

Appendix B

Municipal Codes



INTRODUCTION
APPROVED AS AMENDED

(11/15/04) R. BEARDSLEY, P.W.
T. BROUSSARD "

Council/Agency Meeting Held: 10/18/04	<i>[Signature]</i> Deputy City Clerk's Signature
Deferred/Continued to: ADOPTED 11/1/04	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 10/18/2004	Department ID Number: 04-085

CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR CITY COUNCIL MEMBERS

SUBMITTED BY: *[Signature]* PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: ROBERT F. BEARDSLEY, PE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Adopt Ordinance to Control and Regulate Fats, Oils and Grease into Sewer System *Ord. No. 3688*

2004 OCT
HUNTINGTON BEACH, CA
CITY CLERK
[Signature]

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: An ordinance is required by the Santa Ana Regional Water Quality Control Board (SARWQCB) to control and regulate Fats, Oils, and Grease (FOG) discharged into the sewer system.

Funding Source: No funding needed for this action; however, the ordinance authorizes a fee for Food Service Establishments that generate FOG.

Recommended Action: Motion to:

1. Adopt Ordinance No. 3688 an ordinance of the City of Huntington Beach amending the Huntington Beach Municipal Code by adding Chapter 14.56 entitled Control and Regulation of Fats, Oils and Grease Discharged into the Sewer System.

Alternative Action(s): Do not adopt the ordinance and direct staff on how to proceed. The SARWQCB requires an ordinance to be adopted by December 31, 2004. Failure to adopt a program in compliance would violate Order No. R8-2002-0014 titled "General Waste Discharge Requirements" and subject the City to sanctions by the Board.

D-4

REQUEST FOR ACTION

MEETING DATE: 10/18/2004

DEPARTMENT ID NUMBER: 04-085

Analysis: On April 21, 2004, the draft FOG Control Ordinance was presented to the Public Works Commission (PWC) as an information item. The City Council received a presentation of the draft Fog Control Ordinance at the May 17, 2004 Study Session. The draft ordinance was based on a sample prepared by the Orange County Sanitation District (OCSD) that included a FOG Program Manager as well as a complex discharge permit system. Since the previous presentations, Public Works and City Attorney's staffs have worked to simplify the process and reduce administrative costs while maintaining the integrity of the program. The original intent of the ordinance, to regulate the discharge of fats, oils and grease into the sewer system remains the same as the revised version. The revised ordinance and proposed fee structure will have been presented to the PWC on October 6, 2004.

This ordinance is necessary to implement and enforce an effective FOG Control Program as required by the SARWQCB. In conjunction with the ordinance, FOG Control Fees are being proposed to fund the cost of the program. Costs include inspection and oversight, program administration and required record keeping. These new fees, as proposed, will be assessed on food service establishments (FSE), which generate a significant amount of FOG. A monthly fee of \$10.50 is proposed for those FSEs with a grease control device such as a grease interceptor. Those with no such device would be charged a monthly fee of \$29.00 to cover the cost for increased cleaning and inspection, including City video camera inspection. A study has been prepared to substantiate these fees, which are proposed to be adopted by resolution and will be submitted for Council approval at the November 1, 2004 meeting.

Public Works staff has performed outreach communication with the Huntington Beach Chamber, Huntington Beach Restaurant Association and individually mailed notices to all affected food service establishments.

Public Works Commission Action: This item will have been presented to the Public Works Commission at a special meeting held on October 6, 2004. Due to schedule conflicts and required lead times on agenda items, staff will report on the Commission's action at the October 18, 2004 City Council meeting.

