



CENTRAL MARIN SANITATION AGENCY

**AN ORDINANCE REGULATING THE CONTROL OF  
FATS, OILS, AND GREASE (FOG)  
INTO THE WASTEWATER COLLECTION SYSTEM**

Ordinance No. 2021-1

February 2021

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**SECTION 1 – INTRODUCTION**

The Commission of the Central Marin Sanitation Agency of Marin County does adopt as follows:

This Ordinance shall be known as the “Fats, Oils, and Grease (FOG) Ordinance of the Central Marin Sanitation Agency” and may be so cited and pleaded.

This Ordinance is adopted pursuant to provisions of Section 6400 *et. seq.* of the Health and Safety Code of the State of California.

**SECTION 2 – ORDINANCE BACKGROUND**

The Central Marin Sanitation Agency (CMSA) adopted Ordinance No. 2014-1 (FOG Ordinance) on February 6, 2014, combining FOG Ordinances 2006-2 and 2007-1, aligning the CMSA Sewer Use Ordinance (SUO) and Uniform Plumbing Code reference, clarifying the installation of Grease Interceptors, and updating implementation procedures. This Ordinance replaces Ordinance No. 2014-1, and updates definitions, interceptor types, interceptor maintenance requirements, and best management practices.

### SECTION 3 – PURPOSE AND POLICY

- A. Sanitary sewer overflows (SSOs) are a major concern to wastewater agencies throughout the state of California. A frequent cause of SSOs is the blockage of sewer lines due to discharge of FOG from food preparation and clean-up operations. To prevent SSOs in the Wastewater Collection System, CMSA developed and implemented a program to reduce the discharge of FOG from restaurants and other food service establishments to levels that will not cause blockage in sewer lines. This program enables the San Rafael Sanitation District, the Ross Valley Sanitary District, and the Sanitary District No. 2 of Marin County (Member Agencies) to comply with requirements of the California State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board.
- B. CMSA Ordinance No. 2018-2 (Sewer Use Ordinance, SUO), adopted by the CMSA Board of Commissioners in 2018, regulates the discharge of wastes into the Wastewater Collection System. The SUO prohibits the discharge of viscous wastes in amounts which will cause obstruction to the flow in the Wastewater Collection System. The SUO gives CMSA authority to require sewer users to install pretreatment equipment as necessary to bring their discharges into compliance with the SUO. The SUO also provides CMSA staff the authority to perform inspections on the premises of sewer users and to review user records relevant to sewer discharges.
- C. All food service establishments (FSEs) subject to this Ordinance, shall be designated as “Class III Users,” as defined in the SUO. This designation is based on the discharge of FOG as discussed herein.

## SECTION 4 – JURISDICTION

- A. CMSA has authority to regulate discharges into the Wastewater Collection System in the jurisdictions of all Member Agencies. However, the provisions of this Ordinance, and the responsibility for implementation and enforcement of this Ordinance, shall only be applicable to the service area which encompasses the jurisdictional area of any Member Agency of CMSA which has complied with the following:
- 1) Such Member Agency enters into an agreement with CMSA for cost reimbursement and implementation of this Ordinance within its jurisdictional boundaries.
  - 2) Such Member Agency adopts by resolution the provisions of this Ordinance as being in force and applicable within its jurisdictional boundaries.
- B. This Ordinance is currently applicable to the service area encompassing the jurisdictional boundaries of the San Rafael Sanitation District, and the Ross Valley Sanitary District, and Sanitary District No. 2 of Marin County. The resolutions making this Ordinance effective in the Member Agencies' service areas are listed below:
- 1) Resolution No. 06-930 of the Board of Directors of the San Rafael Sanitation District, adopted October 4, 2006.
  - 2) Resolution No. 1284 of the Board of Directors of the Ross Valley Sanitary District, adopted April 3, 2007.
  - 3) Resolution No. 2009-4 of the Board of Directors of the Sanitary District No. 2 of Marin County, adopted December 15, 2009.

## SECTION 5 – DEFINITIONS

Automatic Grease Interceptor – A type of Grease Interceptor with an automatic or active mechanism for removing grease from the collection tank and isolating it in a container.

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this Ordinance.

