ORDINANCE NO. 62

AN ORDINANCE REGULATING THE ACCEPTANCE OF FATS, OILS AND GREASE (FOG) INTO THE WASTEWATER COLLECTION SYSTEM OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY

WHEREAS, the Ross Valley Sanitary District (District) is a 112 year old independent special district serving the sewer collection needs of the 56,000 customers in: Ross, San Anselmo, Sleepy Hollow, Fairfax, Oak Manor, Greenbrae, Kentfield, Kent-Woodlands, Larkspur, and San Quentin State Prison; and

WHEREAS, the District maintains and operates over 200 miles of public sewer pipeline and pump stations; and

WHEREAS, the District is responsible for preventing overflows from the sanitary sewer system in order to protect public health and the environment; and

WHEREAS, the California Regional Water Quality Control Board for the San Francisco Region has issued to the District, pursuant to Section 13267 of the California Water Code, a requirement to prepare a Sewer System Management Plan (SSMP) in order to prevent Sanitary Sewer Overflows (SSOs); and

WHEREAS, the District has the legal authority to limit any waste or water discharged to the public sewers "which contains more than 100 parts per million, by weight, of fat, oil or grease" as stated in Article VI, Section 602 of the Sanitary Code, established by Ordinance 26, adopted on July 1, 1959; and

WHEREAS, the District has the legal authority to require the installation of grease and oil interceptors when they are determined, by the District, to be necessary for the proper handling of liquid wastes containing grease in excessive amounts as stated in Article VI, Section 603 of the Sanitary Code, established by Ordinance 26, adopted on July 1, 1959; and

WHEREAS, the District has the legal authority to require all grease, oil and sand interceptors to be "maintained by the Owner, at his expense, in continuously efficient operation at all times" as stated in Article VI, Section 603 of the Sanitary Code, established by Ordinance 26, adopted on July 1, 1959; and

WHEREAS, the District has the legal authority to "enter in upon any and all buildings, industrial facilities and properties for the purpose of inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary for the protection of the public sewer system and the enforcement of the" Sanitary Code as stated in Article II, Section 210 of the Sanitary Code, established by Ordinance 26, adopted on July 1, 1959; and
WHEREAS, the District previously contracted FOG Source Control services with Central Marin Sanitation Agency from 2007 to May 31st, 2012; and

WHEREAS, the Board of Directors finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 Scope and Purpose

The purpose of this Ordinance is to aid in controlling the introduction and accumulation of fats, oils and grease into the District’s collection system, thereby reducing the potential for sanitary sewer overflows (SSOs). The guidelines and requirements of this Ordinance seek to ensure that food service establishments (FSEs) do not exceed established discharge limits for animal- and vegetable-based fats, oils and grease. Users regulated under this Ordinance are also subject to the District’s Sanitary Code Ordinance No. 26.

SECTION 2 Definitions

District – District means Sanitary District No. 1 of Marin County

Fats, oils, and grease (FOG) – Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

Food service establishment (FSE) – Any room, building or place or portion thereof, located within the boundaries of the District which is maintained, used or operated by any profit or non-profit entity for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging or otherwise handling and distributing food and beverages which have any process or device that uses or produces FOG. This shall include, but is not limited to, any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafes, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, grocery stores with food preparation (excluding stores with any food warming operations), meat cutting and preparation, and other food handling facilities not listed above where fats, oils and grease may be introduced into the sanitary sewers.

Food Grinder – Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

Grease removal device (GRD) – Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing
fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to being discharged into the sewer collection system

**Grease interceptor (or interceptor)** – A multi-compartment device, with a minimum volume of 750 gallons, that is generally required to be located, according the Uniform Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system.

**Grease trap (or trap)** – A grease removal device that is used to serve one to four kitchen fixtures and should only be used when the use of a grease interceptor is determined by the District to be impossible or impracticable. Traps are usually 50 gallons or less in volume and are typically located inside a kitchen, under the sink or in the floor.

**Inspector** – A person authorized by the District to inspect any existing or proposed wastewater generation, conveyance processing, and disposal facilities.

**Major Remodel** – A remodel which includes significant change to the kitchen and which has a building permit valuation of at least $100,000, not including the purchase and installation cost of any grease removal devise installed during the remodel.

