

CENTRAL MARIN SANITATION AGENCY

CONFORMED FOG ORDINANCE

(Ordinance No. 2006-2 with all elements of Ordinance No. 2007-1 inserted)

AN ORDINANCE REGULATING THE ACCEPTANCE OF FATS, OILS AND GREASE (FOG) INTO THE WATER POLLUTION CONTROL SYSTEM OF THE CENTRAL MARIN SANITATION AGENCY

SECTION 1 – INTRODUCTION

The Commission of the Central Marin Sanitation Agency of Marin County does adopt as follows:

This ordinance shall be known as the "Fats, Oils and Grease (FOG) Ordinance of the Central Marin Sanitation Agency" and may be so cited and pleaded.

This ordinance is adopted pursuant to provisions of Section 6400 *et. seq.* of the Health and Safety Code of the State of California.

SECTION 1A – INTRODUCTION TO CONFORMED ORDINANCE

The Central Marin Sanitation Agency (CMSA) adopted Ordinance No. 2006-2, the Fats, Oils and Grease (FOG) Ordinance, on September 12, 2006. In order to facilitate implementation and enhance effectiveness of the FOG Control Program, CMSA adopted Ordinance No. 2007-1 on August 14, 2007. Ordinance 2007-1 clarifies elements of the FOG Ordinance and specifies certain implementation procedures.

This "Conformed FOG Ordinance," intended for informational purposes only, is comprised of the FOG Ordinance (No. 2006-2) with all relevant elements of Ordinance No. 2007-1 inserted. Any legal issues shall be resolved with the original Ordinances.

SECTION 2 - PURPOSE AND POLICY

- A. Sanitary sewer overflows (SSOs) have recently become a major concern to wastewater agencies throughout the State of California. A frequent cause of SSOs is the blockage of sewer lines due to discharge of fats, oils and grease (FOG) from food preparation and clean-up operations. One of the actions Central Marin Sanitation Agency (Agency or CMSA) is taking to prevent SSOs from the sanitary sewers in its Water Pollution Control System is to develop and implement a program to reduce the discharge of FOG from restaurants and other food service establishments to levels that will not cause blockage in sewer lines. This program will enable San Rafael Sanitation District and other CMSA Member Agencies to comply with requirements of the California State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board.

- B. Agency Ordinance No. 95-1, adopted by the governing Commission of CMSA in 1995, regulates the discharge of wastes into the Agency's Water Pollution Control System. Section 3.B.1. of the Ordinance prohibits the discharge of viscous wastes in amounts which will cause obstruction to the flow in the Water Pollution Control System. Section 4.B.10. and 7.D. give the Agency authority to require sewer users to install pretreatment equipment as necessary to bring their discharges into compliance with the Ordinance. Sections 4.B.7, 4.B.9, and 7.A. give the Agency staff authority to perform inspections on the premises of sewer users and to review user records relevant to sewer discharge.
- C. Upon adoption of this Ordinance, all food service establishments (FSE's) subject to this Ordinance, as further defined in Section 4. of this Ordinance, shall be designated as "Class III Users," as defined in Section 5.A. of Ordinance No. 95-1. This designation is based on the discharge of FOG as discussed herein.

SECTION 3 - JURISDICTION

- A. CMSA has authority to regulate discharges into the Water Pollution Control System in the jurisdictions of all Member Agencies. However, the provisions of this Ordinance and the responsibility for implementation and enforcement of this Ordinance shall only be applicable to the service area which encompasses the jurisdictional area of any Member Agency of CMSA which has complied with the following:
- Such Member Agency enters into an agreement with CMSA for cost reimbursement and implementation of this Ordinance within its jurisdictional boundaries.
 - Such Member Agency adopts by resolution the provisions of this Ordinance as being in force and applicable within its jurisdictional boundaries.
- B. The FOG Ordinance is currently applicable to the service area encompassing the jurisdictional boundaries of the San Rafael Sanitation District and the Ross Valley Sanitary District (Sanitary District No. 1 of Marin County). The resolutions making this FOG Ordinance effective in these Member Agencies are listed below:
- Resolution No. 06-930 of the Board of Directors of the San Rafael Sanitation District, adopted October 4, 2006.
 - Resolution No. 1284 of the Board of Directors of Ross Valley Sanitary District, adopted April 3, 2007.

