

ORDINANCE 2009 - 995

ORDINANCE OF THE COUNCIL OF THE CITY OF CERES AMENDING TITLE 13 OF THE CERES MUNICIPAL CODE TO ADD A NEW CHAPTER 13.14 TO REGULATE THE DISCHARGE OF FATS, OILS AND GREASE

THE CITY OF CERES ORDAINS:

SECTION 1. Title 13 of the Ceres Municipal Code is hereby amended to add a new Chapter 13.14 to read as follows:

CHAPTER 13.14 DISCHARGES OF FATS, OILS, AND GREASE FROM FOOD SERVICE ESTABLISHMENTS

13.14.010 PURPOSE.

- A. The purpose of this Chapter is to facilitate the maximum beneficial use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) into the public sewer, and to specify appropriate FOG discharge requirements for food service establishments (FSEs) as defined herein.
- B. This Chapter shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.
- C. The provisions set forth in this Chapter are designed to ensure compliance with federal, state and local laws and regulations, and to allow the City to meet applicable standards.
- D. This Chapter also establishes quantity and quality standards on all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows (SSOs).

13.14.020 DEFINITIONS.

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations 136.

Subject to the foregoing, the meaning of the terms used in this Chapter shall be as follows:

- A. "Fats, oils, and grease (FOG)" means any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.
- B. Food Service Establishments (FSE)" means a facility, including but not limited to, any

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

- C. "FOG wastewater discharge permit (FOG WDP)" means a permit issued by the City, subject to the requirements and conditions established by the City, authorizing a permittee to discharge wastewater from a FSE into the public sewer.
- D. "Best management practices (BMPs)" means activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.
- E. "Change in operations" means any change in the ownership, food types, or operational procedures that have the potential to change the amount of FOG discharged by FSEs in an amount that alone or collectively causes or creates a potential for SSOs to occur.
- F. "City" means the City of Ceres, a municipal corporation.
- G. "Collection system" means portions of the public sewer consisting of all pipes, sewers and conveyance systems conveying wastewater to the publicly owned treatment works (POTW), excluding privately owned sewer service lateral line connections.
- H. "Compliance schedule" means a time schedule, enforceable under the provisions of this chapter, that contains increments of progress (e.g. milestones, in the form of dates). These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for permittees to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the permittee's wastewater.
- I. "Composite sample" means a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.
- J. "Director" means the City's Director of Public Works or his or her authorized representative.
- K. "Discharger" means any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.
- L. "Effluent" means any wastewater outflow from a FSE or privately owned sewer service lateral that is discharged into the public sewer.

- M. "Enforcement officer" means any City employee or agent of the City with authority to enforce the provisions of this Chapter and the authority to make any decision, on behalf of the Director, required or called for by this Chapter.
- O. "Food grinder" means any device installed in the plumbing or sewage system for the purpose of grinding food or food waste.
- P. "Grab sample" means a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- Q. "Grease control device" means any grease interceptor, grease trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the public sewer. A grease control device may also include any other proven method to reduce FOG subject to the approval of the Director.
- R. "Grease disposal mitigation fee" means a fee charged to a permittee when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE, impossible or impracticable. The grease disposal mitigation fee is intended to cover the costs of increased maintenance of the public sewer, for inspection and cleaning of FOG that a usual and customary, and properly maintained, grease control device would otherwise prevent from entering the public sewer.
- S. "Grease interceptor" means a multi-compartment device that is generally required, according to the California Plumbing Code, to be located underground between an FSE and the connection to the public sewer. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. To be effective, these devices must be cleaned, maintained and have the FOG removed and disposed of in a proper manner, at regular intervals.
- T. "Grease trap" means a grease control device that is used to serve individual plumbing fixtures and should only be used in those cases where the use of a grease interceptor or other grease control device is determined by the Director to be impossible and/or impracticable. A grease trap is typically installed indoors, under or near a dishwashing sink.
- U. "Hot spots" mean areas in sewer lines that have experienced SSOs or that must be cleaned or maintained frequently to avoid blockages of the public sewer.
- V. "Inflow" means water entering the public sewer system through a direct stormwater or runoff connection which may cause an almost immediate increase in wastewater flows in the public sewer.
- W. "Infiltration" means water entering the public sewer from the ground through such means as defective pipes, pipe joints, connections or manhole walls
- X. "Inspector" means a person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, processing and/or disposal facilities.
- Y. "Interceptor" means a grease interceptor.