Brown Grease – Oil collected from grease interceptors installed in FSE facilities to separate grease and oil from wastewater.

California Plumbing Code (CPC) – “California Plumbing Code” (California Code of Regulations, Title 24, Part 5). If there are future revisions that relate to sizing of Grease Interceptors, CMSA reserves the right to use either the present or revised code.

Change of Ownership – When ownership of an FSE changes, as determined by Marin County Environmental Health Services, requiring a change of ownership form or restaurant plan check.

CMSA - Central Marin Sanitation Agency.

Drainage Fixture Unit (DFU) – A unit of measure for the load-producing effects on a plumbing system from different kinds of plumbing fixtures.

Existing Food Service Establishment – Any Food Service Establishment (FSE) that is not a new FSE as of the effective date of this Ordinance.

Fats, Oils, and Grease (FOG) – Any substance, such as an animal- or vegetable-product, that is used in, or is a byproduct of food preparation, food service, or kitchen clean-up that turns or may turn viscous or solidifies with a change in temperature or other conditions.

Food Grinder (Garbage Disposal) – A device installed underneath a sink drain to grind and/or shred food waste into smaller particles.

Food Service Establishment (FSE) – Includes, but is not limited to, any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafes, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, coffee houses/shops, catering kitchens, bakeries, grocery stores with food preparation (excluding stores with only food warming operations), meat cutting and preparation, and other food handling facilities not listed above where FOG may be introduced into the Wastewater Collection System.

Gravity Grease Interceptor (GGI) – A type of Grease Interceptor that is installed in a Wastewater Collection System to intercept FOG from wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), not less than two-compartments, a total volume of not less than 300 gallons, and gravity separation.

Grease Interceptor (GI) – A device used to remove FOG from kitchen wastes discharged to the Wastewater Collection System, i.e., a Gravity Grease Interceptor, Grease Trap, Hydromechanical Grease Interceptor, High-Capacity Hydromechanical Grease Interceptor, or other mechanical device.

Grease Trap – See the Hydromechanical Grease Interceptor definition.

Hydromechanical Grease Interceptor (HGI or Grease Trap) – A type of Grease Interceptor that is installed in a Wastewater Collection System to intercept FOG from a wastewater discharge and is identified by flow rate, separation, and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following: (a) external flow control, with air intake (vent), directly connected; (b) external flow control, without air intake (vent), directly connected; (c) without external flow control, directly vented; or (d) without external flow control, indirectly connected.

High-Capacity Hydromechanical Grease Interceptor – A type of Hydromechanical Grease Interceptor (HGI) designed for the storage of FOG and solid food waste in excess of the 25% rule, the actual storage capacity of FOG and solid food waste being that specified by the device manufacturer.

Hot Spot – A location in the Wastewater Collection System where one or more FOG-related Sanitary Sewer Overflows (SSOs) have occurred, or requires significantly increased maintenance to prevent FOG-related line blockages, and/or where a significant potential exists for FOG-related line blockages to occur. The designation of a “hot spot” will be solely at the discretion of the Member Agency, based on the history and characteristics of the location.

Kitchen Remodel – An FSE kitchen remodel that involves significant changes to the kitchen, as determined by CMSA, such as removal or addition of walls or changes to drain lines that involve invasive work to walls or floors, or any other modifications to an existing FSE requiring a restaurant plan check from Marin County Environmental Health Services.

Member Agency – The cumulative service area of the Member Agencies (Ross Valley Sanitary District, San Rafael Sanitation District, and Sanitary District No. 2 of Marin County) which comprise the CMSA service area.

New Food Service Establishment – (a) A new building which will contain a Food Service Establishment (FSE); or (b) The installation of an FSE in an existing building which has not previously contained an FSE requiring a restaurant plan check from Marin County Environmental Health Services.

Ross Valley Sanitary District (RVSD) Service Area – Previously known as Sanitary District No. 1 of Marin County. This includes Fairfax, San Anselmo, Larkspur, Ross, Greenbrae, and Kentfield.

San Rafael Sanitation District (SRSD) Service Area – This includes all parts of the City of San Rafael south of the Puerto Suello ridge. (Terra Linda and Civic Center are not in the SRSD service area).

