# Escalon Municipal Code

# Article IV. Fats, Oils and Grease Requirements

### 13.08.400 Purpose and intent.

A. The purposes of this article are to:

1. Prevent blockages and overflows from sewer laterals and sewer mains caused by the discharge of fats, oils and grease;

2. Reduce the adverse effects on sewage treatment operations resulting from discharges of fats, oils, and grease into the sewage system;

3. Specify requirements for fat, oil and grease producing facilities discharging into the public sanitary sewer; and

4. Protect public health and the environment by minimizing public exposure to unsanitary conditions.

B. The intent of this article is to use the police power of the city to regulate the direct and indirect discharge of waste containing fats, oils, and grease into the sanitary sewage system in a manner that complies with all applicable laws, including the federal Clean Water Act, California Water Code, and applicable waste discharge requirements. It is the intent of this article to protect the public health, safety and welfare by establishing regulations for the disposal of grease and other insoluble waste discharges from food service establishments within the city.

C. The city council, in enacting this chapter, intends to provide for the maximum beneficial public use of the sanitary sewage system, to prevent blockages of that system and the accidental discharge of wastewater into the storm drain system, to ensure the cost of maintaining the sanitary sewage system is equitably distributed among users, to clarify grease disposal requirements for existing food service establishments, and to promote public health, safety and welfare.

D. In the event of any conflict or inconsistency between the provisions of this article and the provisions of the plumbing code as adopted by this code, the provisions of this article shall govern. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.405 Definitions.

As used in this article, the following terms are defined:

A. “Effluent” means any liquid outflow from the food service establishment that is discharged to the sanitary sewage system.

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

C. “Food grinder” means any device whose purpose is to grind food waste or food preparation byproducts for the purpose of disposing it in the sewage system.

D. “Food service establishment” or “FSE” means any food preparation establishment, restaurant, cafeteria, or any other establishment preparing food for consumption and the owner of such FSE. Residences are not considered food service establishments under this definition.

E. “Grease control device” means 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 sewage system.

F. “Grease interceptor” means a multicompartment device that is constructed in different sizes and is generally required to be located, according to the plumbing code, underground between a food service establishment and the connection to the sewage 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.

G. “Grease trap” means a control device that is used to serve individual fixtures and has 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.

H. “Plumbing code” means the California Plumbing Code, as adopted automatically or by reference into the Escalon Municipal Code, together with any local amendments thereto.

I. “Remodel” means a physical change or operational change causing generation of the amount of FOG that exceeds the current amount of FOG discharge to the sewage system by the food service establishment in an amount that alone or collectively causes or creates a potential for sanitary sewer overflows to occur or exceeding a cost of $50,000 to a food service establishment 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 percent increase in the net public seating area; or (3) a 30 percent increase in the size of the kitchen area. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.410 Discharge prohibition.**

A. General Prohibition. No person shall discharge or cause to be discharged into the sewage system from a food service establishment any FOG that may accumulate and/or cause or contribute to blockages in the sewage system or at the sewer lateral which connects the food service establishment to the sewage system.

B. Food Grinders. No person shall install food grinders in the plumbing system of new constructions of food service establishments unless the director determines that the food particles leaving the food grinder are sufficiently small to pose no threat to the sewage system. All food grinders shall be removed from all existing food service establishments within 180 days of formal notification by the director that removal is required to protect the sewage system or public health, safety and welfare.

C. Additives. No person shall introduce any additives into a food service establishment's wastewater system for the purpose of emulsifying FOG, unless a specific written authorization from the director is obtained.

D. Waste Cooking Oil. No person shall dispose of waste cooking oil into drainage pipes. 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.

E. Dishwasher Wastewater. No person shall discharge wastewater from dishwashers to any grease trap or grease interceptor.

F. Wastewater Temperature. No person shall discharge wastewater with temperatures in excess of 140 degrees Fahrenheit to any grease control device, including grease traps and grease interceptors.

G. Fecal Material. No person shall discharge wastes from toilets, urinals, wash basins, or other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa.

H. Grease Control Device. No person shall discharge any waste including FOG and solid materials removed from a grease control device to the sewage system. Grease removed from grease interceptors shall be hauled periodically as part of the operation and maintenance requirements for grease interceptors. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.415 Adoption of the FOG control program.

