ORDINANCE NO. 564

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING THE NAME OF TITLE 10, AMENDING SECTIONS 10.01.010 AND 10.01.070 OF CHAPTER 10.01 OF TITLE 10, AND ADDING CHAPTER 10.02 TO TITLE 10 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE TO UPDATE, STREAMLINE, REINFORCE, CLARIFY AND CONSOLIDATE THE TOWN'S CODE PROVISIONS RELATING TO THE USE, CONSTRUCTION, PERMITTING AND REGULATION OF THE SANITARY SEWER SYSTEM, INCLUDING ADDITION OF A COMPREHENSIVE FATS, OILS, AND GREASE PROGRAM; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Town of Apple Valley ("Town") is authorized to take actions to further the public's health, safety, and welfare; and

WHEREAS, the Town is a member agency of the Victor Valley Wastewater Reclamation Authority ("WWRA"); and

WHEREAS, on August 19, 2021, the WWRA Board of Commissioners approved amendments to its Ordinance 001 governing the rules and regulations for sewerage service, which transferred to each member agency the permitting and inspection responsibilities of food service establishments; and

WHEREAS, the Town desires to adopt new regulations to bring the Town into compliance with the current WWRA regulations, to protect the integrity of the Town's sanitary sewer system, and to prevent overflows caused by fats, oils, and grease discharge in order to protect the public's health, safety, and welfare; and

WHEREAS, the Town Council has reviewed the adoption of this Ordinance pursuant to the requirements of the California Environmental Quality Act ("CEQA") and has determined and finds that this Ordinance is consistent with the protection of the public's health, safety, and welfare and is thereby categorically exempt from environmental review pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Title 10 of the Town of Apple Valley Municipal Code is hereby amended in its entirety to read "Water, Sewers and Utilities."

SECTION 3. Section 10.01.010 of the Town of Apple Valley Municipal Code is hereby amended in its entirety to read as follows:

10.01.010 Definitions.

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. The testing procedures for waste constituents and characteristics shall be performed pursuant to the Victor Valley Wastewater Reclamation Authority guidelines, and may be amended from time to time. Other terms not herein defined are defined as being the same as set forth in the latest adopted edition of the International Conference of Building Officials Uniform Building Code and the International Associate of Plumbing and Mechanical Officials Uniform Plumbing Code.

The terms hereinafter set forth unless otherwise specified shall have the following meanings:

(a) *Agency* shall mean an administrative division or group.

(b) *Applicant* shall mean any person applying for wastewater service.

(c) *Authorized Enforcement Officer* shall mean the FOG Manager, Building Official, Code Enforcement Manager, a Town Code Enforcement Officer, or other such individuals as are employed by the Town and are authorized to conduct inspections and enforce the provisions of this Chapter and any applicable related statutes, rules, codes and regulations enforceable by the Town.

(d) *Best Management Practices* or *"BMPs"* shall mean the schedule of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG into the public sewer.

(e) *Building Official* shall mean the Town official designated to administer Title 8 of this Code.

(f) *Building Sewer* shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility or preliminary treatment facility, and continuing to the point of its connection with the sewer mainline.

(g) *Class I Discharger* shall mean any collection system nonresidential discharger who:

(1) Has a discharge flow of 10,000 gallons or more per normal work day or 3,000,000 gallons or more per year; or

(2) Has a discharge of wastewater that has a strength significantly (50%) greater than domestic sewerage (domestic sewerage will be considered to have a BOD of 200 mg/I and suspended solids of 250 mg/I); or

(3) Has a discharge of toxic constituents that exceed VVWRA's "Wastewater Strength Limitations" as adopted and as the same may be amended from time to time.

(h) *Class II Discharger* shall mean any collection system nonresidential discharger who:

(1) Discharges more than its proportionate share of suspended solids and/or biochemical oxygen demand;

(2) Who discharges more than 10,000 gallons per day (or 3,000,000 gallons per year) but less than 25,000 gallons per day or 6,000,000 gallons per year; and

(3) Who is not required to obtain a Class I permit.

(i) *Code* shall mean the Town Municipal Code.

(j) *Compliance Schedule Agreement* or *CSA* shall mean an agreement between the Town and a permittee designed to bring such permittee into compliance with the requirements of its FOG Permit.

(k) *Composite Sample* shall mean a collection of individual samples obtained at selected intervals based on an increment of either flow or time that once formed is a representative sample of the waste stream discharged during the sample period or when waste discharge occurs.

(l) *Connection Fee* shall mean a fee imposed by the Town for connecting directly to a Town public sewer.

(m) *Critical Discharger* shall mean any discharger whose classification is identified in the Standard Industrial Classifications (SIC) Manual in any of Divisions A, B, D, E, and I; or who has a discharge flow of 25,000 gallons or more per average workday, whose discharge contains toxic pollutants; or whose discharge may have significant impact, either singly or in combination with other contributing users, on the treatment or collection system.

(n) *Discharger* or *User* shall mean any person who discharges or causes a discharge of wastewater directly or indirectly into the public sewer.

(o) *Domestic Wastewater* shall mean liquid wastes:

(1) From the non-commercial preparation, cooking and handling of food; or

(2) Containing human excrement and similar matter and from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

(p) *Effluent* shall mean any liquid outflow from a Food Service Establishment (FSE) that is discharged into the public sewer.

(q) *Equivalent dwelling unit* or *EDU* shall mean the quantity and quality of domestic wastewater discharged from a standard or average single family dwelling unit, having approximately 20 plumbing fixtures capable of contributing 245 gallons per day of domestic sewage.

(r) *Fats, Oils, and Grease* (FOG) shall mean any vegetable or animal product that is used in or is a by-product of the cooking of food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

It is typically a non-petroleum organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules and are detectable and measurable using analytical procedures established in the most current version of the United States Code of Federal Regulations codified at 40 CFR Part 136.

(s) *FOG Control Program* shall mean the FOG control rules, regulations and procedures identified in this Chapter and such other public outreach, education and other provisions developed pursuant to Section 7 of the Town's Sewer System Management Plan (SSMP).

(t) *FOG Manager* shall mean the individual designated by the Town Manager to administer its FOG Control Program or their designee. The FOG Manager is responsible for maintaining, monitoring and ensuring compliance with the Town's FOG Control Program.

(u) *FOG Permit* shall mean a FSE grease interceptor or trap permit issued by the Town under the provisions of this Chapter and the Town's SSMP that authorizes a FSE to discharge wastewater into the public sewer.

