



**Fats, Oils, and Grease Discharge
Ordinance 2026-02**

Table of Contents

CHAPTER 1 – GENERAL PROVISIONS	4
1.01 Purpose and Policy	4
1.02 Scope	4
1.03 Definitions	4
1.04 Administration	19
1.05 General FOG Discharge Prohibitions	20
1.06 Specific FOG Prohibitions	20
1.07 Best Management Practices	21
1.08 Enforcement Response Plan – Food Service Establishment	22
1.09 Penalties	24
1.10 Termination of Sewer Service	24
1.11 Time Limits	24
1.12 Injunction	25
1.13 Harmful Contributions	25
1.14 Damage to Facilities	25
1.15 Shut-off From Sewer Line	25
1.16 Severability	25
CHAPTER 2 - FOOD SERVICE ESTABLISHMENT CONNECTIONS/PERMITS	26
2.01 FOG Wastewater Discharge Permit Required	26
2.02 Permit Application Requirements	26
2.03 Fee to Accompany Application	27
2.04 FOG Wastewater Discharge Permit Conditions	27
2.05 FOG Wastewater Discharge Permit Modifications	27
2.06 Duration of FOG Wastewater Discharge Permits	28
2.07 Revocation of FOG Wastewater Discharge Permits	28
2.08 Appeal for FOG Wastewater Discharge Permit Revocation.....	29
2.09 Transferability of FOG Wastewater Discharge Permit	30
2.10 Transfer of FOG Wastewater Discharge Permit - Change in Discharge	30
2.11 Issuance of Permit	30
CHAPTER 3 – FOG CONTROL FACILITIES	31
3.01 FOG Pretreatment Required for New and Existing Food Service Establishments	31
3.02 Variance of Grease Interceptor Requirement	32
3.03 Waiver from Grease Removal Device Requirement.....	33
3.04 Cost Recovery.....	33
3.05 Grease Interceptor Requirements	33
3.06 Grease Interceptor Maintenance Requirements.....	34
3.07 Grease Trap Requirements	35
3.08 Monitoring Requirements.....	36
3.09 Determination of Measurements and Tests.....	37
3.10 Alterations in Equipment	37
3.11 Application of Requirements	37
3.12 Approval of Plans	38
3.13 Plan Approval Not Transferable	38
3.14 Drawing Submittal Requirements	38

3.15	Unauthorized Improvements	39
3.16	Inspection of Construction	39
3.17	Expense to be Borne by Applicant	39
3.18	Obligation for Maintenance.....	39
3.19	Record Drawings and Proof of Service Certification	39
3.20	Observance of Safety Rules.....	40
CHAPTER 4 – INSPECTIONS.....		41
4.01	Rights of Entry	41
4.02	Frequency of Inspections.....	42
4.03	Observation of Safety Rules during Inspections	42
4.04	Rights to Monitor.....	42
4.05	Access to Facilities	42
4.06	Access Delayed or Refused	43
4.07	Compliance of Construction.....	43
4.08	Request for Construction Inspection.....	43
4.09	Improper Use of Connected Sewers.....	43
CHAPTER 5 – COMMERCIAL DISCHARGES		44
5.01	Commercial Discharge	44
CHAPTER 6 – CHARGES AND FEES.....		45
6.01	Classification of Users.....	45
6.02	Basis of Charges and Fees.....	45
6.03	Charges and Fees	45

CHAPTER 1 – GENERAL PROVISIONS

1.01 Purpose and Policy

This Fats, Oils, and Grease (FOG) Discharge Ordinance sets uniform requirements for FOG source control throughout the wastewater collection system of North of River Sanitary District No. 1 (hereinafter referred to as “District”) and enables the District to comply with administrative provisions of the Clean Water Act, the water quality requirements set by the Regional Water Quality Control Board and applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. FOG Source Control will reduce Sanitary Sewer Overflows (SSOs) and blockages, thereby protecting public health and the environment by minimizing public exposure to unsanitary conditions. By controlling the discharge of fats, oils and grease to the wastewater collection system, excessive buildup in sewer lines can be lessened, thereby increasing the system’s operating efficiency and reducing the number of sewer line blockages and overflows.

1.02 Scope

- 1.02.1 This FOG Discharge Ordinance shall be interpreted in accordance with the definitions set forth in Section 1.03.
- 1.02.2 The provisions of this FOG Discharge Ordinance shall apply to the source control of potential FOG discharges to facilities of the District. This Ordinance among other things provides for, the setting of fees to provide for equitable distribution of costs, , the issuance of permits for dischargers required to implement FOG source control and the establishment of penalties for violation of this FOG Discharge Ordinance.

1.03 Definitions

The definitions given in this Section shall be used in the interpretation of this FOG Discharge Ordinance, the issuance of permits, the making of charges for service and all other operations of this FOG Discharge Ordinance unless another meaning for the word is apparent from the context.

Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated, or as established by Federal or State regulatory agency.

1. “Act” or “the Act” Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. & 1251, et. seq.
2. “Applicant” The person making application for FOG Wastewater Discharge Permit.
3. “Beneficial Uses” Uses of the waters of the State that may be protected against quality degradation, including but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or specified by Federal or State law.
4. “Biochemical Oxygen Demand (B.O.D.)”
The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at twenty degrees centigrade (20°C), as determined by the appropriate procedure in “Standard Methods” expressed in milligrams per liter.
5. “Board” or “Board of Directors”
The Governing Board of the North of River Sanitary District No. 1.
6. “BMP” or “Best Management Practices”
Best management practices (BMPs) are those activities, practices, facilities, and/or procedures that when implemented to the maximum extent practicable will prevent or reduce pollutants in discharges.
7. “Building”
Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. Any structure used for human habitation or a place of business, recreation or other purpose requiring sanitary facilities.
8. “Categorical Pretreatment Standard” or “Categorical Standard”
Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act 33 (U.S.C. & 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, parts 405-471.
9. “Cesspool”
An excavation in the ground made for receiving sewage and so constructed that the solid matter is retained and the liquid portion is permitted to seep away.

10. "Chemical oxygen demand" or "C.O.D."

