

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA ADOPTING CHAPTER 13.10, AS THE SANITARY SEWER FATS, OILS AND GREASE (FOG) ORDINANCE

WHEREAS, On October 10 , 2006 , the City Council approved submitting a Notice of Intent to comply with the state mandated Waste Discharge Requirements (WDRs) as they pertain to sanitary sewers; and,

WHEREAS, The City of Lancaster owns and operates its sanitary sewer system; and,

WHEREAS, The WDRs required a Sewer System Management Plan be prepared for the City which includes demonstrating the City has legal authority to operate and maintain its sanitary sewer system with respect to: illicit discharges into the sewer, design of the sewers and connection thereto, access for maintenance and inspection, limitations of fats, oils and grease and other debris being placed in the sewers and enforcement of any violations of the sewer ordinance; and,

WHEREAS, On January 13, 2009, the City Council adopted Ordinance No. 910 as the Sanitary Sewer and Industrial Waste Ordinance; and,

WHEREAS, On April 14, 2009, the City Council approved its Sewer System Management Plan (SSMP) in accordance with the WDRs; and,

WHEREAS, The SSMP addresses reducing or eliminating fats, oils and grease (FOG) from entering the sewer system to reduce sanitary sewer overflows and the public nuisance associated therewith; and,

WHEREAS, The City Council desires to be proactive in implementing the SSMP with respect to reducing or eliminating FOG from entering the sewer system by establishing a FOG Control Program which provides for reviewing, permitting and inspecting Food Service Establishments that generate FOG, and establishing fees and charges for implementation and enforcement of the FOG Control Program.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. It is the purpose and intent of the City Council that Ordinance No. including Exhibit "A" attached hereto be the Fats, Oils and Grease (FOG) Ordinance of the City.

Section 2. That the City finds that this Ordinance is in the public interest of protecting the health, safety and welfare of the citizens of the City and that it meets the requirements of the SSMP with respect to legal authority for regulating the discharge of FOG into the City sanitary sewer system.

Section 3. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 23rd day of June, 2009, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 926, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

EXHIBIT "A"

ARTICLE 1 – GENERAL PROVISIONS

13.10.100 PURPOSE AND POLICY

- A. The purpose of this Chapter is to facilitate the maximum beneficial public use of the City's sewer system while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease ("FOG") to the sewer system and to specify appropriate FOG discharge requirements for FSEs.
- B. This Chapter shall be known as the FOG Control Program.
- C. This Chapter shall be interpreted in accordance with the definitions set forth in Section 13.10.100. The provisions of this Chapter shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer system of the City.
- D. To comply with Federal, State, and local policies and to allow the City to meet applicable standards, provisions are made in this Chapter for the regulations of wastewater or waste containing FOG discharges to the sewer system.
- E. This Chapter establishes quantity and quality standards on all wastewater and/or waste 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 SSOs.

13.10.110 DEFINITIONS

- A. 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. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).
- B. Other terms not herein defined are defined as being the same as set forth in 13.07.010 of the Lancaster Municipal Code and the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to the California Building Standards Law.
- C. Subject to the foregoing provisions, the following definitions shall apply in this Chapter:

Best Management Practices	Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.
Compliance Schedule Agreement	An Agreement between the City and a Permittee when the Permittee is in noncompliance with the requirements of the applicable FOG Wastewater Discharge Permit.
Council	The City Council of the City of Lancaster.
Change in Operations	Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by FSEs in an amount that alone or collectively causes or creates a potential for sanitary sewer overflows (SSO) s to occur.
Composite Sample	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. Samples will be collected when a wastewater discharge occurs.
City	The City of Lancaster
Director	Director of Public Works of the City of Lancaster
Discharger	Any person who discharges or causes a discharge of wastewater directly or indirectly to a City Sewer System. Discharger shall mean the same as User.
Effluent	Any liquid outflow from a FSE that is discharged to the sewer system.
Fats, Oils, and Grease (“FOG”)	Any substance such as vegetable or animal products 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. It is typically a non-petroleum organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules and are detectable and measureable using analytical procedures established in the most current version of the United States Code of Federal Regulations 40 CFR 136.
FOG Control Program	The FOG Control Program identified in and developed pursuant to the City of Lancaster Sewer System Management Plan (SSMP) and this Chapter.
FOG Wastewater Discharge Permit	A permit issued by the City subject to the requirements and conditions established by the City authorizing the Permittee or discharger to discharge wastewater into the City’s sewer system.

**FOG Wastewater
Discharge Permit
Application Fee**

The FOG Wastewater Discharge Permit Application fee shall be as approved by Resolution of the City Council and shall be paid by the applicant upon submittal of the required FOG Wastewater Discharge Permit Application for coverage under the FOG Control Program.