(v) *FOG Overflow* shall mean any overflow, spill, release, discharge or diversion of FOG substance from a grease interceptor or grease trap.

(w) *Food Grinder* shall mean any device installed in the plumbing or building sewer connections for the purpose of grinding food waste or food preparation byproducts for the purpose of discharging them into the public sewer.

(x) *Food Service Establishment* or *FSE* shall mean a food facility as defined in the California Uniform Retail Food Facilities Law (CURFFL), Section 113789 of the Health and Safety Code, and any commercial entity within the boundaries of the Town, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by mechanical ventilation as required by Health and Safety Code Section 114149.1. Any references to FSEs shall include the owners and/or managers of the FSE or such persons responsible for the day-to-day management and operation of the FSE.

(y) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food.

(z) *Grab Sample* shall mean a sample taken from the waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

(aa) *Grease Control Device* or *GCD* shall mean any grease interceptor, grease trap or other mechanisms, devices, or processes, which attach or are applied to wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG present in wastewater prior to discharge into the public sewer. "GCDs" may also include any other proven method(s) to reduce FOG, subject to the approval of the Building Official.

(bb) *Grease Interceptor* or *Interceptor* shall mean a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Uniform Plumbing Code, underground between a FSE and its connection to the public sewer. These devices primarily use gravity to separate FOG from wastewater as it moves from one compartment to the next and must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner at regular intervals to be effective.

(cc) *Grease Trap* shall mean a GCD that is used to serve individual fixtures. Grease traps have limited effects and should only be used in those cases where use of a Grease interceptor or other GCD is determined by the Town to be impossible or impracticable.

(dd) *Hearing Officer* shall mean the Town Manager or their designee with authority to conduct hearings relating to FOG permit revocations/suspension or other orders issued under the authority of this Chapter. The Town Manager may designate a Town Department Director or other Town official to be a Hearing Officer, but in no event shall the Hearing Officer be the person who issued the notice setting forth the grounds for a revocation/suspension or other order, or who was directly involved in the investigation of the events leading up to the issuance of any such notice or order.

(ee) *On-site Wastewater Treatment System* shall mean an approved and permitted septic tank and on-site disposal system designed and constructed to dispose of wastewater generated on the property.

(ff) *Industrial Pre-treatment Permit* shall mean a permit issued by WWRA for industrial wastewater discharges.

(gg) *Main* shall mean gravity and pressurized (force-main) sewer collection and transmission pipelines located in streets, highways, alleys, easements or rights-of-way which are used for collection and transmission of wastewater.

(hh) *Manhole* shall mean a hole, usually with a cover, through which a person may enter a sewer or confined space.

(ii) *Manifest* shall mean a form acceptable to the Fog Manager that provides proof of GCD service and disposal of recyclable or liquid wastes as required by the Town.

(jj) *Payback Agreement* shall mean a written conditional agreement entered into by the Town with a landowner, contractor, developer, or any person who constructs any portion of a sewer system such as a sewer line extension, with said construction cost being entirely borne by the landowner, contractor, developer or constructor and after final inspection, said sewer is deeded to the Town for public use. Under such agreements, the Town may agree to refund to the applicant 95% of all main extension costs (excepting therefrom the cost of that portion of the extension classified as direct benefit to the applicant's/developer's project), with said refund to be collected from property owners or developers of properties adjacent to and which connect to said sewer line extension for a period of time up to but not exceeding ten years from the effective date of the agreement.

(kk) *Person* shall have the same meaning as prescribed in Title 1 of this code.

(ll) Pollutant shall mean any constituent or characteristic of wastewater on which a discharge limitation may be imposed either by the Town or by a regulatory body of competent jurisdiction.

(mm) *Public Sewer* shall mean a sewer owned and operated by the Town or other local governmental agency, and as to which the Town possesses direct or indirect regulatory powers.

(nn) *Pump Station* shall mean pumps used for pumping wastewater or sewage from a lower to higher elevation, particularly when the elevation of the source is not sufficient for gravity flow.

(oo) *Regulatory Agency* shall mean public agencies having regulatory jurisdiction over the wastewater disposal operations of the Town, including without limitation: the United States Environmental Protection Agency, Region 9 (EPA); the California State Water Resources Control Board (SWRCB); the California Regional Water Quality Control Board, Lahontan Region (RWQCB); the California Department of Public Health (CDPH); the San Bernardino County Department of Public Health (SBCDPH); and the Victor Valley Wastewater Reclamation Authority (VVWRA).

(pp) *Sewer Charge* shall mean the flat rate charged based on the number of equivalent dwelling units (EDU) assigned to an account.

(qq) *Sewer System* or *Sewer Facilities* shall mean pipeline, lateral, main, trunk, lift station or other appurtenance or facility designed for the collection and conveyance of sewage and further defined as follows:

(1) *Building Sewer* as defined herein;

(2) *Public Sewer* as defined herein;

(3) *Sanitary Sewer* or sewers designed for collection and conveyance of domestic, commercial and industrial waste and which are not intended for collection or conveyance of stormwater, surface water, or groundwater.

(4) *Sewer Lateral* or a privately owned sewer service line, located within private property that conveys wastewater discharged from a residence, building or other structure to the public sewer.

(rr) *Sewer System Overflow* or *SSO* shall mean any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system including:

(1) Overflows or Releases of untreated or partially treated wastewater that reach waters of the United States;

(2) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and

(3) Wastewater backups into buildings and on to private properties that are caused by blockages or flow conditions within the public sewer.

(ss) *Storm water* shall mean rainwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water.

(tt) *VVWRA* shall mean the Victor Valley Wastewater Reclamation Authority.

(uu) *Waste* shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.

(vv) *Waste Hauler* or *GCD Servicer* shall mean any person or company carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

(ww) *Wastewater* shall mean liquid waste and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs, and institutions, whether treated or untreated, discharged into or permitted to enter a private system or into the public sewer.

(xx) *Wastewater Constituents and Characteristics* shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater."

SECTION 4. Subparagraph (H) of Section 10.01.070 of the Town of Apple Valley Municipal Code is amended to read, in its entirety, as follows:

"H. Interceptors required. Grease, oil, and/or sand trap interceptors shall be required, at the owner's expense, in all facilities which discharge liquid wastes containing grease, flammable wastes, sand and/or other wastes containing harmful ingredients in accordance with the Uniform Plumbing Code and Chapter 10.02 of this Code.