SECTION 4 - DEFINITIONS

Fats, oils, and grease (FOG)- Any animal- or vegetable-based fats, oils, and grease generated from food preparation, food service, and kitchen clean up.

Food service establishment (FSE)- Includes but is not limited to any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafes, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, grocery stores with food preparation (excluding stores with only food warming operations), meat cutting and preparation, and other food handling facilities not listed above where fats, oils, and grease may be introduced into the sanitary sewers.

Grease removal device (GRD)- A device used to remove FOG from kitchen wastes discharged to the sanitary sewer, *i.e.*, a grease interceptor, grease trap, or other mechanical device.

Grease interceptor (or interceptor)- A GRD consisting of a partitioned vault, with a minimum volume of 750 gallons, that is typically installed in-ground or underground and outside of the building which it serves.

Grease trap (or trap)- A GRD designed to serve one to four kitchen fixtures. Traps are usually 50 gallons or less in volume and are typically located inside a kitchen, under the sink or in the floor.

CMSA (or Agency)- Central Marin Sanitation Agency

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

"Significant change to the kitchen" shall mean remodel work inside the kitchen areas which includes either of the following:

- Removal or addition of walls.
- Drain line changes which involve invasive work to walls or floors.

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

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

Member Agency- Parties to the October 15, 1979 Joint Exercise of Powers Agreement that formed CMSA. The cumulative service area of the member agencies comprises the CMSA service area. The member agencies are Sanitary District No. 1 of Marin County, San Rafael Sanitation District, Sanitary District No. 2 of Marin County and the City of Larkspur.

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

Ross Valley Sanitary District (RVSD) service area- RVSD is also known as Sanitary District No. 1 of Marin County. The service area is the area within the jurisdictional boundaries of RVSD. This includes all parts of Fairfax, San Anselmo, Larkspur, Ross, Greenbrae, and Kentfield.

San Rafael Sanitation District (SRSD) service area- The area within the jurisdictional boundaries of San Rafael Sanitation District. This includes all parts of the City of San Rafael south of the Puerto Suello ridge (Terra Linda and Civic Center are not in the SRSD service area).

Sewer line "hot spot"- A location in the sanitary sewer lines where one or more FOG-related sewer overflows have occurred, that requires significantly increased maintenance to prevent FOG-related line blockages, and/or where a significant potential exists for FOG-related line blockages to occur. The designation of a "hot spot" will be solely at the discretion of the Member Agency, based on the history and characteristics of the location.

Uniform Plumbing Code (UPC)- "2001 California Plumbing Code" (California Code of Regulations, Title 24, Part 5). This is the UPC currently referenced by the City of San Rafael Municipal Code. If there are future revisions to the UPC that relate to sizing of GRDs, the Agency reserves the right to use either the present or revised UPC, as appropriate.

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

SECTION 5 - Grease Removal Device Requirements

The FOG Control Program set forth in this Ordinance governs all FSEs within the jurisdiction of this Ordinance. All new food service establishments (FSEs), all existing FSEs undergoing a major remodel and all existing FSEs upstream of a "sewer line hot spot" (hot spot) shall have at least one grease removal device (GRD), as specified below. Appendix A of this Ordinance is a table summarizing these requirements.

A. New Food Service Establishments

For purposes of this Ordinance, a "new food service establishment" shall be as defined in Section 4. of this Ordinance: "a) A new building which will contain a food service establishment (FSE); b) The installation of an FSE in an existing building which has not previously contained an FSE requiring a Restaurant Plan Check from Marin County Environmental Health Services." A business will not be considered a "new FSE" solely on the basis of a change menu, name, and/or ownership.

All new FSEs shall install an interceptor sized in accordance with Appendix H of the Uniform Plumbing Code (UPC). Interpretation of Appendix H and the variables used in the sizing calculation shall be at the discretion of the Agency. The 2006 edition of the UPC (and the 2007 California Plumbing Code), includes a major revision of Chapter 10, "Traps and Interceptors." As part of this revision, the former Appendix H has been eliminated. The Agency will accept interceptor sizing based on Table 10-3 of the revised UPC (2007 California Plumbing Code).

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

Outside refuse areas and/or washing areas must be covered, bermed to prevent discharge to storm drainage, and plumbed to the sanitary sewer, in accordance with the requirements of the municipality. These areas shall drain to the kitchen interceptor or to another properly sized interceptor.

