

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BEAUMONT, CALIFORNIA AMENDING CHAPTER
13.09 CONCERNING REGULATING FATS,
OILS AND GREASE (F.O.G.) OF
THE CITY OF BEAUMONT MUNICIPAL CODE**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES
ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 2. Severability. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3. Chapter 13.09 are hereby amended and restated in full to read as attached hereto as Exhibit “A”.

SECTION 4. Effective Date and Publication. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Beaumont, California, approves this amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 21st day of March 2023, by the following roll call vote:

AYES:

NOES

ABSENT:

ABSTAIN

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the _____ day of _____ 2023, by the following roll call vote:

AYES:

NOES

ABSENT:

ABSTAIN

Julio Martinez III, Mayor

Attest:

Elaine Morgan, City Clerk

Chapter 13.09 REGULATING FATS, OILS AND GREASE (F.O.G.) MANAGEMENT IN FOOD SERVICE ESTABLISHMENTS

13.09.010 Purpose and intent.

The purpose of this Chapter is to comply with the Order No. DWQ 2006-0003 adopted by the State Water Resources Control Board in May, 2006, mandating implementation of various tasks associated with the City's sanitary sewer systems.

(Ord. 959, 10/09; §1)

13.09.020 Administration.

This Chapter shall be administered by the Director of the Department of Public Works of the City. This Chapter shall be construed and administered to assure consistency with the Order No. DWQ 2006-0003 and amendments, revisions and renewals thereof.

(Ord. 959, 10/09; §1)

13.09.030 General prohibition.

The discharge of fats, oils, greases and other solids ("F.O.G.") in concentrations from food services establishments and other commercial and other industrial facilities to the City sewer systems that may adversely affect the normal function of these systems or result in blockages and/or public nuisance is prohibited.

(Ord. 959, 10/09; §1)

13.09.040 Specific prohibitions.

The following prohibitions apply to all food service establishments:

- A. Installation of food grinders in the plumbing system of all new construction. All food grinders installed in food service establishments as of November 1, 2009 shall be removed within 180 days thereafter;
- B. Introduction of any additive into food service establishments for the purpose of emulsifying F.O.G.;
- C. Any disposal of cooking oil into the sewer system. All waste cooking oil shall be collected and stored properly in recyclable containers and removed off-site for proper recycling and /or disposal;
- D. Discharge of wastewater from dishwashers to any grease traps or grease interceptors;
- E. Discharge of wastewater in excess of 150° F, which is considered hot, to any grease control device, including grease traps and grease interceptors;
- F. 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;
- G. Discharge of any waste, including F.O.G. and other solid materials removed from the grease control device to the sewer system. F.O.G. and other solid material removed from grease interceptors shall be

hauled off-site periodically as part of the operation and maintenance requirements for grease interceptors.

(Ord. 959, 10/09; §1)

13.09.050 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 Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations). Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California codes applicable to building construction adopted pursuant to the California Building Standards Law. Subject to the foregoing provisions, the following definitions shall apply in this Chapter:

"Best Management Practices." Schedule of activities, prohibitions of practices maintenance procedures and other management practices to prevent or reduce the introduction of F.O.G. to the sewer facilities.

"Change in operations." Any change in the ownership food types or operational procedures that have potential to increase the amount of F.O.G. generated and/or discharged by food service establishments in an amount that alone or collectively causes or creates a potential for a sewer system overflow ("SSOs") to occur.

"City." The City of Beaumont.

"City Manager." The City Manager of the City of Beaumont or his or her designee.

"City sewer facility" or "system." Any property belonging to the City used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.

"Composite sample." A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period. Samples may be collected when a wastewater discharge occurs.

"Discharger." Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as user.

"Effluent." Any liquid outflow from the food service establishment that is discharged to the sewer.

"Fats, oils, and grease" ("F.O.G."). Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"Food grinder." 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.

~~*"Food service establishment."* Facilities defined in California Uniform Retail Food Services Establishments Law ("CURFFL") Section 113785, and any commercial entity within the boundaries of the City, 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 member or employees, and which has any process or device that uses or produces F.O.G., or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785. A limited food preparation establishment is not considered a food services establishment 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 F.O.G. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.~~

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Food Service Establishment (FSE) shall mean any entity, including its members, operators and employees, located within the boundaries of the City, engaged in the business of storing, preparing, serving, manufacturing, packaging, or handling food for sale to other entities, or for consumption by the public, 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 a Type 1 or Type II hood provided in the California Mechanical Code.