The director may prepare and administratively adopt a fats, oils and grease program to provide administrative guidance on the implementation and enforcement of this article. The director may update the FOG program administratively as needed to achieve the applicable performance standards for the sewage system. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.420 Food service establishment – Connection permit required.

A food service establishment shall apply for a permit from the director within 180 days of receiving notice that such permit is required. The director may require a permit when discharges from an FSE may cause or

contribute to sanitary sewage system overflow, increased maintenance of the sewage system, treatment costs, treatment capacity issues, or other similar challenges. The connection permit issued to an FSE pursuant to this section may require pretreatment of wastewater prior to discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of the city, relocation of point of discharge, prohibition of discharge to certain wastewater components, restrictions of discharge to certain hours of the day, payment of additional charges to defray increased costs of the city created by the wastewater discharge, and other conditions as may be required to effectuate the purpose and intent of this chapter. No person shall discharge wastewater in excess of the quantity or quality limitations set by any permit issued pursuant to this section and any other applicable requirements pursuant to federal, state or local law. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.425 Food service establishment – Connection permit application.

A. An applicant for an FSE connection permit shall submit the following information:

1. Name and address of applicant;

2. Volume of wastewater to be discharged;

3. Time of daily food preparation operations;

4. Description of food preparation, type, number of meals served, cleanup procedures, dining room capacity, number of employees and size of kitchen; and

5. Any other information as may be deemed necessary by the director to evaluate the permit application.

B. The director may require additional information and an on-site inspection of the waste discharge system, treatment systems or other system relating to the waste discharge. Within 30 days of the submission of an application deemed complete by the director, the director shall either issue subject to certain terms and conditions or deny an FSE sewer connection permit. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.430 Food service establishment – Duration of permit.

A permit issued pursuant to this article shall be issued for a specified time period not to exceed five years. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as deemed necessary by the director. The FSE shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change, unless immediate changes are necessary to protect the public health, safety and welfare. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.435 Food service establishment – Permit nontransferable.

A permit issued pursuant to this article shall be issued only for a specific use for a specific operation. Any sale, lease, transfer or assignment of the use or operation for which the permit is issued shall require a new permit. Any new or changed conditions of use or operation may also require a new permit. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.440 Food service establishment – Revocation of permit.

A. The director may revoke any permit issued to any FSE found to be in violation of the requirements of this chapter or for any of the following:

1. Failing to comply with the conditions of the permit;

2. Failing to install any required grease control device as required by the permit;

3. Failing to comply with the reporting or pretreatment requirements or pretreatment device maintenance as required by the permit;

4. Changing conditions of operation or use of an FSE;

5. Failing to comply with a notice of violation, administrative or civil order or any other provision of this code;

6. Falsifying information in a permit application, making false representations or submitting false documents, reports or logs to the city;

7. Refusing to allow inspections during normal business hours or after hours if emergency conditions exist such as an overflow or suspected overflow;

8. Interfering with an inspection or the sampling authorized pursuant to this chapter; or

9. Causing or contributing to sewage system blockages or sewage system overflows or failing to address the conditions leading to more than one overflow event from a private system within a 12-month period. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.445 Food service establishment – FOG control program fees.

A. General. Fees identified in this article shall be established from time to time by resolution of the city council.

B. Permit Fee. Permit fees shall be collected in conjunction with the issuance of the permit.

C. Inspection Fee. A fee based on the specified frequency of inspection as outlined in the FOG control program shall be collected at the time of permit issuance.

D. Reinspection Fee. A reinspection fee may be collected for additional inspections required to determine whether specified corrective actions for noted violations of this chapter have been implemented and if additional improvements are required. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.450 Maintenance reports.

Food service establishments shall maintain records of grease control device cleaning, maintenance and grease removal and report on such maintenance to the city as requested. The director may require the FSE to provide results of periodic measurements of its discharge which may include chemical analysis of oil and grease content. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.460 Grease interceptor – Required.

A. Generally. In accordance with subsection C of this section, food service establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this chapter. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from food service establishments prior to discharge to the sewage system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of food service establishments that are sources of FOG discharges, including but not limited to three-compartment sinks, scullery (preparation) sinks, floor drains, mop sinks along a cook line, prewash sinks at dishwashing stations, shall be connected to the grease interceptor.

