ITEM NO. 29

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 29 OF THE OCEANSIDE CITY CODE BY ADDING ARTICLE IX, REGULATION OF COMMERCIAL KITCHEN GREASE DISPOSAL

WHEREAS, City Council has determined the necessity of establishing regulations for the disposal of grease and other insoluble waste discharges from commercial kitchens within the City of Oceanside; and

WHEREAS, City Council has determined that such regulations provide for the protection and maximum beneficial public use of the City's sewer system,

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

SECTION 1. Article IX is hereby added and shall read as follows:

"**ARTICLE IX. REGULATION OF COMMERCIAL KITCHEN GREASE DISPOSAL.**

Section 29.115. Intent and Purpose.

It is the intent of this Article to establish regulations for the disposal of grease and other insoluble waste discharges from commercial kitchens within the City. The City Council, in enacting the ordinance codified in this article, intends to provide for the protection and maximum beneficial public use of the City's sewer system, to prevent blockages of that system and accidental discharge of grease into the storm water system, to ensure the cost of maintaining the public sewer system is equitably distributed amongst users, to clarify grease disposal requirements for existing commercial kitchens, and to promote public health and safety.

Section 29.116. Definitions.

As used in this Article, the following terms are defined in this section.

"Administrative Authority" means the director of the water utilities department or his or her designated representative.

"Authorized Enforcement Officials" means the director of the water utilities department, director of public works; the director of the planning department; the director of the housing and neighborhood services department; the director of building and safety, the chief of police, and the chief of the fire department.

"Authorized Enforcement Staff" means any city employee supervised by an authorized enforcement official, assigned to duties involving permits and other city approvals, inspections, and enforcement related to this chapter.

"Authorized Inspector" means the director of the water utilities department or his or her designated representative.

"Best Management Practices" means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to sewer system or the storm water conveyance system. Best Management Practices also include but are not limited to treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best Management Practices may include any type of pollution prevention and pollution control measure that can help to achieve compliance with this Ordinance.

"*Change in Operations*" means any modification in the operational procedures of a Commercial Kitchen which has the potential to significantly increase the amount of grease generated by food preparation including, without limitation, any increase of 25% or greater in the seating capacity, any substantial increase in the hours of operation, any significant increase in the size of the kitchen or the number of food service or food preparation employees, or any significant change in the size or type of food preparation equipment that impacts grease interceptor system.

"*Commercial Kitchen*" means any business operating in the City of Oceanside as a full service or take-out restaurant, catering kitchen, employee cafeteria, or any other facility engaged in preparing and heat-processing food for consumption by the public or employees and

which uses any equipment that produces grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood. Establishments engaged only in assembling or serving food that is prepared entirely off-site, and whose kitchen equipment consists only of beverage warmers and microwaves are not considered Commercial Kitchens.

"Director" means the Water Utilities Director, the Building Department Director, or any other official(s) as designated by the City Manager.

"*Food Grinder*" means any device installed in the sewage system for the purpose of disposing food waste in the public sewer system.

"*Grease*" means any oil, fat, or oily, fatty substance such as vegetable or animal fat that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"*Grease Control Device*" means any grease interceptor, grease trap or other mechanism, which attaches to wastewater plumbing fixtures for the purpose of collecting grease for off-site disposal.

"*Grease Interceptor"* means a two or three compartment device that is generally located, according to the Uniform Plumbing Code ("UPC"), underground between a food service establishment ("FSE") and the connection to the public sewer system. These devices are large (a minimum of 750 gallons) and primarily use gravity to separate Grease from the wastewater as it moves from one compartment to the next. All Grease Interceptors shall be installed according to the city adopted Grease Interceptor Specification Drawing and in compliance with Section 29.124, Subsections 6-14. All Grease Interceptors must be cleaned, maintained, and have all fats, oils and grease (FOG) disposed of in a proper manner on a regular interval in order to properly function.