The measure of chemically decomposable material in domestic or industrial wastewater expressed in terms of mass per volume (mg/l) as represented by the oxygen utilized as determined by the appropriate procedure described in "Standard Methods".
11. "Chlorine demand"

The difference between the amount of chlorine added to a wastewater sample and the amount remaining at the end of a 30-minute period as determined by the procedures given in "Standard Methods".
12. "Code"

The Uniform Plumbing Code as adopted by the County from time to time.
13. "Collector Sewer"

Collector sewers gather flows from individual buildings and businesses and transport the material to a main line or trunk line sewer.
14. "Commercial Service Connection"

Any non-domestic and non-industrial service including a domestic service which contains a commercial business in addition to or part of a residence.
15. "Commercial Discharger"

All retail stores, restaurants, office buildings, laundries, and other private business and service establishments, including churches and lodges. These users are distinguished from industrial users for billing purposes only
16. "Community Sewer"

A sewer owned or operated by the District, or a sewer owned or operated by another person or entity which is tributary to and discharges into an interceptor, or a treatment or disposal facility owned or operated by the District.
17. "Compatible Pollutant"

Biochemical oxygen demand, suspended solids, pH and fecal Coliform bacteria, plus additional pollutants identified in the District's Waste Discharge Requirements (WDR's) for the District's treatment and disposal works that was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

18. “Connection” Any connection between the applicant or customer’s equipment or facilities, and the District’s equipment, or facilities.
19. “Contamination” An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.
20. “Contiguous Property” Property which is owned or hired by the wastewater discharger, is contiguous to the source of wastewater discharge, and is made up of land parcels with common boundaries or parcel separated only by publicly owned or operated rights-of-way. Publicly owned rights-of-way include those owned or operated by railroad, pipeline, water, power, electrical, gas, telephone or other public utility companies. Only those parcels having a common boundary, if the public right-of-way is removed, shall be considered to be contiguous.
21. “County” The County of Kern.
22. “County Engineer” The Engineer of Record for the County of Kern.
23. “Customer” Utility user.
24. “Discharger” Any person or entity that discharges or causes a discharge to a public sewer.
25. “Dissolved solids” or “dissolved matter” The solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in “Standard Methods”.
26. “District” The North of River Sanitary District No. 1 (NORSRD) which is legally authorized to construct, maintain, and operate a sewer collection system and wastewater treatment and disposal facilities.
27. “District Engineer” The Engineer of the North of River Sanitary District No. 1, as appointed from time to time.
28. “District Manager” The general manager of the North of River Sanitary District No. 1, as appointed from time to time.

29. “Domestic” See “Residential Service Connection”
30. “Domestic sewage”
The waterborne waste associated with human habitation and may be contaminated with human excreta, offal or feculent matter. It also includes wastewater or sewage from the operations of restaurants, hotels, vehicle service stations, garages, single or multiple residences or places of retail business.
31. “Effluent” Partially or completely treated liquid outflow of any facility designed to treat, convey or retain wastewater.
32. “Emergency” A situation which reasonably appears to present an imminent endangerment to the health or welfare of persons, or the environment, or which threatens to interfere with the operation of the District’s sewerage system.
33. “ERP” ERP is the acronym for Enforcement Response Plan. The ERP is a set of procedures followed by the District in response to violations from industrial and Food Service Establishment users discharging to the POTW.
34. “Federal Act” The Federal Water Pollution Control Act of 1972, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.
34. “Food Service Establishment”
Any place or business where food is provided for individual portion service directly to the consumer, whether the food is provided free of charge or sold, and whether the food is consumed on or off the premises.
35. “FOG” FOG is the acronym for Fats, Oils and Grease and is primarily a byproduct of food preparation and cooking.
36. “FOG Wastewater Discharge Permit”
Any permit issued pursuant to Section 2.11 of this ordinance.

37. “Force Main” Pressure pipes located on the discharge of sewage pumps. They transport the flow discharged from the sewage pumps by pressure to a gravity sewer.
38. “Garbage” Solid food wastes from the domestic, commercial, and institutional preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
39. “Grab sample” A sample taken from a wastewater stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
40. “Grease Removal Device” Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the waste stream, the control of which are either automatic or manually initiated.
41. “Grease Trap” An under sink plumbing device designed to collect most greases and solids before they enter a wastewater disposal system.
42. “Holding Tank Waste” Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease traps or interceptors, sand traps, vacuum pump tank trucks, and similar sources.
43. “Hotspots” Hotspots are identified locations within the District's sewerage system that, for one reason or another, require cleaning and maintenance more frequently than is typical so as not to cause a Sanitary Sewer Overflow (SSO).
44. “Incompatible Pollutant” Any pollutant which is not a compatible pollutant as defined in this section. The pretreatment standard for incompatible pollutants introduced into a District treatment works by a major contributing industry not subject to Section 307(c) of the Federal Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Section 301(b) and 304(b) of the Federal Act, provided, that if the District's treatment works which receives the pollutants is committed, in its NPDES or WDR permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard

applicable to dischargers of such treatment works shall be correspondingly reduced for that pollutant; and provided, further, that even when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

- 45. "Industrial Connection"
A sewer connecting the industrial waste discharge to the public sewer.
- 46. "Industrial Ordinance"
Legislation enacted by the District's Board of Directors pertaining to industrial and commercial dischargers within the District's jurisdiction.
- 47. "FOG Discharge Ordinance"
This ordinance as enacted by the District's Board of Directors
- 48. "Industrial Liquid Pretreatment Plant"
Any works or device for pretreatment of industrial liquid wastes prior to discharge into the public sewer.
- 49. "Industrial Discharger"
Any user who discharges nondomestic or noncommercial wastewater to any of the District's sewerage systems or any other system tributary thereto.
- 50. "Industrial Waste or Wastewater"
All liquid wastes and wastewater from industrial sources excluding domestic and commercial wastewater and uncontaminated water, and includes all wastewater from any producing, manufacturing, processing, agricultural, or other operation where the wastewater discharged includes quantities of wastes of nonhuman origin.
- 51. "Inspector"
A person authorized by the District to inspect wastewater generation, conveyance, processing and disposal facilities.
- 52. "Interceptor"
A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity-differential separation from wastewater and of a design and capacity approved by the District Manager, the County Health Department, and the City or County Building Inspector.

53. “Interference” A discharge which, alone or in conjunction with a discharge or discharges from other sources, or both:
- a. Inhibits or disrupts the District’s sewerage system, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirements of the District’s Waste Discharge Order (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, and all similar laws, regulations, ordinances or rules that may be enacted, promulgated, or adopted from time to time.
54. “Lateral Sewer” A sewer that conveys liquid wastes from a building structure or property to a collector, main line, or trunk sewer. All costs associated with maintaining a lateral sewer shall be borne by the property owner or discharger.
55. “Local Sewering Agency” See “District”.
56. “Main Line Sewer” Main line sewers collect flows from collector sewers and transport them to trunk line sewers.
57. “Manager” See “District Manager”.
58. “Mass Emission Rate” The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

59. “Master Fee Schedule”
A list of fees and costs associated with the pretreatment program.
60. “May”
Is permissible.
61. “National Categorical Standards”
National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the District sewerage system by existing or new Industrial Dischargers in specific industrial subcategories.
62. “National Pretreatment Standard”
Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to Industrial Dischargers. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 and all such laws, regulations, ordinances or rules that may be enacted, promulgated or adopted from time to time.
63. “Natural Outlet”
Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
64. “North of River Sanitary District (NORS D)”
See “District”
65. “Nuisance”
Anything which is injurious to health, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfort or enjoyment of life or property. A public nuisance is one which affects at the same time an entire community or neighborhood or a considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
66. “Offsite Charges”
A charge made by the District to property owners, applicants or developers for connecting to the existing public sewage system.
67. “Ordinance”
An Ordinance as enacted by the District’s Board of Directors.