“Significant change to the kitchen” shall mean remodel work inside the kitchen areas which includes the removal or addition of walls and/or drain line changes which involve invasive work to walls or floors.

If a building permit valuation is not available at the time the District will use best professional judgment to determine whether an FSE remodel project is a “major remodel,” and estimate the cost of the project.

In the event of a remodel project that includes remodel work on existing FSE but also includes substantial work on areas that are not part of the FSE (e.g., apartments with an attached FSE), the District shall consider only the valuation of the work on the FSE portion of the project.

**New food service establishment** – a) A new building which will contain a food service establishment (FSE); and b) The installation of an FSE in an existing building which has not previously contained an FSE requiring a Restaurant Plan Check from Marin County Environmental Health Services (Marin EHS).

**FOG Wastewater Discharge Permit (permit)** – A permit issued by the District subject to the requirements and conditions established by the District authorizing the permittee or discharger to discharge wastewater into the District’s sewer collection system.

**Sewer line “hot spot”** – A location in the sewer collection system that is on a six-month priority maintenance schedule for flushing and/or rodding due to the significant accumulation of FOG in that area. Sewer lines are added to the six-month priority
maintenance schedule after one or more sanitary sewer overflow (SSO) event or if closed circuit television (CCTV) inspections indicate grease buildup.

**Twenty-five percent (25%) rule** – Requirement for GRDs to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the GRD. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

**Uniform Plumbing Code (UPC)** – “2001 California Plumbing Code” (California Code of Regulations, Title 24, Part 5). This is the UPC currently referenced by the Marin EHS. If there are future revisions to the UPC that relate to sizing of GRDs, the District reserves the right to use either the present or revised UPC, as appropriate.

**User** – Any person, business, industry, firm, company, association, society, corporation, or group, including those located outside the jurisdictional boundaries of the District that discharges wastewater into the sanitary sewer collection system that is owned, operated and maintained by the District. Users include persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

**Working capacity** – The total volume of solids, water, and grease that a grease interceptor or grease trap contains under normal operating conditions.

**SECTION 3 General Requirements**

All Food Service Establishments (FSE)s within the District currently discharging or proposing to discharge to the District’s sewer system are governed by the FOG Source Control Program set forth in this Ordinance. All new FSEs, all existing FSEs undergoing a major remodel and all existing FSEs upstream of a “sewer line hot spot” (hot spot) must obtain a FOG Wastewater Discharge Permit from the District and install at least one grease removal device (GRD). Appendix A of this Ordinance summarizes the requirements for GRDs.

Grease interceptors are required and are to be installed at the Owner’s expense when such Owner operates an FSE. The type, design, location and size of a GRD installed by any Owner shall be determined and approved by the District. The District shall also determine which drainage fixtures are to be connected to the interceptor.

All GRDs shall be readily and easily accessible for maintenance and cleaning purposes in addition to ensuring accessibility for inspection by District personnel. All such GRDs shall be serviced and have accumulated waste content removed as required and stipulated in this Ordinance.

All Owners are required to maintain and update GRD maintenance records, including waste hauling manifests. These shall be retained by the User for a period of not less
than three (3) years and made available for review or duplication upon request by the District.

SECTION 4  Facilities Requirements

FSEs are required to install, operate and maintain an approved type and adequately sized GRD necessary to maintain compliance with this Ordinance. The GRD shall be adequate to separate and remove FOG contained in wastewater discharges from the FSE. If the size or design of a GRD is determined by the District to be insufficient to properly remove FOG from discharges to the sewer system the District reserves the right to amend the FOG Wastewater Discharge Permit to require that a proper GRD be installed.

A. New Food Service Establishments

New construction of an FSE, including remolds or tenant improvements that change the classification of an establishment to an FSE, shall install a grease interceptor(s) prior to commencing discharges of wastewater to the sewer system.

GRDs shall be sized in accordance with Appendix H of the Uniform Plumbing Code (UPC). Interpretation of Appendix H of the UPC and the variables used in the sizing calculation shall be at the discretion of the District. The District will accept interceptor sizing on Table 10-3 of the revised UPC.

VARIANCE PROCEDURE

A variance from the grease interceptor requirement may be granted to an FSE in order to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor. The FSE must demonstrate that it is impossible or impracticable to install, operate or maintain a grease interceptor. The District’s determination will be based upon the existence of one or both of the following conditions:

a) There is not adequate space for installation and/or maintenance of a grease interceptor.

b) There is not adequate slope for gravity flow between the kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the connection with the sewer system.

