



City of Modesto

Fats, Oil and Grease (FOG)

General Wastewater Discharge Permit



This General Permit applies to Food Service Establishments (FSEs) and Mobile Food Facilities (MFFs) that discharge or have the potential to discharge FOG to the City's sewer collection system.

The specific requirements for the control of Fats, Oils and Grease (FOG) discharges to the City's sewerage system as described in MMC 5-6.1001 through 5-6.1023.

Compliance with this permit does not relieve a permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, state and federal laws, including but not limited to applicable provisions of the Stanislaus County Codes and permits. Non-compliance with any condition of this permit shall constitute a violation under MMC 5-6.329.

Part I – Definitions, 5-6.1001

- (a) **Best Management Practices (BMPs).** Activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of Fats, Oils and Grease (FOG) into the Public Sewer.
- (b) **Change in Operations.** Any of the following: 1) ownership or name change; 2) changes in food types processed at a Food Service Establishment; 3) operational procedures that have the potential to change the amount of FOG discharged by Food Service Establishment (FSEs) in an amount that alone or collectively causes or creates a potential for a Sanitary Sewer Overflow (SSO) to occur.
- (c) **City.** The City of Modesto, a municipal corporation, of the State of California.
- (d) **Collection System.** Consisting of all pumps, pipes, conduits, manholes and all other infrastructure, whose purpose is conveying or collecting Wastewater discharge to the Wastewater Plant, excluding Private Sewer Laterals.
- (e) **Compliance Schedule.** A time schedule, enforceable under the provisions of this Chapter that contains increments of progress (e.g. milestones, in the form of dates). These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for users to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the User's wastewater.
- (f) **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.
- (g) **Design Hydraulic Depth.** A total operating depth of a Grease Interceptor at which the unit does not contribute FOG to the Collection System.



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- (h) **Direct Discharge.** The introduction of pollutants into the Collection System through any plumbing connection.
 - (i) **Director.** The Utilities Director or such other persons as may be designated by the City or the Director to perform the services or make the determinations permitted or required in this chapter to be made by the Utilities Director of the City.
 - (j) **Effluent.** Any Wastewater outflow from a FSE or Privately Sewer Lateral that is discharged into the Collection System.
 - (k) **Enforcement Officer.** A City employee or agent of the City with authority to enforce the provisions of this Chapter and the authority to make any decision, on behalf of the Director, required or called for by this Chapter.
 - (l) **Environmental Compliance Inspector (ECI).** A person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, and processing and/or disposal facilities.
 - (m) **Fats, Oils, and Grease (FOG).** Any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking of food or food preparation process, that becomes or may become viscous, or solidifies or may solidify.
 - (n) **Food Grinder and/or Food Waste Disposal Units.** Any device for the purpose of grinding food or food waste for introduction into Wastewater.
 - (o) **Food Service Establishment (FSE).** A permanently constructed structure maintained, used or operated at least in part for the purpose of storing, preparing, service or manufacturing of packing or otherwise handling food, 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 an exhaust hood pursuant to California Health and Safety Code Section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code Sections 113700, et seq.). A limited food preparation establishment is not considered an FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that there is no wastewater discharge containing FOG, as described in 5.6.201(4) of the MMC.
 - (p) **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.
 - (q) **Grease Control Device.** Any Grease Interceptor, Grease Trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures or lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the Publicly Owned Treatment Works (POTW).
 - (r) **Grease Disposal Mitigation Fee.** A fee charged to the responsible person and/or party when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE impossible or



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impractical. The Grease Disposal Mitigation Fee is intended to cover the costs of increased maintenance of the Collection System, for inspection and cleaning of FOG that if proper BMPs were implemented or Grease Control Device were properly maintained would otherwise be prevented from entering the public sewer.