- Z. "Manifest" means that receipt which is retained by a permittee for the disposal of FOG, recyclable wastes and/or liquid wastes.
- AA. "New Construction" means any structure planned or under construction for which a sewer connection fee has not been paid.
- BB. "Obstruction" means any discharge which, alone or in combination with discharges from other sources, inhibits or disrupts the public sewer, operations or is otherwise a violation of the Ceres Municipal Code, including, but not limited to its waste discharge requirements.
- CC. "Permittee" means a Food Service Establishment that has received a Fats, Oils and Grease Wastewater Discharge Permit and is subject to the requirements and conditions established in this Chapter or as otherwise established by the Director.
- DD. "Person" means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.
- EE. "Publicly owned treatment works (POTW)" means the Ceres Wastewater Treatment Facility.
- FF. "Public sewer" means a sewer which is controlled by a public authority.
- GG. "Remodeling" means any physical and/or operational change to a FSE causing a change in FOG quantity or consistency and/or that involves any one or a combination of the following:
1. Under slab plumbing in the food processing area.
 2. A thirty percent (30%) increase in the net public seating area.
 3. A thirty percent (30%) increase in the size of the kitchen area.
 4. Any change in the size or type of food preparation equipment.
- HH. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- II. "Sewage" means a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with such inflow and infiltration as may be present.
- JJ. "Sewer facilities or system" means any and all facilities used for collecting, conveying, pumping, treating and disposing of sewage, wastewater and/or sludge.
- KK. "Sewer lateral" means a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer.

- LL. "Sludge" means any solid, semi-solid and/or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.
- MM. "Storm drain" means a pipe or conduit for carrying storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- NN. "User" means any person who contributes, causes or permits the contribution of wastewater into the POTW.
- OO. "Waste" means sewage and any 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.
- PP. "Wastewater" means the liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the POTW.
- QQ. "Impartial Hearing Officer" Means a person appointed by the City to review FOG violations that are appealed in writing to the City Clerk.

13.14.030 FOG WASTEWATER DISCHARGE PERMIT (FOG WDP) REQUIRED.

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

13.14.040 FOG DISCHARGE LIMITATION.

No FSE shall discharge FOG, or cause FOG to be discharged into the public sewer that causes an SSO or that may accumulate and/or cause or contribute to blockages in the public sewer or the public sewer lateral which connects the FSE to the public sewer.

13.14.050 PUBLIC SEWER OVERFLOWS; PUBLIC NUISANCE; ABATEMENT ORDERS AND CLEANUP COSTS.

Any FSE determined by the Director to have contributed to a sewer blockage, SSO or any public sewer obstruction resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance created by sewer line failures and blockages, SSO's or any other public sewer obstruction. SSO's 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's caused by FSEs alone or collectively, are the responsibility of the private property owner, FSE, and individuals who are responsible officers or owners of the FSE. If the Director determines that the public health and safety require the City to act immediately to contain and clean up any SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or if the City so acts 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 City's costs for such abatement may be entirely borne by the property owner or the owner/operator of the FSE, and individuals who are responsible officers or owners of

the FSE and may constitute a debt to the City, due and payable upon the City's request for reimbursement of such costs depending upon the Director's determination of the cause of the SSO.

13.14.060 BEST MANAGEMENT PRACTICES (BMP'S) REQUIRED.

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

13.14.070 PROHIBITIONS.

FSEs are prohibited from doing any of the following:

- A. Installing food grinders in the plumbing system of new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the Director.
- B. Introducing any additives into an FSE's plumbing system, grease trap and/or grease interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation and/or as a supplement to grease interceptor maintenance, unless a specific written authorization from the Director is first obtained.
- C. Disposing waste cooking oil into the public sewer or storm drain. All waste cooking oils shall be collected and stored properly in receptacles such as rendering bins, barrels or drums for recycling or other acceptable methods of disposal.
- D. Discharging wastewater with temperatures in excess of 140°F into any grease control device, including grease traps and grease interceptors.
- E. Discharging wastes containing fecal materials from toilets, urinals, washbasins or other fixtures to waste lines directed to grease interceptors and/or other grease control devices, or vice versa.
- F. Discharging a FOG and solid materials removed from a grease control device to the public sewer. Grease removed from grease interceptors shall be waste hauled to an approved disposal site as part of the operation and maintenance requirements for grease interceptors.
- G. Operating grease interceptors with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease interceptor. The grease and solids layers combined shall not exceed 25% of the total interceptor liquid depth to avoid overloading the interceptor.
- H. Discharging FOG and other pollutants into the public sewer system.