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- i. Category 4 FOG Discharger:** A FSE that engages only in reheating, hot holding, or assembly of ready to eat food products. Category 4 FOG Dischargers are also referred to as "Limited Food Preparation Establishments."
- ii. Category 3 FOG Discharger:** A FSE that, in the process of preparing and making food available to the public, generates FOG that is discharged into the City's sewerage system, and has been determined by the City to pose a relatively low risk of discharging FOG to the sewerage system. Category 3 FOG Dischargers are also referred to as "Low Grease Dischargers."
- iii. Category 2 FOG Discharger:** A FSE that, in the process of preparing and making food available to the public, generates FOG that is discharged into the City's sewerage system, and had installed grease capturing equipment that was properly sized and installed, and remains fully operational and properly maintained and serviced.
- iv. Category 1 FOG Discharger:** A FSE that, in the process of preparing and making food available to the public, generates FOG that is discharged into the City's sewerage system, does not have grease capturing equipment installed and does not meet the criteria for Category 2, Category 3 or Category 4 FOG Dischargers.

"Formal notice or notification." The date on which the City mails notice by regular mail to food service establishments.

"Grease control device." Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat F.O.G. prior to it being discharged into the sewer system

"Grease interceptor." A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a food service establishment and the connection to the sewer system. These devices primarily use gravity to separate F.O.G. from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the F.O.G. removed and disposed of in a proper manner on regular intervals to be effective.

~~"Grease trap." A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.~~

Grease Removal Devices shall mean a type of hydro-mechanical grease interceptor that automatically and mechanically removes non-petroleum fats, oils, and grease from the interceptor, the control of which is either automatic or manually initiated.

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Grease Trap, also referred to as hydro-mechanical grease interceptor or HGI, shall mean a Grease Control Device that is used to serve individual fixtures. Grease Traps must be cleaned, maintained, and have the FOG and solids removed and disposed. A Grease Trap may only be used when the City determines that the use of a Grease Interceptor or other Grease Control Device is impossible or impracticable and the installed location meets the Riverside County Department of Environmental Health's requirements.

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"Grab sample." A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

"Hot spots." Areas and sewer lines that have experience sanitary sewer overflows or that must be cleaned or maintain frequently to avoid blockages of sewer system.

"Inflow." Water entering a sewer system through a direct storm water runoff connection to the sanitary sewer, which may cause an almost immediate increase in waste water flows

"Infiltration." Water entering into sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

"Inspector." A person authorized by the City to inspect any existing or propose wastewater generation, conveyance, processing, and disposal facilities.

"Interceptor." A grease interceptor.

"Interference." Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's NPDES or Waste Discharge Requirements or prevents lawful sludge use or disposal.

"Local Sewering Agency." Any public agency or private entity responsible for the collection and disposal of wastewater to the City's sewer facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.

"Manifest." That receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City.

"NPDES." The National Pollutant Discharge Elimination System and the permit issued to control the discharge of liquids or other substances or solids to surface waters of the United States as detailed in Public Law 92-500, Section 402.

"New construction." Any structure planned or under construction for which a sewer connection permit has not been issued.

"Permittee." A person or owner of a food establishment who has received a permit to discharge wastewater into the City's sewer facilities subject to the requirement and conditions established by the City.

"Person." Any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.

"Program." The Program required by RWQCB Order No. R8-2002-0014, Section (c)(12)(viii) or the SWRCB Order No. DWQ 2006-003 and its amendment or renewals.

"Program Manager." The City Manager or his or her designee.

"Public agency." The State of California and/or any city, county, special district, other local governmental authority or public body of or within this State.

"Public sewer." A sewer owned and operated by the City.

"Regulatory agencies." Regulatory agencies shall mean those agencies having regulatory jurisdiction over the operations of the City, including but not limited to:

- (a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
- (b) California State Water Resources Control Board (SWRCB)
- (c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB)
- (d) South Coast Air Quality Management District (SCAQMD)

(e) California Department of Health Services (DOHS).

"Remodeling." A physical change or operational change causing generation of the amount of F.O.G. that exceed the current amount of F.O.G. discharge to the sewer system by the food service establishment in an amount that alone or collectively causes or creates a potential for SSOs to occur or an Establishment that requires a building permit, and involves any one or combination of the following: (1) under slab plumbing, (2) a 30 percent increase in the net public seating area, (3) a 30 percent increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

"Sample point." 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.

"Sampling facilities." 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.

"Sewer." Wastewater.

"Sewer facilities or system." Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

"Sewer lateral." 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.

"Sludge." Any solid, semi-solid or liquid decant, subnate or supermate from a manufacturing process, utility service, or pretreatment facility.

"User." Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as discharger.

"Waste." 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 the containers of whatever nature prior to and for the purpose of disposal.

"Wastewater discharge permit." A permit issued by the City subject to the requirements and conditions established by the City authorizing a food service establishment to discharge wastewater into the City's sewer facilities or into sewer facilities which ultimately discharge into a City sewer facility.

"Waste minimization practices." Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices inventory control, employee education, and other steps as necessary to minimize wastewater produced.

"Waste hauler." Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

"Wastewater." The liquid- and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharge into or permitted to enter a public sewer.

Words used in this Chapter in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

(Ord. 959, 10/09; §1)

13.09.060 Wastewater discharge permit required.

No person shall discharge, or cause to be discharge, any wastewater from food service establishments directly or indirectly into the sewer system without first obtaining a wastewater discharge permit pursuant to this Ordinance.