- (s) **Grease Interceptor.** A multi-compartment device that is generally required, according to the California Plumbing Code. These devices use gravity to separate FOG from the wastewater. To be effective, these devices must be cleaned, maintained and have the FOG removed and disposed of in a proper manner, at regular intervals.
- (t) **Grease Removal Device.** Is any grease interceptor, grease trap or other mechanism, device, or process which attaches to, or is applied to wastewater plumbing fixtures or lines as defined by the current California Plumbing Code, that can adequately separate and remove FOG contained in the wastewater from FSEs and MFFs prior to discharge to the Collection System
- (u) **Grease Trap.** A Grease Control Device that is used to serve individual plumbing fixtures. The City requires a minimum grease capacity of 100-pounds and installed per Health & Safety Code requirements.
- (v) **Hearing Officer.** A person appointed by the City and/or City Manager to preside over administrative hearings of Municipal Code violations that are appealed in writing to the City Clerk.
- (w) **Hot Spots.** Areas in the Collection System that have experienced SSOs or that must be cleaned or maintained frequently to avoid blockages of the Collection System.
- (x) **Indirect Discharge.** The introduction of pollutants into the Collection System by means other than a connection to the Collection System.
- (y) **Infiltration.** Water that enters the POTW from the ground through such means as defective pipes, pipe joints, connections or manhole walls.
- (z) **Manifest and/or Bill of Lading.** A receipt given by the carrier to the shipper acknowledging receipt of the goods being shipped and specifying the terms of delivery.
- (aa) **Mobile Food Facility (MFF).** Operate and serve food at various commercial and industrial locations within the City of Modesto. MFF store prepare, service or manufacture, package or otherwise handling food, 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 an exhaust hood pursuant to California Health and Safety Code Section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code Sections 113700, et seq.).
- (ab) **New Construction.** Any structure that is planned or under construction.



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- (ac) **Publicly Owned Treatment Works (POTW).** The Collection System and Treatment Plant as defined in Section 212 of the Act, (33 U.S.C. 1292). The POTW shall include any sewers that convey wastewater from persons outside the City, who are, by contract or agreement Users of the POTW.
- (ad) **Remodeling.** Means any physical and/or change in operations to a FSE, or anything causing a change in FOG quantity or consistency.
- (ae) **Responsible Person.** A person who the Director determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of the Municipal Code, Uniform Plumbing Code, applicable state codes, any National Pollutant Discharge Elimination System ("NPDES") permit or any wastewater discharge permit. The term "responsible person" includes, but is not limited to, a property owner, tenant, person with a legal interest in the property, person in possession of the property or person that exercises custody and control over the property.
- (af) **Private Sewer Lateral.** A sewer line, that connects building's wastewater facilities to the public sewer which includes: 1) Upper Lateral as defined as the private sewer line connecting a home or other structure to the Lower Lateral, generally extending from the outside of the foundation of the structure to the public right-of-way or the cleanout; 2) Lower Lateral as defined as the private lateral line below the clean out connecting a home or other structures to the City's sewer.
- (ag) **Solids Interceptor.** A device used to capture all types of solids.
- (ah) **Sanitary Sewer Overflow (SSO).** An obstruction within the Collection System that can interfere with the flow of wastewater or cause an overflow resulting in a spill that may cause a threat and injury to the public health, safety, and welfare of life and property.
- (ai) **Twenty-five Percent (25%) Rule.** A requirement for Grease Interceptors to be maintained such that the FOG and Solids accumulation does not exceed 25% of the Design Hydraulic Depth of the Grease Interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
- (aj) **Wastewater.** Liquid and/or FOG from carrying industrial or domestic wastes FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the POTW.

Part II - Applicability

All FSEs and MFFs are considered potential sources of FOG and are required to enroll into the General Permit by completion of the Notice of Intent (NOI) within 40 days after notification by the City.



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- **Category 1 FOG Discharger** – The FSE or MFF generates a significant amount of FOG in its wastewater discharges. FSEs and MFFs are not fully utilizing or have Grease Control Device.
- **Category 2 FOG Discharger** – The FSEs produce a significant amount of FOG in its wastewater discharges. Grease Control Devices have been properly installed and sized, and remains fully operational and properly maintained and serviced. MFFs produce a significant amount of FOG are utilizing Grease Control Devices and have been implementing proper BMPs to minimize FOG discharges to sewer at the commissary.
- **Category 3 FOG Discharger** – The FSEs produce a less significant amount of FOG and have implanted BMPs to minimize FOG discharges to sewer. Grease Control Devices have been installed and are properly serviced. MFFs that produce less significant amounts of FOG have implemented BMPs and use Grease Control Devices to minimize FOG discharges to sewer through the commissary.
- **Category 4 FOG Discharger** – The FSEs or MFFs are establishments that only reheat, hot-hold or assemble ready-to-eat food products.

