grease

discharge. The setting of fees for the equitable distribution of costs resulting from the program will be determined separately by each Member Agency.

- G. Except as otherwise provided, the District shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the District may be delegated by the District Administrator to the accepted Member Agency.

## **1.2 OBJECTIVES**

- A. To aid in the prevention of sewer blockages and overflows from the contribution and accumulation of fats, oils, and greases into such sewer system from industrial and commercial establishments, particularly food preparation and serving facilities.
- B. To prevent the introduction into the District's Sewer System, discharges that will interfere with the operation of the system which includes, but is not limited to, any gravity type sewer system, force main system, or the POTW.
- C. To protect both the District's Sewer System, its personnel, and members of the general public who may be affected by the sewer blockages and obstructions.
- D. To prevent pass through to receiving water.
- E. To improve the opportunity to reclaim and recycle all fats, oils, and grease from the Users grease trap or interceptor.
- F. To enable the District to comply with its National Pollutant Discharge Elimination System (NPDES) permit and non-discharge requirement conditions, sludge use and disposal requirements, and any other Federal or State laws to which the District is subject.

### **1.3 DEFINITIONS**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

<b>Act or “the Act”</b>	The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. & 1251 et. seq.
<b>Authorized Representative of the User</b>	The manager or person in charge of day to day operation of the establishment or any other person who performs similar Ordinance or decision-making functions for the establishment.
<b>Best Management Practices (BMP)</b>	Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the Sewer facilities as more specifically provided in Sections 4.5 & 4.6 of this Ordinance.
<b>Board</b>	The District Board of the South San Luis Obispo County Sanitation District.
<b>Building Sewer</b>	A sewer lateral conveying Wastewater from the premises of a User to the District’s sanitary sewer system.
<b>Bypass</b>	The intentional diversion of waste streams from any portion of an Industrial User’s treatment facility. <i>[40 CFR §403.17(a)]</i>
<b>District</b>	The South San Luis Obispo County Sanitation District, its Administrator, or his/her designee.
<b>District Administrator</b>	The person designated by the District to supervise the operation of the District’s sanitary sewer system or his designee, and who is charged with certain duties and responsibility by this Ordinance.
<b>Domestic Sewage/Wastewater</b>	The liquid waste generated from bathrooms, toilets rooms, kitchens and home laundries, and other similar facilities.
<b>Effective Date</b>	October 15, 2008
<b>Environmental Protection Agency or EPA</b>	The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Quality Control Division Director, or other duly authorized official of said agency.

<b>Fats, Oils, and Greases (FOG)</b>	Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “Grease” or “Greases.”
<b>District FOG Control Program Administrator</b>	The District Engineer or his/her designee of the South San Luis Obispo County Sanitation District.
<b>Food Service Establishments (FSE)</b>	Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. Examples of some FSE are, but are not limited to, full service restaurants, fast food establishments, delis, cafeterias (including church and school facilities where commercial equipment is installed and the frequency of use indicates more than occasional use), meat distributors, butchering, food processing facilities, grocery stores with food preparation/ service areas, bakeries, caterers, and/or similar types of operations.
<b>Grab Sample</b>	A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
<b>Grease Control Device</b>	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 or collect or treat FOG prior to it being discharged onto the sewer system. “Grease Control Device” may also include any other proven method to reduce FOG subject to the approval of the District.
<b>Grease Interceptor (Gravity Grease Interceptor)</b>	A device for separating and retaining waterborne fats, oils and grease prior to the wastewater exiting the interceptor and entering the District’s sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the District’s sanitary sewer collection

system. Grease Interceptors are large grease collectors located outside a FSE typically covered by a manhole cover.

**Grease Trap  
(Hydro mechanical  
Grease Interceptor)**

A device for separating and retaining waterborne fats, oils and grease prior to the wastewater exiting the trap and entering the District's sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the District's sanitary sewer collection system. Grease Traps are small grease collectors typically located inside a FSE near the dishwashing area.

**Interference**

A discharge, which alone or in conjunction with other sources, inhibits or disrupts the District's treatment processes, operation, sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permit. Interference can also be applicable to the prevention of beneficial sewage sludge use or disposal resulting in a violation of any of the following statutory/regulatory provisions or permits issued under, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**Member Agencies**

The City of Arroyo Grande, City of Grover Beach, Oceano Community Services District.