"Grease Trap" means a device meant to separate Grease from the wastewater and is generally located under any/all drainage fixture(s) within an FSE kitchen, and that are generally much smaller than a grease interceptor (25 to 100 gallons). All Grease Traps shall be equipped with a flow control device so as not to allow flow to exceed the recommended Gallons Per Minute inflow. All Grease Traps shall be equipped with UPC sized and approved vent. Acceptable materials for Grease Traps include corrosion resistant metal(s) or corrosion

resistant-high impact polyethylene material and shall conform to PDI Grease Interceptor Standard PDI-G101.

"*Person*" means any individual, firm, corporation, partnership, association or other group or combination of individuals acting as a business unit.

"*Remodeling*" means any physical change to a Commercial Kitchen that requires a tenant improvement or building permit and may involve under slab plumbing work in a Commercial Kitchen.

"*Wastewater*" means water, including but not limited to, water containing grease, animal or vegetable matter and water, whether treated or untreated, that is discharged into or permitted to enter a public sewer.

Section 29.117. Commercial Kitchen Grease Disposal Permit Required.

Commercial Kitchens shall not discharge Wastewater into a public sewer without first obtaining a Commercial Kitchen Grease Disposal Permit.

Section 29.118. Permit Application

Persons seeking a Commercial Kitchen Grease Disposal Permit shall complete and file with the City of Oceanside Water Utilities Department an application on the form provided by the City. The applicant will be required to submit, in units and terms appropriate for evaluation, the following information:

A. Name and address of applicant.

B. Volume of Wastewater to be discharged.

C. Time of daily food preparation operations.

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

E. Any other information required by the Director to evaluate the permit application.

The Director will evaluate the data submitted by the applicant and may require additional information. After evaluation an on-site inspection of the Commercial Kitchen's Grease disposal system may be required prior to issuance of the permit.

Section 29.119. Permit Fee

Permits shall be issued at a fee to be determined in two years after this ordinance becomes effective.

Section 29.120. Issuance and Modification of Permits.

A new permit will be required when the business changes ownership. The terms and conditions of the permit may be subject to modification or change by the City during the life of the permit as the limitations or requirements set forth in Section 29.45 ("Regulations of discharge") are modified or changed. The permittee shall be informed of any proposed changes to the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 29.121. Transfer of Permit.

Commercial Kitchen Grease Disposal Permits shall be issued only for specific use for a specific operation. A new permit shall be required for any sale, lease, transfer or assignment of the premises or business or any Change in Operations.

Section 29.122. Food Grinders and Dishwashers Prohibited from Connection to or Discharge into Grease Traps.

Unless specifically required or permitted by the Director, no Food Grinder, food waste disposal unit or dishwasher shall be connected to or discharge into any Grease Trap.

A. Unless specifically denied or prohibited by the Director, dishwashers shall connect to or discharge into a Grease Interceptor.

B. Unless specifically required or permitted by the Director, no food grinder or food waste disposal unit shall connect to or discharge into a Grease Interceptor.

Section 29.123. Grease Control Device Required.

A. All Commercial Kitchens shall have Grease Control Devices as required by the Director, or shall otherwise comply with the provisions of this article.

B. Grease Control Devices shall be installed and maintained in new Commercial Kitchens in new or existing buildings, as required by the Uniform Plumbing Code.

C. Existing Commercial Kitchens undergoing remodeling, which require a building permit or a Change in Operations, shall have Grease Control Devices as required by the

Uniform Plumbing Code which meet the size and type criteria established in Section 29.125 of this Ordinance. Existing Commercial Kitchens with an adequately sized Grease Control Device undergoing remodeling that enlarges the seating capacity by 25% or greater shall increase the size of the Grease Control Device proportionately. For one time only, existing Commercial Kitchens with adequately sized Grease Control Devices undergoing remodeling that enlarges the seating capacity by less than 25% will not be required to increase the size of the Grease Control Device proportionately. If an existing Commercial Kitchen undergoing remodeling does not have a Grease Control Device or has an inadequately sized Grease Control Device, installation of an adequately sized Grease Control Device will be a requirement of the building or tenant improvement permit.