Part III – Compliance Schedule, 5-6.1018(e)

Compliance schedules are enforceable under the provisions of this chapter, contain increments of progress (e.g. milestones, in the form of dates). These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities, or the implementation of policies, procedures or operational management techniques required for responsible persons to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the responsible person's wastewater.

All food service establishments/permittees shall observe the following Compliance Schedule:

- A. All FSEs existing on the effective date of the FOG Control Ordinance shall comply with all conditions of this general permit, except that those without required grease capturing equipment may be required to install equipment in accordance with a Compliance Schedule within the time frames specified by MMC 5-6.706, which states:
 1. The schedule shall contain milestones in the form of dates for the commencement and completion of major events leading to compliance. The user shall submit a progress report to the City no later than fourteen (14) days following the completion of each milestone set forth in the schedule. All Compliance Schedule progress reports must be signed by an authorized representative of the **user**.
 2. Compliance Schedules may also contain additional requirements as might be reasonable, necessary and appropriate to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants



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- discharged to the sewer. Furthermore, the Director may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved.
- B. Any existing FSE that undergoes a change in ownership shall notify the City's Environmental Compliance Section of the change in ownership. The new owner shall comply with all conditions of this general permit, including the installation of appropriate Grease Control Devices as specified by a Compliance Schedule.
 - C. Any existing FSE that proposes remodeling or renovations, which require a plumbing permit for work in food processing and/or kitchen areas, shall comply with all conditions of this general permit, including the installation of appropriate Grease Control Devices as specified by the Compliance Schedule.
 - D. Any existing FSE that is found to be causing or contributing to grease accumulation problems in sewer laterals or sewer mains may be subject to the Grease Disposal Mitigation Fee and shall comply with all conditions of this general permit, including the installation of appropriate Grease Control Devices as specified by a Compliance Schedule.

Part IV Grease Capturing Equipment Installation Requirements

Regulations, Rule and Requirements, 5-6.1003

FOG Pretreatment Required. Every FSE and MFF is required at the time of construction, remodel, and/or change in operations to install, operate and maintain an approved type and adequately sized grease removal device necessary to maintain compliance with the objectives of this chapter, subject to the waiver provisions of Section 5-6.1006. The grease removal device shall be adequate to separate and remove FOG contained in wastewater from FSEs and MFFs prior to discharge to the Collection System, as determined by the then current adopted addition of the California Plumbing Code (CPC). Fixtures, equipment, and drain lines located in the food preparation and clean up areas of any FSEs or MFFs that are a source of FOG discharges shall be connected to the Grease Interceptor. Compliance shall be established as follows:

- (1) New Construction of FSEs and MFFs.
 - (i) New construction of any FSE or MFF shall include complete installation of an approved type and adequately sized Grease Interceptor, with a minimum size to be in compliance with the most current adopted CPC, prior to commencing discharges of wastewater to the Collection System.
- (2) Existing FSEs or MFFs and Commissaries.
 - (i) Any existing FSE or MFF, which, in the Director's determination has caused or contributed to grease-related blockage in the collection system, has one or more private sewer laterals connected to hot spots and/or has contributed significant FOG to the Collection System, shall be deemed to have reasonable potential to adversely impact the Collection System and shall



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be required to install a Grease Control Device within one hundred eighty (180) days upon issuance of written notification by the Director.