**Food Service
Establishment (FSE)**

Food facilities defined in California Uniform Retail Food Facilities Law (CURFFL) Section 113789 of the Health and Safety Code, and 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, serving, or manufacturing, packaging, 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 mechanical ventilation as required by Health and Safety Code Section 114149. An establishment that limits its food preparation activities to those defined as "limited food preparation" in Health and Safety Code Section 113818 is not considered a FSE when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG and does not include any operation that changes the form, flavor, or consistency of food.

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 Control
Device**

Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the FOG Control Program Manager.

Grease Interceptor

A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a FSE and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

Grease Trap	A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.
Grab Sample	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.
“Hot Spots”(Areas of Enhanced Maintenance)	Areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.
Inflow	Water entering a sewer system through a direct stormwater/runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.
Infiltration	Water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
Inspector	A person authorized by the City to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.
Interceptor	A grease interceptor.
Manifest	That receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City.
New Construction	Any structure planned or under construction for which a sewer connection permit pursuant to Chapter 13.08. 080 that has not been issued.
Permittee	A person who has received a permit to discharge wastewater into the City’s sewer system subject to the requirements and conditions established by the City.
Person	Any individual, partnership, firm, association, corporation or public agency, including the State of California.
Public Agency	The State of California and/or any city, county, special district, other local or federal governmental authority or public body of or within this State.
Public Sewer, City Sewer System	A sewer owned and operated by the City of Lancaster.
Regulatory Agencies	Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the City, including, but not limited to:

- a) United States Environmental Protection Agency, Region 9, San Francisco and Washington, DC (EPA).
- b) California State Water Resources Control Board (SWRCB).
- c) California Regional Water Quality Control Board, Lahontan Region (RWQCB).
- d) California Department of Public Health (CDPH).
- e) Los Angeles County Department of Public Health (LACDPH)
- f) Los Angeles County Sanitation District No. 14 (LA San)

Remodeling

A physical change or operational change causing generation of the amount of FOG that exceed the current amount of FOG discharge to the sewer system by the FSE in an amount that alone or collectively causes or create a potential for SSOs to occur; or exceeding a cost of \$50,000 to a FSE that requires a building permit, and involves any one or combination of the following: (1) Under slab plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

Sample Point

A location approved by the City, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

Sampling Facilities

Structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.

Sanitary Sewer Overflow (SSO)

Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system including:

- A. Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
- B. Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States;
- C. Wastewater backups into buildings and onto private properties that are caused by blockages or flow conditions within the publicly owned portions of the sanitary sewer system.

Sewage

Any waterborne or liquid wastes, including domestic sewage and industrial waste, but does not include or mean stormwater, groundwater, and roof or yard drainage.

Sewer System

Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

Sewer Lateral

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 the City Sewer System.

Sludge

Any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

Specialty FOG Compliance Charge

Charge to recover actual costs of FOG compliance including but not limited to repeat inspections, additional reports and increased monitoring of FSEs.

User

Any person who discharges or causes a discharge of wastewater directly or indirectly to the City sewer system. User shall mean the same as Discharger.

Variance

An approval granted to a permittee to vary from a specific requirement or requirements of this Chapter when it can be demonstrated that the requirement(s) can be met with an equal or better process, technology or method.

Waste

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.

Wastehauler

Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

Wastewater

The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter the City sewer system.

Wastewater Constituents and Characteristics

The individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

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

13.10.200 FOG DISCHARGE REQUIREMENT

No FSE shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by the Council or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer lateral which connects the FSE to the sewer system.

13.10.210 PROHIBITIONS

The following prohibitions shall apply to all FSEs:

- A. Installation of food grinders in the plumbing system of new construction of FSEs shall be prohibited. Furthermore, all food grinders shall be removed from all existing FSEs within 180 working days of the effective date of this Chapter, except when expressly allowed by the FOG Control Program Manager.
- B. Introduction of any additives into a FSE’s wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless a specific written authorization or FOG wastewater disposal permit from the FOG Control Program Manager is obtained.
- C. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- D. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- E. Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, is prohibited.
- F. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- G. Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system is prohibited. Grease removed from grease interceptors shall be wastehauled periodically as part of the operation and maintenance requirements for grease interceptors.
- H. Operation of grease interceptors with FOG and solids accumulation exceeding 25% of the design hydraulic depth of the grease interceptor (25% Rule)

13.10.220 FOG WASTEWATER DISCHARGE PERMIT REQUIRED

No person shall discharge, or cause to be discharged any wastewater from FSEs directly or indirectly into the City sewer system without first obtaining a FOG Wastewater Discharge Permit pursuant Article 3 of this Chapter.

13.10.230 BEST MANAGEMENT PRACTICES REQUIRED

All Food Services Establishments shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices shall be specified in the permit. This may include, but not be limited to, kitchen practices and employee training that is essential in minimizing FOG discharge. Commercial and industrial discharges shall also be in full compliance with the provisions of this Chapter.

13.10.240 FOG PRETREATMENT REQUIRED

FSEs are required to permit, 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 13.10.250. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from FSEs prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of FSEs that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

A. New Construction of Food Service Establishments

New construction of FSEs shall include installation of grease interceptor(s) prior to commencing discharges of wastewater to the sewer system.