B. Plan Review.

1. Prior to installing a grease interceptor, copies of detailed facility proposed grease interceptors, pretreatment facilities, spill containment facilities, and operating procedures, prepared by a licensed and registered professional engineer, must be submitted to the director, together with a fee established by resolution of the city council. Facility plans shall also include site plans, floor plans, mechanical and plumbing plans, and details to show all wastewater plumbing, spill containment, and appurtenances by size, location, and elevation. The review of the plans and procedures shall in no way relieve the user of the responsibility of modifying the facilities or discharge, and to meet the requirements of this article or any requirements of other regulatory agencies.

2. No food service establishment or other identified user shall be constructed except according to plans and specifications approved by the director.

3. Approved plans and specifications shall not be changed or altered without written approval by the director.

C. Compliance with this section shall be established as follows:

1. New Construction of Food Service Establishments. New construction of food service establishments shall include and install grease interceptors prior to commencing discharges of wastewater to the sewage system.

2. Existing Food Service Establishments.

a. Existing food service establishments which the director determines may cause or contribute to sanitary sewage system overflow, increased maintenance of the sewage system, treatment costs, treatment capacity issues, or other similar challenges shall install, operate and maintain a grease interceptor within 180 days of formal notice from the director to install such a grease interceptor.

b. Existing food service establishments undergoing remodeling or a change in operations as defined in EMC 13.08.405, or food service establishments that change ownership, shall install a grease interceptor, unless the director grants a variance or waiver in accordance with EMC 13.08.462. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.462 Grease interceptor – Variance or waiver.**

A. Variance from Grease Interceptor Requirements. A variance from the grease interceptor requirements to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor may be granted to food service establishments demonstrating that it is impossible or impracticable to install, operate or maintain a grease interceptor. The director determination to grant or revoke a variance will be based on, 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 public sewer.

3. The food service establishment can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the food service establishment must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream monitoring of the sewage system, for at least three months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

B. Conditional Waiver from Installation of Grease Interceptor. A conditional waiver from installation of a grease interceptor may be granted for food service establishments that have been determined to have negligible FOG discharge and insignificant impact to the sewage system. The director's determination to grant or revoke a conditional waiver shall be based on, but not limited to, evaluation of the following conditions:

1. Quantity of FOG discharge as measured or as indicated by the size of food service establishment 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 food service establishment, and history of maintenance and sewage spills in the receiving sewage 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 director.

C. Application for Waiver or Variance of Requirement for Grease Interceptor. A food service establishment may submit an application and fee in an amount established by resolution of the city council, for waiver or variance from the grease interceptor requirement to the director. The food service establishment bears the burden of demonstrating, to the director's reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the director 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 food service establishment from the requirement.

D. Revocation of Waiver or Variance. A waiver or variance may be revoked at any time when any term or condition for its issuance is not satisfied or if the conditions on which the waiver was based change so that the justification for the waiver or variance no longer exists. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.464 Grease interceptor – Design and maintenance standards – Generally.**

A. The installation of a proper grease interceptor shall be the responsibility of the person who applies for the connection and the person whose operations cause or contribute to the necessity for a grease interceptor.

B. Grease interceptors shall be installed, utilized, and properly maintained for continuous and efficient operation at all times and at the expense of the user.

C. The director's written approval of the type, capacity and construction of all grease interceptors is required prior to installation.

D. A common grease interceptor shared by multiple businesses may be utilized only if specifically authorized by the director and upon evidence of legal operating and maintenance agreements between the involved property owners.

E. Grease interceptors no longer in use shall be abandoned in accordance with the plumbing code. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.466 Grease interceptor – Design and maintenance standards – Design provisions.**

A. Grease interceptors for food service establishments shall be sized and designed in compliance with the plumbing code, unless otherwise specified herein.