**Minimum Design  
Capability**

The design features of a Grease Trap/Interceptor and its ability or volume required to effectively intercept and retain Greases from grease-laden wastewaters discharged to the District's sanitary sewer collection system.

**Pass Through**

A discharge which exits the District treatment facility into waters of the state in quantities or concentrations which alone or in conjunction with a discharge of discharges from other sources, is a cause of a violation of any requirement and/or limit established in the District's NPDES permit(s), including an increase in the magnitude or duration of a violation.

**POTW**

Publically Owned Treatment Works



<b>Ordinance</b>	The South San Luis Obispo County Sanitation District: Fats, Oils & Grease (FOG) Ordinance effective October 15, 2008.
<b>Regulatory Agencies</b>	<p>Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the District, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• United States Environmental Protection Agency.</li> <li>• California State Water Resources Control Board (SWRCB).</li> <li>• California Regional Water Quality Control Board, Region 3 (RWQCB).</li> <li>• San Luis Obispo County Health Department.</li> <li>• California Department of Fish and Game</li> </ul>
<b>Renewal Permit</b>	A renewal permit is granted on an annual basis when the conditions of the FSE have not substantially changed.
<b>Remodel</b>	A physical change or operational change to any type of facility that results in meeting the criteria set forth in the definition of “FSE.”
<b>SSLOCSD</b>	South San Luis Obispo County Sanitation District or any duly authorized representative thereof.
<b>Sanitary Sewer Overflow (SSO)</b>	An event where untreated sewage is discharged into the environment.
<b>Sewer System</b>	Sewer System consists of laterals, mains and trunklines transporting wastewater that is treated by the Districts treatment plant or facility and is further defined in Member Agency Ordinances.
<b>Significant Non-Compliance/ Notice of Violation (NOV)</b>	<p>A status of a User’s non-compliance is defined as follows:</p> <ol style="list-style-type: none"> <li>1. Chronic violations of this Ordinance’s FOG Discharge requirements for consecutive periods of time.</li> <li>2. Any other violation or discharge that the District determines has caused, alone or in combination with other discharges, the endangering of health of District personnel or the general public.</li> <li>3. Any discharge that has caused imminent endangerment to human health, welfare, to the environment, or has resulted in the District’s exercise of its emergency authority to halt or prevent such a discharge.</li> </ol>

<b>State</b>	The State of California or any duly authorized representative thereof.
<b>User</b>	Any person or company that contributes to; causes or allows the contribution of wastewater into the District’s sanitary sewer collection system.
<b>Variance</b>	A Variance may be granted when a FSE has negligible FOG discharge and an insignificant impact to the sewer system.
<b>Exclusion</b>	Exclusion is only granted when FSE is not connected to the Sewer System or all food is prepackaged.
<b>Wastewater</b>	The liquid and water-carried from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together which contributes to the District’s sanitary sewer collection system.

Words used in this Ordinance in the singular may include the plural and the plural in the singular. Use of masculine or feminine may be used interchangeably. Shall is mandatory; May is permissive or discretionary.

## **ARTICLE 2 – GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON FATS, OILS, AND GREASE (“FOG”) DISCHARGES**

### **2.1 FOG DISCHARGE LIMITATION**

No FSE shall discharge or cause to be discharged into the sewer system, FOG that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system.

### **2.2 GENERAL PROHIBITION**

- A. Introduction of any additives into a FSE sewer system for the purpose of emulsifying FOG is prohibited, unless a specific written authorization from the District is obtained.
- B. Disposal of waste cooking oil into the sewer system is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- C. Discharge of food grinders to any Grease Trap or Grease Interceptor is prohibited.

- D. Discharge of wastewater with temperatures in excess of current California Retail Food Code (see Cal 104 CCR Section 113996 et.seq.) to any Grease Control Device, including Grease Traps and Grease Interceptors, is prohibited.
- E. The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited unless a specific written authorization from the District is obtained.
- F. Discharge waste from toilets, urinals, wash basins, and other fixtures containing fecal materials to Grease Traps is prohibited.
- G. Operation of Grease Interceptors or Grease Traps with FOG and solids accumulation exceeding 25% of the total operating depth is prohibited.