68. "Owner" The person or the persons in whose name(s) the legal title to the property appears by deed recorded in the County Recorder's Office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner or the purchaser under contract.
69. "Pass Through" A discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the District's Waste Discharge Requirements.
70. "Peak Flow Rate" The flow rate at which wastewater is discharged to a public sewer during the highest 30 minute flow period in the preceding 12 months.
71. "Permit" A written permit issued by the District Manager or his authorized representative.
72. "Person" Any individual, partnership, corporation, firm, company, association, society or group. Any individual, partnership, firm, association, corporation, or public agency, including the State of California and the United States of America.
73. "pH" The negative of the logarithm (base 10) of the activity of hydrogen ions expressed in moles per liter of solution.
74. "Pollution" An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial users. Pollution may include contamination.
75. "Premises" A lot or parcel of real property, including any improvements thereon, under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion may be deemed by the District to be separate premises for purpose of receiving, using, and paying for service. Multi-family dwellings and office buildings may be classified as single premises.

76. "Pretreatment Requirements" Procedural or substantive requirements related to pretreatment, imposed on an Industrial discharger.
77. "Private Sewage Disposal System" A septic tank, cesspool or such other facility.
78. "Private Sewer" A sewer laid by private parties other than a lateral, to serve one or more buildings which are not immediately adjacent to a public sewer, so as to connect the building or buildings to a public sewer, and irrespective of whether the sewer is constructed in public or private property.
79. "Properly Shredded Garbage" The food wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth inch in any dimension.
80. "Public Corporation" The State of California and any political subdivision thereof, any incorporated municipality therein, any public agency of the State or any political subdivision thereof, or any corporate municipal instrumentality of this State.
81. "Public Owned Treatment Works" or "POTW" A "treatment works," as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
82. "Public Sewer" A sewer in which all owners of abutting properties have equal rights, and is controlled and maintained by the District.
83. "Radioactive Material" Material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.
84. "Record Drawing" The construction plans approved by the District that have been modified to show the changes from the original design that were made during construction.

85. "Renter" Non-owner utility user.
86. "Residential Service Connection" Service to a single family dwelling, duplex, flat, or apartment that is used for human occupancy. See also "Lateral".
87. "Saddle" A connection installed on a main line sewer by boring a hole in the sewer pipe and installing a prefabricated fitting.
88. "Sand Trap" See "Interceptor".
89. "Section" A section of this Ordinance.
90. "Septic Tank" An approved water-tight tank or compartment for use in eliminating, disposing, digesting or reducing solid substances in sewage before disposing of the effluent in a cesspool or leaching system.
91. "Service Charge" The monthly or annual charge for each discharger's proportionate share (as required by the Federal Act) of the District's cost of operation, maintenance, replacement, debt service, capital recovery, administration and reserves.
92. "Sewage" Waterborne wastes transported by the public sewer, except storm water, ground water, roof or yard drainage, and includes domestic sewage, industrial waste and wastewater or contaminated water of any origin.
93. "Sewage Pumping Plant" Any works or device for the pumping of sewage, except a septic tank or a cesspool.
94. "Sewage Treatment Plant" Any works or device for the treatment of sewage, except a septic tank or a cesspool.
95. "Sewage Works" All facilities for collecting, pumping, treating and disposing of sewage.
96. "Sewer" A pipe or conduit for carrying sewage together with appurtenant manholes and cleanouts.
97. "Shall" Is mandatory.

98. "Shall" and "Will" As used in this document shall both mean a mandatory or obligatory act or requirement.
99. "Significant Industrial User"
1. Except as provided in paragraph 2. of this subsection, the Significant Industrial User means:
 - a. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N: and
 - b. Any other industrial user that:
 - i. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - ii. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment; or
 - iii. Is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
 2. Upon a finding that an industrial user meeting the criteria in paragraph 1.b. of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.
100. "Single Family Residence Equivalent" (SFRE)
The capacity required to meet the estimated potential demand of the typical residential discharger expressed in terms of the volume of wastewater discharged, usually average daily flow in gallons per day weighted for wastewater constituents and characteristics in excess of the typical average strength of domestic wastewater.

101. "Slug" Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.
102. "Solid Wastes" The non-liquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.
103. "Special Sewer" Any public sewer constructed within the boundaries of the District territory annexed to the District or areas outside the District in which the cost was not directly assessed to or borne by the abutting property and which has been, or may hereafter be designated as a "Special Sewer" by Ordinance of the Board of Directors.
104. "Special Sewer Fee" The fee established by Ordinance of the Board of Directors to be paid by any person, firm or corporation upon issuance of a permit to connect to a special sewer.
105. "SSMP" Sewer System Management Plan.
106. "SSO" Sewer System Overflow.
107. "Standard Methods" The current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association (et al).
108. "Standard Specifications for Sanitary Sewer System Improvements" The latest edition of the Improvement Standards for the District of facilities to be owned and/or operated by the District.
109. "Storm Drain" Any conduit, channel or ditch that carries storm and surface waters and drainage in which a flow of water occurs, either continuously or intermittently, but excludes sewage, industrial wastes and wastewater, other than unpolluted cooling water or irrigation water.
110. "Subscriber" Another public or private utility company providing sewer service to more than one person and one parcel of land, but for which some part of its sewer treatment or other sewer service is provided by the District by contract or other previous agreement.

111. "Suspended Solids" (S.S.)
Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering by the appropriate testing procedure as described in "Standard Methods"
112. "Total Organic Carbon (T.O.C.)"
The measure of total organic carbon in domestic or other wastewaters as determined by the appropriate testing procedure as described in "Standard Methods".
113. "Trade Secrets"
Shall include but shall not be limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
114. "Trunk Sewer"
A sewer designed to receive wastewater from collector or main line sewers which is constructed, maintained and operated by the District. Trunk sewers generally do not have house connections or industry connection sewers directly attached. Trunk sewers are usually the largest lines in the collection system, which transport the majority of the flows to the sewage treatment plant.
115. "Uncontaminated Water"
Any wasted water of the community not contaminated or polluted with wastewater and which is suitable or could readily be made suitable for discharge to a storm water drainage system or natural drainage area.
116. "Unpolluted Water"
Water containing no constituents which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface water.
117. "Unsanitary"
A condition which is contrary to sanitary principles or is injurious to health and means, in particular, any sewer connection, construction or condition, temporary or permanent, which would permit or make possible by any means whatsoever, for any unapproved foreign matter to enter a domestic or public sewer system or for any sewage to escape a sewer connection or public sewer.

118. “User” Discharger. Any person who discharges, causes or permits the discharge of wastewater into a community sewer.
119. “User Classification” See “Standard Industrial Classification”
120. “Waste” Sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation.
121. “Waste Discharge Requirements” or “WDR’s” Requirements issued to the District by the California Regional Water Quality Control Board for disposal of treated wastewater pursuant to Water Code Section 13263, as may be amended from time to time.
122. “Wastewater” Means the water-carried wastes of the community derived from human, commercial or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage of uncontaminated water is not wastewater. Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.
123. “Wastewater Constituents and Characteristics” The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
124. “Water of the State” Any water, surface or underground, including saline waters within the boundaries of the State.