Environmental Status: Not applicable

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Ordinance No. <u>3688</u>
	2.	PowerPoint Presentation

ATTACHMENT #1

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH MUNICIPAL CODE BY ADDING CHAPTER 14.56
ENTITLED CONTROL AND REGULATION OF FATS, OILS AND GREASE
DISCHARGED INTO THE SEWER SYSTEM

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Chapter 14.56 is hereby added to the Huntington Beach Municipal Code,
said Chapter to read as follows:

Chapter 14.56

CONTROL AND REGULATION OF FATS, OILS AND GREASE

Sections:

- 14.56.010 Definitions
- 14.56.020 FOG discharge requirement
- 14.56.030 Enforcement of Chapter
- 14.56.040 Prohibitions
- 14.56.050 FOG wastewater discharge
- 14.56.060 FOG fee
- 14.56.070 FOG pretreatment required
- 14.56.080 Single parcels
- 14.56.090 New construction
- 14.56.100 Sewer system overflows and cleanup costs
- 14.56.110 Nuisance declared
- 14.56.120 Grease interceptor requirements
- 14.56.130 Grease interceptor maintenance requirements
- 14.56.140 Monitoring facilities requirements
- 14.56.150 Best management practices required
- 14.56.160 Requirements for Best Management Practices
- 14.56.170 Monitoring and reporting conditions
- 14.56.180 Inspection and sampling conditions
- 14.56.190 Right of entry
- 14.56.200 Notification of spill
- 14.56.210 Penalty imposed on City by regulatory agencies

14.56.010 Definitions. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California State Codes applicable to building construction as adopted

by the Huntington Beach Municipal Code or Huntington Beach Zoning and Subdivision Ordinance.

Subject to the foregoing provisions, the following definitions shall apply in this Chapter:

- (a) Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.
- (b) Discharger shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
- (c) Establishment shall mean commercial or industrial establishments, including but not limited to retail food service establishments, that may discharge fats, oil and grease.
- (d) FOG shall mean fats, oils and grease. Any substance such as a vegetable or animal product that is used in, or is a by product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other condition is included in this definition.
- (e) Food Service Establishment shall mean facilities defined in California Health & Safety Code Section 113285 or 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 a Type I hood, as defined in Health & Safety Code Section 113285. A limited food preparation establishment is not considered a Food Service Establishment or are establishments that generate FOG when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.
- (f) Food Grinder shall mean any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system. Also means a garbage disposal.
- (g) Grease Control Device shall mean any grease interceptor, grease trap or other approved mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system.
- (h) Grease Interceptor shall mean a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the current edition of the California Plumbing Code, underground between any establishment, including food service establishments that generate FOG, and the connection to the sewer system.
- (i) Grease Trap shall mean a grease interceptor that is designed to retain grease from one to a maximum of four fixtures. Grease traps serve individual fixtures.

- (j) Infiltration shall mean water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
- (k) Inflow shall mean water entering a sewer system through a direct stormwater runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.
- (l) Manifest shall mean that receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City.
- (m) New Construction shall mean any structure planned or under construction for which a sewer connection permit has not been issued.
- (n) Person shall mean any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.
- (o) Sample Point shall mean a location approved by the City, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.
- (p) Sampling Facilities shall mean structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
- (q) Sewer or Sewer System shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge. This definition includes but is not limited to any property belonging to the City used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.
- (r) Sewer Lateral shall mean a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.
- (s) Sludge shall mean any solid, semisolid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.
- (t) 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 nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.
- (u) Wastewater shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

14.56.020 FOG discharge requirement. No establishment shall discharge or cause to be discharged into the sewer system FOG that accumulates and/or causes or contributes to blockages in the sewer system or at the sewer system lateral, which connects the Establishment to the sewer system.

14.56.030 Enforcement of Chapter. The Director of Public Works of the City (the "Director") or his/her designee is responsible for enforcement of this Chapter and for all determinations of compliance with it.

14.56.040 Prohibitions. The following prohibitions shall apply to food service establishments that generate FOG:

- (a) Installation of food grinders in the plumbing system of new construction of any food service establishments that generate FOG, is prohibited. Furthermore, all food grinders must be removed from existing food service establishments that generate FOG, as determined by the Director, within 90 days of written notice to remove.
- (b) Introduction of any additives into any establishment's wastewater system for the purpose of emulsifying FOG is prohibited.
- (c) Disposal of waste cooking oil into drainage pipes is prohibited. 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.
- (d) Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- (e) Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, is prohibited.
- (f) The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited, unless written approval for the Director is obtained.
- (g) Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- (h) Discharge into the sewer system of any waste which has FOG as well as solid materials removed from the grease control device is prohibited. Grease removed from grease interceptors shall be wastehailed periodically as part of the operation and maintenance requirements for grease interceptors. Licensed wastehaulers or an approved recycling facility must be used to dispose of FOG, including waste cooking oil.