B. Existing Food Service Establishments

1. For existing FSEs, the requirement to install and to properly operate and maintain a grease interceptor may be conditionally stayed, that is, delayed in its implementation by the FOG Control Program Manager for a maximum period of three years from the effective date of this Chapter (3-year Amortization Period). Terms and conditions for application of a stay to a FSE shall be set forth in the permit. The Council finds that three years is a reasonable amortization period for existing FSEs that are operating without a grease interceptor.
2. Existing FSEs, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to hot spots, or which have been determined to contribute significant FOG to the sewer system by the FOG Control Program Manager based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install grease interceptors within 180 working days upon notification by the FOG Control Program Manager.
3. Existing FSEs or FSEs that change ownership, that undergo remodeling or a change in operations as defined in Section 13.10.110 of this Chapter, shall be required to install a grease interceptor.

13.10.250 VARIANCE AND WAIVER OF GREASE INTERCEPTOR REQUIREMENT

A. Variance from Grease Interceptor Requirements

An existing FSE may obtain a variance from the grease interceptor requirement to allow alternate pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, if the FSE demonstrates that it is impossible or impracticable to install, operate or maintain a grease interceptor. The FOG Control Program Manager'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.
2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the City sewer.
3. The FSE can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system, for at least three months (with a minimum of 2 visual inspections; one at the beginning and one at the end of the three month period), at its own expense. A variance may be granted if the results, as determined by the FOG Control Program Manager, show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

B. Conditional Waiver from Installation of Grease Interceptor

An existing FSE may obtain a conditional waiver from installation of a grease interceptor, if the FSE demonstrates that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver from installation of grease interceptor may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a grease interceptor. The FOG Control Program Manager'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 as indicated by the size of the FSE based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that may reasonably be shown to contribute to FOG discharges.
2. Adequacy of implementation of Best Management Practices and compliance history.
3. Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the FSE, and history of maintenance and sewage spills in the receiving sewer system.
4. Changes in operations that significantly affect FOG discharge.
5. Any other condition deemed reasonably related to the generation of FOG discharges by the FOG Control Program Manager.

C. Waiver from Grease Interceptor Installation with a FOG Control Surcharge Fee

For FSEs where the installation of a 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 FOG Control Surcharge Fee as described in Section 13.10.270. Additional requirements may be imposed to mitigate the discharge of FOG into the sewer system. The FOG Control Program Manager's determination to grant the waiver with a FOG Control Surcharge Fee 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.
2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the City sewer.
3. A variance from grease interceptor installation to allow alternative pretreatment technology cannot be granted.

D. Application for Waiver or Variance of Requirements for Grease Interceptor

A FSE may submit an application for variance or waiver from the grease interceptor requirement to the FOG Control Program Manager. The FSE bears the burden of demonstrating, to the FOG Control Program Manager's reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the FOG Control Program Manager that reasons are sufficient to justify a variance or waiver, the permit will be issued or revised to include the variance or waiver and relieve the FSE from the requirement.

E. Terms and Conditions

A variance or waiver shall contain terms and conditions that serve as the basis for its issuance. A variance or waiver may be revoked at any time as set forth in Article 6 of this Chapter, 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. The variance or waiver shall be valid so long as the FSE remains in compliance with their terms and conditions until the expiration date specified in the variance or waiver. Such expiration date shall be no longer than two years from the date of issuance of the variance or waiver.

13.10.260 **COMMERCIAL PROPERTIES**

Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple FSEs that are located on a single parcel. The owner or their official designee(s) of a commercial property with multiple FSEs on a single parcel shall enter agreements with the individual FSEs setting forth responsibilities for maintenance, costs and liabilities for the grease interceptor. A copy of such agreement(s) may be requested by the City.

13.10.270 **ANNUAL FOG CONTROL SURCHARGE FEE**

FSEs that operate without a grease control interceptor may be required to pay an annual FOG Control Surcharge Fee in addition to the annual FOG Control Program Charge, to equitably cover the costs of increased maintenance 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 the new construction of or existing FSEs undergoing remodeling or change in operations to operate without an approved grease interceptor unless the City has determined that it is impossible or impracticable to install or operate a grease control interceptor for the subject facility under the provisions of Section 13.10.250 of this Chapter.

- A. The amount of the annual FOG Control Surcharge 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 and 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.
- B. The annual FOG Control Surcharge Fee may be waived or reduced to when the discharger demonstrates to the reasonable satisfaction of the FOG Control Program Manager that they had used best management and waste minimization practices on a regular basis that has significantly reduced the introduction of FOG into the sewer system. The waiver or reduction of the fee shall be applicable for 12 months from the date of waiver or reduction issuance.
- C. The FOG Control Surcharge 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 sewer system has caused or potentially caused or contributed alone or collectively, in any sewer blockage or public or private SSO in the sewer immediately downstream, or surrounding the FSE in the preceding 12 months prior to the waiver request.