Granting the variance and which kitchen fixtures are connected to a grease trap, as well as the sizing of the trap(s) shall be at the discretion of the District General Manager or designee.

A “Conditional FOG Wastewater Discharge Permit” will be issued to an FSE that is granted a variance from the requirement. The conditional permit shall contain terms and conditions that serve as a basis for its issuance. The District may revoke a conditional permit at any time when the terms and conditions for its issuance are not
satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists. So long as the FSE remains in compliance with their terms and conditions, the conditional permit shall be valid.

B. Major Remodel

Any FSE which is: a) Upstream of a sewer line hot spot, as defined in Section 2 of this Ordinance and described in Section 4C below; AND b) Undergoing a major remodel, as defined in Section 2, shall install an interceptor as described in Section 4A of this Ordinance. The requirements shall be the same as for a new FSE, except when:

An FSE undergoing a remodel may be allowed to not connect some minor kitchen drains, such as hand washing sinks or floor drains, where connection of these drains to the interceptor would require excessive re-plumbing. The determination shall be solely at the discretion of the District, on a case by case basis. For any drain exempted from connection to the interceptor, the FSE shall maintain employee training and signage to prevent discharge of FOG to the drain.

Any FSE which is not upstream of a sewer line hot spot but is undergoing a major remodel, as defined in Section 2 of this Ordinance, shall install one or more grease traps, as required for an existing FSE which is upstream of a hot spot. The requirement for existing FSEs upstream of a hot spot is specified in Section 4C of this Ordinance.

C. Existing Food Service Establishments – Upstream of a “Hot Spot”

A sewer line “hot spot” is a specific location in the sewer system which requires significantly increased maintenance due to one or more FOG-related SSOs, and/or where a significant potential exists for a FOG-related SSO to occur. The District maintains a current list of locations designated as hot spots with supporting documentation for each designation. Supporting documentation may include, but is not limited to, maintenance records, SSO reports, and CCTV recordings. The District reserves the sole authority to designate a sewer line “hot spot.”

FSEs upstream of a designated "hot spot" shall be required, at minimum, to install one or more traps draining, at least, the dishwasher pre-sink (scrap sink) and the utensil sinks. Any food preparation device that has a drain installed to remove washwater from the cooking surfaces, including a wok stove or a soup kettle, shall be connected to a grease trap. Alternately, the FSE may choose to disconnect such devices from the sanitary sewer and abandon the drain, if approved by Marin EHS.

FSEs with one or more traps currently installed shall not be required to install a larger trap if the size of the current trap is at least 70% of the size specified in Chapter 10, Table 10-2, of the UPC. FSEs with no grease traps installed or those
which have traps installed that are less than 70% of the UPC requirement shall be required to install larger, or additional, traps to meet UPC sizing requirements. The District reserves the right to require installation of an interceptor as discussed in Section 4B of this Ordinance, if such installation is appropriate due to the size, menu and location of the FSE.

FSEs upstream of a designated "hot spot," that have a grease trap meeting the minimum grease trap requirements listed in Section 5 of this Ordinance, shall not be required to install an interceptor and will be issued a “Conditional FOG Wastewater Discharge Permit.” The conditional permit shall authorize the FSE to discharge from their kitchen drains without installation of an interceptor. However, if the District determines that the FSE’s grease trap(s) and operating practices are inadequate and the FSE continues to contribute significant quantities of FOG to a downstream sewer line hot spot, the conditional permit shall be revoked and the FSE shall be required to install an interceptor. If the conditional permit is revoked, the FSE shall be subject to the same requirements as described above for an FSE upstream of a hot spot and undergoing a major remodel (Section 4B). Such revocation shall only occur after the District has worked with the permittee to resolve the problem and has documented reasonable evidence that FOG discharges from the FSE to the sewer system are contributing to the hot spot problem.

D. Existing Food Service Establishments – NOT Upstream of a "Hot Spot"

Existing FSEs that are not upstream of a sewer line hot spot do not have permit or GRD requirements under this Ordinance. However, owners and operators of such establishments should consider that if the FSE should discharge sufficient FOG to cause an obstruction in the sanitary sewer, they would be in violation of Article VI, Section 602 (b) of the District’s Sanitary Code. Owners and operators should also be aware that such discharge could potentially plug the FSE’s private lateral, causing sewage to back up into the kitchen.