### **2.3 FOG DISCHARGE PROHIBITION**

- A. No person shall discharge, or cause to discharge any wastewater from FSE directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit or Variance.
- B. Within 60 days of the effective date of this Ordinance, all FSE in the District or its Member Agency area shall file an application for a FOG Wastewater Permit or Variance with the District. Any person who wishes to open or operate a pre-existing FSE as a new owner following the effective date of this Ordinance shall apply for and obtain a FOG Wastewater Discharge Permit or Variance prior to opening or operating such FSE.
- C. Any FSE proposing to change the volume or characteristics of an existing discharge is required to inform the District. A determination regarding whether a new permit or Variance is required shall be made within a reasonable amount of time. If the proposed change requires a revision in a current local permit or requires that a different type of permit be issued, the User shall apply to the District for an appropriate FOG Discharge Permit within forty-five (45) days of receiving notification of such requirement.

### **2.4 BEST MANAGEMENT PRACTICES REQUIRED**

All Food Services Establishments shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices are specified in Article 4 Section 4.5 & 4.6 of this Ordinance. This may include kitchen practices and employee training essential in minimizing FOG discharge.

## **2.5 FOG PRETREATMENT REQUIRED**

All FSE are required to install, operate and maintain an approved type and adequately sized Grease Interceptor or Grease Trap. The device used shall be adequate to separate and remove FOG contained in the wastewater discharge from the FSE prior to discharge to the sewer system. Any fixtures, equipment and drain lines located in the food preparation and clean up areas of FSE that are sources of FOG discharges shall be plumbed to a Grease Interceptor or Grease Trap.

## **2.6 NEW CONSTRUCTION OF FSE**

All new construction of FSE shall require a permit which shall involve the installation of a Grease Interceptors or Grease Traps prior to commencing discharges of wastewater to the sewer system, unless a Variance is issued.

## **2.7 EXISTING FOOD SERVICE ESTABLISHMENTS**

- A. For existing FSE, the requirement to install and to properly operate and maintain a Grease Interceptor may be conditionally stayed, that is, delayed in its implementation, by the District FOG Control Program Administrator for a maximum period of six months from the effective date of this Ordinance (six-month implementation period). The District finds that this time period a reasonable implementation period for existing FSE that are operating without a Grease Interceptor.
- B. Existing FSE, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to areas that require continual maintenance, or which have been determined to contribute significant FOG to the sewer system by the District's Member Agencies or FOG Control Program Administrator based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, shall install Grease Interceptors within 60 days upon notification by the District.
- C. Existing FSE undergoing remodeling or a change in operations as defined in Article 1 Section 1.3 of this Ordinance shall be required to install a Grease Interceptor.

## **2.8 VARIANCE OF GREASE INTERCEPTOR**

- A. A Variance from installation of a Grease Trap/Interceptor may be granted when a FSE is determined to have negligible FOG discharge and insignificant impact to the sewer system.
- B. A Variance may also be issued from Grease Trap/Interceptor requirements when an alternative technology that is, at least, equally effective in controlling the FOG discharge. This Variance is granted to FSE demonstrating that it is impossible or impracticable to install, operate or maintain a Grease Trap/ Interceptor. The District FOG Control Program Administrator determination to grant a Variance will be based upon, but not limited to, evaluation of the following conditions:
  - 1. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the Grease Interceptor and/or between the Grease Trap/Interceptor and the private collection lines or the public sewer; and
  - 2. The FSE can justify that the alternative pretreatment technology is equivalent or better than a Grease Trap/Interceptor in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream monitoring of the sewer system, for at least three months, at its own expense. A Variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

## **2.9 EXCLUSION FROM INSTALLATION OF GREASE TRAP/INTERCEPTOR**

An Exclusion from installation of a Grease Trap/Interceptor shall be granted for FSE when a facility is not connected to the public sewerage system.

## **2.10 APPLICATION FOR VARIANCE OR EXCLUSION REQUIREMENT FOR GREASE TRAP/INTERCEPTOR**

- A. A FSE may submit an application for Variance or Exclusion from the Grease Trap/Interceptor requirement to the District FOG Control Program Administrator. The FSE bears the burden of demonstrating, to the District Administrator reasonable satisfaction, that the installation of a Grease Trap/Interceptor is not feasible or applicable. Upon determination by the District FOG Control Program Administrator reasons are sufficient to justify a Variance or Exclusion, the permit

will be issued or revised. If an Exclusion is determined to be prudent, the facility will be removed from the Districts FOG Program.