13.10.280

SEWER SYSTEM OVERFLOWS, PUBLIC NUISANCE, ABATEMENT ORDERS AND CLEANUP COSTS

Notwithstanding the three-year amortization period established in Section 13.10.240, FSEs found to have contributed to a sewer blockage, SSOs or any sewer system interferences 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 and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs 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 SSOs caused by FSEs alone or collectively, are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the City must act immediately to contain and/or clean up an SSO caused by blockage of a private sewer lateral or private sewer system of a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City costs for such abatement may be entirely borne by the property owner or operator of the FSE, and individual(s) as responsible officer(s) or owner(s) of the FSE(s) and may constitute a debt to the City and become due and payable upon the City's request for reimbursement of such costs.

ARTICLE 3 – FOG WASTEWATER DISCHARGE PERMITS AND FEES FOR FOOD SERVICE ESTABLISHMENTS

13.10.300

FOG WASTEWATER DISCHARGE PERMIT REQUIRED

- A. FSEs including commercial parcels with multiple FSEs, proposing to discharge or currently discharging wastewater containing FOG into the City sewer system shall obtain a FOG Wastewater Discharge Permit from the City.
- 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 local, State and Federal Regulations.

13.10.310 FOG WASTEWATER DISCHARGE PERMIT APPLICATION

- A. Any person required to obtain a FOG Wastewater Discharge Permit shall complete and file with the City prior to commencing or continuing discharges, an application in a form prescribed by the City. The applicable fees shall accompany the application. The applicant shall submit, at a minimum, in units and terms appropriate for evaluation, the following information:
 - 1. Name, address, telephone number, assessor's parcel number(s), description of the FSE, operation, cuisine, service activities, or clients using the applicant's services.
 - 2. (Whichever is applicable) Name, address of any and all principals/owners/major shareholders of all FSE to be permitted hereunder; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - 3. Name and address of property owner or leaser and the property manager where the FSE is located.
 - 4. Any other information requested by the FOG Control Program Manager as specified in the application form.
- 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 permit application.
- D. After evaluation of the data furnished, the City may issue a FOG Wastewater Discharge permit, a variance or waiver of requirements or no permit subject to terms and conditions set forth in this Chapter and as otherwise determined by the FOG Control Program Manager to be appropriate to protect the City's sewer system.

13.10.320 FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

The issuance of a FOG Wastewater Discharge permit may contain any or all of the following conditions or limits:

- 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 maintain and submitting logs and records, including wastehauling records and 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. Additional requirements as otherwise determined to be reasonably appropriate by the FOG Control Program Manager to protect the City's sewer system or as specified by other Regulatory Agencies.
- J. Requirement for training for all employees annually and at the time of hiring.
- K. Term of the permit.
- L. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Chapter.

13.10.330 FOG WASTEWATER DISCHARGE PERMIT APPLICATION FEE

The FOG Wastewater Discharge Permit Application fee shall be as approved by Resolution of the City Council and shall be paid by the applicant upon submittal of the required FOG Wastewater Discharge Permit Application for coverage under the FOG Control Program. Payment of all applicable fees or charges must be received by the City upon submission of the permit application. A Permittee shall also pay any delinquent invoices in full prior to permit issuance or renewal. Fees are non refundable.

13.10.340 FOG WASTEWATER DISCHARGE PERMIT MODIFICATION 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 FOG Control Program Manager 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 FOG Control Program Manager 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 FOG Control Program Manager 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 (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

13.10.350 FOG WASTEWATER DISCHARGE PERMIT DURATION AND RENEWAL

FOG Wastewater Discharge Permits shall be issued for a term of twelve (12) months commencing on the first day of the month when the permit application and fees/charges are received by the city. Annual renewal of FOG Wastewater Discharge Permits will be made upon payment of the applicable fees/charges which will be invoiced with the applicant's annual City Business License renewal notice. A FOG Wastewater Discharge Permit will be issued within 30 days after receipt of the fees/charges.

13.10.360 EXEMPTION FROM FOG WASTEWATER DISCHARGE PERMIT

A "limited food preparation" establishment is not considered a FSE and is exempt from obtaining a FOG Wastewater Discharge permit. Exempted establishments 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 amounts of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

13.10.370 NON-TRANSFERABILITY OF PERMITS

FOG Wastewater Discharge Permits issued under this Chapter are for a specific FSE identified on the permit, for a specific operation and create no vested rights.

- A. 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.
- B. Any permit which is transferred to a new owner or operator or to a new facility is void.

13.10.380 ANNUAL FOG CONTROL PROGRAM CHARGE

An annual charge, as determined by Resolution of the Council, shall be collected from all non-exempt FSEs to cover the costs of administering the FOG Control Program.

ARTICLE 4 – FACILITIES REQUIREMENTS

13.10.400 DRAWING SUBMITTAL REQUIREMENTS

Upon request by the City:

- A. FSEs may be required to submit two 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 City for review of 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 FSEs 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 any requirements of other Regulatory Agencies.