All grease, oil, and sand interceptors shall be maintained at the owner's expense, in continuously efficient operation at all times. All construction shall conform with Town standards. The facilities required to use the aforementioned interceptors include, but are not limited to, FSEs as defined in Chapter 10.02 of this Code, restaurants including fast food, butcher shops, gas stations, car washes, automotive mechanics, and paint shops."

SECTION 5. Chapter 10.02 is hereby added to Title 10 of the Town of Apple Valley Municipal Code to read as follows:

10.02.010 Intent and Purpose.

It is the intent of this Chapter to establish a permit procedure for the construction and maintenance of interceptors for grease and other insoluble waste discharged from restaurants and other food preparation establishments connected to the public sewer. This Chapter further provides guidelines and practices regulating the discharge of grease and other insoluble waste products to prevent blockages of the public sewer, avoid inefficient use of Town resources, prevent sewer system overflows caused by the accumulation of fats, oils, and grease (FOG), and promote the public health and safety. By enacting this Chapter, the Town Council intends to provide a fair and effective means of providing for the maximum beneficial use of the public sewer and the other sewer facilities to which they discharge.

10.02.020 Commercial Property Owner Responsibility.

Owners of Commercial Properties or their official designee(s) shall be responsible for the installation and maintenance of the GCD serving multiple FSEs that are located on a single parcel.

10.02.030 Grease Control Devices (GCD) Required.

A. No person or FSE shall discharge or cause to be discharged into the public sewer any wastewater potentially containing FOG without the installation and use of an approved Grease Control Device (GCD).

8. All FSEs shall provide wastewater acceptable to the Town, according to the requirements and standards established herein before discharging to any public sewer.

C. A FSE required to provide FOG pretreatment shall install, operate and maintain an approved type and adequately sized grease control device to comply with the objectives of these standard conditions.

10.02.040 FOG Permit Required.

A. All FSEs shall obtain a FOG Permit and be subject to all provisions of this Chapter and all other FOG control program regulations, user charges, and/or fees which may be established by resolution of the Town Council. The FOG permit shall be issued to the FSEs business name as listed within the Town's business license records and shall provide:
   1. The approved GCD type.
   2. GCD size.
   3. GCD service frequency.
   4. Permit expiration.

8. The FOG Permit shall be issued only for the permittee's specific business name as listed in the Town's business license file. Except for service frequency changes approved by the FOG Manager or their designee, any substantial new or changed condition of operation, such as a change in the FSE's ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by the FSE in an amount that alone or collectively causes or creates a potential for SSOs to occur shall require the submittal of a new application, payment of the permit fee, and issuance of a new FOG Permit..

10.02.050 FOG Permit Application.

A. Persons seeking a FOG Permit shall complete and file with the FOG Manager or his designee an application on a form prescribed by the Town, accompanied by any applicable fees. The application shall contain at least the following information:
   1. The name and address of applicant;
   2. The volume and type of wastewater to be discharged;
   3. The time of daily food preparation and cleaning operations;
   4. Description of food preparation, type, number of meals served, cleanup procedures, dining room capacity, number of employees and size of kitchen;

5. A list of kitchen appliances and fixtures to be used; and
6. Any other information as may be deemed by the FOG Manager to be necessary to evaluate the permit application.

B. In lieu of completing the application described in Subsection (A), the applicant may show appropriate permits or documentation issued by the Town's Building and Safety Department that confirm an appropriate GCD has been installed in the FSE in accordance with the applicable California Building and Uniform Plumbing Codes adopted by the Town.

C. After evaluation and acceptance of the data provided by the applicant, an on-site inspection of the FSEs waste discharge system, treatment systems, or other systems relating to waste discharge may be required. The FOG Manager or their designee may then issue a FOG Permit subject to the terms and conditions provided in this Chapter and this Code.

10.02.060 FOG Term, Modifications and Conditions.

A. The FOG Permit shall be issued for a one (1) year period and shall be renewed annually and concurrently with the applicant's business license.

B. The terms and conditions of the permit may be subject to modification by the Town during the life of the permit as limitations or requirements as identified in Section 10.02.070 are modified and changed.

C. , The Permittee shall be informed by the Town of any proposed changes in the frequency of the cleaning required by the FOG Permit at least ten (10) days prior to the effective date of the change. Any changes or new conditions in the FOG Permit shall include a reasonable time schedule for compliance.

10.02.070 Requirements for Best Management Practices (BMPs).

All FSEs shall implement BMPs in their operations to minimize the discharge of FOG into the public sewer. General requirements for BMPs are set forth in this Section and more detailed requirements may be specified within the FOG Permit. Commercial and industrial dischargers shall also be in full compliance with the provisions of this Chapter.

A. All FSEs shall implement BMPs in accordance with the requirements and guidelines established by the Town under its FOG Control Program and this Chapter to minimize the discharge of FOG into the public sewer.

B. All FSEs shall be required, at a minimum, to comply with the following BMPs, when applicable:
   1. Installation of drain screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
   2. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil and all manifests and paperwork shall be made available for inspection by the Town.
   3. Disposal of food waste. All food waste shall be disposed of in accordance with Chapter 6.20 of this Code.

C. Employee Training. At the time of hiring and at least annually thereafter, or as specified in the FOG Permit, the FSE shall train its employees 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 accordance with Chapter 6.20 of this Code.
   3. The location and use of absorptive products to clean under fryer baskets and other locations where grease may be spilled.
   4. How to properly dispose of waste oil from cooking equipment into a grease receptacles such as a barrels or drums without spilling or splashing.
   5. Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any-reasonable time by the FOG Manager or Authorized Enforcement Officer.

D. The FOG Manager may require periodic reporting of the status of implementation of BMPs, in accordance with the FOG Control Program and this Chapter.

E. Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed of properly.

F. Kitchen signage. BMPs and waste minimization practices shall be displayed on signs posted conspicuously in the food preparation and dish washing areas at all times.