D. Existing food preparation and service establishments and Commercial Kitchens with a current City of Oceanside business license at the time of the adoption of this Ordinance shall not be required to add a new or change an existing Grease Control Device until the establishment undergoes remodeling that requires a building or tenant improvement permit or has a change in ownership, lease, transfer or assignment of the business or premises or a Change in Operations.

Section 29.124. Best Management Practice Requirements and General Requirements Applicable to All Food Preparation and Service Establishments and Commercial Kitchens

Minimum Best Management Practices. All food preparation and service establishments and Commercial Kitchens must install, implement and maintain at least the following minimum Best Management Practices:

1) Drain screens

a. Drain screens shall be installed on all drainage pipes in food preparation areas for existing food service establishments deemed by the Director to generate grease.

b. 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.

2) Waste cooking oil.

a. All waste cooking oil shall be collected and stored properly in recycling barrels or drums.

b. Such recycling barrels or drums shall be maintained appropriately to ensure they do not leak.

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

3) 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.

4) Employee training.

a. Employees of the food service establishment shall be trained at the beginning of their term of employment, and twice each calendar year thereafter, on the following subjects:

1. How to "dry wipe" pots, pans, dishware and work areas before washing, to remove grease.

2. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers, to prevent leaking and odors.

3. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.

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

b. Training shall be documented and employee signatures retained indicating the date and time of the training, each employee's attendance and understanding of the practices.

c. Training records shall be available for review at any reasonable time by the Authorized Inspector.

5) Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition (at least once a month is recommended).

6) All Grease Interceptors shall be certified by the International Association of Plumbing and Mechanical Officers, or another listing agency by the Director, and be plumbed according to the Uniform Plumbing Code.

7) All Grease Interceptors shall include an effluent sample box of a type and size approved by the Administrative Authority.

8) Inspection by the Administrative Authority, or an Authorized Inspector, of installed Grease Interceptors and piping prior to backfilling is required. Piping shall meet the requirements of the Uniform Plumbing Code.

9) Grease Interceptors shall have a sanitary tee located inside the sample box on the discharge side of the sample box.

10) Grease Interceptors shall have a cleanout installed after the sample box on the private lateral and at intervals required by the Uniform Plumbing Code.

11) All manholes and sample boxes shall be installed a minimum of one-half inch above the finished grade with a concrete collar a minimum of 12" deep and 18" around the manhole and sample box lids.

12) Grease Interceptors shall be vented according to the Uniform Plumbing Code and shall be connected to the building waste vent piping.

13) Grease Interceptors shall have access manholes over all internal baffle structures.

14) Stackable grade ring joints shall be grouted with concrete, epoxy or other type of watertight sealant on the inside joints.

15) All Best Management Practices shall be posted conspicuously in food preparation and dishwashing areas at all times.

16) Failure by any food preparation and service establishments and Commercial Kitchens to follow and apply all Best Management Practices shall require the installation of a properly sized Grease Interceptor as defined in Section 29.125 and all costs shall be the responsibility of the permittee.

Section 29.125. Calculations for Determining Size and Type of Grease Control Device

A. All City of Oceanside Commercial Kitchen fixtures that may introduce grease into the public sewer system shall be plumbed to a Grease Control Device in accordance with standard plumbing guidelines defined in the most recent version of the Uniform Plumbing Code. All Commercial Kitchens shall be equipped with a Grease Control Device as defined by this section.

B. The City of Oceanside requires that all Commercial Kitchens that require a Grease Interceptor be equipped with a minimum 750-gallon Grease Interceptor.

C. The City of Oceanside requires that all Commercial Kitchens that require a Grease Interceptor be equipped with a maximum size 3000-gallon Grease Interceptor.