- 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. FSEs may be required to submit a schematic drawing of the FOG control device, grease interceptor or other pretreatment equipment, piping and instrumentation diagram, and wastewater characterization report.
- D. The City may require the drawings be prepared by a California Registered Civil, Chemical, Mechanical, or Electrical Engineer.

13.10.410

GREASE INTERCEPTOR REQUIREMENTS

- A. All FSEs shall provide wastewater acceptable to the City under the requirements and standards established herein before discharging to any City sewer. Any FSE required to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter.
- B. Grease interceptor sizing and installation shall conform to the current edition of the California Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the FOG Control Program Manager and shall have a minimum of two compartments with fittings designed for grease retention.
- C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.
- D. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent non-wastewater inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

13.10.420

GREASE TRAP REQUIREMENTS

- A. FSEs may be required to install grease traps in the waste line leading from drains, sink, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- B. Sizing and installation of grease traps shall conform to the current edition of the California Plumbing Code.
- C. Grease traps shall be maintained in efficient operating conditions by removing accumulated grease on a daily basis.

- D. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
- E. Grease traps shall be inspected periodically by the permittee and at least annually by the Inspector 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 waste. Removable baffles shall be removed and cleaned during the maintenance process.
- F. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

13.10.430 MONITORING FACILITIES REQUIREMENTS

- A. The City may require the FSEs to construct and maintain in proper operating condition at the FSE's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. The location of the monitoring or metering facilities shall be subject to approval by the FOG Control Program Manager.
- C. FSEs may be required to provide immediate, clear, safe and uninterrupted access to the FOG Control Program Manager or inspectors to the FSE's monitoring and metering facilities.
- D. FSEs may also be required by the FOG Control Program Manager to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this Chapter.
- E. No FSE shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Chapter and the FOG Wastewater Discharge Permit.

13.10.440 REQUIREMENTS FOR BEST MANAGEMENT PRACTICES

- A. All FSEs shall implement best management practices in accordance with the requirements and guidelines established by the City under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.
- B. All FSEs shall be required, at a minimum, to comply with the following Best Management Practices, when applicable:
 - 1. Installation of drain screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
 - 2. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do no leak. Licensed wastehaulers or an approved recycling facility must be used to dispose of waste cooking oil and all manifests and paperwork shall be available for inspection by the City.

3. Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, and not into sinks. Double-bagging food wastes that have the potential to leak in trash bins is highly recommended.
4. Employee training. At the time of hiring and at least annually thereafter or as specified in the permit employees of the FSE shall be trained by ownership/management or permittee on the following subjects:
 - a) How to “dry wipe” pots, pans, dishware and work areas before washing to remove grease.
 - b) How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - c) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled.
 - d) How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling/splashing.

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 the FOG Control Program Manager or inspector.

5. 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 filter shall be disposed of properly.
6. Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

13.10.450

GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

- A. Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- B. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the FOG Control Program Manager pursuant to this section.
- C. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- D. FSEs with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency of the grease interceptors.

- E. The maintenance frequency for all FSEs with a grease interceptor shall be determined in one of the following methods:
1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 2. All FSEs with a Grease Interceptor shall maintain their grease interceptor not less than every 6 months.
 3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (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 (1) and guidelines adopted pursuant to the FOG Control Program. The City 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.
 4. The owner/operator of a FSE may submit a request to the FOG Control Program Manager requesting a change in the 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 (1), and that it is in full compliance with the conditions of its permit and this Chapter. Upon determination by the FOG Control Program Manager that the requested revision is justified, the permit shall be revised accordingly to reflect the change in maintenance frequency.
 5. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in (1), 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 FOG Control Program Manager may also increase the maintenance frequency of the grease interceptor from the current frequency. Notice of any change to the maintenance frequency shall be given by written notice by the FOG Control Program Manager.
- E. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed off site properly by wastehaulers in accordance with federal, state and/or local laws.

ARTICLE 5 – MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

13.10.500 MONITORING AND REPORTING CONDITIONS

- A. Monitoring for Compliance with Permit Conditions and Reporting Requirements
1. The FOG Control Program Manager may require periodic reporting of the status of implementation of Best Management Practices, in accordance with the FOG Control Program.
 2. The FOG Control Program Manager may require visual monitoring/inspection (Closed Captioned Television (CCTV)) at the sole expense of the Permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.
 3. The FOG Control Program Manager may require reports for self-monitoring of wastewater constituents and FOG characteristics for the Permittee needed for determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the FOG Control Program Manager and shall be submitted upon request of the FOG Control Program Manager. Failure by the Permittee to perform any required monitoring, or to submit monitoring reports required by the FOG Control Program Manager 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 Wastewater Discharge Permit or in this Chapter. The Permittee shall be responsible for any and all expenses of the City in undertaking such monitoring analyses and preparation of reports.
 4. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the FOG Control Program Manager to ensure compliance with this Chapter.
 5. The FOG Control Program Manager will provide upon permit application approval an initial FOG Permit Binder to the Permittee for the purpose of maintaining necessary documents related to Permittee's site FOG control and maintenance program. The Binder with appropriate documents such as grease interceptor maintenance schedule, wastehauler manifest, employee training record, etc. shall be made available to the FOG Control Program Manager or inspector during inspections or upon request. Should the Binder not be available for the inspections or when requested a replacement Binder will be provided and a charge, as determined by resolution of the Council, shall be collected from the Permittee.
 6. Failure to accurately maintain the FOG Binder with the appropriate information and records or if the Binder is not available upon request are considered violations of the Permittee's FOG Wastewater Discharge Permit.