- B. A Variance shall contain terms and conditions that serve as basis for its issuance. A Variance may be revoked when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the Variance was based change, so that justification no longer exists. The Variance shall be valid for one year as long as the FSE remains in compliance with their terms and conditions until the expiration date specified in the Variance.

## **2.11 GREASE DISPOSAL MITIGATION**

- A. All FOG Interceptors and or Grease Traps shall be cleaned on a regular basis at the User's expense to ensure efficient operation of the Interceptor. This Ordinance requires that all Interceptors be cleaned no less than once every ninety (90) days and Grease Traps be cleaned a minimum of every seven (7) days. The necessary frequency of cleaning will vary greatly depending on the nature of the establishment.
- B. Authorized District personnel shall be allowed access to Grease Interceptors and or Grease Traps within or near the facility for the purpose of inspection and/or to verify compliance with this Ordinance.
- C. Maintenance of below ground Grease Interceptors shall be performed only by a licensed Grease Interceptor cleaning service at the FSE expense. Smaller under-the-counter Grease Traps can be cleaned by an approved licensed Grease Trap cleaning service or by in-house staff of the FSE.
- D. Notwithstanding the six-month implementation period established in Article 2 Section 2.7, FSE found to have contributed to a Sewer System Overflows (SSO) or any sewer system interference resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a Grease Interceptor, Grease Trap or other approved grease control device, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSO or any other sewer system interferences. SSO may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSO caused by FSE alone or collectively, are the responsibility of the private property owner or FSE.
- E. If the District or Member Agency must act immediately to contain and clean up a SSO caused by blockage of a private or public sewer lateral or system serving a FSE, or at the request of the property owner or 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 and/or Member Agency's costs for such abatement shall be entirely borne by the property owner and operator of the FSE.

## **ARTICLE 3 – FOG WASTEWATER DISCHARGE PERMITS FOR FSE**

### **3.1 FOG WASTEWATER DISCHARGE PERMIT REQUIRED**

- A. FSE currently discharging wastewater containing FOG into the District's sewer system shall obtain a FOG Wastewater Discharge Permit or Variance from the District.
- B. FOG Wastewater Discharge Permit or Variance shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the District. The conditions of FOG Wastewater Discharge Permit or Variance shall be enforced by the District in accordance with this Ordinance and applicable to any State and Federal Regulations.
- C. Any FOG discharger proposing to change the volume or characteristics of an existing discharge shall request consideration from the District as to whether or not a new application should be filed and shall provide sufficient information on the proposed change to enable the District to determine whether a new application is needed. If the proposed change requires a revision in a current local permit or requires that a different type of permit be issued, the User shall apply to the District for an appropriate FOG Discharge Permit within forty-five (45) days of receiving notification of such requirement.
- D. There shall be three types of FOG Discharge Permits granted to FSE by the District:
  - 1. Regular Permit: Regular Permits will be issued upon the proper installation and maintenance of a Grease Interceptor/Grease Trap as described in Article 4 Section 4.1- 4.4.
  - 2. Variance: A Variance permit will be issued upon implementation of Best Management Practices, minimal FOG production and/or alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a Grease Interceptor/Grease Trap, as described in Article 2 Section 2.8.
  - 3. Exclusion: Exclusions will only be issued when a facility does not meet the criteria for requiring a FOG Wastewater Discharge Permit as stated in Article 2 Section 2.9.

- E. Proper installation and maintenance of a Grease Interceptor or Grease Trap and application for a Regular Permit shall be the standard method of compliance with this Ordinance.

### **3.2 FOG WASTEWATER DISCHARGE PERMIT APPLICATION**

- A. Any person required to obtain a FOG Wastewater Discharge Permit shall complete and file with the District prior to commencing or continuing discharges, a FOG Participant Data and Application Form prescribed by the District. The applicable fees shall accompany the application. The applicant shall submit, in units and terms appropriate for evaluation, the following information at a minimum:
  - 1. Name, physical and mailing address, telephone number, description of the FSE, operation, cuisine and food service activities.
  - 2. (Which ever is applicable) Name, address of any and all principals/owners/major shareholders of the FSE; Business License.
  - 3. Practices currently in use to reduce FOG.
  - 4. Any other information as specified in the Participant Data and Application form.
  - 5. Applicants may be required to submit facility plans, plumbing plans, and details to show all sewers, FOG control device, Grease Interceptor or other pretreatment equipment and appurtenances by size, and location, for evaluation.
- B. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- C. After evaluation of the furnished data, the District may issue a FOG Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the FOG Control Program Administrator to be appropriate to protect the District's sewer system.