14.56.050 FOG wastewater discharge. No person shall discharge, or cause to be discharged, any wastewater from any establishment, directly or indirectly into the sewer system without complying with this Chapter.

14.56.060 FOG fee. All food service establishments must pay a monthly fee as set by resolution of the City Council to offset the costs of enforcing this Chapter.

14.56.070 FOG pretreatment required. All new food service establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter. Existing food service establishments with no grease interceptor shall pay a FOG Control fee surcharge, which shall be established by resolution of the City Council and shall be based on the estimated annual increase and costs of inspecting and monitoring the sewer system, resulting from the lack of a grease interceptor or grease-control device.

The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from any establishment prior to discharge to the sewer system consistent with the grease interceptor requirements of this chapter.

14.56.080 Single parcels. Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple establishments that are located on a single parcel or for paying the FOG fee surcharge if there is no grease interceptor.

14.56.090 New construction. This Section shall not be interpreted to allow new construction, remodeling or change in operations without an approved grease interceptor unless the Director has determined in writing that it is impossible or impracticable to install or operate a grease control interceptor for the subject facility under the provisions of this Chapter.

14.56.100 Sewer system overflows and cleanup costs. Establishments found to have contributed to a sewer blockage, sewer system overflow ("SSO"), or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, may be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. If the City must act to contain and/or clean up an SSO caused by blockage of a private or public sewer lateral or system, or at the request of the property owner or operator of the Establishment, or because of the failure of the property owner or Establishment to abate the condition causing a threat to the health, safety, welfare, or property of the public, or because of an unauthorized discharge of FOG, the City's costs for such abatement will be entirely borne by the property owner or operator of the Establishment, and said cost will constitute a debt to the City and become due and payable upon the City's request for reimbursement of such costs.

14.56.110 Nuisance declared. Sewer system overflows may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances.

14.56.120 Grease interceptor requirements. All grease interceptors must comply with all relevant City ordinances, and the current edition of the California Plumbing Code, if applicable.

- (a) Grease interceptor sizing and installation shall conform to the current edition of the California Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the City's Director of Building and Safety and shall have a

minimum of two compartments with fittings designed for grease retention and a sampling box.

- (b) 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 grease.
- (c) Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

14.56.130 Grease interceptor maintenance requirements.

- (a) Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- (b) All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the Director pursuant to this section.
- (c) No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- (d) All establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency of the grease interceptors and shall be determined in one of the following methods:
 - (1) Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total liquid depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 - (2) All establishments with a grease interceptor shall maintain their grease interceptor not less than once every 6 months. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in paragraph (1) of this section has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in paragraph (1). The City may change the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from an establishment, including food service establishments that generate FOG, the maintenance frequency may increase or decrease.

- (3) If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in (1), any establishment, including food service establishments generating FOG, shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the Director may also increase the maintenance frequency of the grease interceptor from the current frequency.

14.56.140 Monitoring facilities requirements.

- (a) The City may require establishments to construct and maintain in proper operating condition at the establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- (b) The location of the monitoring or metering facilities shall be subject to approval by the Director.
- (c) Establishments may also be required by the Director to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this Chapter.
- (d) Establishments shall not 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.

14.56.150 Best management practices required. All establishments shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system.

14.56.160 Requirements for Best Management Practices.

- (a) All establishments shall implement Best Management Practices in accordance with the requirements and guidelines established by the City in an effort to minimize the discharge of FOG to the sewer system.
- (b) All establishments shall be required, at a minimum, to comply with the following Best Management Practices:
 - (1) Installation of drain screens. Drain screens shall be installed on all drainage pipes in food preparation and kitchen areas.
 - (2) Segregation and collection of waste cooking oil. All employees must comply with all provisions of this Chapter relating to segregation, disposal and recycling of FOG.
 - (3) Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks or toilets.