1.04 Administration

Except as otherwise provided herein, the District Manager shall administer, implement and enforce the provisions of this FOG Discharge Ordinance. Any power granted or duties imposed upon the District Manager may be delegated by the District Manager to persons acting in the beneficial interest of or in the employ of the District.

1.05 General FOG Discharge Prohibitions

No Food Service Establishment 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 lateral which connects the Food Service Establishment to the sewer system.

1.06 Specific FOG Prohibitions

Wastewater discharge permits shall be expressly subject to all provisions of this FOG Discharge Ordinance and all other Ordinances, regulations, charges and fees established by the District. The following specific prohibitions shall apply to all Food Service Establishments:

- 1.06.1 Discharge of any wastewater containing FOG that is not connected to an Interceptor is prohibited.
- 1.06.2 Non-grease laden sources such as, but not limited to, hand-wash sinks, toilets, and urinals shall not be connected to an Interceptor.
- 1.06.3 No dishwasher shall be connected to an Interceptor.
- 1.06.4 Discharge of wastewater with temperatures in excess of 140°F (60°C) into any Interceptor is prohibited.
- 1.06.5 Garbage disposals (food grinders) shall be prohibited at all New Food Service Establishments. Existing Food Service Establishments shall remove all garbage disposals when they remodel or within one hundred eighty (180) days from receiving a notice from the District Manager to remove its garbage disposal(s) based on the District Manager's finding that the Food Service Establishment at any time caused or contributed to an SSO.
- 1.06.6 Direct disposal of any waste cooking oil into any drain or cleanout that is connected to the sewer system is prohibited.
- 1.06.7 Introduction of any additive into an Interceptor or directly into the sewer system for the purpose of emulsifying FOG, biologically/chemically treating FOG for grease remediation, or as a supplement to any Interceptor maintenance is prohibited, unless specifically authorized in writing by the District Manager.
- 1.06.8 Discharge of any waste which has been removed from an Interceptor into the sewer system is prohibited.

1.07 Best Management Practices

All Food Service Establishments shall implement in an effort to minimize the discharge of FOG to the sewer system. The following requirements for Best Management Practices (BMPs) will be specified in the FOG Wastewater Discharge Permit:

- 1.07.1 Installation of Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
- 1.07.2 Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained to ensure that they do not leak. Licensed waste haulers or recycling facilities must be used to dispose of waste cooking oil.
- 1.07.3 Disposal of Food Waste. All food waste shall be disposed of directly into the trash or garbage and not in sinks that drain to the District sewer collection system.
- 1.07.4 Employee Training. Employees of the Food Service Establishment shall be trained by ownership/management periodically as specified in the permit, on the following subjects:
 - a. How to dry-wipe pots, pans, dishware and work areas before washing to remove grease.
 - b. How to properly dispose of food waste and solids prior to disposal in trash bins or containers to prevent leaking and odors.
 - c. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - d. How to properly dispose of grease or oils from cooking equipment into a proper grease receptacle.
 - e. Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any time by authorized representatives of the District.
- 1.07.5 Maintenance of Mechanical Exhaust Ventilation Filters. The wastewater generated from cleaning the exhaust ventilation filters shall not be disposed of into the sewer system.

- 1.07.6 Kitchen Signage. These Best Management Practices and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

1.08 Enforcement Response Plan – Food Service Establishment

This section is intended to map out the path through various levels of enforcement actions that may be taken when conditions that are listed in the Food Service Establishment’s FOG Wastewater Discharge Permit are violated. The order in which the types of enforcement are listed is not necessarily the order in which enforcement is applied.

1.08.1 Warning Notice

A warning notice may be issued when a violation of any condition listed in the Food Service Establishment discharge permit occurs and all of the following conditions are met:

- a. The Food Service Establishment has not shown a pattern of recurring violations. The existence of a pattern shall be determined by the District.
- b. The Food Service Establishment has not had more than one (1) warning notice in a three (3) month period, and no more than three (3) warning notices in twelve (12) consecutive months.
- c. The Food Service Establishment has maintained compliance for six (6) consecutive months.

1.08.2 Notice of Violation

A Notice of Violation (NOV) will be issued if the violation does not meet the criteria for a warning notice. The Food Service Establishment must stay in compliance with all provisions listed in the NOV and this ordinance for six (6) consecutive months from the date of the last NOV or enforcement may increase to a further level.

1.08.3 Consent Order

A consent order may be issued if the Food Service Establishment violates an NOV or the District determines that issue of a consent order is necessary to meet purpose and policy of this ordinance.

The Consent Order is an agreement reached in a meeting between the Food Service Establishment and the District to prevent future violations. Refusal to sign and/or comply with the terms and conditions of the Consent Order will result in increasing enforcement and penalties.

1.08.4 Compliance Order

A Compliance Order may be issued if the Food Service Establishment violates any Consent Order.

The Compliance Order documents the history of noncompliance and mandates conditions to prevent future violations. Refusal to sign and/or comply with the terms and conditions of the Compliance Order will result in a Show Cause Hearing and/or Cease and Desist Order.

1.08.5 Show Cause

If the Food Service Establishment fails to comply with the requirements of any order, notice, or demand of the described in this Section 1.08, the District may order the Food Service Establishment to show cause before the District Manager why the sewer services or any permit issued pursuant to this ordinance to the Food Service Establishment should not be terminated. A notice will be served on the Food Service Establishment specifying the time and place of a “show cause hearing” to be held by the District Manager or his/her designee regarding the violation. The notice of the hearing shall be served personally or by certified mail, return receipt requested, at least ten (10) days before the hearing. Service of notice will be made on an authorized representative of the Food Service Establishment, or the occupant(s), and/or owner(s), of record of the business. The District Manager will conduct the meeting, giving the Food Service Establishment time to present his/her/its position.

1.08.6 Cease and Desist Order

The District may issue a cease and desist order to any Food Service Establishment to terminate its discharge or a specific discharge stream to the collection system for any of the following situations:

- a. Illegal or unauthorized discharge
- b. Interference or pass through in the collection system or at the treatment facility
- c. Health Hazards for personnel servicing the collection system or the general public
- d. Results of a show cause hearing

- e. The order may be issued immediately upon discovery of the problem or following a show cause hearing. It can also be issued alone or in conjunction with any other notice to stop violations of a general or specific discharge prohibition or local limit.

In an emergency, a cease and desist order may be given verbally, either in person or over the phone, and followed up with a written notice.

1.09 Penalties

Penalties that apply at each level of enforcement are listed in the Master Fee Schedule.

1.10 Termination of Sewer Service

Notwithstanding any other provisions of this ordinance, any discharger who violates any of the following conditions is subject to discharge termination:

- 1.10.1 Violation of permit terms and conditions;
- 1.10.2 Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- 1.10.3 Knowingly making a false statement, representation, record, report, plan or other document filed with the District or falsifying, tampering with or knowingly renders inaccurate any monitoring device or method required under this FOG Discharge Ordinance.
- 1.10.4 Refusal of reasonable access to the discharger's premises for the purpose of inspection, monitoring, or sampling. Failure to comply with previous enforcement actions, including but not limited to a Consent Order or a Compliance Order. If the District Manager issues an order for sewer termination, a Cease and Desist Order may also be issued according to Section 1.08.6 of this FOG Discharge Ordinance.