B. Other factors that may influence the design include, but shall not be limited to, the following:

1. The type of facility (such as a restaurant, bakery, food processing factory, etc.);

2. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation, etc.);

3. The peak flow of process wastewater discharged to the collection system;

4. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;

5. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service);

6. The type of foods or other materials used in cooking, processing or manufacturing operations conducted within the facility;

7. The overall potential for grease-laden discharges;

8. The existence of devices, procedures or processes designed to minimize the amount of fats, oil or grease from entering the collection system;

9. The location of the facility, if it is located in a known problem area;

10. Any prior problems with the facility, such as blockages, violations, etc.

C. All grease interceptors shall be certified by the International Association of Plumbing and Mechanical Officers, or another listing agency approved by the director, and be installed according to the plumbing code.

D. All grease interceptors shall include an effluent sample box of a type and size approved by the director.

E. Inspection by the director, or an authorized inspector, of installed grease interceptors and piping prior to backfilling is required. Piping shall meet the requirements of the plumbing code.

F. Grease interceptors shall have a sanitary tee located inside the sample box on the discharge side of the sample box.

G. Grease interceptors shall have a cleanout installed after the sample box on the sewer lateral and at intervals required by the plumbing code.

H. All manholes and sample boxes are to be installed a minimum of one-half inch above the finished grade with a concrete collar a minimum of 18 inches around the manhole and sample box lids. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.468 Grease interceptor – Design and maintenance standards – Maintenance provisions.

A. Any user who is required by the director or this article to install or operate a grease interceptor shall be required to adequately maintain the grease interceptor at the user's expense, so that the grease interceptor is in proper working order at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, sludge and solids. Decanting or discharging of removed waste back into the grease interceptor from which the waste was removed or into any other grease interceptor, for the purpose of reducing the volume to be hauled, is prohibited.

B. Grease interceptors shall be cleaned out by a permitted waste hauler as necessary to assure that the grease interceptor will operate as designed at all times or as otherwise specified by the director.

C. A maintenance log indicating each pumping of a grease interceptor for the previous 12 months and any other pertinent information shall be maintained by each food service establishment. This log shall include, but not be limited to, date, time, amount pumped, hauler, and disposal site, and the log shall be kept in a conspicuous location for inspection by the authorized inspector during normal business hours.

D. All users must sign a waste manifest form before having a waste load transported by a permitted hauler. The user shall also keep copies of the manifest form for a period of at least three years, and make all manifest records available for inspection by the director during normal business hours.

E. All waste removed from a grease interceptor must be disposed at a facility permitted by an applicable regulatory agency to receive such waste. The pumpage shall not be returned to the sewage system or manhole, any private wastewater system or storm drains.

F. All grease interceptors shall be located so as to be readily and easily accessible for cleaning, inspection and removal of intercepted waste.

G. Any fixture connected to a grease interceptor shall have a secured food strainer of such integrity to withstand daily operational usage. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.470 Grease trap – Required.

A. Within 180 days of formal notice from the director that the FSE may cause or contribute to sanitary sewage system overflow, increased maintenance of the sewage system, treatment costs, treatment capacity issues, or

other similar challenges, food service establishments must install a grease trap in the waste line leading from drains, sinks, and other fixtures or equipment where grease may be introduced into the sewage system in quantities that can cause blockage.

B. Sizing and installation of grease traps shall conform to the plumbing code.

C. Grease traps shall be maintained in efficient operating condition 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 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 and 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. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.475 Best management practices – Required.**

A. Generally. All food services establishments shall implement best management practices in their operations to minimize the discharge of FOG to the sewage system. This may include kitchen practices and employee training on practices that minimize FOG discharge. At a minimum, best management practices shall include the requirements of this section.

B. Drain Screens.

1. Drain screens shall be installed on all drainage pipes in food preparation areas for existing food service establishments within one year after the effective date of this article.

2. Within one year after the effective date of this article, drain screens shall be installed on all drainage pipes in food preparation areas for all new food service establishments deemed by the director to generate grease.

C. Waste Cooking Oil.

1. All waste cooking oil shall be collected and stored properly in recycling barrels or drums. Such recycling barrels or drums shall be maintained appropriately to ensure they do not leak.

2. Licensed haulers or an approved recycling facility must be used to dispose of waste cooking oil.

D. Food Waste. All food waste shall be placed in enclosed plastic bags and disposed of directly into the trash or garbage, and not in sinks.

E. Employee Training.

1. Food service establishments shall train all employees within one year after the effective date of this article, and twice each calendar year thereafter, 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 or dripped;

d. How to properly dispose of grease or oils from cooking equipment into a grease barrel or drum without spilling.