10.02.080 Right of Entry, Inspection and Sampling Conditions.

A. The FOG Manager may inspect or order the inspection and sample of all parts of the FSEs wastewater generating and disposal facilities for the purposes of ascertaining whether the intent of this Chapter is being met and the Permittee is complying with all FOG Permit and other requirements. Inspection and sampling shall be completed during normal business hours. No person shall interfere with, delay, resist or refuse entrance to the FOG Manager or Authorized Enforcement Officers attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer and compliance with the requirements of a FOG permit. *Inspections* shall to include assessment of the GCD, review of manifests, related FOG service receipts and invoices and other records relating to the cleaning, maintenance and inspection of such GCDs. In the event of an emergency involving an actual or imminent SSO, Authorized Enforcement Officers may access adjoining businesses or properties which share a building sewer system with a FSE in order to prevent or remediate an actual or imminent SSO.

B. The FOG Manager shall have the right to place or order the placement on the FSEs property or other locations as determined by the FOG Manager, such devices as are necessary to conduct sampling or metering operations. Where a FSE has security measures in force, the Permittee shall make necessary arrangements so that Authorized Enforcement Officers shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

10.02.090 Determination of Compliance with FOG Permit Conditions

A. Inspection Procedures. Inspection of FSEs shall be conducted in the time, place, manner and frequency determined at the sole discretion of the FOG Manager and shall include but not be limited to BMPs, the 25% rule for grease interceptors, maintenance frequency requirements for GCDs, FOG Permit discharge conditions, or any discharge provisions of this Chapter.

B. Sampling Procedures. Sampling of the wastewater discharge of FSEs shall be conducted in the time, place, manner and frequency determined at the sole discretion of the FOG Manager. Non-compliance with FOG Permit discharge conditions, or any discharge provision of this Chapter may be determined by an analysis of a Grab or Composite Sample of the FSEs effluent. Any sample taken from a sample point is considered to be representative of the FSEs discharge to the public sewer.

C. Specialty FOG Compliance Charge. Any Permittee determined to be in non-compliance with the terms and conditions specified in its FOG Permit and/or any provision of this Chapter shall pay Specialty FOG Compliance Charges in addition to any other FOG related charges required by this Chapter. The purpose of these charges are to compensate the Town for the costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the permittee's non-compliance, and shall be in addition to and not in lieu of any penalties or fines as may be assessed under other provisions of this Chapter. Specialty FOG Compliance Charges shall be only those amounts necessary to cover the actual costs incurred by the Town to obtain permittee compliance with this Chapter.

10.02.100 Monitoring Facilities Requirements.

A. The Town may require FSEs to construct and maintain in proper operating condition at the FSEs sole expense, flow monitoring, monitoring of wastewater constituents and characteristics and/o.r sampling facilities.

B. The location of the monitoring or metering facilities shall be subject to approval by the FOG Manager. FSEs may be required to provide immediate, clear, safe and uninterrupted access to the FOG Manager or inspectors to the FSEs monitoring and metering facilities.

C. FSEs may also be required by the FOG Manager to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the GCD and compliance with this Chapter.

10.02.110 Grease Interceptor General Requirements.

A. All FSEs shall provide a GCD acceptable to the Town under the requirements and standards established herein before discharging to the public sewer. An FSE required to provide a GCD shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter.

B. Grease interceptor sizing and installation shall conform to the current edition of the California Uniform Plumbing Code. Interceptors shall be constructed in accordance with the design approved by the Building Official or their designee and shall have a minimum of two compartments with fittings designed for FOG retention.

C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated FOG.

D. Access manholes, with a minimum diameter of twenty (20) inches, shall be provided over each Interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent non-wastewater inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, FOG removal, and wastewater sampling activities.

E. Grease interceptors shall be maintained in efficient operating conditions by removing accumulated FOG in accordance with the established maintenance frequency established by the FOG Manager.

F. Grease interceptors shall be inspected. periodically by the permittee and at least annually by the FOG Manager or an Authorized Enforcement Officer to check for leaking seams and pipes and for effective operation of the baffles and sample, inlet, and outlet tees.

10.02.120 Grease Trap General Requirements.

A. FSEs may be required to install grease traps in the wastewater line leading from drains, sinks, and other fixtures or equipment where FOG may be introduced into the sewer system in quantities that can cause blockage.

B. Sizing and installation of grease traps shall conform to the current edition of the California Uniform Plumbing Code.

C. Grease traps shall be inspected periodically by the permittee and at least annually by the FOG Manager or an Authorized Enforcement Officer to check for leaking seams and pipes and for effective operation of the baffles and flow regulating device.

10.02.130 Grease Interceptor and Grease Trap Use and Maintenance Requirements.

A. All existing GCDs shall be maintained in efficient operating condition by periodic removal of the accumulated FOG in accordance with the established maintenance frequency established by the FOG Manager and as specified in the FOG Permit. Each permittee shall be responsible for the proper removal and disposal by appropriate means of the captured FOG material. No such accumulated FOG shall be introduced into any sewer lateral or the public sewer.

B. The FOG Manager shall assign each FSE one of the following collection/maintenance frequencies: thirty (30) days, sixty (60) days, ninety (90) Days, one-hundred-twenty (120) days, or one-hundred-eighty (180) days and may increase or decrease the service frequency of the GCD as deemed necessary to maintain the GCD designed efficiency.

C. Grease interceptors and traps and their baffles shall be maintained free of all caked-on FOG waste. Removable baffles shall be removed and cleaned during the maintenance process.

D. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer system, storm drain, or public right of way during maintenance activities.

E. FSEs with GCDs may be required to submit data and information necessary to establish the maintenance frequency of the GCD at any time.

F. The maintenance frequency for all FSEs with GCDs shall be determined in one of the following methods:

1. Unless otherwise specified by the FOG Manager or in the FOG Permit, all FSEs with grease interceptors shall ensure they are maintained not less than once every three (3) months. The maintenance frequency for a grease trap shall be every thirty (30) days unless otherwise specified by the FOG Manager or in the FOG Permit. The Fog Manager may increase or decrease the maintenance frequency based on the actual generation of FOG, historical data, or other conditions as deemed appropriate and necessary to protect the public sewer.
2. Grease interceptors shall be fully pumped out and cleaned or maintained at a frequency such that the combined FOG and solids accumulation does not exceed twenty-five percent (25%) of the total design hydraulic depth of the grease interceptor (the "25% Rule"). The 25% Rule ensures that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from Wastewater discharged to the sewer system.
    a. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in Subsection (B) has not yet been established.
    b. The maintenance frequency shall be adjusted when sufficient data has been obtained to establish an average frequency based on the requirements described in this Section and guidelines adopted pursuant to this Chapter.
    c. The Town may increase or decrease the maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the intent of the FOG Control Program.
3. The owner of a FSE may submit a written request to the FOG Manager seeking a change in the maintenance frequency at any time. The FSE is responsible for the burden of demonstrating that the requested change in frequency reflects actual operating conditions, based on the average FOG accumulation over time, meets the requirements described in Subsection (f)(2), and is in full compliance with the conditions of its FOG Permit and this Chapter. If deemed justified by the Fog Manager or their designee, the FOG Permit shall be revised and reissued accordingly to reflect the change in maintenance frequency.
4. If at any time a grease interceptor or trap contains FOG and solid accumulation that does not meet the requirements described in Subsection (F)(2) or in excess of its capacity, the FSE shall be required to have the