Part V – General Compliance Requirements Best Management Practices

Kitchen Best Management Practices (BMPs) Required, 5-6.1003(c)

All FSEs shall implement kitchen Best Management Practices (BMPs) in accordance with the requirements and guidelines established by the Director, in an effort to minimize the discharge of FOG to the Collection System. BMPs at a minimum shall include:

- A. Drain screens shall be installed on all fixtures and pipes in food preparation areas.
- B. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Waste cooking oil shall be transported by a licensed waste hauler to an approved recycling or disposal site, in accordance with all applicable federal, state, and/or local laws.
- C. All garbage and food waste shall be disposed of properly in trash bins or containers, and not in fixtures.
- D. Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from the cleaning of kitchen exhaust filters, floor mats and kitchen equipment or fixtures shall be disposed of properly, in compliance with these regulations.
- E. Employees of FSEs shall be trained by Responsible Persons periodically on the following subjects:
 1. How to "dry wipe/scrape" pots, pans, dishware, utensils, equipment and work areas before washing to remove FOG.
 2. How to properly dispose of garbage, 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 FOG may be spilled or dripped. How to properly dispose of FOG from cooking equipment into a FOG receptacle such as a barrel, drum or bin without spilling. Training shall be documented for each employee. Training records shall be available for review at any reasonable time by the Director. Training records shall be retained for a minimum of two (3) years.



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Part VI – New Construction, Changes in Ownership, and Remodeling, 5-6.1003(e)

The Responsible Person shall notify the Director least sixty (60) days prior to any Changes in Operation which include a change in ownership in that NOIs are not transferable (5-6.406). The Responsible Person shall notify the Director in writing of the proposed expansion or remodeling and shall submit any information requested by the Director for evaluation of the effect of such expansion or remodeling on the Responsible Person's FOG discharge to the Collection System. Grease Control Devices shall conform to the requirements set forth by Stanislaus County and the California Retail Food Code Part 7 Article 2.

Part VII – Wastewater Discharge Limitations and Prohibitions

Regulations, Rules and Requirements, 5-6.1003

(a) Fog Discharge Limitation.

- (1) No FSE or MFF shall discharge FOG, or cause FOG to be discharged into the Collection System that causes an SSO or that may accumulate and/or cause or contribute to blockages in the Collection System or the POTW.

(b) SSO; Public Nuisance; Abatement Orders and Cleanup Costs.

- (1) Any FSE or MFF determined by the Director to have contributed to a sewer blockage, SSO or any Collection System obstruction resulting from the discharge of wastewater containing FOG, shall be ordered to install and maintain a Grease Control Device, and may be subject to a plan to abate the nuisance created by Collection System failures and blockages, SSOs or any other obstruction. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, private sewer lateral failures and SSOs caused by FSEs or MFFs alone or collectively, are the responsibility of the Responsible Person. If the Director determines that the public health and safety require the City to act immediately to contain and clean up any SSO caused by blockage of a private sewer lateral or the Collection System serving an FSE or MFF, or if the City so acts at the request of the Responsible Person of the FSE or MFF, or because of the failure of the Responsible Person or FSE or MFF to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the Responsible Person of the FSE or MFF, and individuals who are responsible officers or owners of the FSE or MFF, and may constitute a debt to the City, due and payable upon the City's request for reimbursement of such costs, depending upon the Director's determination of the cause of the SSO.

FSEs and MFFs are prohibited from doing any of the following, 5-6.1003(d)



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- (1) Discharging into the Collection System FOG that may accumulate and/or cause or contribute to blockages in the Collection System or at the private sewer lateral.
- (2) Installing any Food Grinders or Food Waste Disposal Units in the plumbing system. FSEs and MFFs may be required to remove all existing Food Grinders within one hundred eighty (180) days from the effective date of the ordinance from which this section derives, except as otherwise expressly allowed by the Director.
- (3) Introducing any additives into an FSE's or MFF's plumbing system, Grease Control Device and/or Grease Interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation and/or as a supplement to Grease Interceptor maintenance, unless a specific written authorization from the Director is first obtained.
- (4) Disposing waste cooking oil into the Collection System or storm drain. All waste cooking oils shall be collected and stored properly in receptacles such as rendering bins, barrels or drums for recycling or other acceptable methods of disposal. Waste storage areas shall be protected from rainfall and constructed to prevent storm water run-on or run-off. Drains within trash enclosures containing stored waste cooking oil or stored grease shall be plumbed to the private sewer lateral through an approved Grease Control Device or other approved device.
- (5) Discharging wastewater with temperatures in excess of one hundred forty degrees Fahrenheit (140°F) into any Grease Control Device.
- (6) Discharging wastewater containing fecal materials from toilets, urinals, washbasins or other fixtures to Grease Control Devices and/or the private sewer lateral.
- (7) Discharging FOG and solid materials removed from a Grease Control Device to Collection System. Grease removed from Grease Interceptors shall be hauled to an approved disposal site as part of the operation and maintenance requirements for Grease Interceptors.
- (8) Operating Grease Interceptors with FOG and solids accumulation exceeding twenty-five (25) percent of the design hydraulic depth of the Grease Interceptor (25% Rule). The grease and solids layers combined shall not exceed twenty-five (25) percent of the total interceptor liquid depth to avoid overloading the interceptor.