### **3.3 FOG WASTEWATER DISCHARGE PERMIT CONDITIONS**

- A. The issuance of a FOG Wastewater Discharge Permit may contain any of the following conditions or limits:
1. Limits on discharge of FOG.
  2. Requirements for proper operation and maintenance of Grease Interceptors and other grease control devices.
  3. Requirements for implementation of Best Management Practices and installation of adequate Grease Interceptor and/or grease control device.
  4. Requirements for maintaining logs and/or records, including wastehauling records and waste manifests on-site.
  5. Requirements for the FSE to construct operate and maintain, at its own expense, FOG control device.
  6. Additional requirements as otherwise determined to be reasonably appropriate by the District FOG Control Program Administrator to protect the District's system or as specified by other Regulatory Agencies.
  7. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Ordinance.

### **3.4 FOG WASTEWATER DISCHARGE PERMIT APPLICATION FEE**

- A. The FOG Wastewater Discharge Permit application fee shall be paid by the applicant in an amount adopted by resolution of the Member Agencies. Payment of the permit fee must be received at the time of filing the application for the permit. All delinquent fees must be paid prior to issuance of renewal permits.
- B. The District and its Member Agencies may adopt reasonable fees for reimbursement of costs, which may include:
1. Fees for FOG Ordinance Permit Forms including the cost of processing such forms.
  2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users.

3. Fees for reviewing and responding to accidental Discharge procedures and construction.
  4. Any other fees the District and its Member Agencies deem necessary to carry out the requirements contained herein.
- C. These fees shall relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties determined to be chargeable by the District or Member Agency.

### **3.5 FOG WASTEWATER DISCHARGE PERMIT MODIFICATION OF TERM & CONDITIONS**

- A. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the District FOG Control Program Administrator during the life of the permit based on:
1. The quantity of FOG a FSE discharges.
  2. Changes in the requirements of Federal, State or County Regulatory Agencies which affect the District; or
  3. A determination by the District FOG Control Program Administrator that such modification is appropriate to further the objectives of this Ordinance.
- B. The User may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and include reasons for the change. The District FOG Control Program Administrator shall review the request, make a determination on the request, and respond in writing.
- C. The User shall be informed of any change in the permit limits, conditions, or requirements at least forty-five days (45) prior to the effective date of the change. Any changes shall include a reasonable time schedule for compliance.

### **3.6 FOG WASTEWATER DISCHARGE PERMIT DURATION AND RENEWAL**

FOG Wastewater Discharge Permits shall be issued annually. At least 30 days prior to the expiration of the permit, the User shall apply for renewal in accordance with the FSE permit.

### **3.7 NON-TRANSFERABILITY OF PERMITS**

FOG Wastewater Discharge Permits issued under this section of the Ordinance are for a specific FSE, for a specific operation and create no vested rights. No permit holder shall assign, transfer, or sell any FOG Wastewater Discharge Permit issued under this Ordinance nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit. No permit can be transferred to a new owner or operator or to a new facility.

### **3.8 FOG WASTEWATER DISCHARGE PERMIT CHARGE OF USE**

Each Member Agency will determine the appropriate equitable permit charge.

## **ARTICLE 4 – FACILITY REQUIREMENTS**

### **4.1 GREASE INTERCEPTOR REQUIREMENTS**

- A. All FSE shall discharge wastewater acceptable to the District, under the requirements and standards established herein before discharging to any public sewer. Any FSE is required to provide FOG pretreatment, 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 and installation shall conform to the current edition of the Uniform Plumbing Code (UPC) and manufacturers specifications. Grease Interceptors shall be constructed in accordance with the design approved by the District FOG Control Program Administrator 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 easily accessible for inspection, cleaning, and removal of accumulated grease.
- D. Access manholes, with a minimum diameter of 24 inches, shall be provided over each Grease Interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