Sanitary District No.2 of Marin County (SD2) Service Area – This includes the Town of Corte Madera, portions of the Tiburon peninsula, the Greenbrae boardwalk, portions of Larkspur, and portions of unincorporated areas of Marin County.

Sanitary Sewer Overflow (SSO) – A release of untreated or partially treated sewage from a Wastewater Collection System into the environment.

Twenty-Five Percent (25%) Rule – The total depth of the floating grease layer plus the settleable solids layer cannot exceed 25% of the design hydraulic depth in any location of the grease interceptor.

Wastewater Collection System – The collection system, all sewers and other facilities, owned or operated by the Member Agencies for carrying, collecting, storing, and delivering of sewage to the CMSA wastewater treatment facility.

Working Capacity – The total volume of solids, water, and grease that a grease interceptor contains under normal operating conditions.

Yellow Grease – Spent cooking oil and other fats and oils collected from commercial or industrial cooking operations.



**SECTION 6 – GREASE INTERCEPTOR INSTALLATION REQUIREMENTS**

This Ordinance governs all FSEs within the jurisdiction of this Ordinance. All new FSEs, all existing FSEs undergoing a kitchen remodel, and all existing FSEs upstream of a “sewer line hot spot” (hot spot) shall have at least one Grease Interceptor (GI), as specified below. The following table summarizes these requirements.

**Grease Interceptor Installation Requirements Summary**

	<b>NOT Upstream of <i>Hot Spot</i></b>	<b>Upstream of <i>Hot Spot</i></b>
<b>New FSE</b>	GI required (see Section 6.A)	GI required (see Section 6.A)
<b>Kitchen Remodel</b>	GI required (see Section 6.B)	GI required* (see Section 6.B)
<b>Change of Ownership</b>	GI may be required (see Section 6.E)	GI may be required (see Section 6.E)
<b>Existing FSE</b>	No requirement (see Section 6.D)	GI required (see Section 6.C)

\* For remodels, the GI may not need to be connected to all kitchen drains, at the discretion of CMSA.

All GI installations shall comply with the California Plumbing Code (CPC) and installation criteria requirements (including but not limited to flow control devices, vents, etc.) and the FSE criteria provided below.

A. New Food Service Establishments

All new FSEs shall install a GI sized in accordance with the current version of the CPC. The sizing determination is based on Drainage Fixture Units (DFUs) as specified in the CPC. A business will not be considered a “new FSE” solely on the basis of a changed menu, name, and/or ownership.

All fixtures and equipment in the establishment which may receive FOG, including but not limited to utensil sinks, food preparation sinks, hand washing sinks in kitchen areas, mop sinks, and floor drains and floor sinks in kitchen and washing areas shall drain to a GI. The dishwashing machine shall be plumbed to the GI, unless specified otherwise by CMSA. Any discharge to the Wastewater Collection System from routine cleaning of exhaust hoods and ducts shall be plumbed to the GI. No drains from toilets, showers, or other domestic discharges shall be connected to the GI. For any kitchen drain not connected to the GI, the FSE shall maintain employee training and/or signage adequate to prevent discharge of FOG to the drain.

Outside refuse areas and/or washing areas must be covered and bermed to prevent discharge to storm drainage, and plumbed to the Wastewater Collection System, in accordance with the requirements of the municipality. These areas shall drain to a properly sized GI.

B. Kitchen Remodel

Any FSE which is undergoing a kitchen remodel, shall install a GI(s). The requirements shall be the same as for a new FSE, except for the following:

- 1) A remodeled FSE may be allowed to not connect some minor kitchen drains, such as hand washing sinks or floor drains, where connection of these drains to the GI would require excessive re-plumbing. The determination shall be solely at the discretion of CMSA, on a case-by-case basis. For any drain exempted from connection to the GI, the FSE shall maintain employee training and/or signage to prevent discharge of FOG to the drain.
- 2) At CMSA discretion and on a case-by-case basis, a remodeled FSE may be exempt from complying with some of the requirements specified in this Ordinance regarding outside refuse areas and/or washing areas. At a minimum, facilities and operating practices must be adequate at all times to prevent illegal discharges to stormwater drainage.

