

ORDINANCE NO. 13

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTECITO SANITARY DISTRICT**

**TO REGULATE AND REDUCE FAT, OIL, AND GREASE
IN THE SEWER SYSTEM AND TO REQUIRE
FAT, OIL, AND GREASE REMOVAL DEVICES**

WHEREAS, the District was duly formed and operates pursuant to the Sanitary District Act of 1923, which is codified in the Health and Safety Code ("the Act");

WHEREAS, the Act authorizes the District to make and enforce all necessary and proper regulations for all sanitary purposes not in conflict with the laws of the state of California;

WHEREAS, the Act authorizes the District to take action as it may deem necessary and proper to exercise and effect of any of its powers or for the purposes for which it was formed;

WHEREAS, section 54739 of the Government Code authorizes the District to require pretreatment or removal of Waste as necessary to meet standards established by the federal and state governments or other regulatory agencies or which the District deems necessary to protect District facilities or the proper and efficient operation thereof or the health or safety of District employees or the environment, and the District has determined to require prevention of the entry of such Waste into the collection system and treatment works;

WHEREAS, the District has determined that it is appropriate and necessary to adopt this ordinance regulating the discharge of Fat, Oil, and Grease ("FOG") in order to prevent discharge of Wastewater containing FOG into the District sewer system;

WHEREAS, the adoption of this ordinance is exempt under the California Environmental Quality Act ("CEQA") and CEQA Guidelines as state or locally authorized action by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment;

WHEREAS, State Water Resources Control Board Order No. 2006-0003-DWQ requires the reduction of Sanitary Sewer Overflows and authorizes the implementation of FOG Control Programs;

WHEREAS, the state of California deems it to be a misdemeanor offense to improperly remove grease from a grease trap or interceptor or to reinsert any grease that was removed from a trap or interceptor into the trap or interceptor unless specific requirements are met, and requires grease haulers to completely remove all grease, liquids, and solids from the trap or interceptor each time it is pumped;

WHEREAS, the District desires to prevent sanitary sewer blockages and obstructions caused by the accumulation of FOG from industrial and commercial establishments, including food preparation and serving facilities and cottage industries; and

WHEREAS, the following definitions shall apply throughout this ordinance:

A. "BMPs" (Best Management Practices) are methods carried out within a food service establishment designed to reduce the discharge of FOG to the building drain, the private sewer lateral, or the Wastewater collection system; each food service establishment is required to develop and follow appropriate BMPs for its location.

B. "Board" is the Board of Directors of the Montecito Sanitary District.

C. "District" is the Montecito Sanitary District, Santa Barbara County, California and includes all authorized District personnel.

D. "FOG" includes all fats, oils, and greases, which are semi-solid, viscous liquid organic polar compounds derived from animal or plant sources and contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 Code of Federal Regulations Part 136, as may be amended.

E. "Food Service Establishments" are commercial facilities partially or fully engaged in preparing or serving food for consumption by the public, such as restaurants, caterers, hospitals, churches, nursing homes, day care centers, schools, and grocery stores.

F. "Grease Removal Device" is any device, unit, or installation for separating and retaining waterborne fats, oils and greases or grease complexes as well as settleable solids before discharge of Wastewater to the collection system; such a device includes any such installation, whether subsurface or above ground and regardless of size.

G. "User" is any person, entity, business, industry, firm, company, association, society, corporation, or group that discharges Wastewater into any Wastewater collection facility or system owned, operated, and maintained by the District.

H. "Waste" is sewage and any and all other Waste substances, liquid, solid, or gaseous associated with human habitation or of human or animal origin or from any producing, manufacturing, or processing operation of whatever nature, including such Waste placed within containers of whatever nature prior to and for purposes of disposal.

I. "Wastewater" is Waste and water, whether treated or untreated, discharged into a Wastewater collection system.

NOW, THEREFORE, the Board ordains as follows:

Section 1. This ordinance shall contain these provisions.

I. General Requirements

A. Grease Removal Devices are required and shall be installed and maintained in good working condition at the User's expense when such User operates a Food Service Establishment.

B. No User discharging Wastewater to the District collection system shall allow concentrations of animal or vegetable-based oil and grease to exceed 100 milligrams per liter (mg/L) or shall allow mineral/petroleum-based oil and grease to exceed 100 mg/L.

C. Each User shall maintain for a minimum of three years a written record of inspection and maintenance of its Grease Removal Device, including Waste hauling manifests. All such records shall be available for on-site inspection during all hours of operation.

D. Each User shall follow BMPs which comply with posters and instructional information provided by the District. Each User shall place posters in a visible location and provide regular training to staff to ensure that BMPs are followed.

II. Use and Maintenance

Each User required to install and maintain a Grease Removal Device designed to separate and capture FOG shall understand, adhere to, and accept the following:

A. Each Grease Removal Device shall be serviced and emptied of accumulated Waste content as required in order to maintain the discharge limits of section I.B. of this ordinance, which are District standards and may be more stringent than federal or state limits.