## **4.2 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS**

- A. Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the Interceptor which includes wastewater accumulated FOG, floating materials, sludge and solids.
- B. All existing and newly installed Grease Interceptors shall be maintained in a manner consistent with maintenance frequency approved by the FOG Control Program Administrator pursuant to this section.
- C. No FOG that has accumulated in a Grease Interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- D. FSE with Grease Interceptors shall be required to submit data and information necessary to establish the maintenance frequency of Grease Interceptors.
- E. The maintenance frequency for all 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 does not exceed 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 discharged to the sewer system. All FSE with a Grease Interceptor shall maintain their Grease Interceptor no less than every ninety (90) days.
  - 2. Grease Interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established.
  - 3. If the Grease Interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in E.1 of this Section, the FSE shall be required to have the Grease Interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the Grease Interceptor. If deemed necessary, the District FOG Control Program Administrator may also increase the maintenance frequency of the Grease Interceptor from the current frequency.
  - 4. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the Grease Interceptor shall be disposed off site properly by wastehaulers in accordance with all applicable federal, state and/or local laws.

### **4.3 GREASE TRAP REQUIREMENTS**

- A. Sizing and installation of Grease Traps shall conform to the current edition of the UPC and manufacturers specifications.
- B. Grease Traps shall be inspected periodically 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 FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- C. Food waste disposal units shall not be connected to or discharged into any Grease Trap.
- D. Grease Traps shall be provided with an approved type of vented Flow Control Device (FCD), in conformance with the current edition of the UPC.
  - 1. FCD shall be designed and installed so that the total flow through such a device or devices shall at no time be greater than the rated flow of the Grease Trap.
  - 2. No FCD, having adjustable or removable parts shall be approved by the District.
  - 3. The vented FCD shall be located such that no system vent shall be between the flow control device and the Grease Trap inlet.
  - 4. No vent or air inlet of the FCD shall connect with the sanitary drainage vent, as required by the UPC, or shall terminate through the roof of the building, and shall not terminate to the free atmosphere inside the building.
  - 5. A vent shall be installed downstream of the Grease Trap in accordance with the requirements set forth in the current edition of the UPC.

### **4.4 GREASE TRAP MAINTENANCE REQUIREMENTS**

- A. Grease Traps shall be maintained in efficient operating conditions by removing accumulated grease on a weekly basis.
- B. Grease Traps shall be maintained free of all food solids and any FOG waste removed during the cleaning and scraping process.
- C. Grease Trap cleaning records shall be maintained on-site for a minimum of three years.

#### **4.5 REQUIREMENTS FOR BEST MANAGEMENT PRACTICES**

- A. All FSE shall implement Best Management Practices in accordance with the requirements and guidelines established by the District and its Member Agencies under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.
- B. All FSE shall be required, at a minimum, to comply with Best Management Practices (BMP), when applicable.

#### **4.6 BEST MANAGEMENT PRACTICES**

- A. Employees of the FSE shall be trained by ownership/management periodically in BMP which may include:
  - 1. How to —dry wipe pots, pans, dishware and work areas before washing to remove grease.
  - 2. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
  - 3. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.
  - 4. Use of proper water temperatures to minimize grease blockages downstream.
- B. Best Management Practices and/or No Grease Posters shall be posted conspicuously in the food preparation and dishwashing areas at all times.
- C. Record keeping.

### **ARTICLE 5 – MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENT**

#### **5.1 MONITORING AND REPORTING REQUIREMENTS**

- A. The District FOG Control Program Administrator may require video monitoring at the sole expense of the User to observe the actual conditions of the FSE connection to sewer system and sewer lines downstream.
- B. The District FOG Control Program Administrator may require sampling reports for the self-monitoring of FOG wastewater which may be necessary for

determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Ordinance. Monitoring reports concerning the analysis of FOG wastewater shall be in a manner and form approved by the District FOG Control Program Administrator and shall be submitted upon request of the District FOG Control Program Administrator. Failure by the User to perform any required monitoring, or to maintain monitoring reports required by the District FOG Control Program Administrator constitutes a violation of this Ordinance and be cause for the District to initiate all necessary tasks and analysis to determine wastewater constituents for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in this Ordinance. The User shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.