2. Training shall be documented and employee signatures retained indicating each employee’s attendance and understanding of the practices.

3. Training records shall be available for review at any reasonable time by an authorized inspector.

F. Maintenance of Kitchen Exhaust Filters. Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition, but in no event less than one time per month.

G. Kitchen Signage. All best management practices shall be posted conspicuously in the food preparation and dishwashing areas at all times. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.480 Monitoring and inspection requirements.**

A. The director may require a food service establishment to construct and maintain in proper operating condition, at the food service establishment’s sole expense, monitoring facilities and practices.

B. The director may require a food service establishment to inspect and sample wastewater discharges of any food service establishment to ascertain whether the intent of this chapter is being met.

C. The director may require the food service establishment 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.

D. No food service establishment 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 or any order. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.485 Right of entry.

A. The authorized inspector is hereby authorized to enter the premises of any food service establishment at all times during normal business hours, for purposes of inspecting the food service establishment's grease control devices or grease interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or grease interceptor and otherwise determining whether the requirements of this chapter are being met. The director may require the food service establishment to provide immediate, clear, safe and uninterrupted access to the food service establishment's monitoring and metering facilities. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.490 Enforcement.

A. Violation. No person shall violate any provision or fail to comply with any of the requirements of this article. Any violation or failure to comply with the requirements of this article shall be a violation of this code.

B. Public Nuisance. Any violation or failure to comply with the requirements of this article shall constitute a public nuisance. The city attorney is authorized to commence necessary proceedings provided by local or state law to abate, remove and enjoin such public nuisance.

C. Enforcement. The director and city manager may enforce any violation of the requirements of this article in accordance with Article V of this chapter. (Ord. 553 § 1 (Exh. A), 2016)

## Article V. Enforcement

### 13.08.500 Enforcement authority.

The director is charged with the enforcement of all provisions of this chapter, except collection, subject to the control and direction of the city manager. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.505 Right of entry – Inspection and sampling.

A. The authorized inspector shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any industrial wastewater discharge permit or order issued hereunder. Users shall allow the authorized inspector ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photographing and copying, and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that,

upon presentation of suitable identification, the authorized inspector shall be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The authorized inspector shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. The authorized inspector may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the authorized inspector and shall not be replaced. The costs of clearing such access shall be borne by the user.

B. Unreasonable delays in allowing the authorized inspector access to the user's premises shall be a violation of this chapter. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.510 Inspection warrant.

If the authorized inspector has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the authorized inspector may seek issuance of an inspection warrant in accordance with Title 13 of Part 3 of the Code of Civil Procedure (commencing with Section 1822.50). (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.515 Consecutive violations.

Each day in which a violation of the provisions of this chapter, or any rule or regulation established under this chapter, or any condition of any permit or order issued pursuant to this chapter occurs shall constitute a separate violation. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.520 Notification of violation.

In the event of a violation of any of the provisions of this chapter, or any rule or regulation established under this chapter, or any condition of any permit issued pursuant to this chapter, the director may notify in writing the person causing, allowing or permitting such violation, specifying the violation and if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the director may take further enforcement actions consistent with this chapter. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.525 Compliance order and cease and desist order.

A. When the authorized inspector finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or any other permit authorizing discharges to the sewage system or any order issued hereunder, or any applicable law or regulation, the authorized inspector may issue an order to the user responsible for the discharge directing that the user cease all violations and come into compliance within a specified time, which may be immediate and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge, and pay any monetary penalties issued pursuant to EMC 13.08.540.

B. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders and cease and desist orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewage system. A compliance order or cease and desist order does not relieve the user of liability for any violation, including any continuing violation.

C. Issuance of an order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.530 Stop work order.

An authorized inspector may serve a stop work order on any person engaged in doing or causing to be done construction, improvements or other activity in violation of this chapter. Any person served with a stop work order shall immediately cease work until authorized in writing to proceed by the director. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.535 Administrative complaint.