VARIANCE PROCEDURE

A new or major remodeled FSE may be allowed to install one or more grease traps, instead of a grease interceptor, if one or both of the following conditions occur:

- a) Adequate slope cannot be provided for gravity flow between kitchen plumbing fixtures and the proposed location of the grease interceptor or from the interceptor to the sewer
- b) Adequate space cannot be provided, at the site, for installation and/or maintenance of a grease interceptor

Granting the variance shall be at the discretion of the CMSA General Manager or designee. The applicant shall provide CMSA with documentation adequate to verify at least one of the above conditions.

Which kitchen fixtures are connected to a grease trap, and the sizing of the trap(s), shall be at the discretion of CMSA. In no case shall the installation and sizing be less than the minimum requirement specified in Section 5.C. of Ordinance No. 2006-2.

Any FSE granted a variance from the requirement for a grease interceptor shall be issued a "conditional wastewater permit," as discussed in Section 5.C. of Ordinance No. 2006-2.

B. Major Remodel

Any FSE which is: a) Upstream of a sewer line hot spot, as defined in Section 4. of this Ordinance and described in Section 5.C. below; AND b) Undergoing a major remodel, as defined in Section 4., shall install an interceptor, as described in Section 5.A. of this Ordinance. The requirements shall be the same as for a new FSE, except for the following:

- A remodeled FSE may be allowed to not connect some minor kitchen drains, such as hand washing sinks or floor drains, where connection of these drains to the interceptor would require excessive re-plumbing. The determination shall be solely at the discretion of the Agency, on a case by case basis. For any drain exempted from connection to the interceptor, the FSE shall maintain employee training and/or signage to prevent discharge of FOG to the drain.
- At the discretion of the Agency, on a case by case basis, a remodeled FSE may be relieved from complying with some of the requirements, specified in Section 5.A. of this Ordinance, regarding outside refuse areas and/or washing areas. At a minimum, facilities and operating practices must be adequate at all times to prevent illegal discharges to storm drainage.

Any FSE which is not upstream of a sewer line hot spot but is undergoing a major remodel, as defined in Section 4. of this Ordinance, shall install, at a minimum, one or more grease traps, as required for an existing FSE which is upstream of a hot spot. The requirement for existing FSEs upstream of a hot spot is specified in Section 5.C. of this Ordinance.

C. Existing Food Service Establishments – Upstream of "Hot Spot"

As defined in Section 4. of this Ordinance, a sewer line "hot spot" is a specific location in the sanitary sewer lines where one or more FOG-related sewer overflows have occurred, that requires significantly increased maintenance to prevent FOG-related line blockages, and/or where a significant potential exists for FOG-related line blockages to occur. The Member Agency shall maintain a current list of the locations designated as hot spots. The list shall reference the evidence supporting each designation. Such evidence may include, but is not limited to, maintenance records, SSO reports, or videotapes. The designation of a hot spot shall be solely at the discretion of the Member Agency.

The minimum GRD requirement for any FSE above (upstream) a designated hot spot shall be one or more traps draining at least the utensil sinks and dishwasher pre-rinse sink (scrap sink). This minimum GRD requirement for shall include installation of a grease trap on any device, including a wok

stove or a soup kettle, that has as a drain installed to remove washwater from cooking surfaces. Alternatively, the drain may be taken out of service and disconnected from the sanitary sewer, if such action is acceptable to Marin County Environmental Health Services

The sizing of the trap(s) shall be as follows:

- For FSEs that do not currently have any GRD in place, see "Minimum Size for Installed Grease Traps" below.
- Existing FSEs with one or more traps currently installed shall not be required to install a larger trap if the size of the trap is at least 70% of the size specified by Table 10-2 in Chapter 10 of the UPC. Those FSEs with installed traps sized at less than 70% of the UPC requirement shall be required to install larger or additional traps to meet the appropriate sizing requirement of the UPC.
- The Agency reserves the right to require installation of an interceptor, as discussed in Section 5.B. of this Ordinance, if such installation is appropriate due to the size, menu, and location of the FSE.

MINIMUM SIZE FOR INSTALLED GREASE TRAPS

Where a new grease trap is to be installed in an existing FSE, the minimum size (flow rate) of the trap shall be 35 gpm. The following exceptions may be made, at the discretion of the Agency, in which case the minimum size shall be the minimum size specified in the Uniform Plumbing Code (20 gpm):

- For grease trap installations draining a single, relatively small fixture such as a single compartment sink or a wok stove.
- For installations where the outside dimensions of available 35 gpm traps are such that installation in the existing kitchen configuration is impractical.