13.14.080 FOG PRETREATMENT REQUIRED.

Every FSE is required at the time of construction, remodel, and/or change in operations to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter, subject to the variance and waiver provisions of section 13.14.130. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater from FSEs prior to discharge to the public sewer as determined by the then current Uniform Plumbing Code (UPC). Fixtures, equipment, and drain lines located in the food preparation and clean up areas of any FSEs that are a source of FOG discharges shall be connected to the grease interceptor.

Compliance shall be established as follows:

A. New construction of FSEs

New construction of any FSE shall include complete installation of an approved type and adequately sized grease interceptor, with a minimum size of 1,000 gallons, prior to commencing discharges of wastewater to the public sewer.

B. Existing FSEs

1. Any existing FSE, which, in the Director's determination, has caused or contributed to grease-related blockage in the public sewer, has one or more sewer laterals connected to hot spots and/or has contributed significant FOG to the public sewer, shall be deemed to have reasonable potential to adversely impact the public sewer and shall be required to install grease interceptors within one hundred eighty (180) days upon issuance of written notification by the Director.
2. Any existing FSE or FSE that changes ownership or that undergoes remodeling and/or a change in operations, as defined in this Chapter, shall be required to install a grease interceptor or to obtain a variance or waiver in accordance with section 13.14.130.

13.14.090 COMMERCIAL PROPERTIES.

Any owner of a commercial property where FSEs are located or their official designee shall be responsible for the installation and maintenance of a grease interceptor serving multiple FSEs that are located on a single parcel.

13.14.100 GREASE INTERCEPTOR REQUIREMENTS.

- A. Any FSE required by this Chapter to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter.
- B. Grease interceptor sizing and installation shall conform to Chapter 10 Traps and Interceptors of the 2006 or most current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the Director and shall have a minimum of two compartments with fittings designed for grease retention. The Director reserves the right to make determinations of grease interceptor size, adequacy, location and

need, based on review of relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and or inspection needs.

- 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. An access manhole, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and each 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.

13.14.110 GREASE TRAP REQUIREMENTS.

- A. No new construction, change in operation or remodel of an FSE shall include installation of a grease trap without prior express written permission from the Director.
- B. Existing grease traps shall be maintained in efficient operating condition by daily removal of the accumulated grease.
- C. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
- D. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- E. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

13.14.120 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 grease interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the Director.
- C. All grease interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have the grease retention fittings shall be repaired and/or retro fitted with appropriate grease retention fittings.
- D. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, public sewer, storm drain or public right of way, or onto the surface of any street or parking area.

- E. The Director may require any FSE with a grease interceptor to submit data and information necessary to establish the required maintenance frequency of the grease interceptor.
- F. The required maintenance frequency for every FSE with a grease interceptor shall be determined in one of the following methods:
1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the grease interceptor does not exceed twenty-five percent (25%) of the total designed hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from being discharged to the public sewer.
 2. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months.
 3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in section 13.14.120(F) (1) has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in section 13.14.120(F)(1) and guidelines adopted by the City pursuant to the FOG control program. The City may change the required maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG control program. Based on the actual generation of FOG from the FSE, the required maintenance frequency may increase or decrease.
 4. The owner, operator or FOG WDP permittee of an FSE may submit a request to the Director for a change in the required maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in section 13.14.120(F)(1), and that it is in full compliance with the conditions of its FOG WDP and this Chapter. Upon determination by the Director that the requested revision is justified, the FOG WDP shall be revised accordingly to reflect the change in required maintenance frequency.
 5. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in section 13.14.120(F)(1), the FSE shall be required to have the grease interceptor serviced immediately such that all FOG, and other materials are completely removed from the grease interceptor. If deemed necessary, the Director may also increase the required maintenance frequency of the grease interceptor.
- G. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed of by waste haulers at an approved disposal site in accordance with all applicable federal, state, and/or local laws.
- H. The Director may direct City staff to service an FSE's grease interceptor if, in the opinion of the Director, the FSE has failed to comply with the terms of the FOG WDP or with this

ordinance. The FSE shall be responsible for any and all expenses of the City in undertaking such work.