Termination of sewer service involves physically plugging or disconnecting the discharger's sewer line from the collection system.

1.11 Time Limits

Any time limit provided in any written notice or in any provision of this FOG Discharge Ordinance may be extended only by a written directive of the District.

1.12 Injunction

Whenever a discharger of wastewater is in violation of the provisions of this FOG Discharge Ordinance, the District's Legal Counsel may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

1.13 Harmful Contributions

The District may suspend sewerage service when in the opinion of the District such suspension is necessary, in order to stop an actual discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, causes interference to the District's sewerage facilities, or causes the District to violate any state or federal law or regulation.

1.14 Damage to Facilities

When a discharge causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the discharger for the work required to clean or repair the facility and add such charge to the discharger's sewer service charge.

1.15 Shut-off From Sewer Line

The District Manager shall have the power to temporarily shut off any premises from use of the sewerage system of the District where the occupant or user of such premises is placing in such sewerage system substances in violation of this FOG Discharge Ordinance. The District Manager shall report the circumstances of such shut-off to the Board of Directors at its next meeting following such shut-off.

1.16 Severability

If any provision of this FOG Discharge Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the FOG Discharge Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

CHAPTER 2 - FOOD SERVICE ESTABLISHMENT CONNECTIONS/PERMITS

2.01 FOG Wastewater Discharge Permit Required

- 2.01.1 No Food Service Establishment shall make, construct, install, alter, repair or enlarge any FOG control facility without first obtaining a FOG wastewater discharge permit. The person or agent requesting a FOG Wastewater Discharge Permit shall make application on the forms furnished by the District.
- 2.01.2 Existing Food Service Establishments discharging to the POTW shall obtain a FOG Wastewater Discharge Permit.
- 2.01.3 Any new Food Service Establishment proposing to discharge to the District sewer shall obtain a FOG Wastewater Discharge Permit prior to beginning the discharge.
- 2.01.4 FOG Wastewater Discharge Permits shall be subject to all provisions of the District Ordinances. Nothing in the permit is intended to relieve the discharger of any local, state, or federal regulation.

2.02 Permit Application Requirements

During program initialization, existing Food Service Establishments without a current FOG Wastewater Discharge Permit will be sought out, inspected, and instructed to complete a permit application. When the program is fully implemented, all Food Service Establishments will have to complete a FOG Wastewater Discharge Permit application. Upon completion, the Food Service Establishment will be inspected again and a FOG Wastewater Discharge Permit may be issued. The application will include the following information:

- a. Name, address, telephone number, description of the Food Service Establishment and service activities.
- b. Name of any and all principals/owners of the Food Service Establishment.
- c. Name and address of property owner or lessor and the property manager where the Food Service Establishment is located.
- d. Floor, site, and plumbing plans showing detailed sewer connections and any grease removal devices.
- e. Specifications of all grease removal devices.
- f. Any other information as may be specified in the application form.

Special cases may require additional information related to the applicant's business operations and potential discharge in order to properly evaluate the permit application.

2.03 Fee to Accompany Application

The District Manager shall require payment by the applicant for fees established by this FOG Discharge Ordinance in the Master Fee Schedule or as may be amended from time to time by Resolution or Ordinance.

2.04 FOG Wastewater Discharge Permit Conditions

The FOG Wastewater Discharge Permit must contain the following conditions:

- 2.04.1 Limits on discharge of FOG and other pollutants.
- 2.04.2 Requirements to install, operate, and maintain adequate pretreatment devices including Interceptors.
- 2.04.3 Interceptors and/or grease trap maintenance frequency and schedule.
- 2.04.4 Requirements for implementing and maintaining all applicable Best Management Practices.
- 2.04.5 Requirements for maintaining logs and records, including waste hauling records and manifests and to have such records available for inspection.
- 2.04.6 Additional requirements as may be determined to be reasonably appropriate by the District or as specified by other regulatory agencies to protect the collection system.
- 2.04.7 Other terms and conditions, which may be reasonably applicable to ensure compliance with the FOG Program.

2.05 FOG Wastewater Discharge Permit Modifications

A FOG Wastewater Discharge Permit may be modified by the District for good cause, including, but not limited to the following reasons:

- 2.05.1 To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- 2.05.2 To address significant alterations or additions to the discharger's operation, processes, or wastewater volume or character since the time of permit issuance

- 2.05.3 A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 2.05.4 Information indicating that the permitted discharge poses a threat to the POTW or District personnel;
- 2.05.5 Violation of any terms or conditions of the permit;
- 2.05.6 Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting; or
- 2.05.7 To correct typographical or other errors.

The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The discharger shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

2.06 Duration of FOG Wastewater Discharge Permits

FOG Wastewater Discharge Permits shall be issued for a period of five years, unless determined otherwise by the District. All dischargers must apply for renewal a minimum of ninety (90) days prior to the expiration of the existing FOG Wastewater Discharge Permit.

2.07 Revocation of FOG Wastewater Discharge Permits

Any permittee who performs the following actions, or who violates any condition of its permit or applicable state and federal regulations, is subject to having its permit revoked:

- 2.07.1 Knowingly giving false statements, representation of records, reports, plans, or other documents to the District or falsifying, tampering, or knowingly rendering inaccurate any monitoring device or method required under this FOG Discharge Ordinance.
- 2.07.2 Failure of the discharger to report significant changes in operations or wastewater constituents and characteristics.
- 2.07.3 Refusal of reasonable access to the discharger's premises for the purpose of inspection or monitoring.
- 2.07.4 Violation of the permit requirements or condition and/or violations of this FOG Discharge Ordinance.

2.07.5 Failure to pay fees and charges for the use of the District's sewerage facilities as established pursuant to this FOG Discharge Ordinance.

When the District has reason to believe that any grounds as enumerated in this Section 2.07 exist for the revocation of a permit, a notice shall be sent to the permittee by certified mail. Said notice shall set forth the time and place where the charges shall be heard by the District Manager or

such person as may be designated by the District Manager. The hearing date shall not be less than fifteen (15) days from the mailing of such notice to the permittee as shown on the permit. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice.

After the hearing, the District Manager or his designee shall make his determination and should he find grounds exist for the revocation of the permittee's permit, he shall have the right to revoke that permit. In such event, the District Manager shall immediately refer the matter to the Board of Directors without need for permittee to appeal. The decision shall be reduced to writing within thirty (30) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the order of the District Manager or other person sitting as hearing officer. A copy shall be mailed or delivered to the permittee or his legal counsel.

The determination of the District Manager or his designee shall be final in all respects fifteen (15) days after mailing his decision to permittee; however, if reconsideration or appeal to the Board of Directors is sought by permittee pursuant to Section 2.08, the decision is final on the date that reconsideration is decided or the decision rendered by the Board.

The revocation hearing shall be conducted in accordance with procedures established by the Board of Directors.