B. Record Keeping 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 two years. The Permittee shall, upon request, make the manifests, receipts and invoices available to any City representative, or inspector. These records shall be kept in the Binder provided by the City and include but are not limited to:

1. A record of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
2. A record of Best Management Practices being implemented including employee training.
3. Copies of records and manifests of wastehauling interceptor contents.
4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
5. Records of any spills and/or cleaning by the FSE or FSE's contractor of private lateral or private sewer system.
6. Any other information deemed appropriate by the FOG Control Program Manager to ensure compliance with this Chapter.

C. 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, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Chapter.

13.10.510 INSPECTION AND SAMPLING CONDITIONS

- A. The FOG Control Program Manager may inspect or order the inspection and sample the wastewater discharges of any FSE to ascertain whether the intent of this Chapter is being met and the Permittee is complying with all requirements. The Permittee shall allow the City access to the FSE premises, during normal business hours, for purposes of inspecting the FSE's grease control device or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- B. The FOG Control Program Manager shall have the right to place or order the placement on the FSE's property or other locations as determined by the FOG Control Program Manager, such devices as are necessary to conduct sampling or metering operations. Where a FSE has security measures in force, the Permittee shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- C. In order for the FOG Control Program Manager to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge and for compliance with permit requirements, the Permittee shall make available for inspection and copying by the City all

notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal without restriction but subject to the confidentiality provision set forth in this 13.07.210 of the Lancaster Municipal Code. All such records shall be kept by the Permittee a minimum of two (2) years.

13.10.520 RIGHT OF ENTRY

Persons or occupants of premises where wastewater is created or discharged shall allow the FOG Control Program Manager, or City representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the dischargers facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to City representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the City sewer system. In the event of an emergency involving actual or imminent sanitary sewer overflow, City representatives may access adjoining businesses or properties which share a sewer system with a FSE in order to prevent or remediate an actual or imminent sanitary sewer overflow.

13.10.530 NOTIFICATION OF SPILL

- A. In the event a permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge permit or this Chapter, the discharger shall immediately notify the City by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department and the City.
- B. Confirmation of this notification shall be made in writing to the FOG Control Program Manager at the address specified in the Permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- 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 person or property; nor shall such notification relieve the Permittee of any fees or other liability which may be imposed by this Chapter or applicable law.

13.10.540 NOTIFICATION OF PLANNED CHANGES

Permittee shall notify the City at least 60 days in advance of any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharge or a change in the nature of the discharge. Permittee shall notify the City in writing of the proposed expansion or remodeling and shall submit any information requested by the City for evaluation of the effect of such expansion on Permittee's FOG discharge to the sewer system.

ARTICLE 6 – ENFORCEMENT

13.10.600 **PURPOSES AND SCOPE**

- A. The Council finds that in order for the City to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the City sewer system is protected and is able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the City's system by FSEs.

- B. To ensure that all interested parties are afforded due process of law and that violations are resolved as soon as possible, the general policy of the City is that:
 - 1. Any determination relating to a notice of violation and Compliance Schedule Agreement (CSA) will be made by the FOG Control Program Manager, with a right of appeal by the permittee to the Director pursuant to the procedures set forth in Section 13.10.655.

 - 2. A permittee, or applicant for a permit, may request the Council hear an appeal of the Director's decision pursuant to Section 13.10.660. Such request may be granted or denied by the City Council.

 - 3. Any permit suspension or revocation recommended by the FOG Control Program Manager will be heard and a recommendation made to the Director or other person designated by the Director with a right of appeal of the Director's order by the permittee to the Council pursuant to the provisions of Section 13.10.660.

- C. The City, at its discretion, may utilize any one, combination, or all enforcement remedies provided in this Article 6 in response to any permit or Chapter violations.

13.10.605 **DETERMINATION OF NON-COMPLIANCE WITH FOG WASTEWATER DISCHARGE PERMIT CONDITIONS**

- A. Inspection Procedures
 - 1. Inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the FOG Control Program Manager.

 - 2. Non-compliance with Best Management Practices, 25% Rule for grease interceptors, maintenance frequency requirements for grease interceptors, permit discharge conditions, or any discharge provisions of this Chapter may be determined by an inspection of the FSE.

- B. Sampling Procedures
 - 1. Sampling of FSEs wastewater discharge shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the FOG Control Program Manager.