Part VIII – Grease Capturing Equipment Compliance Requirements

Grease Interceptor Requirements Commercial and Institutional Properties, 5-6.1003(g)

Any owner of a commercial and/or institutional property where FSEs or MFFs are located shall be responsible for the installation and maintenance of a Grease Interceptor serving multiple FSEs and/or MFFs that are located on a single parcel.



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- (1) Any FSE or MFF required by this article to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized Grease Interceptor necessary to maintain compliance with the objectives of this article.
- (2) Grease Interceptor sizing and installation shall conform to the most current adopted edition of the CPC. Grease Interceptors shall be constructed in accordance with the design approved by the Director and shall have a minimum of two (2) compartments with fittings designed for grease retention. The Director reserves the right to make determinations of Grease Interceptor size, adequacy, location and need, based on review of relevant information, including, but not limited to, Grease Interceptor performance, waste stream characteristics, facility location, maintenance needs, and or inspection needs.
- (3) The Grease Interceptor shall be installed at a location where it shall at all times be easily accessible for inspection, cleaning, and removal of accumulated grease.
- (4) An access manhole, with a minimum diameter of twenty-four (24) inches, shall be provided over each Grease Interceptor chamber. 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.
- (5) Food Waste Disposal Units or Food Grinders shall not be connected to or discharged into any grease interceptor.
- (6) 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.
- (7) All Grease Interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the Director.
- (8) All Grease Interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have the grease retention fittings shall be repaired and/or retro fitted with appropriate grease retention fittings.
- (9) No FOG that has accumulated in a Grease Interceptor shall be allowed to pass into any private sewer lateral, Collection System, storm drain or public right-of-way, or onto the surface of any street or parking area.
- (10) The Director may require any FSE or MFF with a Grease Interceptor to submit data and information necessary to establish the required maintenance frequency of the Grease Interceptor.
- (11) The required maintenance frequency for every FSE and MFF with a Grease Interceptor shall be determined in one of the following methods:



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- i. Grease Interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the Grease Interceptor does not exceed twenty-five (25) percent of the total designed hydraulic depth of the Grease Interceptor (25% Rule). This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from being discharged to the Collection System.
- ii. Every FSE and MFF with a Grease Interceptor shall fully pump out and clean its Grease Interceptor not less than once every six (6) months.
- iii. Grease Interceptors shall be fully pumped out and cleaned quarterly when the frequency described in Section 5-6.1003(g)(11) has not been established. The maintenance frequency shall be adjusted when sufficient data has been obtained to establish an average frequency based on the requirements described in Section 5-6.1003(g)(11). The City may change the required maintenance frequency at any time to reflect changes in actual operations based on the actual generation of FOG from the FSE or MFF.
- iv. If the Grease Interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in Section 5-6.1003(g)(11), the FSE and/or MFF shall be required to have the Grease Interceptor serviced immediately such that all FOG, and other materials are completely removed from the Grease Interceptor. If deemed necessary, the Director may also increase the required maintenance frequency of the Grease Interceptor.
- v. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the Grease Interceptor shall be disposed of by waste haulers at an approved disposal site in accordance with all applicable federal, state, and/or local laws.
- vi. The Director may direct City staff to have an FSE's and/or MFF's Grease Interceptor serviced if, in the opinion of the Director, the FSE or MFF has failed to comply with the terms of Article 10 of Chapter 6. The FSE or MFF shall be responsible for any and all expenses incurred by the City in undertaking such work.
- vii. Abandoned Grease Interceptors shall be emptied and filled in, as required for abandoned septic tanks specified in the most current edition of the California Plumbing Code and City Standards and Specifications.