interceptor serviced immediately and remove all FOG, sludge, and other materials. As a result, and if deemed necessary, the FOG Manager may increase the grease interceptor maintenance frequency to ensure no FOG reaches the public sewer. Notice of any change to the maintenance frequency shall be given to permittee by written notice from the FOG Manager.

5. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from grease interceptors shall be properly disposed of off-site by waste haulers in accordance with federal, state and/or local laws.
6. A FSE that is on a thirty (30) day grease trap maintenance frequency and requires more frequent maintenance shall submit plans to the Building and Safety Department for the installation and use of a grease interceptor. Exceptions may be granted if:
    a. There is inadequate space for the installation of a grease interceptor; or
    b. There is inadequate slope for gravity flow between the kitchen plumbing fixtures and the grease interceptor.

10.02.140 Maintenance Reports Required.

A. Permittees shall be required to maintain all records of GCD cleaning and maintenance on the premises of the FSE. Such records shall be in the form of a service manifest as may be required by the FOG Manager in accordance with the conditions imposed by the FOG Permit. Permittees shall submit service manifests directly to the FOG Manager, or the GCD servicers may submit such manifests to the FOG Manager on behalf of the permittee.

B. The FOG Manager may require visual monitoring/inspection using closed circuit television at the sole expense of the permittee to observe the actual conditions of the FSEs sewer system lines downstream.

C. The FOG Manager may require a permittee to prepare reports for self-monitoring of wastewater constituents and characteristics to determine compliance with any conditions or requirements specified in the FOG Permit. Monitoring reports of the analyses of wastewater constituents and characteristics shall be prepared in a manner and form approved by the FOG Manager and upon their request shall be submitted by the permittee to the Town. A permittee's failure to perform any required monitoring, or to submit monitoring reports required by the FOG Manager constitutes a violation of this Chapter and shall be cause for the Town to initiate all necessary tasks and analyses to determine the wastewater constituents and characteristics for compliance with any conditions and requirements specified in the FOG Permit or this Chapter. Permittees shall be responsible for any and all expenses of the Town in undertaking such monitoring analyses and preparation of reports.

D. Failure to accurately maintain FOG control monitoring reports or GCD service manifests with the appropriate information and/or failure to make such records available upon request are considered violations of the FOG Permit.

E. Record Keeping Requirements. Permittees shall be required to keep all paper or electronic manifests, receipts and invoices of all cleaning, maintenance and FOG

removal from GCDs, and records of waste haulers and disposal site location(s) for no less than two (2) years.

F. Upon request, permittees shall make the manifests, receipts and invoices available to the FOG Manager or any Authorized Enforcement Officer, including but not limited to the following:
   1. A record of GCD cleaning and maintenance practices;
   2. A record of 8MPs implemented and employee training;
   3. Copies of records and manifests of interceptor contents removed by waste haulers;
   4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in grease interceptors;
   5. Records of any spills or cleaning of the private sewer lateral or building sewer system by the FSE, or its contractors.
   6. Any other information deemed appropriate by the FOG Manager to ensure compliance with this Chapter and the Fog Control Program.

G. Falsifying information or tampering with a GCD is prohibited. Any person who makes any false statement, representation, record, report, plan or other document that is filed with the Town, or tampers with or knowingly renders inoperable any GCD, monitoring device or access point required under this Chapter shall be in violation of this Code and subject to the penalties herein.

10.02.150 Notification of Changes in FSE Facilities and Operations.

A. FSE permittees shall notify the Fog Manager at least sixty (60) days in advance of any facility expansion or remodeling; process modifications that may result in new or substantially increased FOG discharges, or a change in the nature of the discharge. Permittees shall notify the Town in writing of the proposed change and shall submit any information requested by the Town for evaluation of the effect of such change to the wastewater discharged by the FSE into the sewer system.

8. Any expansion or remodel requires an application and plan review submittal with the appropriate fees prior to any changes. Upon plan approval, construction permits shall be obtained from all applicable departments and public agencies.

10.02.160 Compliance Schedule Agreement (CSA).

A. Upon determination that a permittee is in non-compliance with the terms and conditions specified in its FOG Permit or any provision of this Chapter, or needs to construct or acquire and install a GCD, the FOG Manager may require the permittee to enter into a Compliance Schedule Agreement (CSA) with the Town.

8. The issuance of a CSA may contain terms and conditions including but not limited to requirements for audit of waste hauling records, 8MPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Chapter.

C. The FOG Manager shall not enter into a CSA until such time as all amounts owed to the Town, including user fees, non-compliance sampling fees or other amounts due are paid in full.

D. If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the FOG Manager may recommend an order suspending or revoking the discharge permit pursuant to Section 10.02.260 of this Chapter or pursue other appropriate enforcement mechanisms.

10.02.170 Sewer System Overflows (SSOs), Public Nuisance Abatement, and Cost Recovery.

A. SSOs may cause threat and injury to public health, safety, and welfare of life and property, cause detrimental impacts to the public sewer and are hereby declared public nuisances. FSEs found to have contributed to a sewer blockage, SSO, or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, may be subject to the following.
   1. An administrative civil penalty as specified in Section 10.02.330;
   2. Closure of all FSE operations that will further impact the SSO or other nuisance condition;
   3. A requirement to immediately utilize a licensed professional clean up service contractor or similar qualified environmental cleanup service to abate all FOG or public sewer pollutants located at the surface that are deemed by the FOG Manager or Authorized Enforcement Officer to be a public nuisance;
   4. Pass a clearance inspection conducted by the FOG Manager or Authorized Enforcement Officer clearing the FSE of further clean up requirements related to the SSO or FOG permit; and
   5. Reimburse the Town for all expenses associated to the investigation and abatement action taken by Town staff or its contractors related to an SSO caused by a FSE.