 - 2. Non-compliance with mass emission rate limits, concentration limits, permit discharge conditions, or any discharge provision of

this Chapter may be determined by an analysis of a grab or composite sample of the effluent of a user. Non-compliance with mass emission rate limits shall be determined by an analysis of a composite sample of the user's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no wastewater flow into the system when the discharge is occurring, the volume of wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.

3. Any sample taken from a sample point is considered to be representative of the discharge to the City sewer.

C. Specialty FOG Compliance Charges

Any permittee determined to be in non-compliance with the terms and conditions specified in its permit or with any provision of this Chapter shall pay Specialty FOG Compliance Charges in addition to any other FOG related charges required by this Chapter. The purpose of this charge 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 non-compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 13.10.645 and 13.10.650. The Specialty FOG Compliance Charge shall be in an amount to cover the actual costs incurred by the City to obtain compliance with this Chapter.

13.10.610 COMPLIANCE SCHEDULE AGREEMENT (CSA)

- A. Upon determination that a permittee is in non-compliance with the terms and conditions specified in its permit or any provision of this Chapter, or needs to construct and/or acquire and install a grease control device or grease interceptor, the FOG Control Program Manager may require the permittee to enter into a CSA.
- B. The issuance of a CSA 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, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Chapter.
- C. The FOG Control Program Manager shall not enter into a CSA until such time as all amounts owed to the City, including user fees, non-compliance sampling fees or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party is approved by the Council.
- D. If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the FOG Control Program Manager may issue an order suspending or revoking the discharge permit pursuant to Section 13.10.615 or 13.10.620 of this Chapter.

13.10.615 PERMIT SUSPENSION

- A. The Director may suspend any permit when it is determined that a permittee:
1. Fails to comply with the terms and conditions of a CSA order.
 2. Knowingly provides a false statement, representation, record, report, or other document to the City.
 3. Refuses to provide records, reports, plans, or other documents required by the City to determine permit 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 permittee's premises for the purpose of inspection and monitoring.
 6. Does not make timely payment of all amounts owed to the City for user charges, permit fees, or any other fees imposed pursuant to this Title.
 7. Causes interference, sewer blockages, or SSOs with the City's sewer system.
 8. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of this Chapter.
- B. When the FOG Control Program Manager has reason to believe that grounds exist for permit suspension, he/she shall give written notice thereof by certified mail to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the Director or his/her designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
1. At the suspension hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the Director and approved by the City Attorney.
 2. If the Director designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the Director setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
 3. Upon receipt of the written report of a hearing officer or conclusion of the hearing, if the Director conducted the hearing, the Director shall make his/her determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the Director shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

C. Effect

1. Upon an order of suspension by the Director becoming final, the permittee shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly to the City's sewer system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee.
2. Any owner or responsible management employee of the permittee shall be bound by the order of suspension.
3. An order of permit suspension issued by the Director shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Council pursuant to Section 13.10.660 no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

13.10.620

PERMIT REVOCATION

A. The Director may revoke any permit when it is determined that a permittee:

1. Knowingly provided a false statement, representation, record, report, or other document to the City.
2. Refuses to provide records, reports, plans, or other documents required by the City to determine permit terms, conditions, discharge compliance or compliance with this Chapter.
3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
4. Fails to comply with the terms and conditions of permit suspension or CSA.
5. Discharges effluent to the City's sewer system while its permit is suspended.
6. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
7. Does not make timely payment of all amounts owed to the City for user charges, permit fees, or any other fees imposed pursuant to this Title.
8. Causes interference, sewer blockages, or SSOs with the City sewer system.
9. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of this Chapter.

B. Approval. When the FOG Control Program Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the Director or his/her

designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

1. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the Director and approved by the City's Attorney.
2. If the Director designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the Director setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
3. Upon receipt of the written report by the hearing officer, or conclusion of the hearing, if the Director conducted the hearing, the Director shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the Director shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

In the event the Director determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

1. Upon an order of revocation by the Director becoming final, the permittee shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to the City's sewer system. All costs incurred by the City for physical termination shall be paid by the permittee.
2. Any owner or responsible management employee of the permittee shall be bound by the order of revocation.
3. Any future application for a permit at any location within the City by any person associated with an order of revocation will be considered by the City after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
4. An order of permit revocation issued by the Director shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Council pursuant to Section 13.10.660 no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

- A. Any person who discharges any waste which causes or contributes to any sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to the City's sewer facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the City to resume normal operations. The total amount shall be payable within forty-five (45) days of invoicing by the City.
- B. Any person who discharges a waste which causes or contributes to the City violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the City, including regulatory fines, penalties, and assessments made by other agencies or a court.

13.10.630 PUBLIC NUISANCE

Discharge of wastewater in any manner in violation of this Chapter or of any order issued by the FOG Control Program Manager or Director, as authorized by this Chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the FOG Control Program Manager or Director. Any person creating a public nuisance is guilty of a misdemeanor.