(Ord. 959, 10/09; §1)

Commented [CT1]: Need to establish permit program

13.09.070 Design and construction of sewage facilities.

Any and all sewerage facilities for any food service establishment shall be designed, and constructed as a minimum in accordance with the most current edition of the California Plumbing and Building Codes, and in accordance with the City's current sewerage design and construction standards.

(Ord. 959, 10/09; §1)

13.09.080 Sampling and inspection.

Sampling and inspection of food service establishments may be conducted in the time, place, manner, and frequency as determined by City Manager or his or her designee.

(Ord. 959, 10/09; §1)

13.09.090 Revocation or suspension of wastewater discharge permit.

The City Manager or it designee may revoke or suspend a wastewater discharge permit for any of the following reasons:

- A. Violation of a permit condition;
- B. Creating a nuisance;
- C. Violation of this Chapter;
- D. Violation of State or Federal law related to F.O.G. discharges.

(Ord. 959, 10/09; §1)

13.09.100 Notice of violation.

The City Manager or his or her designee shall issue to the food service establishment a notice of violation prior to revocation of the establishment's wastewater discharge permit, except in emergency situations. The City Manager or his or her designee shall issue the notice in accordance with the provisions of Chapter 1.17 of this Code.

(Ord. 959, 10/09; §1)

13.09.110 Appeal.

If the food service establishment objects to the intended revocation, or it shall follow the procedures for appeal set forth in Chapter 1.17 of this Code.

(Ord. 959, 10/09; §1)

13.09.120 Best Management Practices.

All food service establishments shall, at a minimum, implement the following Best Management Practices, when applicable:

- A. *Installation of Drain Screens.* Drain screens shall be installed on all drainage pipes in food preparation areas.
- B. *Segregation and Collection of Waste Cooking Oil.* All waste cooking oil shall be collected and stored properly in 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.
- C. *Disposal of Food Waste.* All food waste shall be disposed of directly into the trash or garbage, and not in sinks.
- D. *Employee Training.* Employees of the food service establishment shall be trained by the food service establishment within 180 days of November 1, 2009 and twice each calendar year thereafter, on the following subjects:
 - 1. How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
 - 2. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - 3. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - 4. How to properly dispose of grease or oils from cooking equipment into a grease 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 Program Manager or an inspector.

- 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 properly.
- F. *Kitchen Signage.* Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

(Ord. 959, 10/09; §1)

13.09.130 Grease Interceptor Installation Requirements

A. Category 1 FOG Dischargers shall install a Gravity Grease Interceptor in accordance with the provisions of this Article within 9 months of notification.

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1. Dischargers are required to submit plans to the City Building Department within 90 days of notification.
2. Dischargers are required to complete the Gravity Grease Interceptor installation within 180 days of plan approval.

B. Category 2 FOG Dischargers shall install a Gravity Grease Interceptor in accordance with the provisions of this Article and within 9 months of notification, if one or more of the following conditions applies:

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1. The pre-existing grease capturing equipment is not properly sized, properly installed, fully operation or properly maintained and serviced.
2. The FSE is causing or contributing to grease accumulation problems in sewer laterals or sewer mains.
3. Some or all the grease waste containing discharge lines are not connected to pre-existing grease capturing equipment and connecting these fixtures to pre-existing grease control device is not feasible.

Category 3 FOG Dischargers shall install a Grease Control Device that meets all Building and Plumbing Code requirements in accordance with the provisions of this Article and within 9 months of notification

13.09.14530 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 F.O.G., floating materials, sludge and solids.
- B. All existing and newly installed grease interceptors shall be regularly maintained.
- C. No F.O.G. 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. Food service establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.

E. The maintenance frequency for all food service establishments with a grease interceptor 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 F.O.G. and solids accumulation does not exceed 25 percent 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 F.O.G. discharge to the sewer system.
2. All food service establishments with a grease interceptor shall regularly maintain their grease interceptor and maintain a record of such maintenance.
3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established. The maintenance frequency may be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in (1). Based on the actual generation of F.O.G. from the food service establishment, the maintenance frequency may increase or decrease.
4. If the grease interceptor, at any time, contains F.O.G. and solids accumulation that does not meet the requirements described in (1), the food service establishment 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 Program Manager may also increase the maintenance frequency of the grease interceptor from the current frequency.

(Ord. 959, 10/09; §1)

13.09.16540 Enforcement.

- A. In addition to the specific provisions set forth in this Chapter, the City may enforce this Ordinance through any of the Civil, Criminal or Administrative Procedures established by the City of Beaumont Municipal Code.
- B. In addition to the specific provisions set forth elsewhere in this Code, the City may enforce this Chapter, through any Civil, Criminal or Administrative Procedures established by State or Federal Laws.

(Ord. 959, 10/09; §1)