- (4) Employee training. Employees of the food service establishment shall be trained within 180 days of the effective date of this Chapter, and twice each calendar year thereafter, on the following subjects:
- (i) How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
 - (ii) How to properly dispose of food waste and solids prior to disposal in trash bins or containers to prevent leaking and odors.
 - (iii) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - (iv) How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

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 Director and/or his designee.

- (5) 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 properly.
- (6) Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

14.56.170 Monitoring and reporting conditions.

(a) Monitoring for Compliance with Ordinance and Reporting Requirements

- (1) The Director may require periodic reporting of the status of implementation of Best Management Practices.
- (2) The Director may require visual monitoring at the sole expense of the establishment which generates FOG to observe the actual conditions of any establishment's, including food service establishments that generate FOG, sewer lateral and sewer lines downstream.
- (3) The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the establishment needed for determining compliance with this Chapter. Failure by the establishment to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of this Chapter and be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in this Chapter. The Establishment shall be responsible for any and all expenses of the City in undertaking such monitoring analyses and preparation of reports.

- (4) Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this Chapter.

(b) Record Keeping Requirements.

The Establishment shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal off/from the grease control device, disposal carrier and disposal site location for no less than four years. The Establishment shall, upon request, make the manifests, receipts and invoices available to the Director of his designee. These records may include:

- (1) A logbook of grease control device cleaning and maintenance practices.
- (2) A record of Best Management Practices being implemented including employee training.
- (3) Copies of records and manifests of wastehauling interceptor contents and/or waste cooking oil disposal.
- (4) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
- (5) Any other information deemed appropriate by the Director to ensure compliance with this Chapter.

(c) Falsifying Information or Tampering with Process.

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the City, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Chapter.

14.56.180 Inspection and sampling conditions.

- (a) The Director may inspect or order the inspection and sample the wastewater discharges of any establishment subject to this Chapter to ascertain whether the intent of this Chapter is being met and the establishment is complying with all requirements. The establishment shall allow the City access to the premises, during normal business hours, for purposes of inspecting the establishment's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- (b) The Director shall have the right to place or order the placement on the establishment's property or other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where any establishment has security measures in force, the establishment shall make necessary arrangements so that

representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

- (c) Persons or occupants of premises where wastewater is created or discharged shall allow the Director, or City representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time.
- (d) In order for the Director to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge, the establishment shall make available for inspection and copying by the City all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal. All such records shall be kept for a minimum of four (4) years.
 - (1) Sampling and inspection of any establishments, including food service establishments, that generate FOG shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Director.
 - (2) Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.

14.56.190 Right of entry. No person shall interfere with, delay, resist or refuse entrance to City representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the City's sewer system.

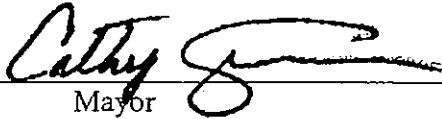
14.56.200 Notification of spill.

- (a) In the event an establishment is unable to comply with any permit condition or provision of this Chapter due to a breakdown of equipment, accidents, or human error or the establishment has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of this Chapter, the discharger shall immediately notify the Director by telephone. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department or County, and the City.
- (b) Confirmation of this notification shall be made in writing to the Director 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 to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- (c) Such notification shall not relieve the establishment of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor shall such notification relieve the establishment of any fees or other liability which may be imposed by this Chapter or other applicable law.

14.56.210 Penalty imposed on City by regulatory agencies. Any person who discharges a waste which causes or contributes to the City violating its discharge requirements established by any Regulatory Agency with jurisdiction over the City incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the City, including regulatory fines, penalties, and assessments made by other agencies or a court.

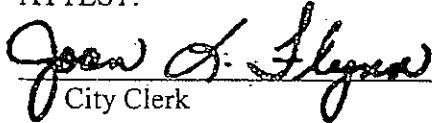
SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of November 2004.