Information on kitchen best management practices, including employee training and grease removal devices, to minimize FOG discharges will be provided by the District to an FSE upon request.

SECTION 5 Grease Removal Device Requirements

Upon request by the District, FSEs may be required to submit copies of facility site plans, mechanical and plumbing plans, and details to show all sewer locations and connections for review of existing or proposed GRDs and operating procedures. Review of the plans and procedures shall in no way relieve the FSE of modifying the facilities or procedures in the future to meet FOG discharge requirements.

New FSEs may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control devices or other pretreatment equipment by size, location, and elevation for evaluation.
Grease interceptor sizing and installation shall conform to the current edition of the UPC. GRDs shall be in a location where, at all times, it is easily accessible for inspection, cleaning, and removal of accumulated grease. Each grease interceptor shall have a minimum of two (2) compartments and shall be capable of separation and retention of grease and storage of settled solids. Each grease interceptor shall be equipped with two hatches on the top surface, one (1) manhole cover over each compartment, for inspection, sampling, monitoring, cleaning and maintenance.

Grease interceptors shall drain all fixtures and equipment in the establishment which may receive FOG, including but not limited to utensil sinks, food preparation sinks, hand washing sinks in kitchen areas, mop sinks, and floor drains and floor sinks in kitchen and washing areas. Any discharge to the sanitary sewer from routine cleaning of exhaust hoods and ducts shall be plumbed to the interceptor. No drains from toilets, showers, or other domestic discharges shall be connected to the interceptor.

Discharge of wastewater with temperatures in excess of 140° to any grease removal device is prohibited. Dishwashing machines shall not drain to a grease interceptor or trap, unless the FSE can document that the volume and temperature of washwater and rinse water discharged, in combination with any detergent, soap, and/or disinfectant in the water, will not render the trap ineffective.

The minimum size (flow rate) of grease traps, for installation in an existing FSE, shall be 35 gpm. At the discretion of the District, a smaller size trap may be accepted if connected to a single, relatively small fixture, such as a single compartment sink or wok stove, or if the outside dimensions of available 35 gpm traps are such that installation in the existing kitchen configuration is impractical. If such exception is made the trap shall not be smaller than the minimum size specified in the by the UPC.

All new or existing grease trap installations shall comply with Chapter 10, Section 1014.3, of the UPC and shall be installed in accordance to the manufacturer’s instructions. Each grease trap shall be equipped with a removable lid or cover for inspection, sampling, cleaning and maintenance as well as a mechanism for securing the lid when closed.

The grease trap shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer’s rated capacity based on gallons per minute for the unit. The flow-through rate of the grease trap shall be calculated in accordance with the procedures established in the UPC.

For any kitchen drain not connected to the grease trap, the FSE shall maintain employee training and signage adequate to prevent discharge of FOG to the drain.

Outside refuse areas and/or washing areas must be covered and bermed to prevent discharge to storm drainage, and plumbed to the sanitary sewer, in accordance with
Article VI, Section 602 or the Districts Sanitary Code. These areas shall drain to the kitchen interceptor or another properly sized interceptor.

Installation of specialized grease removal devices of proprietary design, such as the "Big Dipper," will be considered by the District on a case by case basis. Approval shall be contingent on demonstration that the device will reliably perform at least as well as a conventional grease trap meeting the requirements of the UPC.

SECTION 6 General Requirements for FSEs with Grease Removal Devices

All new FSEs and all existing FSEs upstream of a sewer line "hot spot" are subject to this Ordinance and shall have a current FOG Wastewater Discharge Permit issued by the District and at least one GRD, in accordance with Section 4 of this Ordinance. The sole exception is any FSE granted a permit waiver, as discussed in Section 4 and 6 A below. Unless granted a permit waiver, all FSEs that are subject to this Ordinance shall comply with requirements B through F below.

A. Permit Waiver

A new or existing FSE may obtain a permit waiver from installation of a GRD, if the FSE can demonstrate to the satisfaction of the District that it has negligible FOG discharge and insignificant impact to the sewer system. This will normally be the case only if there is no cooking or clean-up taking place at the facility.