C. Existing Food Service Establishments – Upstream of Hot Spot

A current list of hot spot locations should be defined by each Member Agency. The list shall reference the evidence supporting each designation. Such evidence may include, but is not limited to, maintenance records, SSO reports, or video. The designation of a hot spot shall be solely at the discretion of the Member Agency.

The minimum GI requirement for any FSE upstream of a designated hot spot shall be one or more GI(s) draining the food preparation sinks, utensil sinks, and dishwasher pre-rinse sink (scrap sink). This minimum GI requirement shall include installation of a GI on any device, including a wok stove or a soup kettle that has as a drain installed to remove rinse or wash water from cooking surfaces. Alternatively, the drain may be taken out of service and disconnected from the Wastewater Collection System if such action is acceptable to Marin County Environmental Health Services. For any kitchen drain not connected to the GI, the FSE shall maintain employee training and/or signage adequate to prevent discharge of FOG to the drain.

The sizing of the GI(s) shall be as follows:

- 1) Existing FSEs with one or more GI(s) currently installed shall not be required to install a larger GI if the size of the GI is at least 70% of the size specified by the most current version of the CPC. Those FSEs with installed GI(s) sized at less than 70% of the CPC requirement shall be required to install larger or additional GI(s) to meet the appropriate sizing requirement of the CPC.
- 2) CMSA reserves the right to require installation of a GI if such installation is appropriate due to the size, menu, or location of the FSE.

D. Existing Food Service Establishments – NOT Upstream of Hot Spot

Existing FSEs that are not upstream of a hot spot do not have permit or GI requirements under this Ordinance. However, owners and operators of such establishments should consider that if the FSE should discharge sufficient FOG to cause an obstruction in the Wastewater Collection System, they would be in violation of this Ordinance and the SUO. Such discharge would also be likely to plug the FSE's drain lines, causing sewage back-ups into the kitchen.

Upon request, CMSA personnel will provide FSEs with information regarding employee training and GI information to minimize FOG discharge to the sewer.

E. Change of Ownership

When an FSE changes ownership, new ownership shall provide new use information to CMSA. An evaluation of the facility's new use shall be completed to determine GI installation and/or upgrade requirements.

F. Variance Procedure

A new or remodeled FSE may be allowed to install one or more smaller GI(s), instead of a single large GI, if one or both of the following conditions occur:

- 1) Adequate slope cannot be provided for gravity flow between kitchen plumbing fixtures and the proposed location of the GI or from the GI to the Wastewater Collection System.
- 2) Adequate space cannot be provided at the site for installation and/or maintenance of a GI.

Granting the variance for smaller GI(s) or which kitchen fixtures are connected shall be at the discretion of the CMSA General Manager or designee. The FSE shall provide CMSA with documentation adequate to verify at least one of the above conditions.

Installation of Automatic GI(s) of proprietary design, such as the “Big Dipper,” will be considered by CMSA on a case-by-case basis. Approval shall be contingent upon demonstration that the device will reliably perform at least as well as a conventional GI meeting the requirements of the CPC.

## SECTION 7 – REQUIREMENTS AND BEST MANAGEMENT PRACTICES

All new FSEs and existing FSEs upstream of a hot spot are subject to this Ordinance and shall have a current permit issued by CMSA and at least one GI, as described in this Ordinance. The sole exception is any FSE granted a permit waiver. All FSEs that are subject to this Ordinance shall comply with requirements below unless they are granted a permit waiver.

### A. Prohibitions

- 1) No FSE shall install, maintain, or use a food grinder (garbage disposal). All food waste from preparation and service items must be disposed of appropriately by physically removing the food waste into the appropriate legal receptacle prior to rinsing.
- 2) Automatic grease interceptors are prohibited unless a variance is provided. At the discretion of CMSA, on a case-by-case basis, an FSE may be allowed to install and operate an automatic GI when circumstances preclude installation of an appropriately sized GGI or HGI.
- 3) Addition of enzymes, micro-organisms, solvents, or emulsifiers to grease interceptors or to drains leading to GI(s) is prohibited.
- 4) Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils must be collected and stored properly in labeled receptacles such as barrels or drums for recycling.
- 5) Discharge of any waste including FOG and solid materials removed from the GI to the Wastewater Collection System is prohibited.
- 6) In no case shall an FSE operate a GI where FOG and solids accumulation exceeds the GI maintenance requirements outlined within this Ordinance.
- 7) Discharge of FOG and other wastes to stormwater drainage systems is prohibited. Discharges to stormwater drainage systems from an FSE will be referred to the appropriate authorities for enforcement action.