2.08 Appeal for FOG Wastewater Discharge Permit Revocation

2.08.1 Any Food Service Establishment, FOG Wastewater Discharge Permit applicant, or FOG Wastewater Discharge Permit holder affected by any decision, action, or determination made by the District interpreting or implementing the provisions of this FOG Discharge Ordinance or in any permit issued herein, may file with the District a written request for reconsideration within ten (10) days setting forth in detail the facts supporting the discharger's request for reconsideration. Such facts must include a statement listing newly discovered relevant facts that were not known or available to the discharger at the date of the hearing. The District shall render a decision of the request for reconsideration to the discharger, permit applicant or permit holder in writing within fifteen (15) days of receipt of request.

2.08.2 A fee of two hundred dollars (\$200.00) shall accompany any appeal to the District. This fee may, at the sole discretion of the District, be refunded if the final appeal ruling is in favor of the appellant.

2.08.3 The written appeal shall be heard by the District within thirty (30) days from the date of filing. The Board shall make a final ruling on the appeal within fifteen (15) days from the date of hearing the appeal.

2.09 Transferability of FOG Wastewater Discharge Permit

FOG Wastewater Discharge Permits issued under this FOG Discharge Ordinance are not transferable unless the following conditions are met and a permit transfer fee is paid.

2.09.1 FOG Wastewater Discharge Permit Transfer Conditions

FOG Wastewater Discharge Permits may be transferred provided that a letter request signed by both the current permittee and the successor in interest to the permittee is submitted to the District stating the following:

- a. The type of business will remain the same as stated in the permit;
- b. The successor-in-interest's name, company name, address and telephone number.

Provided the above conditions are complied with and the adequacy or efficiency of any permit transfer, the District may issue, in writing, permission for the transfer if no other factors weigh against allowing such transfer.

2.10 Transfer of FOG Wastewater Discharge Permit - Change in Discharge

If a successor in interest desires to change the size and character of the Food Service Establishment operation and/or the FOG control from that stated on the original permit, such person shall apply for a new permit as provided for in this FOG Discharge Ordinance.

2.11 Issuance of Permit

The District will issue a FOG Wastewater Discharge Permit under this FOG Discharge Ordinance only if the District is satisfied that the connection conforms to the requirements of this FOG Discharge Ordinance and to the District's "Standard Specifications for Sanitary Sewer System Improvements".

CHAPTER 3 – FOG CONTROL FACILITIES

3.01 FOG Pretreatment Required for New and Existing Food Service Establishments

Food Service Establishments, including but not limited to, restaurants, bakeries, takeout and/or drive-in restaurants, hospitals, hotels, markets, gas stations and similar places of business will be required to install, operate and maintain an approved type and adequately sized Interceptor necessary to maintain compliance with the objectives of this section, subject only to the variance and waiver provisions and other exceptions of this section. The Interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and cleanup areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease interceptor.

- 3.01.1 Interceptors shall be sized in accordance with District, County or City Standards that are in effect at the time of installation of such device.
- 3.01.2 New Food Service Establishments shall include and install Interceptors prior to commencing discharges of wastewater to the sewer system.
- 3.01.3 Existing Food Service Establishments shall install Interceptors in any of the following circumstances:
 - a. When the Food Service Establishment changes ownership;
 - b. When any change in operation results in or has the potential to result in the increase of the amount of FOG generated and/or discharged by Food Service Establishment in an amount that alone or collectively causes or creates a potential SSO to occur;
 - c. When it is determined by the District Manager that the Food Service Establishment caused or contributed to grease related blockages in the sewer system, has sewer laterals connected to hot spots, or has been determined to contribute significant FOG to the sewer system, based on inspection and sampling;
 - d. During a remodel;
 - e. Any other time the District Manager reasonably determines that installation of an Interceptor is necessary to avoid an adverse impact to the sewer system.

3.01.4 Any Existing Food Service Establishment that receives a notice from the District Manager to install an Interceptor must install the Interceptor within one hundred eighty (180) days unless otherwise required by the District Manager.

3.02 Variance of Grease Interceptor Requirement

3.02.1 Notwithstanding any other provision in this section, an Existing Food Service Establishment may obtain a variance, at the District Manager's discretion, from the Interceptor requirement to allow alternative pretreatment technology that is equally effective in controlling the FOG discharge in lieu of a grease interceptor. One such type of alternative pretreatment technology is a grease trap. Consideration of granting the variance will be based on the following:

- a. There is insufficient space for installation and/or maintenance of a grease interceptor.
- b. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection line or the public sewer.
- c. The Food Service Establishment can demonstrate, to the satisfaction of the District Manager, that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling FOG. In addition, the Food Service Establishment must be able to demonstrate, after installation of the proposed alternative pretreatment technology, its continued ability to effectively control FOG discharge.

3.02.2 The variance may be rescinded if subsequent monitoring shows accumulation of FOG in the sewer lateral or the collection system downstream of the Food Service Establishment's connection or if the Food Service Establishment caused or contributed to a Sanitary Sewer Overflow. A grease interceptor must be installed within one hundred eighty (180) days of the rescission of a variance. Denial or revocation of a variance may be appealed pursuant to Section 2.08 of this FOG Discharge Ordinance.

3.03 Waiver from Grease Removal Device Requirement

When granting a variance is not possible because the installation of an Interceptor is not feasible and no equivalent alternative pretreatment can be implemented, a Food Service Establishment may apply for and be granted a conditions waiver with the imposition of line maintenance cost recovery charges as established in the Master Fee Schedule. A Food Service Establishment requesting a waiver must demonstrate that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver may be granted, the District Manager may impose additional requirements including, but not limited to, the requirement to provide space and plumbing segregation for future installation of a grease interceptor. Denial or revocation of a waiver may be appealed pursuant to Section 2.08 of this FOG Discharge Ordinance.

3.04 Cost Recovery

All costs incurred for cleaning the sewer line to remove FOG buildup caused or contributed to by a Food Service Establishment shall be reimbursed to the District by the Food Service Establishment. Factors for determining responsible parties for cost recovery charges include the Food Service Establishments that are discharging into the affected sewer line, the presence of grease removal devices or alternative pretreatment in the Food Service Establishment, proper maintenance of grease removal devices by the Food Service Establishment, implementation of BMPs, and any waivers or variances granted.

3.05 Grease Interceptor Requirements

- 3.05.1 Food Service Establishments shall provide wastewater acceptable to the FOG Program, under the requirements and standards established herein before discharging to the District's collection system. Any Food Service Establishment that is required 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 the FOG Control Program.
- 3.05.2 Approved grease interceptor sizing and installation shall conform to the latest approved edition of the California Uniform Plumbing Code.
- 3.05.3 The Interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning and removal of accumulated grease.
 - a. Interceptor may not be installed in any part of the building where food is handled
 - b. If a location is not available on the property of the Food Service Establishment, a street encroachment permit may be requested to authorize

installation of a grease interceptor in a public access area such as the street or sidewalk area.

- c. There will be no obstruction from landscaping or parked vehicles with the exception of parked vehicles in a public access area as granted through a street encroachment permit.

3.05.4 Access manholes, with a minimum clear opening diameter of 24 inches, shall be provided over each Interceptor chamber and sanitary tee. The manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities.