The District may revoke a permit waiver should there be a change in operations, seating capacity, menu, water usage, amount of on-site consumption of prepared food or other conditions that may significantly change FOG discharge.

B. Grease Recycling Bin

All FSEs shall have a bin or drum for collecting waste kitchen grease and used cooking oil. FOG cleaned out of grease traps shall not be placed in this container, as it is more difficult to recycle. The container shall be used and maintained adequately to prevent spillage or leakage.

The container shall be serviced (emptied or exchanged) and recycled in a legal manner at an appropriate frequency. Receipts or other documentation of such service shall be retained at the FSE and presented to District Staff on request. The FSE shall maintain adequate employee training and/or kitchen signage to assure that the container is used and maintained in an appropriate manner.

C. Best Management Practices

All FSEs shall implement Kitchen Best Management Practices (BMPs) in its operation to minimize the discharge of FOG to the sewer system. Signs shall be posted in food preparation, dishwashing and maintenance areas and trainings must
be given regularly to inform employees of Kitchen BMPs. The Owner shall retain documentation of employee trainings, such as training sign in sheets, and provide them to the District upon request.

D. No Stormwater Pollution

All FSEs shall operate so as to prevent any discharge of FOG or other wastes to storm water drainage in violation of the Storm Water Ordinance of the city, town or unincorporated area with jurisdiction.

- Town of Fairfax – Title 8 Health and Safety-Chapters 8.23 Watercourses and 8.32 Urban Runoff Pollution Prevention
- City of Larkspur – Title 9 Public Peace, Safety and Morals-Chapter 9.12 Watercourses and Title 15 Building and waterways-Chapter 15.48 Urban Runoff Pollution Prevention
- County of Marin, Unincorporated – Title 23 Natural Resources-Chapter 23.18 Urban Runoff Pollution Prevention and Title 11 Harbors and Waterways-Chapter 11.08 Watercourse Division or Obstruction
- Town of Ross – Title12 Streets and Sidewalks-Chapter 12.28 Urban Runoff Pollution Prevention and Title 13 Water and Sewers-Chapter 13.16 Obstruction of Watercourses
- Town of San Anselmo – Title 5 Sanitation and Health-Chapter 8 Urban Runoff Pollution Prevention and Title 7 Public Works-Chapter 12 Watercourses

Serious or repeated discharges to storm drainage from an FSE will be referred to the appropriate authorities for enforcement action.

E. GRD Additives Prohibited

The introduction of any additives, such as enzymes, solvents, or emulsifiers, to grease traps or interceptors or to drains leading to these devices for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance is prohibited.

F. Food Grinders Prohibited

Food grinders installed in the plumbing system shall be prohibited to discharge to the grease removal device(s).

SECTION 7 Maintenance Requirements for GRDs

The FOG Wastewater Discharge Permit issued to an FSE will specify the required minimum frequency for maintaining (pumping or hand cleaning) the grease removal device(s) and how the FSE shall verify this maintenance. The options are described below.
A. Grease Interceptors and Large Grease Traps

The maintenance frequency for all FSEs with a grease interceptor or grease trap larger than 30 gallons liquid capacity (35gpm rating / 70 pounds grease storage capacity) shall have the GRD fully pumped out, cleaned and the contents legally disposed of at minimum on a quarterly basis (once every 3 months). The owner/operator of an FSE may submit to the District a request to change the maintenance frequency. The FSE will have the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time, that it meets the 25% rule described in Section 2 of this Ordinance and that it is in full compliance with the conditions of its FOG Wastewater Discharge Permit. Such documentation shall be based on a minimum of one year of quarterly pumping and shall be verified by District inspections.

If at any time the combined FOG and solids accumulation exceeds 25% of the total design hydraulic depth of the interceptor, the FSE shall be required to have it serviced immediately such that all FOG, sludge and other materials are completely removed from the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system. If deemed necessary, the District may also increase the required maintenance frequency of the grease interceptor from the current frequency.