- C. Other reports may be required such as compliance schedule progress reports, FOG Control Monitoring Reports, and any other reports deemed reasonably appropriate by the FOG Control Program Administrator to ensure compliance with this Ordinance.

## **5.2 RECORD KEEPING REQUIREMENTS**

- A. The User shall keep all manifests (if provided), 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 User shall, upon request, make the manifests, receipts and invoices available to any District representative, or inspector. These records may include:
  - 1. A log book of Grease Interceptor, Grease Trap or grease control device cleaning and maintenance practices.
  - 2. A record of Best Management Practices being implemented including employee training.
  - 3. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the Grease Interceptors.
  - 4. Records of any spills and/or cleaning of the lateral or sewer system.
- B. The User shall also provide any other information deemed appropriate by the District FOG Control Program Administrator to ensure compliance with this Ordinance.

### **5.3 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 Member Agency, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Ordinance.

### **5.4 RIGHT OF ENTRY: INSPECTION AND SAMPLING**

- A. The District personnel and/or other authorized representatives of the District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and the performance of any additional duties.
- B. Should a User have security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District will be permitted to enter without delay for the purposes of performing specific responsibilities as set forth above.
- C. The District shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- D. Any temporary or permanent obstruction preventing safe and easy access to the facility area to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the District access to the User's premises shall be a violation of this Ordinance.

### **5.5 RIGHT TO INSPECT**

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community.



## **5.6 NOTIFICATION OF SPILL**

- A. If a User is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the User has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Ordinance, the discharger shall immediately notify the appropriate Member Agency by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSO, the discharger shall immediately notify the Member Agency in which the User resides. Confirmation of this notification shall be made in writing to the District FOG Control Program Administrator at the address specified in the Permit no later than five working 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.
- B. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or Member Agency or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.

## **5.7 NOTIFICATION OF REMODEL OR EXPANSION**

Users shall notify the District at least 60 days prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. Users shall notify the District in writing of the proposed expansion or remodeling and shall submit any information requested by the District for evaluation of the effect the expansion/re-model may have on the Sewer System.

## **ARTICLE 6 – Enforcement**

### **6.1 GENERAL PROCEDURE**

The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 6 in response to any permit or Ordinance violations.

## **6.2 DETERMINATION OF NONCOMPLIANCE WITH FOG WASTEWATER DISCHARGE PERMIT CONDITIONS**

- A. Sampling and inspection of FSE shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the District FOG Control Program Administrator.
- B. Noncompliance with permit discharge conditions, or any discharge provisions of this Ordinance may be determined by an inspection of grease control device, Grease Interceptor and associated manifest and documentation; dye testing; and analysis of a grab or composite sample of the effluent of a FSE.
- C. Any sample taken from an approved sample point is considered to be representative of the discharge to the public sewer. All costs associated with sampling shall be at the Users expense.

## **6.3 NOTIFICATION OF NON-COMPLIANCE**

When the District finds that a User has violated any provision of this Ordinance or order, the District may serve upon that User a written Notice of Non-Compliance and will have 30 days from the date of written notice to reach compliance.

## **6.4 NOTIFICATION OF VIOLATION**

When the District finds that a User has violated the conditions set forth as part of the Notice of Non-Compliance, and/or continues to violate, any provision of this Ordinance, or order issued hereunder, any other FOG Ordinance Standard or Requirement, the District may serve upon that User a written Notice of Violation. The User will then correct the specified violation within a 14 day corrective timeline provided by the District. A plan for corrective actions may also be submitted by the User to the District. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

## **6.5 NONCOMPLIANCE FEE**

Any User determined to be in noncompliance with the terms and conditions specified in Article 4 and Article 5 or with any provision of this Ordinance shall pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District and its Member Agencies for costs of additional inspections and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the continued non-compliance, and shall be in addition to and not in lieu of any

penalties as may be assessed. Non Compliance fees shall be in an amount adopted by resolution by the District or its Member Agencies.

## **6.6 PERMIT SUSPENSION**

- A. The District may immediately suspend a FOG Wastewater Discharge Permit after any written notice to the User has been issued, or when such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause imminent or substantial endangerment to the health or welfare of Persons.
- B. The District may also immediately suspend a FOG Wastewater Discharge Permit, after notice and opportunity to respond to such notice, that threatens to interfere with the operation of the Sewer Collection and Treatment System, or which presents, or may present, an endangerment to the environment.
- C. Any User notified of a suspension of Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the applicable Member Agency shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer collection and treatment system, its receiving waters, or endangerment to any persons. The Member Agency may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed.