3.05.5 The original design of the grease interceptor shall not be modified unless the manufacturer recommends the modification in writing.

- a. Any modification will be at the Food Service Establishment's expense.
- b. The District is not liable for any non-compliance as a result of any modification.

3.06 Grease Interceptor Maintenance Requirements

3.06.1 Interceptor shall be maintained in efficient operating condition by periodic removal of all contents of the devices which include wastewater, accumulated FOG, floating materials, sludge and solids.

3.06.2 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.

3.06.3 Food Service Establishments that are located in an area that is considered to be a hot spot will be required to submit data and information necessary to establish a maintenance frequency for their grease interceptor.

3.06.4 The maintenance frequency for all Food Service Establishments with a Interceptor shall be determined in one of the following methods:

- a. Interceptor shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of design capacity. Regardless Interceptor maintenance shall not exceed six months between cleaning intervals.

- b. The owner/operator of a Food Service Establishment may submit a request to the District requesting a decrease in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to prove that the change reflects actual operating conditions based on the average FOG accumulation over time, and meets the requirements of the 25% rule. The Food Service Establishment must also show that it is in full compliance with the conditions of its FOG Wastewater Discharge Permit and District Ordinance. Upon approval of the District, the FOG Permit will be modified accordingly to reflect the change in maintenance frequency.
- c. If, at any time, the Interceptor contains FOG and solids accumulation exceeding 25% of the interceptors design capacity, the Food Service Establishment shall be required to have the grease interceptor serviced immediately such that all materials are completely removed from the interceptor. If necessary, the Food Service Establishment may be required to increase the maintenance frequency of the Interceptor from the current frequency.

3.06.5 Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the Interceptor shall be properly disposed of off-site by waste haulers in accordance with federal, state, and/or local laws.

3.07 Grease Trap Requirements

Grease traps may be authorized by the District Manager through a variance under Section 3.02 of this FOG Discharge Ordinance with the following conditions:

- 3.07.1 Grease traps shall be installed in waste lines leading from drains, sinks and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- 3.07.2 Sizing and installation of grease traps shall conform to the latest approved edition of the California Uniform Plumbing Code.
- 3.07.3 Grease traps shall be maintained in efficient operating condition by removing accumulated grease on a periodic basis. The maintenance frequency may vary depending on the condition of the grease trap or the collection system. Grease trap maintenance shall not exceed two weeks between cleaning intervals.
- 3.07.4 Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.

- 3.07.5 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 caked-on FOG and waste. Removable baffles shall be taken out of the grease trap and cleaned during the maintenance process.
- 3.07.6 Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.
- 3.07.7 The temperature of any water entering a grease trap shall not exceed 140°F (60°C).
- 3.07.8 The original design of the grease trap shall not be modified unless the manufacturer recommends the modification in writing.
- a. Any modification will be at the Food Service Establishment's expense.
 - b. The District is not liable for any non-compliance as a result of any modification.

3.08 Monitoring Requirements

- 3.08.1 The District may require, through the FOG Wastewater Discharge Permit or at any time, Food Service Establishments to construct and maintain in proper operating condition at the Food Service Establishments' sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- 3.08.2 The location of the monitoring and/or metering facilities shall be subject to approval by the District.
- 3.08.3 Food Service Establishments shall provide immediate, clear, safe and uninterrupted access to authorized representatives of the District to all monitoring and/or metering facilities.
- 3.08.4 Food Service Establishments may be required by the District to submit waste analysis plans, contingency plans, and meet other necessary requirements in order to ensure proper operation and maintenance of any grease removal devices and to comply with District ordinance.
- 3.08.5 Food Service Establishments shall keep all manifests, receipts, and invoices of all cleaning, maintenance, grease removal of/from the grease removal device, disposal carrier and disposal site location for no less than three years. Food Service Establishments shall, upon request, make the manifests, receipts and invoices available to representatives of the District. These records shall include:

- a. A logbook of grease removal device cleaning and maintenance practices.
- b. A record of BMPs being implemented, including employee training.
- c. Copies of records and manifests of waste hauling interceptor contents.
- d. Records of sampling data and sludge height monitoring for FOG and solids accumulation in an Interceptor.
- e. Records of any spills and/or cleaning of the lateral.
- f. Any other information deemed appropriate by the District to ensure compliance with this FOG Discharge Ordinance.

3.09 Determination of Measurements and Tests

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in the FOG Discharge Ordinance shall be determined in accordance with the latest edition of Standard Methods and shall be determined at the inspection manhole provided, or upon suitable samples taken at the inspection manhole. In the event that no special manhole has been required, the inspection manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The owner shall bear all costs of sampling and analyses as required by the District.

3.10 Alterations in Equipment

If an FOG Wastewater Discharge Permit permittee desires to make any alterations to facilities, he shall file an application reflecting the change with the District, and request that a new permit be issued.

3.11 Application of Requirements

The requirements contained in this FOG Discharge Ordinance covering the maintenance of FOG removal facilities and other appurtenances shall apply to all such facilities now existing or hereafter constructed. All such facilities shall be maintained by the FOG Wastewater Discharge Permit permittee in a safe and sanitary condition with all devices and safeguards required for the operation of such facilities maintained in good working order. This FOG Discharge Ordinance shall not be construed as permitting the removal or non-maintenance of any device, safeguard, or existing facilities unless authorized in writing by the District.

3.12 Approval of Plans

Any person proposing to construct any type of sewage works which will discharge directly or indirectly to District facilities shall obtain District approval of plans and specifications.

3.13 Plan Approval Not Transferable

Approval of plans for construction are not transferable from one person to another person or from one location to another location.

3.14 Drawing Submittal Requirements

At the time of obtaining a FOG Wastewater Discharge Permit or upon request by the District Manager:

- 3.14.1 Food Service Establishments may be required to submit copies of design and as-built facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The documents shall be in a form acceptable to the District Manager for review of existing grease control devices, monitoring facilities, metering facilities and operating procedures. The review of plans and procedures shall in no way relieve the Food Service Establishment of the responsibility to modify the facilities or procedures in the future, as necessary to produce an acceptable discharge and to meet the requirements of this FOG Control Program.
- 3.14.2 Food Service Establishments may be required to submit a schematic drawing of the grease removal device or alternative pretreatment, piping and instrumentation diagram, and wastewater characterization report.
- 3.14.3 At the District Manager's discretion, all drawings and/or reports may be required to be prepared by a California Registered Civil, Chemical, Mechanical or Electrical Engineer.
- 3.14.4 Inspection of all construction shall be made by personnel of the District, or its authorized representative.

3.15 Unauthorized Improvements

3.15.1 Construction, modification, or improvements to the FOG control facilities of a FOG generating industry or Food Service Establishment prior to making application and paying all charges in accordance with the FOG Discharge Ordinance is not permitted. Such unauthorized construction or modifications, when discovered by the District, may require payment equal to twice the avoided user charges in effect during the period of time since such unauthorized service connection was made. Such unauthorized connections may be disconnected by District until payments and penalties required by this ordinance are deposited with the District. The payments and penalties as provided herein shall be reduced to a surcharge of twenty-five percent (25%) added to the retroactive service charges and current connection fee provided that payment in whole is made to the District as billed within ten working days of written notification by certified mail.

