

South Pasadena Municipal Code

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[CHAPTER 30 SEWERS](#)

ARTICLE II. FOG CONTROL PROGRAM**30.20 FOG discharge requirement.**

No FSE shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by a regulatory agency or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the FSE to the sewer system. (Ord. No. 2186, § 2, 2009.)

30.21 FOG prohibitions.

The following prohibitions shall apply to all FSEs:

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

(b) Discharge of any waste, including FOG and solid materials removed from the grease control device to the sewer system, is prohibited.

(c) The installation and use of food grinders shall be prohibited in all new food service establishments that are located in new or existing buildings, in all existing food service establishments undergoing remodeling, and in all existing food preparation and service establishments undergoing remodeling or a change in operations such that they would become a commercial kitchen.

(d) Introduction of any additives into a food service establishment's wastewater system for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless a specific written authorization from the director is obtained.

(e) Disposal of waste cooking oil into drainage pipes.

(f) The discharge of wastewater from dishwashers to any grease traps or grease interceptor.

(g) Discharge of wastewater with temperature in excess of one hundred forty degrees Fahrenheit to any grease control device, including grease traps and grease interceptors.

(h) Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal material to sewer lines intended for grease interceptor service, is prohibited.

(i) A grease removal device should not be considered properly maintained if for any reason it is not in good working condition, or if sand, oil, sludge, and grease accumulations total more than twenty-five percent of the operative fluid capacity.

(j) The discharge of any waste or FOG to the sewer system in a manner which either violates the California State Water Resources Control Board's Sewer WDRs or causes or contributes to condition which fails to comply with any of the provisions of the sewer WDRs is prohibited. (Ord. No. 2186, § 2, 2009.)

30.22 FOG wastewater discharge permit required.

(a) FSEs proposing to discharge or currently discharging wastewater containing FOG into the city's sewer system shall obtain a FOG wastewater discharge permit from the city within either (1) one hundred eighty days from the effective date of the ordinance codified in this chapter; or (2) at the time any FSE applies

for or renews its annual business license from the city. Compliance with this chapter must be demonstrated at the time any business license is issued, provided that the director may extend the compliance date for no more than ninety days after the date of the issuance of the license.

(b) FOG wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, charges for use, and fees established by the city. The conditions of FOG wastewater discharge permits shall be enforced by the city in accordance with this chapter and applicable state and federal regulations.

(c) The city shall not issue a certificate of occupancy for any new construction, or occupancy unless a FSE has fully complied with the provisions of this chapter. (Ord. No. 2186, § 2, 2009.)

30.23 FOG wastewater discharge permit application.

Any person required to obtain a FOG wastewater discharge permit shall complete and file with the city prior to commencing discharges, an application in a form prescribed by the director and shall provide the city such information and documents as the director determines is necessary and appropriate to properly evaluate the application. The applicable fees shall accompany this application. After evaluation of the data furnished, the director may issue a FOG wastewater discharge permit, subject to terms and conditions set forth in this chapter and as otherwise determined by the director to be appropriate to protect the city's sewer system. (Ord. No. 2186, § 2, 2009.)

30.24 FOG wastewater discharge permit conditions.

The issuance of a FOG wastewater discharge permit may contain any of the following conditions or limits as determined by the director:

- (a) Limits on discharge of FOG and other priority 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 best management practices and installation of adequate grease interceptor and/or grease control device;
- (e) Requirements for maintaining and reporting status of best management practices;
- (f) Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests;
- (g) Requirements to self-monitor;
- (h) Requirements for the FSE to construct, operate and maintain, at its own expense, FOG control device and sampling facilities;
- (i) Consent by the operator of the FSE for the city and other regulatory agencies to inspect the FSE to confirm compliance with this chapter, the NPDES permit and other applicable laws, rules and regulations, including any NPDES permit applicable to the city;
- (j) Additional requirements as otherwise determined to be reasonably appropriate by the director to protect the city's system or as specified by other regulatory agencies;
- (k) Other terms and conditions, which may be reasonably applicable to ensure compliance with this chapter as determined by the director. (Ord. No. 2186, § 2, 2009.)

30.25 FOG wastewater discharge permit fee.

The FOG wastewater discharge permit fee shall be paid by the applicant in an amount adopted by resolution of the city council. Payment of permit fees must be received by the city prior to issuance of either a new permit or a renewed permit. A permittee shall also pay any delinquent invoices in full prior to permit renewal. (Ord. No. 2186, § 2, 2009.)

30.26 FOG wastewater discharge permit modifications of terms and conditions.

(a) The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the director during the life of the permit based on:

- (1) The discharger's current or anticipated operating data;
- (2) The city's current or anticipated operating data;
- (3) Changes in the requirements of regulatory agencies which affect the city; or
- (4) A determination by the director that such modification is appropriate to further the objectives of this chapter.

(b) The permittee may request a modification to the terms and conditions of an issued permit. The 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) The permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. No. 2186, § 2, 2009.)

30.27 FOG wastewater discharge permit duration and renewal.

FOG wastewater discharge permits shall be issued for a period not to exceed five years. Upon expiration of the permit, the discharger shall apply for renewal of the permit in accordance with the provisions of this chapter. (Ord. No. 2186, § 2, 2009.)

30.28 Exemption from FOG wastewater discharge permit.

A limited food preparation establishment is not considered a FSE for the purposes of this chapter and is exempt from obtaining a FOG wastewater discharge permit. Exempted establishment shall be engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food. (Ord. No. 2186, § 2, 2009.)

30.29 Nontransferability of permits.

(a) FOG wastewater discharge permits issued under this chapter are for a specific FSE, for a specific operation and create no vested rights.