B. At the User's expense, routine maintenance shall be performed on all Grease Removal Devices. All accumulated FOG materials shall be removed by a certified Waste hauler licensed by the state of California. Removal shall be done on an as-needed basis, but no less than once every ninety calendar days, unless permitted a longer time by the District through a granted written variance request. In the event that FOG accumulates in the Wastewater collection system piping downstream of the User's facility, the District may require the User to maintain a cleaning cycle shorter than ninety days.

C. Each User shall notify the District at least one week in advance of the cleaning of a Grease Removal Device(s).

D. Grease Removal Devices must be kept free of inorganic solid materials, which include, but are not limited to, grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels,

rag, and any other inorganic solid materials which might settle and thereby reduce the effective volume of the device.

E. The District may require repairs or replacement of any Grease Removal Device at the User's expense if it operates at a level exceeding its designed capacity, has damaged or ineffective baffles, or cannot effectively separate FOG, and allows any discharge into the Wastewater collection system to exceed the discharge limits of section I.B of this ordinance.

III. Inspection and Sampling

A. The District shall inspect the kitchen facilities and Grease Removal Device of any User to determine whether requirements set forth in this ordinance are met. The District shall be allowed access at all reasonable times or during normal hours of operation to inspect, sample, review maintenance records, or verify the performance of any FOG-related job duty. The District shall be entitled to install on any User's property such devices as it deems necessary for conducting sampling, inspection, compliance monitoring, or metering Wastewater flows.

IV. Existing Facilities

A. If it is the opinion of the District that any User requires the installation of a Grease Removal Device to comply with this Ordinance, the District shall provide the User with written notification and a compliance timeline. Failure to comply may result, at the District's discretion, in the issuance of fines under District Civil Fine Ordinance No. 10; however, the District reserves its rights to undertake other enforcement actions and to seek other remedies as may be allowed under state and federal law and regulations.

V. Prohibition

A. The discharge of FOG, either directly or via the bypass of a Grease Removal Device, by any User into any sewer or surface water drain is strictly prohibited at all times. Any User found to be unlawfully disposing of FOG shall be held liable for costs associated with any remedial activities deemed necessary and taken by the District.

B. No dishwasher shall be connected to or discharge into any Grease Removal Device.

C. No User shall alter, modify, or change from original design specifications a required Grease Removal Device, unless the manufacturer of the device recommends in writing alterations to improve efficiency. Any such planned alteration or change from original design specifications and any related written recommendation must be submitted to the District for its prior review and approval.

D. In the event that a User's Grease Removal Device should fail an inspection, the User shall be given written notice of the non-compliant condition. If timely action is not taken to bring the Grease Removal Device into compliance, fines may be issued in accordance with the District Civil Fine Ordinance No. 10; however, the District reserves its rights to undertake other enforcement actions and to seek any other remedies as may be allowed under state and federal law and regulations.

VI. Variance Requests and Appeals of Determinations

A. Any request for a variance of the requirements of this ordinance must be submitted in writing to the District. The User shall specify the reason for the variance and a detailed proposal of an alternative to the identified requirement for which a variance is sought. The District reserves the right to grant or deny variance requests or to revoke any granted variance at its discretion.

B. A User may appeal a denial of a variance or the determination of any violation of this ordinance by requesting a review by the Board. At the Board hearing, the User shall present evidence why the variance should be granted or why an alleged violation did not occur. To obtain a hearing, a written request for a hearing must be received by the District within fifteen days of the User's receipt of the violation determination or receipt of the determination of a variance request. If a User does not timely request the hearing, the right to appeal the determination of a violation or denial of a requested variance shall be deemed waived and the right to a hearing denied.

C. The District shall provide a final written notice of determination explaining the decision of the Board and any related required actions.

Section 2. Findings

In adopting this ordinance, the District Board hereby finds as follows:

A. That the content of this ordinance is a necessary and proper regulation for all sanitary purposes and is not in conflict with any state or federal laws or regulations.

B. That the adoption of this ordinance is necessary and proper for the complete exercise of the purposes of the Sanitary District Act of 1923.

C. The improper maintenance of Grease Removal Devices may result in a discharge of excessive amounts of FOG into the District's Wastewater collection system and may cause damage to the District's sewer system and treatment plant. Further, improper maintenance may result in sanitary sewer overflows, potentially causing public health concerns or environmental damage.

B. The violation of this ordinance by any User may subject the User to civil fines as stated in District Ordinance No. 10 and the District shall reserve all rights to undertake other enforcement actions and to seek other remedies as may be allowed the District under state and federal law and regulations.


Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or entity is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or entities. The Board hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof whether or not any one or more sections, subsections, sentences, clauses, phrases, or portions of the application thereof to any person or entity be declared invalid or unconstitutional. No portion of this ordinance is intended to improperly supersede or preempt any state or federal law or regulation; this ordinance is intended to implement and comply with state and federal law and regulations and to be a proper exercise of the District's power under state and federal law and regulations.

Section 4. Immediately following adoption, the Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the District. Ordinance No. 13 was adopted on March 10, 2014 to become effective on April 15, 2014.

AYES: Directors Kern, Kerns, Ishkanian, Owens, Cannata

NAYS: None

ABSENT: None



President

ATTEST:



Secretary