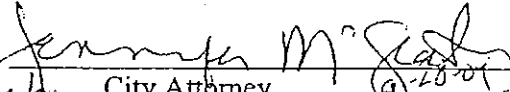
Mayor

ATTEST:

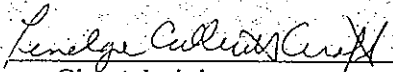


City Clerk

APPROVED AS TO FORM:

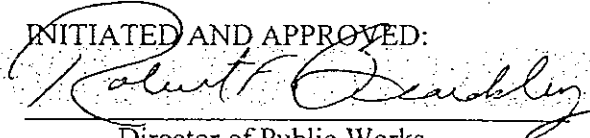

9/28/04 _____
City Attorney

REVIEWED AND APPROVED:



City Administrator

INITIATED AND APPROVED:



Director of Public Works

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 18th day of October, 2004, and was again read to said City Council at a regular meeting thereof held on the 1st day of November, 2004, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Sullivan, Coerper, Green, Boardman, Cook, Winchell

NOES: None

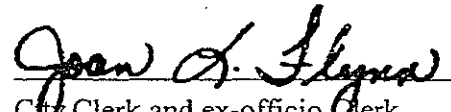
ABSENT: Hardy,

ABSTAIN: None

I, Joan L. Flynn, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on November 11, 2004.
In accordance with the City Charter of said City

Joan L. Flynn, City Clerk

Deputy City Clerk


City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California



11/19/04
T. Broussard

Council/Agency Meeting Held: <u>11/15/04</u>	<i>[Signature]</i> City Clerk's Signature
Deferred/Continued to: _____	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: November 15, 2004	Department ID Number: PW 04-086

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR *[Signature]*

PREPARED BY: ROBERT F. BEARDSLEY, PE, DIRECTOR OF PUBLIC WORKS *[Signature]*

SUBJECT: ADOPT RESOLUTION SETTING THE FATS, OILS, AND GREASE CONTROL PROGRAM FEES *Resolution No. 2004-89*

2004 NOV - 14
 HUNTINGTON BEACH
 CITY OF
 CITY CLERK
 T. BROUSSARD

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

A resolution has been prepared to adopt new fees to fund a Fats, Oils, and Grease (FOG) Control Program. The new fee will apply to Food Service Establishments that generate FOG.

Funding Source:

Annual revenue is estimated at \$78,000. Revenues will offset anticipated program costs as indicated in the table below.

ANNUAL PROGRAM REVENUES AND EXPENSES

Estimated Revenue	
120 FSE x \$10.50 x 12 months=	\$15,120
180 FSE x \$29.00 x 12 months=	<u>\$62,640</u>
TOTAL =	<u>\$77,760</u>
Estimated Expenses	
Basic Inspection 300 hrs. x \$84.11*=	\$25,233
Enhanced Inspection 90 hrs. x \$84.11*=	\$ 7,570
Enhanced Sewer Camera Inspection 180 hrs. x \$179.68=	\$32,342
Program Management 150 hrs. x \$84.11*=	<u>\$12,615</u>
TOTAL =	<u>\$77,760</u>

*hourly rate rounded

Alternative Action(s):

Deny adoption and absorb the costs of the FOG Control Program in the General Fund.

D-4

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 15, 2004

DEPARTMENT ID NUMBER: PW 04-086

Recommended Action: Motion to:

1. Conduct a Public Hearing; and
2. Adopt Resolution No. 2004-89 a resolution of the City Council of the City of Huntington Beach setting the Fats, Oils, and Grease (FOG) Control Program Fee.

Analysis: On October 18, 2004, a FOG Control Ordinance was introduced at the City Council Meeting. This ordinance is necessary to implement and enforce an effective FOG Control Program as required by the Santa Ana Regional Water Quality Control Board, (SARWQCB). In conjunction with the ordinance, FOG Control Fees are being proposed to fund the cost of the program. Costs include inspection and oversight, program administration and required record keeping. These new fees will be assessed on food service establishments (FSE), which generate a significant amount of FOG. A monthly fee of \$10.50 will be assessed on those FSEs with a grease control device such as a grease interceptor. Those with no such device will be charged a monthly fee of \$29.00 to cover the cost for increased cleaning and inspection, including in line video camera devices. Exhibits A and B to the Resolution incorporate the study prepared to substantiate these fees.