13.14.130 VARIANCE AND WAIVER OF GREASE INTERCEPTOR OR GREASE TRAP REQUIREMENT.

- A. Variance from grease interceptor or grease trap requirements. An FSE may request that the Director grant a variance from the grease interceptor or grease trap requirement to allow alternative pretreatment technology in lieu of a grease interceptor or grease trap, if the FSE demonstrates that the alternative equals or exceeds the effectiveness of a grease interceptor or grease trap, and that it is impossible or impracticable to install, operate or maintain a grease interceptor or a grease trap. The Director's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:
1. There is no adequate space for installation and/or maintenance of a grease interceptor or a grease trap.
 2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap and/or between the grease interceptor or the grease trap and the private collection lines or the public sewer.
 3. The FSE can prove that the alternative pretreatment technology is equally or more effective than a grease interceptor or a grease trap in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the public sewer, for at least three (3) months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines. Any variance issued pursuant to this section may be revoked at any time in the discretion of the Director.
- B. Conditional waiver of requirement to install grease interceptor or grease trap. A conditional waiver of the requirement to install a grease interceptor or a grease trap may be granted for FSEs that the Director determines to have negligible FOG discharge and insignificant impact to the public sewer. Although a waiver from installation of a grease interceptor or a grease trap may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a grease interceptor or a grease trap. The Director's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:
1. Quantity of FOG discharge as measured or indicated by the size of the FSE based on water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions that may reasonably be shown to contribute to FOG discharges.
 2. Adequacy of implementation of BMPs and compliance history.
 3. Sewer size, grade, condition based on visual and other information, FOG deposition in the sewer by the FSE, and history of maintenance and SSO's caused by FOG from the FSE.

4. Changes in operations that significantly affect FOG discharge
 5. Any other condition that the Director deems reasonably related to the generation of FOG discharges.
- C. Waiver of grease interceptor or grease trap installation requirement with a grease disposal mitigation fee. Where the installation of a grease interceptor or a grease trap is not feasible and no equivalent alternative pretreatment can be installed, an FSE may be granted a waiver of the grease interceptor or grease trap requirement upon the payment of a grease disposal mitigation fee as described in section 13.14.160. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer. The Director's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon, but not limited to, evaluation of the following conditions:
1. There is inadequate space for installation and/or maintenance of a grease interceptor or a grease trap.
 2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap and/or between the grease interceptor or grease trap and the private collection lines or the public sewer.
 3. A variance from grease interceptor or grease trap installation to allow alternative pretreatment technology cannot be granted.
- D. Application for variance or waiver of requirement for grease interceptor or grease trap.

An FSE may submit to the City of Ceres Wastewater Division an application for waiver or variance from the grease interceptor or grease trap requirement. The FSE bears the burden of demonstrating that the installation of a grease interceptor or a grease trap is not feasible or otherwise required. Upon determination by the Director that reasons are sufficient to justify a variance or waiver, the FOG WDP will be issued or revised to include the variance or waiver and relieve the FSE from the requirement.

- E. Terms and conditions of variance or waiver.

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

13.14.140 FEES/PURPOSE.

It is the purpose of Section 13.14.150 and 13.14.160 to provide for the recovery of costs from users of the public sewer for the implementation of the program established in this Chapter.

13.14.150 CHARGES AND FEES.

- A. The City may adopt charges and fees by resolution which may include:
1. Fees for reimbursement of costs of setting up and operating the City's FOG program;
 2. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards;
 3. Other fees as the City may deem necessary to carry out the requirements contained in this Chapter.
- B. Costs incurred by the City as a result of required on-site sampling and analysis shall be reimbursed to the City by the owner, user or FOG DWP permittee.

13.14.160 GREASE DISPOSAL MITIGATION FEE.

Any FSE that operates without a grease control interceptor or a grease trap may be required to pay an annual grease disposal mitigation fee to equitably cover the costs of increased maintenance of the public sewer as a result of the FSE's inability to adequately remove FOG from its wastewater discharge. This section shall not be interpreted to allow new construction or an existing FSE undergoing remodeling and/or a change in operations to operate without an approved grease interceptor or a grease trap unless the Director has determined that it is impossible or impracticable to install and/or operate a grease control interceptor or a grease trap for the subject facility under the provisions of section 13.14.130 of this Chapter.