A. Issuance. In accordance with Government Code Section 54740.5 and Water Code Section 13263.3(j), whenever the authorized inspector finds that any person has violated any discharge prohibition or any requirement to pretreat industrial wastewater included in this chapter or in any permit or order or has failed to prepare a pollution prevention plan, the authorized inspector may issue an administrative complaint and impose a monetary penalty on such person. The administrative complaint shall allege the act or failure to act that constitutes the violation of the city's requirements, this section, and the proposed civil penalty.

B. Service and Hearing. The administrative complaint shall be served by personal delivery or certified mail on the person subject to the city's pretreatment and/or discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before a hearing officer designated by the city council. The person who has been issued an administrative

complaint may waive the right to a hearing, in which case the city shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the city council within 30 days of notice of the hearing officer's decision.

C. If after the hearing, or appeal, if any, it is found that the person has violated pretreatment or discharge requirements, the hearing officer or city council may assess a civil penalty against that person. In determining the amount of the civil penalty, the hearing officer or city council may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

D. Civil penalties may be imposed in an administrative complaint as follows:

1. In an amount which shall not exceed $2,000 for each day for failing or refusing to furnish technical or monitoring reports.

2. In an amount which shall not exceed $3,000 for each day for failing or refusing to timely comply with any compliance schedule established by the city.

3. In an amount which shall not exceed $5,000 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the city.

4. In an amount which does not exceed $10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the city.

E. The amount of any penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

F. All moneys collected under this section shall be deposited in a special account of the city and shall be made available for the monitoring, treatment, and control of discharges into the sewage system or for other mitigation measures.

G. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service

or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

H. The city may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.540 Monetary penalties and collection costs.

A. When the authorized inspector finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or any other permit authorizing discharges to the sewage system or any order issued hereunder, or any applicable law or regulation, the authorized inspector may impose a fine on such user. Such fines shall be assessed against non-industrial users in an amount not exceeding $100.00 for a first violation, not exceeding $200.00 for a second violation of this chapter within one year, and not exceeding $500.00 for each additional violation of this chapter within one year. Fines shall be assessed against industrial users in accordance with the provisions for an administrative complaint in EMC 13.08.535.

B. Any and all monetary penalties, charges, fees, or other costs incurred for a violation of this chapter, including but not limited to the costs of collection, may be billed to the owner of the property. Unpaid charges, fines, and penalties shall, after 30 calendar days, accrue interest at a rate of five percent per month. If the invoice remains unpaid for 60 days, a lien may be placed upon and against such premises, and the city may take any steps authorized by law to enforce payment of such lien.

C. Users desiring to dispute such fines must file a written request for the city manager to reconsider the fine along with full payment of the fine amount within 10 days of being notified of the fine. Where the city has received a request for reconsideration, the city manager shall convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of a monetary penalty shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.545 Suspension of service.

A. The city manager may immediately suspend or order suspension of a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.

B. The city manager may immediately suspend or order suspension of a user's discharge, after notice and opportunity to respond, when the discharge threatens to interfere with the operation of the sewage system, or which presents, or may present, a threat to the environment.

C. Any user ordered to suspend its discharge shall immediately stop or eliminate its discharge at the time indicated in the suspension order. In the event of a user's failure to immediately and voluntarily comply with the suspension order, the city manager may take such steps as deemed necessary, including, but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the sewage system, the environment, or endangerment to any individuals. The city manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city manager that the threat or period of endangerment has passed, unless the disconnection proceedings in accordance with this chapter are initiated against the user.

D. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.550 Disconnection for certain discharges.**

A. Any user who will or has discharged into the public sewer any of the following is subject to termination or disconnection of service and such user will be notified of the proposed disconnection and be offered an opportunity to show cause why the proposed action should not be taken, unless the discharge justifies immediate termination of service necessary to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons:

1. Stormwater, groundwater, rainwater, street drainage, subsurface drainage, yard drainage, pool or pond water;

2. Any holding tank waste, unless such discharges are made into a city-approved facility designed to receive such wastes;

3. Radioactive wastes;

4. Waste containing in excess of:

a. 0.1 mg/1 arsenic;

b. 0.2 mg/1 cadmium;

c. 0.2 mg/1 copper;

d. 1.0 mg/1 cyanide;

e. 1.0 mg/1 lead;

f. 0.01 mg/1 mercury;

g. 1.0 mg/1 nickel;

h. 0.2 mg/1 silver;

i. 0.5 mg/1 total chromium;

j. 3.0 mg/1 zinc;