To date, only two cities within the Santa Ana Regional Water Quality Control Board area have progressed to the level of development and adoption of a FOG control fee. These two cities are Fullerton and Newport Beach. The City of Fullerton has set fees at \$100 per year plus a surcharge based on water usage for all FSEs. The City of Newport Beach is proposing fees of between \$115-\$175 per year.

Public Works staff has performed outreach communication with the Huntington Beach Chamber and the Huntington Beach Restaurant Association. Individual notices were sent to the approximately 300 affected FSEs to make them aware of the SARWQCB requirements, as well as the proposed fee structure.

Public Works Commission Action: The Public Works Commission reviewed and recommended the action on October 6, 2004, with a vote of 4-0-3.

Environmental Status: Not applicable.

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Resolution No. <u>2004-89</u>

RCA Author: T. Broussard:jg

RESOLUTION NO. 2004-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH SETTING THE FATS, OIL AND
GREASE (FOG) CONTROL PROGRAM FEE

WHEREAS, in 2002 the Santa Ana Regional Water Quality Control Board issued Order No. 2002-0014 ("Order No. 2002-0014") requiring the City of Huntington Beach to increase the level of maintenance, operations and capital repair to the sewer systems, to maintain stricter controls on materials placed into the sanitary sewer system, and to have in place a Fats, Oils and Grease ("FOG") Control Program; and

The Santa Ana Regional Water Control Board has focused on Food Service Establishments ("FSEs") as a primary source of FOG. FSEs include restaurants, food manufacturing and processing facilities and related businesses; and

The purpose of a FOG Control Program is to prevent blockages of the sanitary sewer line that cause sanitary sewer overflows by establishing control mechanisms that will establish regulations and policies for the disposal of FOG by FSEs; and

Where it is the desire of the City Council to comply with Order No. 2002-0014 and adopt a FOG Control Program that sets forth policies that FSEs operating within the City must follow to be allowed to continue to operate, which policies are intended to eliminate as much FOG from discharge to the City sewer system as possible; and

The City Council has reviewed a report entitled the "Fog Control Program Fee Study", which is attached hereto as Exhibit A and incorporated herein by this reference. The Fog Control Program Fee Study sets forth the estimated costs to the City of Huntington Beach of administering the FOG Control Program mandated by Order No. 2002-0014;

The City Council has considered this matter and desires to recover from FSEs operating within the City of Huntington Beach the costs of administering the FOG Control Program by levying a FOG Control Program Fee in an amount consistent with the findings of the FOG Control Program Fee Study

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

1. After reviewing the FOG Control Program Fee Study, the City Council finds that the following fees do not exceed the cost to the City of Huntington Beach to administer the FOG Control Program mandated by Order No. 2002-0014:

FSE Category	Base Fee (mo.)	Additional Fee (mo.)	Total (mo.)	Daily Rate
FSE's with grease control device	\$10.53	-	\$10.50	\$0.3452
FSE's without grease control device	\$10.53	\$18.48	\$29.00	\$0.9534

2. All Food Service Establishments operating within the City shall pay a FOG Control Program Fee as set forth in Exhibit B attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 15TH day of NOVEMBER, 2004.



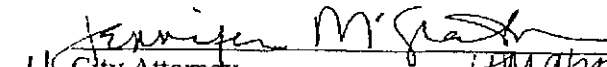
 Mayor

REVIEWED AND APPROVED:



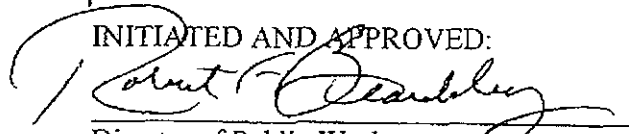
 City Administrator

APPROVED AS TO FORM:



 City Attorney LHM 9/30/04

INITIATED AND APPROVED:



 Director of Public Works

EXHIBIT A

FOG CONTROL PROGRAM FEE STUDY

September 2004

NARRATIVE

In 2002, the State Regional Water Quality Control Board issued an Order (No. 2002-0014) which included a requirement to implement a Fats, Oils, & Grease (FOG) Control Program. As this program is an un-funded mandate, this study has been prepared to estimate the costs to administer this program on a yearly basis. This cost will then be assessed to the Food Service Establishments (FSE), which generate FOG.