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C. The following table shall be used to determine the size of the Grease Interceptor.

GREASE INTERCEPTOR TABLE
Sizing of Grease Interceptors

Number of meals per peak hour[1]	x	Waste flow rate[2]	x	Retention time[3]	x	Storage factor[4]	=	Interceptor size (liquid capacity) Gallons

1. Meals Served at Peak Hour = (Maximum # of seats)
2. Waste Flow Rate
   a. With dishwashing machine..... 6 gallon (22.7 L) flow
   b. Without dishwashing machine..... 5 gallon (18.9 L) flow
   c. Single service kitchen..... 2 gallon (7.6 L) flow
   d. Food waste disposer.....1 gallon (3.8 L)
3. Retention times
   Commercial Kitchen waste
   Dishwasher .....2.5 hours
   Single service kitchen
   Single serving .....1.5 hours
4. Storage Factors
   Fully equipped Commercial Kitchen..... 8 hour operation: 1
   ..... 16 hour operation: 2
   ..... 24 hour operation: 3
   Single service kitchen 1.5

1. For Grease Interceptor sizing, define each variable listed on the table and calculate the interceptor capacity.

2. Submit Grease Interceptor sizing calculations with all plan sets, showing location and size of grease interceptor.

3. Copy of Building Permit will be needed to verify compliance with ordinance and for grease permit application.

D. For low grease generating Commercial Kitchens, Grease traps may be acceptable in-lieu of Grease Interceptor if the number of grease producing fixtures is four or fewer.

E. The following method shall be used for Grease Trap sizing.

SINGLE FIXTURE INSTALLATIONS

1. Calculate Capacity of Fixture

$$\text{Cubic content of fixture} = \frac{\text{Length (in.) x Width (in.) x Depth.(in.)}}{231} = \text{capacity in gallons}$$

2. Calculate Flow Rate

The most generally accepted drainage period is one minute. The maximum drainage period allowed is two minutes.

$$\frac{\text{Capacity in Gallons}}{\text{Drainage Period in Minutes*}} = \text{Flow Rate in gallons per minute (GPM)}$$

*Maximum drainage period = 2 minutes

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MULTIPLE FIXTURE INSTALLATIONS

A Grease Trap should be installed as close to the fixture it serves as possible. The greater the distance between multiple fixtures and the grease, the greater probability the greases and oils will plug the waste line before they enter the Grease Trap. If the project requires a multi-fixture installation, proceed as follows:

1. Follow the first two steps from single fixture installation for total capacity.
2. Add the GPM requirement of each fixture to arrive at a total flow rate. For fixtures that do not have a calculable volume, e.g. water wash hoods, wok ranges (without water curtain) and pre-rinse stations, allow 10 GPM each, or the actual flow rate, whichever is greater.
3. Use Grease Trap tables to approximate grease trap capacity. If maximum flow rate is exceeded for number of fixtures, Grease Trap shall be sized by selecting a device with an appropriate flow rate.
4. Submit Grease Trap sizing calculation with all plan sets, showing location of size of grease trap.
5. Copy of Building Permit will be needed to verify compliance with ordinance and for grease permit application.
6.

GREASE TRAP TABLE		
Number of Fixtures	Maximum rate of Flow (GPM)	Grease Capacity (lbs)
1	20	40
2	25	50
3	35	70
4	50	100

Section 29.125. Maintenance Requirements.

A. Each Commercial Kitchen with a Grease Control Device shall be required to employ an appropriate service or procedures for periodic collection of accumulated grease from any Grease Control Device. The collection schedule shall be as set forth in the Commercial

Kitchen Grease Disposal Permit for the Grease Control Device, which shall require at a minimum, collection of accumulated grease at least once every three (3) month period. No accumulated grease shall be introduced into any sewer lateral, public sewer, storm drain, or public way.