## **6.7 PERMIT REVOCATION**

- A. The FOG Control Program Administrator may revoke any permit when it is determined that a User:
  - 1. Knowingly provides a false statement, representation, record, report, or other document to the District or Member Agency.
  - 2. Refuses to provide records, reports, plans, or other documents required.
  - 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
  - 4. Fails to comply with the terms and conditions of permit suspension.
  - 5. Discharges effluent to the District and Member Agencies sewer system while its permit is suspended.

6. Refuses reasonable access to the User's premises for the purpose of inspection and monitoring.
7. Does not make timely payment of all amounts owed to the Member Agency for User charges, permit fees, or any other fees imposed pursuant to this Ordinance.
8. Causes interference, sewer blockages, or SSO to the District or Member Agency.
9. Violates Grease Interceptor or Trap maintenance, which results in unapproved discharge quantity and composition.

### **6.8 APPROVAL**

- A. When the FOG Control Program Administrator has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice to the User.
- B. In the event the FOG Control Program Administrator determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

### **6.9 EFFECT**

- A. Upon an order of revocation by the FOG Control Program Administrator becoming final, the User shall lose all rights to discharge wastewater containing FOG directly or indirectly into the District's system. The District and its Member Agencies shall additionally have the right to shut off water service to the affected property that is subject to the order of revocation.
- B. Lien Rights. The District and/or Member Agency shall have the right to place a lien on the property affected by the order of revocation to cover all costs, administrative and including legal, as a part of that lien.
- C. Each owner or responsible management employee of the User shall be bound by the order of revocation.
- D. Any future application for a permit at any location within the Member Agencies and District by any person associated with a notice of revocation will be considered after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

## **6.10 BYPASS**

- A. Bypass is prohibited, and the District may take an enforcement action against a User for a Bypass, unless authorized by the District or unless:
1. Bypass was unavoidable to prevent loss of life, serious personal injury, or Severe Property Damage.
  2. There were no feasible alternatives to the Bypass, such as the use of auxiliary Interceptor facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance.
- B. If a User knows in advance of the need for a Bypass, the User shall submit prior notice to the District, at least ten (10) days before the date of the Bypass, if possible.
- C. A User shall submit written notice to the District of an unanticipated Bypass that exceeds applicable FOG Ordinance Standards within twenty-four (24) hours. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

## **ARTICLE 7 - JUDICIAL ENFORCEMENT REMEDIES**

### **7.1 CRIMINAL PROSECUTION**

The Board of Directors of the South San Luis Obispo County Sanitation District, along with the City Council or District Board of each Member Agency, intends to secure compliance with the provisions of this Ordinance. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being use to achieve compliance against continuing violations. Each and every day that such violation exists constitutes a separate offense. Notwithstanding any other provision of this Ordinance, each violation of the provisions of this Ordinance may be enforced as an alternative.

## **7.2 INFRACTION**

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance may be prosecuted for an infraction. Written citations for infractions may be issued by the District FOG Control Program Administrator or his or her designee.

## **7.3 MISDEMEANOR**

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by the District's attorney. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

## **7.4 CIVIL ACTION**

The District's attorney, or any Member Agency's legal counsel, by and at the request of the City Council, or Community Services District Board, may institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the conditions to be found in violation as provisions of this Ordinance, as provided by law.

## **7.5 REMEDIES NONEXCLUSIVE**

The remedies contained in this Ordinance are not exclusive. The District may take any, all, or a combination of these actions against a Non-compliant User. Enforcement of the FOG Ordinance violations will generally be in accordance with the District's enforcement response plan. However, the District may take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any Non-compliant User.

## **ARTICLE 8 – FALSIFYING INFORMATION; DAMAGES TO MONITORING EQUIPMENT**

Any Person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished in accordance with District's Pretreatment Ordinance 1994-1, Article V, Sections 27 Civil Remedies, 28 Criminal Penalties & 29 Termination of Service.

**APPENDIX A**

**SSLOCSD Survey**

**SSLOCSD Permit Application**