- A. The grease disposal mitigation fee shall be established annually by the Director, and shall be based on the estimated annual increased cost of maintaining the public sewer for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor and/or a grease trap.
- B. The grease disposal mitigation fee may be waived or reduced, not more frequently than annually, when the discharger demonstrates to the reasonable satisfaction of the Director that the discharger has used BMPs and waste minimization practices on a regular basis that have significantly reduced the introduction of FOG into the public sewer.
- C. The grease disposal mitigation fee may not be waived or reduced when the FSE does not comply with the minimum requirements of this Chapter and/or its discharge into the public sewer in the preceding twelve (12) months has caused or potentially caused or contributed, alone or collectively, sewer blockage or SSO's in the sewer downstream, or in the area surrounding the FSE, in the twelve (12) months prior to the waiver request.

13.14.170 FOG WDP APPLICATION.

- A. Any person required to obtain a FOG WDP shall complete and file with the Director, prior to commencing or continuing discharges, an application in a form prescribed by the Director.

All applicable fees required by this Chapter shall accompany the application. The FOG WDP application may be obtained from the City's Industrial Waste Division.

- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- C. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the FOG WDP application.
- D. After evaluation of the data furnished, the FOG WDP may be issued, subject to terms and conditions set forth in this Chapter and as otherwise determined by the Director to be appropriate to protect the public sewer.

13.14.180 FOG WDP APPLICATION FEE.

A FOG WDP application fee shall be paid by the applicant in an amount established by resolution of the City Council. Payment of the FOG WDP application fee must be received by the Director upon submission of the FOG WDP application. A permittee shall also pay any delinquent invoices in full prior to any FOG WDP renewal.

13.14.190 FOG WDP CONDITIONS.

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

- A. Limits on discharge of FOG and other pollutants.
- B. Requirements for proper operation and maintenance of grease interceptors and other grease control devices.
- C. Grease interceptor maintenance frequency and schedule.
- D. Requirements for implementation of BMPs.
- E. Requirements for maintaining and reporting status of BMPs.
- F. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests including the ultimate disposition of the wastes that contain FOG.
- G. Requirements to self-monitor.
- H. Requirements for the FSE to construct operate and maintain, at its own expense, grease control device and sampling facilities.
- I. Additional requirements as otherwise determined to be reasonably appropriate by the Director to protect the public sewer or as specified by other regulatory agencies.

- J. Other terms and conditions which may be reasonably applicable to ensure compliance with this Chapter.

13.14.200 FOG WDP MODIFICATION OF TERMS AND CONDITIONS.

- A. The terms and conditions of an issued FOG WDP may be subject to modification in the sole discretion of the Director during the life of the FOG WDP based on:

1. The permittee's current or anticipated operating data;
2. Changes in the requirements of state or federal regulatory agencies that oversee and monitor the City; or
3. A determination by the Director that such modification is appropriate to further the objectives of this Chapter and all applicable regulations.

- B. A permittee may request modification of the terms and conditions of an issued FOG WDP. Any request shall be in writing stating the requested change and the reasons for the change. The Director shall review the request, make a determination on the request, and respond in writing.

- C. A permittee shall be informed of any change in the FOG WDP limits, conditions and/or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the FOG WDP shall include a reasonable time schedule for compliance.

13.14.210 FOG WDP DURATION AND RENEWAL.

FOG WDPs shall be issued annually. At least thirty (30) days prior to the expiration of the FOG WDP, the permittee shall re-apply and pay applicable fees for the renewal of the WDP in accordance with the provision of this Chapter.

13.14.220 EXEMPTION FROM FOG WDP.

- A. A limited food preparation establishment may not be considered an FSE and may be exempt from obtaining a FOG WDP. Exempt establishments shall be engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there may not be wastewater discharge containing significant amount of FOG.
- B. An exemption from obtaining a FOG WDP may be requested in writing. If the Director determines that the reasons for the request are valid, an exemption may be granted.
- C. A limited food preparation establishment may be required to follow the BMPs defined for all FSEs. A limited food preparation establishment that discharges FOG in excess of the defined limits may be reclassified as an FSE and required to obtain a FOG WDP at the Director's discretion.