B. Furthermore, sewer lateral failures and SSOs caused by FSEs alone or collectively, are the responsibility of the private property owner, the FSE, and any individual(s) that may be the owners or responsible parties of the FSE. If the Town must act immediately to contain and/or clean up an SSO caused by blockage of a private sewer lateral or building sewer system of a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the costs for such abatement shall be entirely borne by the private property owner, the FSE, and any individual(s) that may be the owners or responsible parties of the FSE and may constitute a debt to the Town and become due and payable upon the Town's request for reimbursement of such costs.

10.02.180 Notification of Spill.

A. In the event a permittee is unable to comply with any FOG Permit condition due to a breakdown of equipment, accidents, human error or the permittee has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FOG permit, the discharger shall immediately notify the Town's Code Enforcement, Public Works, or Building and Safety Departments by

telephone. If the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the Town's Public Works Department - Waste Water Division by telephone, or in person at Town Hall if such discharge is occurring during normal business hours, or the Town's after hours emergency telephone number for discharges occurring when the Town is closed. The aforementioned contact information shall be printed upon the FSE's FOG Permit

B. Notification shall also be made in writing to the FOG Manager at the address specified in the FOG Permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken by the FSE and the Town to immediately correct the problem, and what steps are being taken by the FSE to prevent the problem from recurring.

C. Notification shall not relieve the permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the Town or any other damage or loss to person or property; nor shall such notification relieve the permittee of any fees or other liability which may be imposed by this Chapter or applicable law.

10.02.190 Food Grinders Prohibited

No Person shall install food grinders in the plumbing system of any FSE New Construction. All existng food grinders shall be removed from FSEs within one hundred eighty (180) days of the effective date of this Chapter.

10.02.200 Additives Prohibited

No Person shall introduce any additives into a FSE's wastewater system for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance.

10.02.210 Unlawful Disposal of Cooking Oil

No Person shall dispose of waste cooking oil into sewer system 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.

10.02.220 Unlawful Discharge from Dishwashers

No Person shall discharge wastewater from dishwashers to any GCD. Discharge of wastewater with temperatures in excess of one-hundred-forty (140) degrees Fahrenheit to any GCD is also prohibited.

10.02.230 Unlawful Discharge of Human Waste

No Person shall discharge waste from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service.

10.02.240 Unlawful Discharge of FOG

No Person shall discharge any waste, including FOG and solid materials removed from GCDs into the public sewer. Grease removed from GCDs shall be hauled away for disposal as part of the operation and maintenance requirements for all GCDs.

10.02.250 Dilution of Discharge Prohibited

No FSE shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Chapter or a FOG Permit.

10.02.260 FOG Permit Suspension and Revocation.

A. Determination of suspension or revocation. The Town Manager or their designee, upon the recommendation of the FOG Manager or an Authorized Enforcement Officer, may revoke or suspend any FOG Permit when they determine that a permittee:
   1. Fails to comply with the terms and conditions of a CSA;
   2. Knowingly provides a false statement, representation, record, report, or other document to the Town;
   3. Refuses to provide records, reports, plans, or other documents required by the Town to determine permit terms or conditions, discharge compliance, or compliance with this Chapter;
   4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method;
   5. Refuses reasonable access to permittee's premises for inspection and monitoring purposes;
   6. Does not make timely payment of all amounts owed to the Town for user charges, permit fees, or any other fees imposed pursuant to this chapter;
   7. Causes interference, sewer blockages, or SSOs within the public sewer; or
   8. Violates GCD maintenance requirements, any condition or limit of its FOG Permit or any provision of this Chapter.

B. Permit suspension and revocation process. When the Town Manger or their designee makes one or more of the determinations listed in Subsection (A) and therefore has reason to believe that grounds exist for suspension or revocation of a FOG Permit, he/she shall proceed as follows:
   1. Notice. The Building Official or his designee shall give written notice of the proposed revocation or suspension by certified mail to the permittee setting forth a statement of the facts and grounds in support of revocation or suspension, also listing the time and place where the allegations and supporting evidence shall be heard by a hearing officer. The hearing date set forth in the written notice shall be not less than fifteen (15) calendar days and no more than forty-five (45) calendar days after the mailing of such notice.

   2. Hearing. At the suspension or revocation hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by

presenting written or oral evidence. The hearing officer shall not be bound by the formal rules of evidence but may receive all evidence which may be relevant to the proposed action. The permittee is entitled to be heard and may be represented by counsel. The hearing officer may continue the hearing from time to time but no more than a total of sixty (60) days. Additional written procedures for conduct of such hearings may be established by the Town Manager, approved by the Town Attorney, and shall be provided to the permittee with notice of the proposed action and hearing. Should the hearing officer determine not to suspend or revoke the permit, they may order additional enforcement actions, including but not limited to, a temporary suspension of the FOG Permit under terms and conditions that they deem appropriate given the facts and circumstances of the matter and that which supports the intent of this Chapter. Such other enforcement actions or the terms and conditions of any temporary suspension order shall be specified in the written decision of the hearing officer.

3. Written decision and order. The hearing officer shall issue their decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of a hearing officer shall be sent by certified mail to the permittee or the permittee's legal counsel or representative at their respective business addresses.
4. Effect. Upon final order of suspension or revocation, the permittee shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly into the public sewer for the term of the suspension, or in the event of a revocation, until such time as a new FOG Permit is applied for and approved by the Town. Nothing in this Section shall be construed as requiring the Town to issue a FOG Permit following an order of revocation. Any owner or responsible employee of the permittee shall be bound by the order of suspension or revocation and all costs for physically terminating and reinstating sewer service shall be borne by the permittee. Any future application for a FOG Permit at any location within the Town made by any person associated with an order of suspension or revocation may be denied by the Town after fully reviewing the records of the suspended or revoked permit and all pertinent findings.
5. Appeal. Any decision and written order issued by the Hearing Officer under this Section shall become final in all respects unless it is appealed to the Town Council in accordance with the provisions set forth in Chapter 2.04 of this Code.