### B. Best Management Practices (BMPs)

All FSEs, at a minimum, must comply with the following BMPs:

- 1) Drain screens must be installed in all sinks, drains, floor drains, floor sinks, dishwashers, etc. The screens must be frequently inspected and cleaned by disposing waste into the appropriate receptacle to prevent FOG and food buildup.

- 2) All FSEs must have an appropriate labeled receptacle for collecting yellow grease. The labeled receptacle must have a secondary containment to prevent spillage or leaks. The labeled receptacle must be serviced (emptied or exchanged) and recycled in a legal manner at an appropriate frequency. The FSE must maintain adequate employee training and/or kitchen signage to assure that the container is used and maintained in an appropriate manner.
- 3) FOG and solids (brown grease) cleaned out of GI must be disposed in a legal manner. The FSE shall maintain adequate employee training and/or kitchen signage to assure compliance. Brown grease removed must be disposed in one of the two following methods.
  - a) All brown grease removed from the GI shall be combined in a labeled receptacle with adequate amounts of absorbent to prevent spillage or leakage, and discarded into the appropriate solid waste legal receptacle; or
  - b) All brown grease removed from the GI shall be placed in a labeled receptacle with secondary containment and recycled in a legal manner. Receipts or other documentation of such service shall be retained at the FSE and presented to CMSA staff upon request.
- 4) All food waste must be disposed of directly into the appropriate legal solid waste container, and not in sinks.
- 5) FSE employees must be trained upon hiring and annually thereafter on the following:
  - a) How to “dry wipe” pots, pans, dishware, and work areas before washing to remove grease.
  - b) How to properly dispose of food waste and solids into the appropriate legal solid waste receptacle to prevent leaking and odors.
  - c) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
  - d) How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training should be documented and retained indicating each employee's attendance and understanding of the practices reviewed.

- 6) Kitchen exhaust filters must be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter must be discharged to the GI. Solids generated in this maintenance shall be discarded in accordance with brown grease requirements in this Ordinance.
- 7) Best management and waste minimization practices must be posted conspicuously in the food preparation and dishwashing areas at all times.

## SECTION 8 – GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

The permit issued to an FSE will specify the required minimum frequency for maintaining (pumping or hand cleaning) the GI(s) and how the FSE shall verify this maintenance. These requirements are described below.

A. Large GI(s)

FSEs with a GI flow rating greater than or equal to 100-gpm must have the GI serviced (i.e., all compartments pumped empty) and the contents legally disposed of at a minimum once every three months. CMSA may require more frequent servicing if inspections by CMSA staff indicate that pumping every three months is not adequate. At the discretion of CMSA, the required frequency may be reduced if the FSE provides documentation (e.g., hauler certifications) adequate to establish that less frequent pumping would suffice. Such documentation shall be based on a minimum of one year of quarterly pumping and shall be verified by CMSA inspections.

B. Small GI(s)

FSEs with a HGI flow rating less than 100-gpm must have the GI serviced and the contents legally disposed of at a minimum once per month. CMSA may require more frequent servicing if inspections by CMSA staff indicate that monthly pumping is not adequate. At the discretion of CMSA, the required frequency may be reduced if the FSE provides documentation (e.g., hauler certifications) adequate to establish that less frequent pumping would suffice. Such documentation shall be based on a minimum of one year of monthly pumping and shall be verified by CMSA inspections.

C. Pumping and Reporting Requirements

All pumping must be performed by persons who are certified by the California Department of Food and Agriculture (DFA) as a “registered transporter of inedible kitchen grease.” The pumper shall transport the collected waste to an “authorized receiving facility,” as defined by the DFA. DFA regulations require the pumper to provide the FSE with a “waste removal receipt” which includes the name of the FSE, the service date, the “working capacity” of the interceptor pumped, and the total amount of waste pumped from the GI. Copies of each waste removal receipt for any calendar month shall be submitted (mail, fax, or email) to CMSA by the date specified within the FSEs permit.