All pumping shall be performed by persons who are certified by the California Department of Food and Agriculture (DFA) as a "registered transporter of inedible kitchen grease." The pumper shall transport the pumped waste to an "authorized receiving facility," as defined by the DFA. DFA regulations require the pumper to provide the FSE with a "waste removal receipt" which includes:

1) The name of the Hauling Company  
2) The name of the FSE  
3) The date of the pumping  
4) The "working capacity" of the interceptor pumped (see Section 2 of this Ordinance) and;  
5) The total gallons pumped

The District will provide the FSE with a file folder and a supply of self-addressed envelopes. Within one week of each pumping, the FSE shall mail a copy of the waste removal receipt to the District, using one of the supplied envelopes. The FSE shall file another copy of the receipt in the file folder, for presentation to District staff on request. Receipt copies shall be retained in the folder at the FSE for a minimum of three years.

B. Grease Traps
FSEs with a grease trap of 30 gallons liquid capacity (35 gpm rating / 70 pound grease storage capacity) or less may choose to comply with the procedure specified for grease interceptors or larger grease traps. However, the minimum pumping frequency shall be monthly, unless documentation has been provided to the District for modification of the permit as described above. The combined FOG and solids accumulation shall not exceed 25% of the total design hydraulic depth of the trap at any time.

All FSEs with a grease trap of 30 gallons liquid capacity (35 gpm rating / 70 pound grease storage capacity) or less may otherwise have the trap cleaned by FSE staff and/or a contractor, at a minimum frequency of once every 15 days. If inspections by District staff indicate that cleaning every 15 days is not adequate to meet the 25% rule or affectively prevent the discharge of FOG to the sewer system more frequent cleaning may be required. The owner/operator of the FSE may request to reduce the cleaning frequency. Adequate documentation must be provided to demonstrate that the FSE would meet all requirements of the permit with less frequent cleaning. Such documentation shall be based on a minimum of a six months cleaning at a minimum of 15 day frequency and shall be verified by District inspections.

Persons cleaning a trap shall assure that all grease and sediment is removed and appropriately disposed. They shall also assure that all baffles, flow control devices, and other equipment are properly installed subsequent to the cleaning. All wastes removed from the trap during cleaning shall be placed in a drum or other dedicated container and be removed by a “registered transporter of inedible kitchen grease,” as described in Section 7A of this Ordinance. The trap waste may not be placed in the “grease recycling bin” specified in Section 6B and 6C of this Ordinance, unless the grease hauler provides written certification that this is acceptable and the hauler complies with all DFA regulations for “inedible kitchen grease.”

Cleaning of a trap shall be documented on a log sheet maintained by the FSE. The log sheet shall include, at a minimum, the date of the cleaning event, the name of the person(s) performing the cleaning, their signature, the quantity of waste removed from the trap, and any other relevant observations. The completed log sheets shall be maintained onsite in a file folder supplied by the District for a minimum of three years and provided to District staff on request. The FSE shall provide the District (via mail or FAX) a copy of their current log sheet at a frequency specified by the District in the FOG Wastewater Discharge Permit.

SECTION 8 District Monitoring of Permit Compliance

District staff will monitor FSE compliance with this Ordinance and the FOG Wastewater Discharge Permit. The District reserves the right to modify these procedures, as appropriate.

A. Permits
As specified in Section 4 of this Ordinance, all new FSEs, FSEs undergoing a major remodel and FSEs upstream of a sewer line hot spot shall have a District FOG Wastewater Discharge Permit or permit waiver. Verification of compliance with the requirements of this Ordinance must be made by District staff prior to issuance of a permit. An interim permit may be issued to an FSE with an existing GRD that must be replaced due to inadequate sizing.

The issuance of the permit shall specify the following:

1) Requirements for proper operations and maintenance of GRD(s)
2) GRD maintenance frequency and schedule
3) Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests, and;
4) Requirements to self-monitor

Issuance of a FOG Wastewater Discharge Permit shall in no way relieve the FSE of modifying the facilities or procedures in the future to meet FOG discharge requirements. The District may modify the requirements laid forth in the permit should they be determined to be insufficient to remove FOG from the waste streams discharged to the sewer system.

B. Permit Inspections

Inspection of FSEs shall be conducted at the time, place, manner and frequency determined at the sole discretion of the District. The purpose of the inspections will be to determine compliance with Kitchen Best Management Practices, 25% rule for GRDs, maintenance frequency requirements, permit discharge conditions, or any discharge provisions set forth in this Ordinance.