10.02.270 Emergency Suspension or Termination Order.

A. By order of the Town Manager or their designee, any Authorized Enforcement Officer may immediately suspend or terminate sewer service on an emergency basis when the Building Official, Town Engineer, FOG Manager or Code Enforcement Manager determines that such suspension is necessary in order to stop an actual or impending discharge or SSO which presents or may present an

imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause SSOs, sewer blockages, interference to the sewer system, or other public sewer facilities, or may cause the Town to violate any State or Federal law or regulation. Any person notified of an Emergency Suspension Order shall immediately cease and desist the discharge of all wastewater containing FOG to the public sewer or into a drainage course, storm drain, or otherwise uncontrolled onto any property.

B. In the event any FSE, permittee or discharger fails to comply voluntarily with the Emergency Suspension Order, the Town Manager or their designee shall take such steps as they deem necessary, including immediate physical disconnection from the public sewer connection to prevent or minimize damage to the environment, the public health and welfare, the sewer system or any other public sewer facilities.

C. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) business days following the issuance of such order, a hearing officer shall hold a hearing to provide the FSE, permittee or discharger the opportqnity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the Town Manager and approved by the Town Attorney. The hearing officer shall issue a written decision and order within two (2) business days and shall be sent by certified mail to the permittee or discharger or their legal counsel or representative at their respective business address. The decision of the hearing officer following the hearing shall be final and not appealable to the Town Council.

10.02.280 Assessment of Charges and Damage or Interruption to Facilities or Operations.

A. Any person violating any of the provisions of this Chapter or who discharges FOG or other wastes in violation of any conditions of its permit, and whose discharge causes or contributes to any blockage or obstruction of the public sewer, damage to public or private property, or any other impairment of the operation of the Town's sewer facilities, shall be liable for all costs required to clean or repair the sewer facilities, together with any expenses incurred by the Town to resume normal operations. The total amount shall be payable by the violator within forty-five (45) days of invoicing by the Town. Such costs are payable in addition to any other applicable penalties provided by this Chapter.

B. Any person or FSE who discharges a waste which can be shown to have caused or significantly contributed to the Town violating its waste discharge requirements or incurring additional expenses or suffering losses or damage to its sewer system or any public sewer facilities, including those owned, operated or regulated by WWRA or other regulatory agencies, shall be liable for any costs or expenses incurred by the Town, including but limited to, regulatory fines, penalties, and assessments imposed on the Town by other agencies.

10.02.290 Termination of service.

A. The FOG Manager or Public Works Manager, by order of the Town Manager or their designee, may physically terminate sewer service to any property for the following reasons:
   1. Pursuant to any order of suspension or revocation of a FOG Permit; or
   2. The failure of any person not holding a valid FOG Permit to immediately cease the FOG discharge, whether direct or indirect, to the public sewer after notice and the completion of any process pursuant to Section 10.02.270 of this Chapter.

B. All costs for physical disconnection and all costs for reinstating service shall be paid by the property owner, business owner, operator, orpermittee.

10.02.300 Enforcement mechanisms.

A. In order for the Town to comply with the laws, regulations, and rules imposed upon it t, ' regulatory agencies and to ensure that the public sewer system is protected anc is able to operate with the hig est degree of efficiency, and to protect the public health and environment; the·Town Council finds that specific enforcement provisions are needed to govern FSEs discharges to the public sewer. The Sections contained within this Chapter are meant to establish enforcement mechanisms to achieve a maximum degree of compliance with this Chapter. In its sole discretion and subject to the provisions of this Chapter, the Town may implement the use of any such enforcement mechanisms or use several mechanisms concurrently to enforce the provisions of this Chapter and/or any FOG Permit issued hereunder. The enforcement mechanisms provided in this Chapter may be cumulative with respect to other.enforcement mechanisms or civil and criminal penalties as may be otherwise available under state or federal laws.

B. Nothing in this Chapter is intended to prevent state and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Chapter which also constitutes a violation of federal or state statutes and regulations, such as:
   1. The Clean Water Act (33 USC Section 1251 et seq.);
   2. The California Porter-Cologne Water Quality Act (California Water Code Section 13000 et seq.);
   3. The California Hazardous Waste Control Law (California Health and Safety Code Sections 25100 through 25250);
   4. The Resource Conservation and Recovery Act (42 USC Section 6901 et seq.);
   5. California Government Code (Government Code) Sections 54739 through 54740.6; and
   6. Any referenced state and federal laws, along with other pertinent laws, establishing the Town's authority and the enforcement mechanisms herein.

10.02.310 Violations and penalties.

A. Any person violating any of the provisions of or failing to comply with any of the requirements of this Chapter, a FOG Permit issued hereunder or the FOG Control

Program shall be guilty of an infraction or misdemeanor in accordance with Title 1 of this Code and subject to the penalty provisions set forth therein. Criminal citations may be issued by any authorized enforcement officer.

B. Any person violating the provisions of this Chapter, a FOG Permit issued hereunder, or the FOG Control Program may be issued an administrative citation by an authorized enforcement officer in accordance with Section 10.03.320 of this Chapter and Chapter 1.01 of this Code.

C. Any person violating the provisions of this Chapter, a FOG Permit issued hereunder or the FOG Control Program may further be subject to any of the enforcement mechanisms and other remedies and penalty provisions as specified in Sections 10.03.320 through 10.03.360 of this Chapter.

0. Each and every day such condition or violation continues shall be regarded as a new and separate offense.

E. In addition to any other remedy specified in this Chapter, or otherwise provided at law or in equity, any provision of this Chapter may be enforced by injunction issued by the courts upon a civil suit brought by the Town.

10.02.320. Administrative Citations.

To address minor violations of this Chapter and as deemed appropriate by the FOG Manager or other Authorized Enforcement Officers, civil penalties may be assessed using an administrative citations procedure in accordance with the provisions of Chapter 1.01 of this Code. This enforcement mechanism shall be separate and distinct from the administrative compliant and administrative civil penalty procedure set forth in Section 10.02.330 of this Chapter.

10.02.330 Administrative Complaint and Administrative Civil Penalties.

A. Except for Subsections (0)(3) and (0)(4) herein below, under the authority of Government Code Sections 54739, 54740.5 and 54740.6 the Town may issue an administrative complaint upon any person who has violated any provision of this Chapter; any permit condition, prohibition, or effluent limit; or any suspension, revocation or other order issued hereunder. Alternatively, and at the discretion of the FOG Manager, the Town may issue an administrative citation to the FSE for violations of Subsections (0)(3) and (0)(4) in the amounts prescribed therein. The issuance of said administrative citation shall follow the procedures in accordance with Chapter 1.01 of this Code.