D. Self-Clean Procedure

FSEs with a GI flow rating less than or equal to 50-gpm may opt to comply with the following GI self-cleaning procedure in lieu of the monthly service requirement specified in this Ordinance.

- 1) The GI must be serviced by FSE staff and/or a contractor at a minimum once every 15 days. CMSA may require more frequent servicing if CMSA inspections determine the GI servicing inadequate.
- 2) Persons cleaning the GI must assure that all grease and sediment is removed from the GI and appropriately disposed. They must also inspect and assure that all baffles, flow control devices, and other equipment are properly reinstalled after cleaning.
- 3) Cleaning of the GI must be documented on a log sheet maintained by the FSE. The log sheet must include, at a minimum, the date of the cleaning event, the name of the person(s) performing the cleaning, their signature, the quantity of waste removed from the GI, and any other relevant observations. Copies of each log sheet for any calendar month shall be submitted (mail, fax, or email) to CMSA by the date specified within the FSEs permit.

E. Twenty-Five Percent (25%) Rule

Regardless of the maintenance frequency of a GI as established in an FSE's permit, in no case shall an FSE operate a GI where FOG and solids accumulation exceeds the 25% rule in any chamber of the device, with exception to the following:

- 1) When an FSE has installed and maintains a High-Capacity HGI designed to accumulate FOG and solids in excess of the 25% rule, the FSE may be allowed to operate the HGI with FOG and solids accumulation in excess of the 25% rule up to the manufacturer's design capacity specifications.

## SECTION 9 – PERMIT REQUIREMENTS, FEES, AND ENFORCEMENT

CMSA staff will monitor FSE compliance with this Ordinance and their permit. Below is an outline of the routine monitoring and enforcement procedures. CMSA reserves the right to modify these procedures, as appropriate.

### A. Permits

As specified in this Ordinance, all new FSEs and FSEs upstream of a hot spot must have a CMSA permit or a permit waiver. CMSA staff will not issue a permit until they have verified that the FSE is in compliance with the GI requirements specified in this Ordinance. If an FSE has an existing GI that must be replaced due to inadequate sizing or not being in satisfactory working condition, an interim permit may be issued to specify maintenance of the existing GI until it can be replaced.

The permit issued to an FSE shall specify the required maintenance (pumping or cleaning) frequency for the GI, and the requirements for verifying maintenance, in accordance with this Ordinance.

### B. Permit Waiver

All FSEs shall have a current permit issued by the CMSA, unless the CMSA grants a permit waiver. Waivers will be granted only to those FSEs that can demonstrate to the satisfaction of CMSA that they are not a significant source of FOG. This will normally be the case only if there is no cooking or clean-up taking place at the facility.

### C. Permit Inspections

CMSA staff will perform on-site inspections of FSEs to verify compliance with the permit. These inspections may be unannounced or scheduled as needed. CMSA staff will attempt to conduct inspections so as to minimize the impact on the operation of the FSE (e.g., no visiting during the lunch period). However, the FSE shall provide CMSA staff, at all times that the FSE is open and/or in operation, with access to the FSE in order to inspect the premises, GIs, and maintenance records. This specifically includes access to the GI. If the device is inaccessible to CMSA staff due to placement of vehicles, mats, utensils, etc., FSE staff shall remove such obstacles in a timely fashion. If CMSA staff must re-visit an FSE in order to complete an inspection, as a result of adequate access not being provided, a re-inspection fee shall be assessed. The re-inspection fee will not be assessed only in those cases where the CMSA inspector documents adequate extenuating circumstances.

D. Permit Fees

The SUO and CMSA Fee Ordinance provide CMSA the authority to assess and collect fees from users of the Wastewater Collection System, in order to recover costs incurred by CMSA when regulating discharges into the Wastewater Collection System. The fees specified therein are applicable to FSEs as “Class III Users” of the Wastewater Collection System.

At CMSA discretion, the Permit Fee and/or other fees specified in the current CMSA Fee Ordinance may be waived to the extent that the Member Agency reimburses CMSA for the costs of implementing the FOG requirements set forth in this Ordinance. Nothing herein is intended to alter or limit such fees as a Member Agency may impose on users that are regulated under this Ordinance.