13.10.635 TERMINATION OF SERVICE

- A. The City, by order of the Director, may physically terminate sewer service to any property as follows:
 - 1. On a term of any order of suspension or revocation of a permit; or
 - 2. Upon the failure of a person not holding a valid FOG Wastewater Discharge Permit to immediately cease the discharge, whether direct or indirect, to the City's sewer facilities after the notice and process in Section 13.10.605 herein.
- B. All costs for physical termination shall be paid by the owner or operator of the FSE or permittee as well as all costs for reinstating service.

13.10.640 EMERGENCY SUSPENSION ORDER

- A. The City may, by order of the Director, suspend sewer service when the Director determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause SSOs, sewer blockages, interference to the City's sewer systems, or may cause the City to violate any State or Federal Law or Regulation. Any discharger notified of and subject to an

Emergency Suspension Order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.

- B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) business days following the issuance of such order, the Director shall hold a hearing to provide the FSE or Permittee the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the Director and approved by the City Attorney. The Director shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the FSE or its legal counsel/representative at that FSE's business address. The decision of the Director following the hearing shall be final and not appealable to the City Council, but may be subject to judicial review.

13.10.645 **CIVIL PENALTIES**

- A. All users of the City's sewer system are subject to enforcement actions administratively or judicially by the City, U.S. EPA, Sanitation Districts of Los Angeles County, and/or State of California Regional Water Quality Control Board. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739 – 54740.
- B. In the event the City is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by the City, as caused by the discharge of any user of the City's system which is in violation of any provision of this Chapter or the user's permit, the City shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.

13.10.650 **CRIMINAL PENALTIES**

Any person who violates any provision of this Chapter is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than 6 months, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Chapter and shall be subject to the penalties contained herein.

13.10.655 **APPEALS TO DIRECTOR**

- A. Any FSE, permit applicant or permittee affected by any decision, action or determination made by the FOG Control Program Manager or notice of violation issued by any City inspector may file with the Director a written request for an appeal hearing. The request must be received by the City within fifteen (15) days of mailing of notice of the decision, action, or determination of the FOG Control Program Manager to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request.
- B. The Director shall, within fifteen (15) days of receiving the request for appeal, designate a hearing officer to hear the appeal and provide written notice to the appellant of the hearing date, time and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.
- C. At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the FOG Control Program Manager's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the Director and approved by the City Attorney.
- D. After the conclusion of the hearing, the hearing officer (or other designee) shall submit a written report to the Director setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reversed the FOG Control Program Manager's original decision, action or determination. Upon receipt of the written report, the Director shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee. The written decision and order of the Director shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the Director shall be final in all respects on the sixteenth (16th) day after it is mailed to the appellant unless a request for hearing is filed with the Council pursuant to Section 660 no later than 5:00 p.m. on the fifteenth day following such mailing.

13.10.660

APPEALS TO THE CITY COUNCIL

- A. Any FSE, permit applicant, or permittee adversely affected by a decision, action, or determination made by the Director may, prior to the date that the Director's order becomes final, file a written request for hearing before the Council accompanied by an appeal fee in the amount established by a separate resolution of the City Council. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

No later than sixty (60) days after receipt of the request for hearing, the Council shall either set the matter for a hearing, or deny the request for a hearing.

A hearing shall be held by the Council within sixty-five (65) days from the date of determination granting a hearing, unless a later date is agreed to by the appellant and the City Council. If the matter is not heard within the

required time, due to actions or inactions of the appellant, the Director's order shall be deemed final.

- B. The Council shall grant all requests for a hearing on appeals concerning permit suspension, revocation, or denial. Whether to grant or deny the request for a hearing on appeals of other decisions of the Director shall be within the sole discretion of the City Council.
- C. The appeal fee shall be refunded if the Council denies a hearing or reverses or modifies, in favor of the appellant, the order of the Director. The fee shall not be refunded if the Council denies the appeal.
- D. After the hearing, the Council shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the Director.

The decision of the Council shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the Council shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the Council shall be final upon its adoption. In the event the Council fails to reverse or modify the Director's order, it shall be deemed affirmed.

13.10.665 PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Chapter are due and payable upon receipt of notice thereof. Such amounts are delinquent if unpaid after 30 days.
- B. Penalties for failure to pay such fees, charges and penalties within the time identified in the notice shall be in accordance with Section 5.04.080 Penalty, of the Lancaster Municipal Code.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.
- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed, provided the City receives written notification of said appeal prior to the payment due date.
- E. Payment of disputed charges is still required by the due date during City review of any appeal submitted by permittee.

13.10.670 COLLECTION OF DELINQUENT ACCOUNTS

Collection of delinquent accounts shall be in accordance with the City's procedures for collection of delinquent obligations owed to the City. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Chapter.

ARTICLE 7 – SEVERABILITY

13.10.700 SEVERABILITY

If any section, subsection, subdivision, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Chapter or any of the remaining portions hereof. The Council hereby declares that it would have passed this Chapter, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.