13.14.230 NON-TRANSFERABILITY OF A FOG DWP.

A FOG WDP issued pursuant to this Chapter is for a specific FSE, for a specific operation and creates no vested rights. No holder of a FOG WDP shall assign, transfer and/or sell the FOG WDP and/or use the FOG WDP on any premises or for any facilities, operations and/or discharges not expressly encompassed within the FOG WDP. Any FOG WDP that is transferred to a new owner and/or operator and/or to a new facility in violation of this Chapter is void.

13.14.240 FACILITIES AND DRAWING SUBMITTAL REQUIREMENTS.

Upon request by the City:

- A. Any FSE may be required to submit two (2) copies of facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the Director for review of the existing or proposed grease control device, grease interceptor, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the FSE of the responsibility of modifying the facilities or procedures in the future as necessary to produce an acceptable discharge, and to meet the requirements of this Chapter or the requirements of any other regulatory agency.
- B. The City may require the drawings be prepared by a California registered civil, chemical, mechanical, or electrical engineer.
- C. All drawings shall be submitted to the Wastewater Division.

13.14.250 MONITORING AND REPORTING CONDITIONS.

- A. The Director may require periodic reporting of the status of implementation of BMPs, in accordance with the FOG control program.
- B. The Director may require visual monitoring at the sole expense of the permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.
- C. The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the permittee needed for determining compliance with any conditions or requirements as specified in the FOG WDP or this Chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the Director and shall be submitted upon request of the Director. Failure by the permittee to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of this Chapter and shall be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG WDP or in this Chapter. The permittee shall be responsible for any and all costs and expenses of the City in undertaking such monitoring analyses and preparation of reports.
- D. Other reports may be required, such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this Chapter.

13.14.260 RECORDKEEPING REQUIREMENTS.

The permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three years. The permittee shall, upon request, make the manifests, receipts and invoices available to the Director, any inspector and/or any enforcement officer. These records may include:

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

13.14.270 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 City and/or the Director, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Chapter.

13.14.280 INSPECTIONS AND SAMPLING CONDITIONS.

- A. The Director may inspect or order the inspection and sample the wastewater discharges of any FSE to ascertain whether the intent of these regulations is being met and the permittee is complying with all requirements. The permittee shall allow access to the FSE premises, during normal business hours, for purposes of inspecting the FSE's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- B. The Director shall have the right to place or order the placement on the FSE's property, or other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where an FSE has security measures in force, the permittee shall make necessary arrangements so that the Director and/or an inspector shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- C. In order for the Director to determine the wastewater characteristics of the discharger for purposes of determining compliance with FOG WDP requirements, the permittee shall make available for inspection and copying by the Director, an inspector, an enforcement officer and/or service personnel, all notices, monitoring reports, waste manifests, and records

including, but not limited to, those related to wastewater generation and wastewater disposal. All such records shall be kept by the permittee a minimum of three (3) years.

13.14.290 RIGHT OF ENTRY.

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

13.14.300 NOTIFICATION OF SPILL.

- A. In the event a permittee is unable to comply with any FOG WDP condition due to a breakdown of equipment, accidents, or human error or the permittee has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FOG WDP or this Chapter, the user/permittee shall immediately notify the City by telephone at the number specified in the FOG WDP. If the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSO's, the user/permittee shall immediately notify the City.
- B. Confirmation of this notification shall be made in writing to the Director at the address specified in the FOG WDP postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- C. Such notification shall not relieve the permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to persons or property; nor shall such notification relieve the permittee of any fees or other liability which may be imposed by these regulations or other applicable law.

13.14.310 NOTIFICATION OF PLANNED CHANGES.

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

13.14.320 HARMFUL DISCHARGE.

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

13.14.330 DETERMINATION OF NON-COMPLIANCE WITH FOG WDP CONDITIONS.

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

B. Notice of violation

Any permittee found to be in violation of the FOG WDP terms and conditions may be issued a warning notice of violation in which there will be a specified time period to correct the violation. If the violation is not corrected within the specified time period the permittee may be issued a notice of violation, with a specified time period to correct the violation. If the violation is not corrected within the time period specified the permittee shall be considered in noncompliance.

C. Noncompliance fee

Any permittee determined to be in noncompliance with the terms and conditions specified in its FOG WDP or with any provision of this Chapter may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the City for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to section 13.14.360.

Noncompliance fees shall be in the amount determined by the Director. If the permittee remains compliant for twelve (12) consecutive months following the notice of noncompliance, the fee may be waived at the discretion of the Director.