B. The administrative complaint shall be served by personal delivery or certified mail upon the person subject to the Town's discharge requirements and will advise the person served that the Town will conduct a hearing within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation(s), set forth the provisions of law authorizing civil liability

to be imposed and the proposed administrative civil penalty.

C. The hearing shall be conducted by a hearing officer. At the hearing, the person served shall have an opportunity to respond to the allegations set forth in the admrnistrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures to be established by the Town

Manager and approved by the Town Attorney. Persons to whom administrative complaints have been issued may waive the right to a hearing, in which case a hearing shall not be conducted. Any Person dissatisfied with the decision of the Hearing Officer may appeal such decision to the Town Council by filing written notice with the Town Clerk specifying the grounds for such appeal within fifteen (15) days of notice of the Hearing Officer's decision and in accordance with Chapter 2.04 of this Code.

D. If after the hearing, or appeal, if any, it is found that the person violated reporting or discharge requirements, the Hearing Officer or the Town Council in the event of an appeal, may assess an administrative civil penalty against that Person. In determining the amount of the administrative civil penalty, the Hearing Officer or the Town Council in the event of an appeal 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 non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs an --corrective action, if any, attempted or taken by the Person. Administrative civil penalties may be imposed as follows:

1. An amount not to exceed $1,000.00 per day for failing to obtain or refusing to renew a FOG Permit;
2. An amount not to exceed $2,000.00. per: day.forfailing or refusing to.furnish · or maintain Grease Interceptor or Grease Trap service monitoring reports or manifests; ·
3. An amount not to exceed $3,000.00 per day for failing or refusing to comply with the. established Grease Interceptor or Grease Trap maintenance service schedule established by the Fog Manager and as stated on the FOG · permit;
4. An amount not to exceed $5,000.00 per occurrence of a Sewer System Overflow (SSO);
5. An amount not to exceed·$10,000 per occurrence of a Sewer System Overflow (SSO) where the FSE has been issued a revocation, suspension, or cease and desist order by the FOG Manager, Building Official or their designee or other orders, or prohibition issued, reissued or adopted by the Town.

E. All monies collected under this Section shall be deposited in a special account of the Town and used for the purposes specified in Government Code Section 54740.5.

F. Unless appealed, orders issuing administrative civil penalties shall become effective and final upon issuance thereof and payment shall be made to the Town within thirty (30) days. Copies of these orders shall be served by personal service or registered mail upon the Person served with the administrative complaint and upon any other persons who appeared at the hearing and requested a copy.

G. The Town may elect to petition the Superior Court to confirm any order assessing administrative civil penalties and enter judgment as set forth Government Code Section 54750.

H. Any Person aggrieved by a final order issued by the Town or the imposition of administrative civil penalties may appeal such orders or penalties in accordance with Chapters 1.01 and 2.04 of this Code.

I. The amount of any civil penalties imposed under this Section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the Discharger from which the violation occurred resulting in imposition of the penalty. The Town shall cause the amount of uncollected penalties to be recorded with the County Recorder in accordance with Government Code Section 54740.5.

J. No administrative civil penalties shall be recoverable under this Section for any violation for which the Town has recovered judicial civil penalties through a proceeding filed pursuant to Government Code Section 54740 and Section 10.02.340 of this Chapter.

10.02.340 Judicial Civil Penalties.

Any person who intentionally or negligentlyviolates any provision of this Chapter or any provision of any FOG Permit issued hereunder shall be civilly liable to the Town in a sum not to exceed $25,000 per day for each and every day during any portion of which any violation of this Chapter is committed, continued, or permitted by such person. The Town may petition the Superior Court pursuant to Government Code Section 54740 to impose, assess, and recover such sums. No judicial civil penalties shall be recoverable under this Section for any violation for which the Town has recovered administrative civil penalties under Government Code Section 54740.5 and Section 10.02.330 ofthis Chapter.

10.02.350 Injunctive Relief.

Whenever a discharge of wastewater is in violation of the provisions of this Chapter, the Town may petition the Superior Court for issuance of a preliminary of permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

10.02.360 Payment of charges.

A. Except as otherwise provided in this Chapter, all fees, charges and penalties established by this Chapter are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of such notice

B. After the delinquency date, unpaid fees, charges, fines and penalties shall constitute a debt to the Town and may also be assessed on the annual business license. Such debt shall be due upon renewal of the annual business license. No business license shall be issued or renewed until this debt has been paid in full. Operation of an unlicense,d business shall be enforced pursuant to the provisions set forth in Title 5 of this Code."

SECTION 6. Revisions. The changes made to Sections 10.01.010 and 10.01.070 of the Town of Apple Valley Municipal Code are shown in Exhibit A attached hereto.

SECTION 7. CEQA. The Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the State Guidelines to Implement CEQA, which states that actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment are exempt from CEQA review.

SECTION 8. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council of the Town of Apple Valley 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 9. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 10. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

, **APPROVED, AND ADOPTED** by the Town Council of the Town of Apple Valley, .. California, at a regular meeting held on the 28th day of February 2023.

Scott Nassif, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

Thomas A. Rice, Town Attorney

APPROVED AS TO CONTENT

n
Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY

I, HANNAH RALEIGH, DEPUTY TOWN CLERK of the Town of Apple Valley, California, hereby certify that the foregoing Ordinance No. 564 was duly introduced on February 14, 2023 and adopted at the Town Council adjourned meeting on February 28, 2023, by the following vote:

AYES: Council Members, Bishop, Emick, Leon, Mayor Pro-Tern Cusack, Mayor Nassif.

NOES: None.

ABSENT: None.

ABSTAIN: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 28th day of February, 2023.

TOWN OF APPLE VALLEY INCORPORATED NOV 28 1988 CALIFORNIA

HANNAH RALEIGH
DEPUTY TOWN CLERK

BY: Hannah Raleigh

Hannah Raleigh, Deputy Clerk

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY

I, Hannah Raleigh, Deputy Town Clerk of the Town of Apple Valley, California, do hereby certify that the attached Ordinance No. 564 was adopted on February 28, 2023 by the Town Council of the Town of Apple Valley and has been published in a newspaper of general circulation, published and circulated in the Town in a manner permitted under Section 36933 of the Government Code,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 28th day of February, 2023.

HANNAH RALEIGH
D.EPUTY TOWN CLERK

Hannah Raleigh

Hannah Raleigh, Deputy Clerk