FSEs upstream of a designated hot spot, that have a grease trap meeting the requirements in Section 5.C. above, shall be issued a "conditional wastewater permit." The conditional permit shall authorize the FSE to discharge from their kitchen drains without installation of an interceptor. However, if the Agency determines that the FSE's grease trap(s) and operating practices are inadequate and the FSE continues to contribute significant quantities of FOG to a downstream sewer line hot spot, the conditional permit shall be revoked and the FSE shall be required to install an interceptor. If the conditional permit is revoked, the FSE shall be subject to the same requirements as described above for an FSE upstream of a hot spot and undergoing a major remodel (Section 5.B.). Such revocation shall only occur after the Agency has worked with the permittee to resolve the problem and has documented reasonable evidence that FOG discharges from the FSE are contributing to the hot spot problem.

All grease trap installations (existing traps or new installations) shall comply with all of the following requirements. Note that these requirements do not apply to interceptor installations.

- Dishwashing machines shall not drain to a grease trap, unless the FSE can document that the volume and temperature of washwater and rinsewater discharged, in combination with any detergent, soap, and/or disinfectant in the water, will not render the trap ineffective.
- All new or existing grease trap installations shall comply with 1014.3 of the UPC. This requires a flow control device, meeting certain criteria, to be installed either on each fixture drain before the trap inlet or at the trap inlet itself.
- For any kitchen drain not connected to the grease trap, the FSE shall maintain employee training and/or signage adequate to prevent discharge of FOG to the drain.
- Installation of specialized grease removal devices of proprietary design, such as the "Big Dipper," will be considered by the Agency on a case by case basis. Approval shall be contingent on demonstration that the device will reliably perform at least as well as a conventional grease trap meeting the requirements of the UPC.

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

Existing FSEs that are not upstream of a sewer line hot spot do not have permit or GRD requirements under this Ordinance. However, owners and operators of such establishments should consider that if the FSE should discharge sufficient FOG to cause an obstruction in the sanitary sewer, they would be in violation of Ordinance No. 95-1. Such discharge would also be likely to plug the FSE's drain lines, causing sewage back-ups into the kitchen.

Upon request, Agency personnel will provide FSEs with information regarding employee training and grease removal devices to minimize FOG discharge to the sewer.

SECTION 6 - Requirements for All FSEs Subject to This Ordinance

All new food service establishments (FSEs) and all existing FSEs upstream of a "sewer line hot spot" (hot spot) are subject to this Ordinance and shall have a current wastewater permit issued by the Agency and at least one grease removal device (GRD), as described in Section 5. of this Ordinance. The sole exception is any FSE granted a permit waiver, as discussed in Section 6.A. below. All FSEs that are subject to this Ordinance shall comply with requirements A. through E. below, unless they are granted a permit waiver.

A. Permit Waiver

All FSEs shall have a current wastewater permit issued by the Agency, unless the Agency grants a permit waiver. Waivers will be granted only to those FSEs that can demonstrate to the satisfaction of the Agency that they are not a significant source of FOG. This will normally be the case only if there is no cooking or clean-up taking place at the facility.

B. Permit Fees

Section 5.D. of Ordinance No. 95-1 specifies that CMSA shall have the authority to assess and collect fees from users of the CMSA Water Pollution Control System, in order to recover costs incurred by the Agency when regulating discharges into the System. The fees specified therein are applicable to FSEs as "Class III Users" of the System.

At the discretion of the Agency, the Permit Fee and/or other fees specified in Section 5.D. of Ordinance No. 95-1 may be waived to the extent that the Member Agency reimburses the Agency for the costs of implementing the FOG Control Program set forth in this Ordinance. Nothing herein is intended to alter or limit such fees as a Member Agency may impose on users that are regulated under this Ordinance.

As discussed in Section 8.D. of this Ordinance, if an inspection by Agency staff determines that a permittee is in violation of one or more requirements of this Ordinance, the permittee shall be assessed a fee to reimburse the Agency for the cost of a re-inspection to determine that the violation has been corrected. Additional fees may be assessed if an Agency compliance order is issued to the permittee, as discussed in Section 8.E. of this Ordinance. All such fees are in accordance with Section 5.D. of Ordinance No. 95-1.

As specified in Section 5.E. of Ordinance No. 95-1, all fees assessed by the Agency pursuant to Section 5.D. are due and payable upon receipt of such notice. Section 5.E. specifies Agency procedures regarding fees not paid in a timely manner.