13.14.340 COMPLIANCE SCHEDULE.

- A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its FOG WDP or any provision of this Chapter, or needs to construct and/or acquire and install a grease control device or grease interceptor, the Director may require the permittee to enter into a compliance schedule on terms and conditions specified by the Director.
- B. The compliance schedule may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Chapter.
- C. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule during its term, the Director may issue an order suspending or revoking the FOG WDP pursuant to section 13.14.350 of this Chapter.

13.14.350 FOG WDP SUSPENSION AND/OR REVOCATION.

- A. The City may suspend and/or revoke any FOG WDP when the Director determines that a permittee:
 - 1. Fails to comply with the terms and conditions of a compliance schedule order.
 - 2. Knowingly provides a false statement, representation, record, report, or other document to the City and/or the Director.
 - 3. Refuses to provide records, reports, plans, or other documents required by the City and/or the Director to determine FOG WDP terms or conditions, discharge compliance or compliance with this Chapter.
 - 4. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method.
 - 5. Refuses reasonable access to the FSE for the purpose of inspection and monitoring.
 - 6. Fails to make timely payment of all amounts owed to the City for user charges, FOG WDP fees or any other fees imposed pursuant to this Chapter.
 - 7. Causes obstruction, sewer blockages or SSO's in the public sewer.
 - 8. Violates grease interceptor or grease trap maintenance requirements, any condition or limit of its FOG WDP or any provision of this Chapter.

9. Fails to report significant changes in operations, or wastewater constituents and characteristics.

13.14.360 VIOLATION-PENALTY.

- A. Any violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, is unlawful and shall be an infraction or misdemeanor as determined by the City Attorney.
- B. Any user, discharger and/or permittee in violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, may be ordered by the Director to cease and desist operations until the violation is cured. Continuance of operations after notice to cease and desist has been furnished to the user and/or permittee shall be unlawful and an infraction or misdemeanor as determined by the City Attorney. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. The violation of any of the provisions of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, or the doing of any act prohibited or the failure or omission to do any act required by this Chapter, or the orders, rules, and regulations and permits issued under this Chapter, is a public nuisance and may be enjoined by the City Attorney.
- D. If any violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, causes damage to the POTW, the Director may seek to recover civil damages from the user causing such damage.
- E. The Director is authorized to levy against any person administrative fines of up to ten thousand dollars (\$10,000.00) per day for each violation of the rules, regulations, and permits issued under this Chapter. The notice shall provide information as to the reason for the administrative fine and the authority and the notice shall also specify the person's right to appeal.
 1. The Director shall provide written notice of such levy to the person by certified mail. The user, discharger and/or permittee has the right to appeal the administrative action to the City of Ceres Administrative Hearing Officer by filing an appeal with the City Clerk. The appeal hearing shall be held in accordance with the applicable provisions of Chapter 19 of the Ceres Municipal Code, including the provisions relating to recovery of administrative costs. The decision of the Administrative Hearing Officer shall be the final administrative appeal.
 2. The appeal shall be submitted within twenty (20) days of receipt of the notice and shall be accompanied by a nonrefundable fee of \$75.00.
- F. The remedies and provisions of this section are cumulative, and are in addition to any other remedy or provision of law.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect and be in full force thirty (30) days from and after its adoption. Within 15 days of its adoption, a summary of the

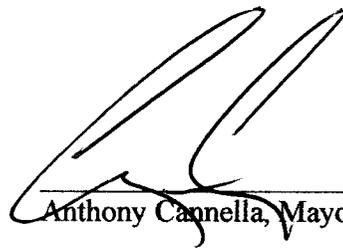
ordinance shall be published in the Ceres Courier, a newspaper of general circulation, circulated and published in the City of Ceres, State of California, which summary shall include the names of those Council Members voting for and against the ordinance. A certified copy of the full text of such adopted ordinance or amendment shall be on file in the office of the City Clerk.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ceres held on the 28th day of September, 2009, and adopted on the 12th day of October, 2009 by the following vote:

AYES: Councilmembers Durossette, Lane, Ochoa, Vierra, Mayor Cannella

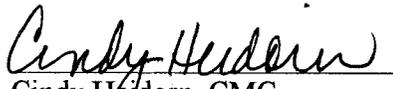
NOES: None

ABSENT: None



Anthony Cannella, Mayor

ATTEST



Cindy Hejdorn, CMC
City Clerk