The inspections will normally be unannounced. District staff will attempt to schedule inspections so as to minimize the impact on the operations of the FSE (e.g., no visiting during the lunch period). However, the FSE shall provide District staff, at all times that the FSE is open and/or in operation, with access to the FSE in order to inspect the premises, GRDs, and maintenance records. This specifically includes access to the GRDs. If the device is inaccessible to District staff due to placement of vehicles, mats, utensils, etc., FSE staff shall remove such obstacles in a timely fashion. If District staff must re-visit an FSE in order to complete an inspection, as a result of adequate access not being provided, a re-inspection fee, as discussed in Section 8E below, shall be assessed. The re-inspection fee will not be assessed only in those cases where the District inspector documents adequate extenuating circumstances.

C. Permit Fees

An initial FOG Wastewater Discharge Permit Fee may be assessed and shall be paid by the applicant in the amount adopted by resolution of the Board of Directors.
of the District. Refer to Appendix B for a fee schedule. Payment of the permit fee must be received by the District prior to issuance of the permit. A permittee shall also pay any delinquent invoices in full prior to issuance of the permit.

D. Permit Violations

The following conditions are violations of an FSE FOG Wastewater Discharge Permit and shall normally result in issuance of a Notice of Violation (NOV). At the discretion of District staff, a verbal warning may be given instead of an NOV, for "borderline violations or where there are extenuating circumstances. Egregious and/or repeated violations may result in escalated enforcement action, as described in Section 9 of this Ordinance. An NOV shall state the violation(s), the corrective action(s) required, and the date the corrective action(s) must be completed.

- **GRD not maintained** – The permit shall specify the minimum maintenance frequency required, in accordance with Section 8A of this Ordinance. If documentation of adequate maintenance is not provided to District staff, the FSE shall be in violation. Regardless of the frequency of maintenance, any GRD with combined level of floating FOG and settled solids in any compartment which exceeds 25% of the liquid depth of that compartment shall be considered to be in violation.

- **GRD not in working condition** – All vents, baffles, inlet and outlet devices, and flow control devices necessary for proper operation of GRD and compliance with this Ordinance must be in place and in working condition at all times.

- **Grease recycling bin not in use** – Unless exempted in the permit, the FSE shall comply with Section 6B and 6C of this Ordinance.

- **Prohibited compounds discharged to GRD** – Unless specific compounds are authorized in the permit, the FSE shall comply with Section 6E of this Ordinance.

- **FOG discharged to drain not connected to GRD** – See Sections 4B and 4C of this Ordinance. Repeated incidents may result in requirement to connect the drain to a GRD.

- **Access denied to District staff** – See Section 8B above.

E. Re-inspection

If a District Inspector must return to an FSE to complete an inspection or to confirm specified modifications have been made to gain compliance after a Warning or NOV has been issued (see sections 8F and 8G of this Ordinance) a re-inspection fee will be assessed. The re-inspection fee will be in accordance with the fee schedule.
provided in Appendix B of this Ordinance. Fees are subject to change through a resolution adopted by the Board of Directors. A current fee schedule will be available upon request of District Staff.

F. Warnings

In the event that an FSE is not in compliance with any of the provisions of this Ordinance, or the terms, conditions and limitations of its FOG Wastewater Discharge Permit, the District may issue a warning whereby the FSE shall comply with all directives, conditions and requirements therein within the time prescribed. Issuance of a warning may require a re-inspection, for which a re-inspection fee may be assessed.

G. Notice of Violation (NOV)

The District may issue an NOV if it is determined that either of the following conditions exist.

   a) Continued Noncompliance – An FSE has not responded to the warning(s) they have received and despite the District’s efforts to work with the FSE the Owner has refused to come into compliance.

   b) Severity of the Nature of Noncompliance – It is determined by the District that the severity of the nature of noncompliance is such that immediate action must be taken and that a warning is not appropriate for the situation an NOV may be issued immediately.

The NOV will be sent certified mail and will detail the reason for issuance and include a compliance schedule if action is required by the FSE to gain compliance. A fee may be assessed with the NOV (see Appendix B for the Fee Schedule) and is subject to payment as set forth in Section 9C of this Ordinance.

SECTION 9 Enforcement

A. Escalated Enforcement

Where deemed necessary to achieve compliance with this Ordinance, the District will take escalated enforcement action beyond or in addition to the Notice of Violation and will be treated as a misdemeanor as set forth in Article VIII, Section 802 of the District’s Sanitary Code.