B. Each Commercial Kitchen with a Grease Control Device shall be required to keep records of cleaning, maintenance and grease removal. All such records must be retained on site by the permitted facility for a minimum of three (3) years. A separate maintenance log shall be maintained for each Grease Control Device and posted in the immediate vicinity of each device. Maintenance logs shall include the following information: Grease Control Device location and volume; maintenance dates; volume removed (gallons); disposal methods; and name of person performing maintenance and, if the person is not employed by the Commercial Kitchen, the name, address and phone number of the person or company performing the maintenance activities.

C. Each Commercial Kitchen with a Grease Control Device shall allow City representatives access to the premises during normal business hours, for purposes of sampling, inspections and review of records relating to the Commercial Kitchen Grease Disposal Permit.

Section 29.126. Violations.

A. The owner and operator of a Commercial Kitchen shall be in violation of this Article if he or she:

1. Fails to install a Grease Control Device as required by the Uniform Plumbing Code and this Article;

2. Fails to obtain or renew a Grease Disposal Permit as required by this Article;

3. Makes any false statement, representation, record, report, plan or other document filed with the Water Utilities Director and/or the Building Department Director;

4. Tampers with or knowingly renders inoperable any Grease Control Device required under this Article;

5. Fails to fulfill maintenance, cleaning and record keeping requirements as required by Permit and this Article; or

6. Refuses City representatives reasonable access to a Commercial Kitchen for the purposes of inspecting or monitoring.

7. Fails to comply with any of the conditions or requirements of the Grease Disposal Permit.

B. Any failure to comply with a provision of this Article shall constitute a violation, regardless of whether the failure to comply is caused by the permittee or an employee or agent of the permittee.

C. Each and every day the violation continues shall be a separate and distinct violation.

Section 29.127. Penalties for Violation.

(a) Administrative Penalties. Administrative remedies and penalties may be imposed pursuant to Chapter 1, Sections 1.14 et seq. Any later-enacted administrative remedy or penalty provision in the City Code shall also be applicable to this Ordinance, unless otherwise provided therein.

(b) Misdemeanor Penalties. Non-compliance with any part of this Ordinance constitutes a misdemeanor and may be enforced and punished as prescribed in City Code section 1.7, the Penal Code, and the Government Code of the State of California.

(c) Penalties For Infractions. Authorized Enforcement Officials and Authorized Enforcement Staff may charge any violation of this Ordinance as an infraction at their discretion. Infractions may be abated as a nuisance or enforced and punished as prescribed in the Penal Code and Government Code of the State of California.

(d) For Civil Actions. In addition to other penalties and remedies permitted in this Ordinance, a violation of this Ordinance may result in civil actions. Except where a maximum monetary amount is specified, the following may also be awarded without monetary limitations in any civil action:

- Injunctive relief;
- Costs to investigate, inspect, monitor, survey, enforce, or litigate;
- Costs to place or remove soils or erosion control materials, costs to correct any violation,

and costs to restore environmental damage or to end any other adverse effects of a violation;

- Compensatory damages for losses to the City or any other plaintiff caused by violations; and/or restitution to third parties for losses caused by violations;
- Civil penalties; and
- Attorney fees and court costs.

As part of a civil action filed by the City to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of $1000 per violation of this Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted, or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this Ordinance, the Superior Court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require.

(e) Penalties and Remedies Not Exclusive. Penalties and remedies under this Article may be cumulative and in addition to other administrative, civil or criminal remedies.

SECTION 2. Severability.

If any section, sentence, clause or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)

days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside held on the _____ day of _____, 2006, and, thereafter,

PASSED, AND ADOPTED by the City Council of the City of Oceanside, California this _____day of _____, 2006, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
MAYOR, CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

Barbara Lamb, ASST.
CITY ATTORNEY

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 29 OF THE OCEANSIDE CITY CODE BY ADDING ARTICLE IX, REGULATION OF COMMERCIAL KITCHEN GREASE DISPOSAL