C. Grease Recycling Bin

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

The container shall be serviced (emptied or exchanged) and recycled in a legal manner at an appropriate frequency. Receipts or other documentation of such service shall be retained at the FSE and presented to Agency staff on request. The FSE shall maintain adequate employee training and/or

kitchen signage to assure that the container is used and maintained in an appropriate manner.

D. No Stormwater Pollution

All FSEs shall operate so as to prevent any discharge of FOG or other wastes to storm water drainage in violation of Ordinance No. 1672 of the City of San Rafael (Storm Water Management and Discharge Control Program Ordinance) or, if outside the City of San Rafael, the Storm Water Ordinance of the municipality with jurisdiction.

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

E. GRD Additives Prohibited

Addition of enzymes, solvents, or emulsifiers to GRDs (grease traps or interceptors) or to drains leading to these devices is prohibited.

F. Food Grinders Prohibited

A food grinder (garbage disposal) shall not discharge to a grease removal device (grease trap or grease interceptor).

SECTION 7 - Maintenance Requirements for GRDs

The wastewater permit issued to an FSE will specify the required minimum frequency for maintaining (pumping or hand cleaning) the grease removal device(s) and how the FSE shall verify this maintenance. The options are described below.

A. Grease Interceptors and Large Grease Traps

For an FSE with a grease interceptor or a grease trap larger than 30 gallons liquid capacity (35 gpm rating / 70 pound grease storage capacity), the interceptor or trap shall be pumped (*i.e.*, all compartments pumped empty) and the contents legally disposed at a minimum frequency of once every three months. The Agency may require more frequent pumping if inspections by Agency staff indicate that pumping every three months is not adequate. At the discretion of the Agency, the required frequency may be reduced if the FSE provides documentation (*e.g.*, hauler certifications) adequate to establish that less frequent pumping would suffice. Such documentation shall be based on a minimum of one year of quarterly pumping and shall be verified by Agency inspections.

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

removal receipt" which includes the name of the FSE, the date of the pumping, the "working capacity" of the interceptor pumped (see Section 4. of this Ordinance) and the total gallons pumped.

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

B. Grease Traps

FSEs with a grease trap of 30 gallons liquid capacity (35 gpm rating / 70 pound grease storage capacity) or less may choose to comply with the procedure specified in Section 7.A. of this Ordinance, except that the minimum pumping frequency shall be monthly, unless modified in the permit, as described above.

All FSEs with a grease trap of 30 gallons liquid capacity (35 gpm rating / 70 pound grease storage capacity) or less who do not choose to comply with the above shall comply with the procedure specified below.

The grease trap shall be cleaned by FSE staff and/or a contractor, at a minimum frequency of once every 15 days. The Agency may require more frequent cleaning if inspections by Agency staff indicate that cleaning every 15 days is not adequate. At the discretion of the Agency, the required frequency may be reduced if the FSE provides documentation (*e.g.*, logbook observations) adequate to establish that less frequent cleaning would suffice. Such documentation shall be based on a minimum of six months cleaning at a minimum 15 day frequency and shall be verified by Agency inspections.

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

Cleaning of a trap shall be documented on a logsheet maintained by the FSE. The logsheet shall include, at a minimum, the date of the cleaning event, the name of the person(s) performing the cleaning, their signature, the quantity of waste removed from the trap, and any other relevant observations. The completed log sheets shall be maintained onsite in a file pouch supplied by

the Agency for a minimum of three years and provided to Agency staff on request. The FSE shall provide to the Agency (mail or FAX) a copy of their current logsheet at a frequency specified by the Agency in the FSE permit.

SECTION 8 - Agency Monitoring of Permit Compliance

Agency staff will monitor FSE compliance with this Ordinance and the wastewater permit. Below is an outline of the routine monitoring and enforcement procedures. The Agency reserves the right to modify these procedures, as appropriate.

A. Permits

As specified in Sections 6. and 6.A. of this Ordinance, all new FSEs and FSEs upstream of a sewer line hot spot shall have an Agency wastewater permit or a permit waiver. Agency staff shall not issue a permit until they have verified that the FSE is in compliance with the grease removal device (GRD) requirements specified in Section 5. of this Ordinance. If an FSE has an existing GRD that must be replaced due to inadequate sizing, an interim permit may be issued to specify maintenance of the existing GRD.