5. Waste having a temperature higher than 150 degrees Fahrenheit (65.5 degrees Celsius);

6. Waste containing any material or waste which cannot pass through a three-eighths-inch screen;

7. Without prior authorization from the city:

a. Waste containing more than 300 mg/1 of oil or grease of animal or vegetable origin;

b. Waste containing more than 100 mg/1 of oil or grease of mineral or petroleum origin;

c. Waste having a pH lower than 5.5 or higher than 8.5 (unless authorized by a permit issued pursuant to this chapter);

d. Containing in excess of 0.02 mg/1 total identifiable chlorinated hydrocarbons which cannot be removed by the city's usual waste treatment processes;

e. Containing in excess of 1.0 mg/l phenolic compounds which cannot be removed by the city's wastewater treatment process.

B. Any user who engages in any of the following is subject to termination or disconnection of service and such user will be notified of the proposed disconnection and be offered an opportunity to show cause why the proposed action should not be taken, unless the discharge justifies immediate termination of service to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons:

1. Violating of any provision in an industrial wastewater discharge permit, or other permit or order issued pursuant to this chapter;

2. Failing to accurately report the constituents and characteristics of an industrial wastewater discharge;

3. Failing to report significant changes in industrial operations or wastewater volume, constituents, and characteristics prior to discharge;

4. Refusing reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

5. Violating any provision of this chapter. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.555 Work required due to violation – Assessment of charges.

When a discharge of waste causes an obstruction, damage, or any other impairment to the sewage system or city facilities, the city may assess a charge against the user, property owner, or person violating this chapter for the work required to clean or repair the facility and add such work to the user's monthly bill or collect the charges in any other way authorized by law. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.560 Violation declared nuisance – Abatement.

Discharge of waste in violation of this chapter or of any permit or order issued pursuant to this chapter is declared a public nuisance and may be corrected or abated as directed by the director in accordance with Chapter 8.20 EMC. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.565 Civil enforcement.

A. Injunctive Relief. When the authorized inspector finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or any other permit authorizing discharges to the sewage system or any order issued hereunder, or any applicable law or regulation, the city manager may petition the court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the provisions of this chapter, any permit or order issued pursuant to this chapter. The city manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. Civil Penalties.

1. A user who has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or any other permit authorizing discharges to the sewage system or any order issued hereunder, or any applicable law or regulation, shall be liable to the city for a maximum civil penalty of $1,000 per violation, per day or such other higher amount that may be assessed against the city as a result of the user's violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The city may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.570 Additional remedies.**

When the authorized inspector finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or any other permit authorizing discharges to the sewage system or any order issued hereunder, or any applicable law or regulation, the authorized inspector and city manager may pursue any of the following remedies in addition to or in lieu of any other remedies provided for in this chapter or at law:

A. Penalties for Late Reports. A penalty of $100.00 may be assessed to any user for each day that a nontechnical or nonmonitoring report required by this chapter, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the authorized inspector to collect late reporting penalties shall not limit the city's authority to initiate other enforcement actions that may include penalties for late reporting violations.

B. Deny Permits. The city manager may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit, or order issued hereunder, or any other applicable standard or requirement, unless:

1. Such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city manager to be necessary to achieve consistent compliance or remedy past violations;

2. The user first submits proof that it has obtained liability insurance or other financial assurances acceptable to the city manager sufficient to restore or repair damage to the sewage system caused by its discharge; or

3. The user first pays any or all outstanding fees, fines or penalties incurred as a result of any violation. (Ord. 553 § 1 (Exh. A), 2016)

**13.08.575 Remedies nonexclusive.**

Each and every remedy available for the enforcement of this chapter shall be nonexclusive and it is within the discretion of the authorized inspector or city manager to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this chapter. (Ord. 553 § 1 (Exh. A), 2016)

### 13.08.580 Criminal prosecution – Violation a misdemeanor.

Any person who negligently or knowingly violates any provision of this chapter, undertakes to conceal any violation of this chapter, continues any violation of this chapter after notice thereof, or violates the terms, conditions and requirements of any permit issued pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or by imprisonment for a period of not more than six months, or both. (Ord. 553 § 1 (Exh. A), 2016)