(b) No permit holder shall assign, transfer or sell any FOG wastewater discharge permit issued under this chapter nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.

(c) Any permit, which is transferred to a new owner or operator or to a new facility, is void. (Ord. No. 2186, § 2, 2009.)

30.30 Best management practices required.

All FSEs shall implement best management practices in its operation to minimize the discharge of FOG to the sewer system.

(a) Installation of Drain Screens. Drain screens shall be installed on all draining pipes in food preparation areas. Clean drain screens frequently by placing the collected material in the garbage.

(b) Disposal of Food Waste. All food waste shall be disposed of directly into the trash or garbage and not in sinks.

(c) Segregation and Collection of Waste Cooking Oil. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.

(d) Maintenance of Kitchen Exhaust Filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filters shall be disposed properly.

(e) Kitchen Signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

(f) Employee Training. Employees of the food service establishment shall be trained by ownership within one hundred eighty days of notification, and twice each calendar year thereafter, on the following subjects:

- (1) How to "dry wipe" pots, pans, dishware, and work area before washing to remove grease;
- (2) How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors;
- (3) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped;
- (4) How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by or other authorized inspector. (Ord. No. 2186, § 2, 2009.)

30.31 FSEs FOG pretreatment required.

FSEs shall install an approved grease control device and regularly maintain it so as to prevent excessive discharges of grease and oil into the public sewer. Exceptions to the installation of a grease and oil interceptor shall be determined on a case-by-case basis by the director. (Ord. No. 2186, § 2, 2009.)

30.32 FOG pretreatment required for new construction of food service establishments.

All new construction of food service establishments and those undergoing a significant remodel shall install a grease interceptor prior to commencing discharge of wastewater to sewer system. (Ord. No. 2186, § 2, 2009.)

30.33 Variance and waiver of grease interceptor requirement.

(a) Variance from Grease Interceptor Requirements. A variance or a conditional waiver from the grease interceptor requirements on such terms and conditions as may be established by the director, consistent with the requirements of the sewer WDRs, the city's FOG control program, and best construction, engineering, environmental and health and safety practices, to: (1) allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, may be granted by the

director to FSEs demonstrating to the director's satisfaction that it is impossible to install, operate or maintain a grease interceptor; or (2) where the FSE demonstrates to the director's satisfaction that any FOG discharge from the FSE is negligible and will have an insignificant impact to the sewer system.

(b) Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation Fee. For FSEs where the installation of grease interceptor is not feasible and no equivalent alternative pretreatment can be installed, a waiver from the grease interceptor requirement may be granted with the imposition of a grease disposal mitigation fee as described in section 30.34. The director's determination to grant the waiver with a grease disposal mitigation fee will be based upon such considerations that the director determines to be appropriate and consistent with the sewer WDRs, the city's FOG control program, and best construction, engineering, environmental and health and safety practices. Provided, however, that a grease interceptor will be installed when the FSE undergoes a significant remodel. No discretionary permit, including but not limited to a conditional use permit, shall be issued to a FSE unless the applicant can demonstrate that a grease interceptor has been or will be installed at the FSE.

(c) Application for Waiver or Variance of Requirement for Grease Interceptor. A FSE may submit an application for waiver or variance from the grease interceptor requirement to the director. Terms and conditions for issuance of a variance to a FSE shall be set forth in the permit. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists. (Ord. No. 2186, § 2, 2009.)

30.34 Grease disposal mitigation fee.

(a) FSEs that operate without a grease control interceptor may be required to pay an annual grease disposal mitigation fee to equitably cover the costs of increased maintenance and administration of the sewer system as a result of the FSEs' inability to adequately remove FOG from its wastewater discharge. This section shall not be interpreted to allow a new FSE, or existing FSEs undergoing remodeling or change in operations, to operate without an approved grease interceptor unless the director has determined that it is impossible to install or operate a grease control interceptor for the FSE under the provisions of this chapter.

(b) The grease disposal mitigation fee shall be established by resolution of the city council, and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or grease control device and such other costs that the city council considers appropriate.

(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. (Ord. No. 2186, § 2, 2009.)

30.35 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) Wastewater, accumulated FOG, floating material, sludge/solids, and other materials removed from the grease interceptor shall be disposed off site properly by waste haulers in accordance with federal, state and/or local laws.

(c) Grease interceptors shall be fully pumped out and cleaned on a quarterly basis. The agency may change the 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 food service establishment, the maintenance frequency may increase or decrease.

(d) The permittee shall be required to keep all documents identified by the director relating to its compliance with this chapter, including manifests, receipts and invoices of all cleaning, maintenance, grease removal off/from the grease control device, disposal carrier and disposal site location for no less than two years. The permittee shall, upon request, make the manifests, receipts and invoices available to any city representative, or inspector.

(e) If the grease interceptor, at any time, contains excess FOG and solids accumulation the FSE shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the director may also increase the maintenance frequency of the grease interceptor from the current frequency. (Ord. No. 2186, § 2, 2009.)

30.36 FOG inspections.

The director, or representative, shall be authorized at any reasonable time to enter the premises of any discharger to determine compliance with the provisions of this chapter; such inspection may include but not be limited to: inspection, sampling, monitoring, review, photograph, videotape and copy of any records, reports, test results or other data, wastes, chemicals, storage areas, storage containers, waste generating processes, treatment facilities and discharge locations. (Ord. No. 2186, § 2, 2009.)

30.37 FOG inspections fees.

The amount of FOG inspections fee shall be established by resolution of the city council as amended from time to time in accordance with provisions of this chapter. (Ord. No. 2186, § 2, 2009.)