B. Hearings and Appeals

Any FSE, permit applicant or permittee wishing to appeal a decision, action, or determination of the District pursuant to this FOG Ordinance must follow the appeal process as outlined below.
1) **Appeal to the General Manager** – A written request must be submitted to the General Manager within fifteen (15) days of mailing of the notice of the decision, action or determination by the District for which the appellant wishes to appeal. The letter must present information supporting the appellant's position concerning the decision, action or determination.

Upon receipt of the written request, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days. The written decision shall be sent certified mail. The decision of the General Manager shall be final in all respects on the fifteenth (15) day after it is mailed unless an appeal is filed with the Board of Directors.

2) **Appeal to the Board of Directors** – Any FSE, permit applicant or permittee adversely affected by a decision, action or determination made by the General Manager may file a written request to the Board of Directors prior to the date that the General Manager’s decision becomes final.

The appeal will be heard by the Board of Directors at the next regular monthly Board Meeting. Written appeals must be received by District staff no less than seven business days prior to the date of the meeting so as to allow staff sufficient time to meet the provisions of the Brown Act, California Government Code Section 54954.2(a).

The appellant shall have the opportunity to present information supporting its position concerning the General Manager’s determination. The decision of the Board of Directors shall be set forth in writing within thirty (30) days after the close of the Board Meeting and sent certified mail to the appellant's business address. The order of the Board of Directors shall be final upon its adoption.

C. Payments of Charges

All fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice.

Any invoice outstanding and unpaid after ninety (90) days shall be cause for the premises to be disconnected from the sewer system and the matter referred to Marin County Environmental Health Department in accordance with Article VIII, Section 805 of the District’s Sanitary Code. Appeals to any fees, charges or penalties must be received by the District prior to the due date indicated on the invoice.

**SECTION 10  Severability**

If any section, sub-section, sentence clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not
affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances.

SECTION 11 Revision

The Board of Directors of Sanitary District No. 1 of Marin County reserves the right to update, change, or modify this Ordinance when deemed advisable and necessary.

SECTION 12 Effective Date of this Ordinance

This Ordinance shall be published once in the Ross Valley Reporter, a general circulation published in the District. This Ordinance shall take effect and be in full force on June 1, 2012.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Sanitary District No. 1 of Marin County at a regular meeting held this 23rd day of May, 2012, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MARCIA JOHNSON,
President of the Board

ATTEST:

PETER Wm. SULLIVAN, M.D
Secretary of the Board
# APPENDIX A

**Grease Removal Device Requirements for Food Service Establishments (FSEs)**

<table>
<thead>
<tr>
<th></th>
<th>NOT Upstream of a “Hot Spot”</th>
<th>Upstream of a “Hot Spot”</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New FSE</strong></td>
<td>Interceptor* required</td>
<td>Interceptor* required</td>
</tr>
<tr>
<td></td>
<td>(see Section 4A)</td>
<td>(see Section 4A)</td>
</tr>
<tr>
<td><strong>Major Remodel</strong></td>
<td>Grease trap required</td>
<td>Interceptor required**</td>
</tr>
<tr>
<td></td>
<td>(see Section 4B)</td>
<td>(see Section 4B)</td>
</tr>
<tr>
<td><strong>Existing FSE</strong></td>
<td>No requirement</td>
<td>Grease trap required***</td>
</tr>
<tr>
<td></td>
<td>(see Section 4D)</td>
<td>(see Section 4C)</td>
</tr>
</tbody>
</table>

* Outside interceptors with a minimum 750 gallon capacity, connected to all kitchen drains

** For remodels interceptor may not need to be connected to all kitchen drains, at the discretion of the District

*** “Conditional Permit” for grease trap installations (existing traps or newly installed in existing restaurants) can be revoked if “hot spot” conditions do not subside. The FSE would then have to install an interceptor, as for a major remodel.
## APPENDIX B

### Schedule of Payments

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial FOG Discharge Permit &amp; Conditional Waiver or Variance Permit Fee</td>
<td>$250</td>
</tr>
<tr>
<td>Re-Inspection Fee</td>
<td>$170</td>
</tr>
<tr>
<td>Initial NOV Fee</td>
<td>$275</td>
</tr>
<tr>
<td>Violation Fee Per Day (if violation is not corrected within the time period specified in the compliance schedule)</td>
<td>$1,000/day</td>
</tr>
</tbody>
</table>