As discussed in this Ordinance, if an inspection by CMSA staff determines that a permittee is in violation of one or more requirements of this Ordinance, the permittee shall be assessed a fee to reimburse the CMSA for the cost of a re-inspection to determine that the violation has been corrected. Additional fees may be assessed if an enforcement order is issued to the permittee, as discussed in this Ordinance.

As specified in the CMSA Fee Ordinance, all fees assessed by the CMSA are due and payable upon receipt of such notice.

E. Permit Violations

The following conditions are violations of an FSE permit and shall result in enforcement. Enforcement procedures are outlined within the CMSA Enforcement Response Plan (ERP). Egregious and/or repeated violations may result in escalated enforcement action. A Notice of Violation (NOV) shall state the violation(s), the corrective action(s) required, and the date the corrective action(s) must be completed.

- 1) GI not maintained – The permit shall specify the minimum maintenance frequency required, in accordance this Ordinance. If documentation of adequate maintenance is not provided to CMSA staff, the FSE shall be in violation. Regardless of the frequency of maintenance, any GI with a combined level of floating FOG and settled solids in any compartment which exceeds GI required liquid depth of that compartment shall be considered to be in violation.
- 2) GI not in working condition – All vents, baffles, inlet and outlet devices, and flow control devices necessary for proper operation of the GI and compliance with this Ordinance must be in place and in working condition at all times.

- 3) Grease recycling receptacle not in use – Unless exempted in the permit, the FSE shall comply with this Ordinance.
- 4) Prohibited compounds discharged to the GI – Unless specific compounds are authorized in the permit, the FSE shall comply with this Ordinance.
- 5) FOG discharged to drain not connected to the GI – See Sections 6 of this Ordinance. Repeated incidents may result in requirement to connect the drain to a GI.
- 6) Access denied to CMSA staff – failure to provide CMSA staff reasonable access to the FSE to inspect the premises, GI(s), and maintenance records.

F. Re-inspection

If a NOV is issued for violation of an FSE permit, the FSE shall be assessed an inspection fee. The fee shall reimburse CMSA for the cost of inspecting the FSE to verify the corrective action required by the NOV.

Normally the re-inspection fee shall be a standard charge equal to 1.5 times the weighted hourly salary for the CMSA staff normally performing FSE inspections, plus 60% overhead. In exceptional cases, requiring substantially more than 1.5 hours staff time for all follow-up to the NOV, the re-inspection fee shall be based on actual staff time documented.

G. Escalated Enforcement

Where deemed necessary to achieve compliance with this Ordinance, CMSA will take escalated enforcement action beyond or in addition to the NOV. The normal intermediate enforcement action is an Administrative Order (AO), as described in the SUO and ERP. Fees may be assessed as part of an AO in order to recover CMSA costs for the enforcement action.

## **SECTION 10 – HEARINGS AND APPEALS**

Applicable sections of the SUO are hereby incorporated by reference into this Ordinance (No. 2021-1). Any person wishing to appeal a decision, action, or determination of CMSA pursuant to this Ordinance shall comply with all relevant provisions of the SUO.

## **SECTION 11 – SEVERABILITY**

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, words, sections, articles, and chapters shall not be affected and shall continue in full force and effect.

## **SECTION 12 – REVISION**

The CMSA Board of Commissioners reserve the right to update, change, or modify this Ordinance when deemed advisable and necessary.

**SECTION 13 – EFFECTIVE DATE**

This Ordinance shall be effective thirty (30) days after its passage. Before the expiration of fifteen (15) days after its passage, it shall be published once, with the names of the members voting for and against it, in the *Marin Independent Journal*, a newspaper of general circulation published within CMSA boundaries.


PASSED AND ADOPTED this 9<sup>th</sup> day of February 2021, by the following vote:

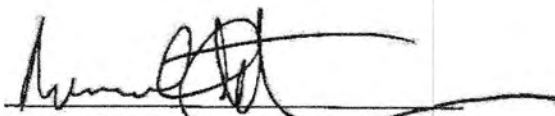
AYES: Eli Beckman, Michael Boorstein, Maribeth Bushey, Dean DiGiovanni, Doug Kelly

NOES: None

ABSENT: None

Attest:

  
Dean DiGiovanni, Secretary

  
Michael Boorstein, Chairperson