Part IX – Inspection Authority and Reporting Requirements

Record Keeping Requirements, 5-6.1005

- (a) The Responsible Person shall be required to keep on the premises and readily available, copies of all bills of lading, receipts and invoices of all cleaning, maintenance, and grease removal from the Grease Control Device, disposal carrier and disposal site location for no less than three (3) years. The Responsible Person shall, upon request, make the bills of



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lading, receipts and invoices available to the Director, any inspector and/or any Enforcement Officer. These records may include:

- (1) An on-site logbook of Grease Interceptor or Grease Control Device cleaning and maintenance practices.
 - (2) A record of BMPs being implemented, including employee training.
 - (3) Copies of records and bills of lading of waste hauling interceptor contents.
 - (4) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the Grease Interceptors.
 - (5) Records of any spills and/or cleaning of the private sewer lateral or Collection System.
 - (6) Any other information deemed appropriate by the Director to ensure compliance with this chapter.
- (b) MFFs containing FOG in the wastewater shall be required to keep with the units and readily available, copies of all bills of lading, receipts and invoices of all FOG related cleaning, maintenance, and grease removal from the units and disposal site location for no less than one (1) year.

Monitoring Facilities Requirements, 5-6.1007

- (a) The City may require the FSE or MFF to construct and maintain in proper operating condition at the FSE's or MFFs 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) FSEs and MFFs shall, during regular business hours, provide immediate and safe access to the Director to the FSE and MFFs monitoring and metering facilities.
- (d) FSE and MFF shall, upon request, submit to the Director waste analysis plans, contingency plans, and other necessary information to verify compliance with these regulations.

Monitoring and Reporting Conditions, 5-6.1010

- (a) The Director may require periodic reporting of the status of implementation of BMPs, in accordance with Article 10.
- (b) The Director may require visual monitoring at the sole expense of the Responsible Person to observe the actual conditions of the FSE's or MFF's private sewer lateral.



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- (c) The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the Responsible Person needed for determining compliance with any conditions or requirements as specified in this Chapter 6. Failure by the Responsible Person to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of Chapter 6 and shall 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 Chapter 6. The Responsible Person shall be responsible for any and all costs and expenses of the City in undertaking such monitoring analyses and preparation of reports.
- (d) 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 Chapter 6.

Notification of Spills or Slug Loading, 5-6.604

- (a) In the event the discharger is unable to comply with any of the permit conditions due to a breakdown of equipment, accidents caused by human error or act of God, or the discharge will exceed the provision of this chapter, the discharger shall notify the City immediately once the discharger has knowledge of the incident.
- (b) The discharger shall confirm this notification in writing as soon as possible, but no later than five (5) working days from the notification. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to correct the problem, and what steps are being taken to prevent the problem from recurring.

Notification of Bypass, 5-6.605

- (a) Bypass of the grease removal device wastewater is prohibited. The City may take enforcement action against the user, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of treated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
 3. The permittee submitted notices as required by this Section 5-6.604.

If a permittee knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible at least ten (10) days before the date of the bypass.



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- (b) The City may approve an anticipated bypass after considering its adverse effects, if the City determines that it will meet the conditions listed in this section.

- (c) A permittee shall submit oral notice of an unanticipated bypass, to the City, immediately after the user has knowledge of the bypass. A written report shall also be provided within five (5) working days of the time the permittee becomes aware of the bypass. The report shall contain a description of the bypass, its cause, the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. Failure to submit oral notice or written report may be grounds for permit revocation.

- (d) Such notification shall not relieve the user 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 user of any fees or other liability which may be imposed by this chapter or other applicable law.

Part – X Noncompliance, Suspension, Violation, and Appeals

Determination of Non-Compliance, 5-6.1017

- (a) Sampling and Inspection Procedures.
 - (1) Sampling and inspection of FSEs or MFFs shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Director.
 - (2) Noncompliance with any discharge provisions of these regulations may be determined by an inspection of the Grease Control Device, Grease Interceptor and associated manifest and documentation, or analysis of a grab or composite sample of the effluent of an FSE or MFF.
 - (3) Any sample taken from a sample point must be considered representative of the discharge to the Collection System, as determined by the Director.