The permit issued to an FSE shall specify the required maintenance (pumping or cleaning) frequency for the GRD, and the requirements for verifying maintenance, in accordance with Section 7. of this Ordinance.

B. Permit Inspections

Sections 4.B.7., 4.B.9, and 7.A. of Agency Ordinance No. 95-1 give Agency staff authority to perform inspections on the premises of sewer users and to review user records relevant to sewer discharge.

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

C. Permit Violations

The following conditions are violations of an FSE wastewater permit and shall normally result in issuance of a Notice of Violation (NOV), in

accordance with Section 10.A.1. of Ordinance No. 95-1. At the discretion of Agency staff, a verbal warning may be given instead of an NOV, for "borderline" violations or where there are extenuating circumstances. Egregious and/or repeated violations may result in escalated enforcement action, as described in Section 8.E. below. An NOV shall state the violation(s), the corrective action(s) required, and the date the corrective action(s) must be completed.

- GRD not maintained - The permit shall specify the minimum maintenance frequency required, in accordance with Section 7. of this Ordinance. If documentation of adequate maintenance is not provided to Agency staff, the FSE shall be in violation. Regardless of the frequency of maintenance, any GRD with a combined level of floating FOG and settled solids in any compartment which exceeds 25% of the liquid depth of that compartment shall be considered to be in violation.
- GRD not in working condition- All vents, baffles, inlet and outlet devices, and flow control devices necessary for proper operation of the GRD and compliance with this Ordinance must be in place and in working condition at all times.
- Grease recycling bin not in use- Unless exempted in the permit, the FSE shall comply with Section 6.C. of this Ordinance.
- Prohibited compounds discharged to GRD- Unless specific compounds are authorized in the permit, the FSE shall comply with Section 6.E. of this Ordinance.
- FOG discharged to drain not connected to GRD- See Sections 5.B and 5.C. of this Ordinance. Repeated incidents may result in requirement to connect the drain to a GRD.
- Access denied to Agency staff- See 8.B. above.

D. Re-inspection

If a Notice of Violation (NOV) is issued for violation of an FSE wastewater permit, the FSE shall be assessed an inspection fee, in accordance with Section 5.D.3. of Ordinance No. 95-1. The fee shall reimburse the Agency for the cost of inspecting the FSE to verify the corrective action required by the NOV.

Normally the "re-inspection fee" shall be a standard charge equal to 1.5 times the weighted hourly salary for the Agency staff normally performing FSE inspections, plus 60% overhead. In exceptional cases, requiring substantially more than 1.5 hours staff time for all follow-up to the NOV, the re-inspection fee shall be based on actual staff time documented.

E. Escalated Enforcement

Where deemed necessary to achieve compliance with this Ordinance, the Agency will take escalated enforcement action beyond or in addition to the Notice of Violation. The normal intermediate enforcement action is an Administrative Order, as described in Section 10.A.3. of Ordinance No. 95-1. Fees may be assessed as part of an Administrative Order in order to recover Agency costs for the enforcement action.

SECTION 9 – Hearings and Appeals

Section 11. of CMSA Ordinance No. 95-1 is hereby incorporated by reference into this FOG Ordinance (No. 2006-2). Any person wishing to appeal a decision, action, or determination of the Agency pursuant to this FOG Ordinance shall comply with all relevant provisions of Section 11. of Ordinance No. 95-1.

SECTION 10 – Severability

If any provision, paragraph, word, section, or article of Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 11 – Revision

The Commissioners of the Central Marin Sanitation Agency reserve the right to update, change, or modify this Ordinance when deemed advisable and necessary.

SECTION 12 – Effective Date

[This section deleted in Conformed FOG Ordinance. See original Ordinances for dates of passage, names of Commissioners voting for and against, and effective dates.]

APPENDIX A

Grease Removal Device Requirements for Food Service Establishments (FSEs)

	NOT Upstream of "Hot Spot"	Upstream of "Hot Spot"
New FSE	Interceptor* required (see 5.A. – Page 4)	Interceptor* required (see 5.A. – Page 4)
Major remodel	Grease trap required (see 5.B. – Page 6)	Interceptor required** (see 5.B. – Page 6)
Existing FSE	No requirement (see 5.D. – Page 8)	Grease trap required*** (see 5.C. – Page 6)

* Interceptor = Outside, 750 gallons minimum, connected to all kitchen drains

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

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