The City proposes to adopt a FOG Control Ordinance, which defines the affected FSE's as follows:

Food Service Establishment shall mean facilities defined in California Health & Safety Code Section 113285 or 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 a Type I hood, as defined in Health & Safety Code Section 113285. A limited food preparation establishment is not considered a Food Service Establishment or are establishments that generate FOG when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

The industry recognizes that properly maintained grease control devices such as grease traps and grease interceptors provide the best method of controlling the amount of FOG that reaches the sewer system. In addition, kitchen best management practices (BMP) can add to the effectiveness of a grease control program. However, all of these activities must be monitored and enforced by City staff for compliance with the aforementioned ordinance and Order.

FOG CONTROL PROGRAM FEE

It is proposed to assess a fee to all FSE's, as afore-defined, in order to recover administrative costs associated with the State mandated FOG Control Program. The City has identified approximately 300 FSE's, which will require some level of administration by City staff. It is proposed to assess a "base" fee to all of these FSE's. In addition, we have also identified approximately 180 of those 300 FSE's that do not have a grease control device. As such, they will have to rely on kitchen BMP's to control the amount of FOG they produce. Since kitchen BMP's are generally not as effective as a grease control device, an elevated effort by City staff will be required to monitor those 180 FSE's. Therefore an additional fee will be assessed to those particular FSE's to cover increased administrative and inspection costs.

Base Fee for all FOG Generating FSE's

This fee will be assessed to all 300 FSE's that generate FOG to cover the cost of City staff to administer the FOG Control Program, which may include but not limited to; site inspection of grease control devices and kitchen BMP's as well as general administrative activities.

Time to manage FOG Control Program	0.5 hrs/FSE/yr. x 300 =	150 hrs.
Time to inspect FSE	1 hr/FSE/yr. x 300 =	<u>300 hrs</u>
	Total time	450 hrs

Annual Cost	450 hrs x \$84.27*/hr =	\$37,921.50
Annual Cost per FSE	\$37,921.50/300 =	\$126.40
Monthly Cost per FSE	\$252.81/12 =	\$10.53

*Fully Burdened Rate for Administrative Environmental Specialist

Additional Fee for FOG Generating FSE's with no FOG Control Device

This fee will be assessed on 180 current FSE's with no FOG Control Device in addition to the "Base" fee. This will cover the cost to perform an elevated level of administration and inspection including one additional CCTV inspection per year more than normal.

Additional administration/inspection (A/I) time	0.5 hr/FSE/yr x 180 =	90 hrs
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Additional Annual Cost (A/I) 90 hrs x \$84.27/hr =	\$ 7,584.30
Additional CCTV inspection \$179.68**/FSE/yr x 180 =	<u>\$32,342.40</u>
	\$39,926.70

Additional Annual Cost per FSE	\$39,926.70/180 =	\$221.81
Additional Monthly Cost per FSE	\$221.82/12 =	\$18.48

**Fully Burdened Rate of \$57.34 for two person crew plus CCTV Truck @ \$65.00/hr. for one hour

FEE SUMMARY

FSE Category	Base Fee (mo.)	Additional Fee (mo.)	Total (mo.)
FSE's with grease control device	\$10.53	-	\$10.53*
FSE's without grease control device	\$10.53	\$18.48	\$29.01*

* For simplification, Fees of \$10.50 and \$29.00 are recommended.

Any additional services provided by the City, not listed above, such as spill response or additional sewer main line cleaning due to accumulation of FOG will be billed directly to the responsible party on a time and material basis as provided for in the Ordinance.

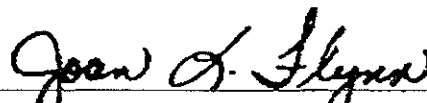
EXHIBIT B

FSE Category	Base Fee (mo.)	Additional Fee (mo.)	Total (mo.)	Daily Rate
FSE's with grease control device	\$10.53	-	\$10.50	\$0.3452
FSE's without grease control device	\$10.53	\$18.48	\$29.00	\$0.9534

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **15th day of November, 2004** by the following vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Winchell
NOES: None
ABSENT: None
ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California