- (b) Notice of Violation and Correction Order. Any Responsible Person found to be in violation with the terms and conditions specified in any provision of Article 10 may be issued a notice of violation and/or correction order in which there will be a specified time period to correct the violation. If the violation is not corrected within the specified time period, the Responsible Person shall be considered in noncompliance.

Suspension and/or Termination of Wastewater Service, 5-6.1019

- (a) The City may suspend and/or terminate wastewater service when the Director determines that a Responsible Person:



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- (1) Fails to comply with the terms and conditions of a Compliance Schedule order.
- (2) Knowingly provides a false statement, representation, record, report, or other document to the City and/or the Director.
- (3) Refuses to provide records, reports, plans, or other documents required by the City and/or the Director to determine discharge compliance or compliance with Article 10.
- (4) Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method.
- (5) Refuses reasonable access to the FSE or MFF for the purpose of inspection and monitoring.
- (6) Fails to make timely payment of all amounts owed to the City for charges or any other fees imposed pursuant to Chapter 6.
- (7) Causes obstruction, sewer blockages or SSOs in the Collection System.
- (8) Violates Grease Interceptor or Grease Control Device maintenance requirements or any provision of this Chapter 6.
- (9) Fails to report significant changes in operations, or wastewater constituents and characteristics.

Violation—Penalty, 5-6.1020

- (a) Any violation of Article 10, or the orders, rules and regulations issued under Chapter 6 is unlawful and shall be an infraction or misdemeanor as determined by the City Attorney.
- (b) Any Responsible Person in violation of Article 10, or the orders, rules and regulations issued under Chapter 6 may be ordered by the Director to cease and desist operations until the violation is cured. Continuance of operations after issuance to the Responsible Person of a notice to cease and desist shall be unlawful, and an infraction or misdemeanor as determined by the City Attorney. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) The violation of any of the provisions of Article 10, or the orders, rules and regulations issued under Chapter 6, or the doing of any act prohibited or the failure or omission to do any act required by Article 10, or the orders, rules and regulations issued under Chapter 6, is a public nuisance and may be enjoined by the City Attorney.
- (d) If any violation of Article 10, or the orders, rules and regulations issued under



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Chapter 6, causes damage to the collection system or POTW, the Director may seek to recover civil damages from the Responsible Person causing such damage.

- (e) The Director is authorized to levy against any person administrative civil penalties as prescribed in Charter 6 of Title 1 of the City Municipal Code per day for each violation of the rules and regulations issued under Chapter 6. The notice and order shall provide information as to the reason for the administrative fine and the authority and the notice shall also specify the person's right to appeal. In determining the amount of the civil penalty, the Director may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurred, and any remedial action attempted or taken by the violator.
- (f) The remedies and provisions of this section are cumulative, and are in addition to any other remedy or provision of law.

Appeals, 5-6.1021

Any Responsible Person affected by a decision, action, or determination, including suspension, revocation, refusal or termination of wastewater service, cease and desist order, or imposition of civil penalties issued by the Director, or any other action of the Director in interpreting or implementing the provisions of this Chapter, may file an appeal in accordance with the City of Modesto's Municipal Code Title 1 Chapter 4 Appeals.

Failure to Comply with the Administrative Enforcement Order, 5-6.1023

- (a) Upon the failure of the Responsible Person to comply with the terms and deadlines set forth in the administrative enforcement order, the Director may use all appropriate legal means to recover the civil penalties, administrative costs and obtain compliance with the administrative enforcement order.
- (b) After the Administrative Hearing Officer issues an administrative enforcement order, the Director shall monitor the violations and determine compliance.

Please submit Reports to:

Utilities Department
 Environmental Compliance Section
 1221 Sutter Ave.
 Modesto, CA 95351
 Phone (209) 577-6377
 Fax (209) 577- 6290

Please make phone notifications after hours to:

Wastewater Division
 (209) 577-6200