3.15.2 Notwithstanding the provisions of this section, the Board of Directors shall have the right to alter or reduce the penalties and provisions herein in public session at a regularly scheduled Board meeting upon recommendation of the Manager or upon appeal by the penalized party.

3.16 Inspection of Construction

Inspection by the District upon project completion will be conducted.

3.17 Expense to be Borne by Applicant

All costs and expenses incidental to the installation of the FOG control facilities shall be borne by the Applicant. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the improvements.

3.18 Obligation for Maintenance

The District does not assume any obligation or expense for maintaining the FOG control facilities. All costs associated with maintaining the FOG control facilities shall be borne by the discharger or land owner.

3.19 Record Drawings and Proof of Service Certification

Upon completion and final inspection by the District, Applicant shall submit a complete set of record drawings of the FOG control facility.

3.20 Observance of Safety Rules

While performing the work designated in this Ordinance on private or public property, all parties shall observe all safety rules and regulations applicable under federal, state and county codes. Applicant shall be solely responsible for the safety of all persons and property during construction of improvements. The Applicant shall hold the District, the District's consultants and their directors, officers and employees harmless against liability claims and demands for any personal injury, death or property damage.

CHAPTER 4 – INSPECTIONS

4.01 Rights of Entry

- 4.01.1 Any representative of the District, EPA, or the State, who properly identify themselves, shall be allowed entry into buildings or premises regulated by this FOG Discharge Ordinance for the purpose of investigation, inspection, observation, measurements, sampling and testing in accordance with the provisions of this FOG Discharge Ordinance.
- 4.01.2 Inspection of every facility that is involved directly or indirectly with the discharge of wastewater to the District's sewer systems may be made by the District as deemed necessary. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this FOG Discharge Ordinance.
- 4.01.3 Authorized personnel of the District shall be provided access to all of the above facilities or the other facilities directly or indirectly connected to the District's sewerage system at all reasonable times including those occasioned by emergency conditions. Any permanent or temporary obstruction to easy access to the sewerage facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the District Manager and shall not be replaced.
- 4.01.4 Any official of the District shall have the right of entry into buildings or premises regulated by this FOG Discharge Ordinance for the purpose of examining and inspecting the construction or condition of such sewer, monitoring manhole, pretreatment facility, or any other appurtenances pertaining to discharges or connection to the public sewer, and every person owning, controlling or otherwise occupying such structure or premises shall permit such entrance and give such aid as may be necessary or required for such examination and inspection.
- 4.01.5 No person shall interfere with, delay, resist or refuse entrance to an authorized District inspector attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewerage systems. Unreasonable delays in allowing access to a Discharger's facilities shall constitute a violation of this FOG Discharge Ordinance.

4.02 Frequency of Inspections

Any District authorized personnel may inspect as often as deemed necessary all components of the FOG control facilities and similar appurtenances, for the purpose of ascertaining whether such facilities are maintained and operated in accordance with the provisions of this FOG Discharge Ordinance. All persons shall permit the District to have access to all such facilities at all reasonable times.

4.03 Observation of Safety Rules during Inspections

While performing the work on private properties referred to in Section 4.01 above, the inspector or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the property owner or their designated agent.

4.04 Rights to Monitor

The District shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. The District shall also have the right to conduct unbeknown surveillance monitoring of the discharger's wastewater discharge offsite of the facility premises, taking into consideration all potential contributors to the same waste stream, and enforcing all applicable provisions of the article as necessary. Nothing provided herein is intended to limit the rights of the District in any way in regards to its use and control of the District's facilities.

- 4.05.1 All analyses shall be performed at ELAP-certified environmental testing laboratories pursuant to the provisions of the California Environmental Laboratory Improvement Act of 1988 (Health and Safety Code, Division 1, Part 2, Chapter 7.5, commencing with Section 1010).

4.05 Access to Facilities

Where a discharger has security measures in force that would require proper identification and clearance before entry onto the premises, the discharger shall make necessary arrangements with his security guards so that, upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for purposes of performing their specific responsibilities.

4.06 Access Delayed or Refused

Unreasonable delays in allowing the District access to a discharger's premises or refusing access to the District to a discharger's premises shall be a violation of this ordinance.

- 4.06.1 If an owner, occupant or agent refuses permission to enter, or inspect, the District may seek an administrative inspection warrant pursuant to the procedures provided in Code of Civil Procedure Sections 1822.50 through 1822.59 as amended, to perform the duties imposed upon the District pursuant to this article.

4.07 Compliance of Construction

All construction and installation made pursuant to the provisions of this Ordinance shall be subject to inspection by and shall meet with the acceptance of the inspector. The acceptance by the inspector shall not relieve any person from fully complying with all of the provisions of this Ordinance and any and all amendments thereto.

4.08 Request for Construction Inspection

When the construction or installation is ready for inspection, the applicant shall request an inspection by the District. The District shall make such inspection within a reasonable time after such request is made by the applicant. The District may request the applicant to file a written request for inspection at least forty-eight (48) hours before the inspection is to be made.

4.09 Improper Use of Connected Sewers

- 4.09.1 The District hereby reserves the right to inspect any existing lateral that discharges wastewater to a District sewer. If it is found that such sewers are improperly used or improperly maintained, thereby causing discharge of FOG to the District's sewers, the District will give written notice of the unsatisfactory condition to the offending discharger and shall direct the condition to be corrected within a period specified by the District.
- 4.09.2 In cases of continued noncompliance with the District's directive, the District may disconnect the offending discharger from the District's sewerage system.

CHAPTER 5 – COMMERICAL DISCHARGES

5.01 Commercial Discharge

Commercial use wastewater includes sewage from the operations of restaurants, hotels, vehicle service stations, garages, single or multiple residences or similar places of retail business as determined by the District. This FOG Ordinance applies to those commercial facilities which due to their specific operation have the potential to discharge FOG, referenced herein as Food Service Establishments, to the District sewer system.

CHAPTER 6 – CHARGES AND FEES

6.01 Classification of Users

The District hereby establishes determinations for FOG source control charges attached hereto as Master Fee Schedule. The purpose of these determinations is to facilitate the regulation of wastewater discharges, provide an effective means of source control and to provide a basis for all fixing and levying of charges and fees for services on an equitable basis to Food Service Establishments.

6.02 Basis of Charges and Fees

The basis for the allocation of the charges and providing fees for a FOG Wastewater Discharge Permit shall be based on a per discharger basis.

6.03 Charges and Fees

The District may at any time establish a schedule of charges and fees to pay for the costs of FOG source control services provided, to insure an equitable recovery of the District's cost of providing such service, including but not limited to:

- a. Monitoring Service Fee - The cost of monitoring facilities and operations holding a FOG Wastewater Discharge Permit.
- b. Application Fees - The cost of administration, engineering or other related or required costs to process permit application.
- c. Appeal Fees - The cost of administration, engineering, legal or other related costs to process appeals.