

ORDINANCE NO. ORD-05-0003

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF LONG BEACH ADDING
CHAPTER 8.46 RELATING TO THE DISPOSAL
OF FATS, OILS AND GREASE

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding
Chapter 8.46 to read as follows:

Chapter 8.46

DISPOSAL OF FATS, OILS, AND GREASE

Chapter 846 DISPOSAL OF FATS, OILS, AND GREASE

8.46.010 Definitions.

8.46.020 Public nuisance and public health hazard.

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8.46.080 Exemptions.

8.46.090 Severability.

8.46.100 Complementary to chapter 15.20.

8.46.010 Definitions.

- A. "Best management practices" means activities, prohibitions or practices, maintenance procedures, and other management practices as determined by the Long Beach water department to prevent or reduce the discharge of fats, oils and grease in the public sewer and storm drain systems.
- B. "Enforcement official" means the persons designated in section 8.46.060.
- C. "Fats, oils, and grease" (sometimes referred to in this chapter as simply "grease") means organic polar compounds derived from animal or plant sources, containing multiple carbon chain triglyceride molecules, detectable and measurable using analytical test procedures established in section 136 of title 40 of the code of federal regulations, in effect at the time of enactment hereof and as hereafter amended or replaced.
- D. "Food facility" shall have the same meaning defined in subsection 8.45.010B of this code and, in addition, includes grocery markets and restaurants as defined in section 8.44.010 of this code.
- E. "Grease interceptor" means a large underground tank installed outside a food facility and connected to the outgoing sewer drainage system of the food facility, and designed for removing and preventing fats, oils and grease from entering the public sewer collection system.
- F. "Grease trap" means a device connected directly to the outgoing drains of sinks inside a food facility near the areas of food preparation and intended for separating the fats, oil and grease from wastewater before the fats, oils and grease enter the public sewer collection system.
- G. "Wastewater" means water after it has been used in homes, businesses, landscaping or agriculture (such as plots where food is grown) that contains enough harmful material to damage the water's quality. Wastewater also includes domestic-sewage and industrial waste from manufacturing sources. (Ord. 05 0003 § 1, 2005).

8.46.020 Public nuisance and public health hazard.

In addition to being a misdemeanor as stated in section 1.32.010 of this code, any condition caused or permitted to exist in violation of this chapter may be declared a public nuisance after a hearing held in accordance with this chapter and may constitute a public health hazard subject to sections 8.44.061 and 8.44.062 of this code. (Ord. 05 0003 § 1, 2005).

8.46.030 Requirements for food facilities.

Any food facility that discharges wastewater into the public sewer collection system shall comply with the following requirements:

- A. The owners and employees of a food facility shall be able to and, when requested by a representative of the city, shall demonstrate that the food facility complies with best management practices for handling fats, oils and grease.
- B. A food facility shall have one or more drums or containers for the recycling and disposal of fats, oils and grease. Drums and containers used for storage of fats, oils and grease shall be leakproof and shall be secured with close fitting lids. The owner or

operator of a food facility shall keep the drums and containers in a location on the site of the food facility so that there is no possibility of an accidental or deliberate spilling of fats, oils or grease onto a public right of way. The drums and containers shall be removed for recycling as frequently as necessary to avoid an unsafe, hazardous, or untidy condition or an impediment to passage. The owner, operator and employees of a food facility shall remove fats, oils and grease that have spilled, including, but not limited to, grease generated by washing hoods, floors and mats, and shall immediately clean the area where the spill occurred.

C. Prior to or at the time that the owner or operator of a new food facility applies for a business license or a building permit from the city's department of planning and building, the owner or operator shall submit to the Long Beach water department plans describing the manner in which the owner or operator will comply with this chapter, particularly with respect to the grease interceptor. Prior to or at the time that the owner or operator of an existing food facility applies for a building permit from the city's department of planning and building for modifications to the plumbing system at that existing food facility which modifications have an estimated cost of twenty thousand dollars (\$20,000.00) or more, the owner or operator shall submit to the Long Beach water department plans describing the manner in which the owner or operator will comply with this chapter, particularly with respect to the grease interceptor. Any time there is a change in ownership of an existing food facility or a change in the operation of an existing food facility, the new owner (if there is a change in ownership) or the current owner or operator (if there is a change in the operation) shall submit to the Long Beach water department plans describing the manner in which the owner will comply with this chapter, particularly with respect to the grease interceptor.

Food facilities subject to this subsection may apply for a variance from the requirements relating to a grease interceptor. If the enforcement official determines that the installation of a grease interceptor would not be feasible due to limitations on space or other relevant factors, a variance will be granted. The burden is on the food facility to demonstrate that the installation of a grease interceptor is not feasible.

D. The Long Beach water department may authorize the installation of a grease trap or other alternative pretreatment technology where the installation of a grease interceptor is not feasible provided that the owner has obtained the prior written approval of the Long Beach water department for the type and size of alternative pretreatment technology to be installed by the owner. Alternate pretreatment technology includes, but is not limited to, devices used to trap, separate and store grease from wastewater to prevent it from discharge into the public sewer collection system.

E. The owner or operator of a food facility shall keep a written record of the maintenance, repair and cleaning of grease traps and grease interceptors for a period of one year, beginning on the date a new business is open to the public or, in the case of a modification to the food facility which requires a building permit, on the date of final inspection as shown on the building permit (a copy of which shall be delivered to the Long Beach water department). This record shall contain documentation (including, but not limited to, receipts) showing the times, dates, nature of the maintenance, repair and cleaning, quantities of fats, oils and grease removed, and the name, address and phone number of the person or entity cleaning the grease interceptor, grease trap or alternative pretreatment technology (if it has been approved by the city).

F. The owner or operator of a food facility that fails to implement best management practices or that has repeated incidents relating to grease spills or blockages shall install grease interceptors or, if a variance is granted under subsection C-of this section, grease traps or other alternative pretreatment technology.

G. The owner, operator and employees of a food facility shall allow enforcement officials access to the food facility during the normal business hours of the food facility or outside of normal business hours, if acceptable to the food facility, for the purpose of sampling wastewater, inspecting the grease interceptors and grease traps, and reviewing the records and documentation required by subsection E of this section.

H. Food facilities shall comply with the latest edition of the "Rules And Regulations" regularly published by the Long Beach water department as they relate to the prevention of spills or blockages of fats, oils and grease, and to grease trap requirements. (Ord. 05 0003 § 1, 2005).

8.46.040 Requirements for grease interceptors.

A. The size and installation of grease interceptors shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the city.

B. Grease interceptors shall be constructed in accordance with a design approved by the city's department of planning and building and shall have a minimum of two (2) compartments with fittings designed for the retention of grease.

C. The owner or operator of a food facility shall install grease interceptors at a location easily accessible for inspection, cleaning and removal of grease and shall not install or allow them to be installed in any part of a building where food is handled. Owners or operators shall obtain the prior written approval for the location of grease interceptors from the city's department of health and human services.

D. The owner or operator of a food facility shall empty grease interceptors of accumulated grease and other contents as necessary to maintain the minimum capacity or volume of the grease interceptor.

E. The owner or operator of a food facility shall inspect the grease interceptor at least once each month or more frequently if ordered to do so by enforcement official when maintenance and repair of the grease interceptor is unsatisfactory.

F. The owner or operator of a food facility shall ensure that the grease interceptor provides a minimum hydraulic retention time in accordance with the latest edition of the California Plumbing Code adopted by the city, and shall remove all accumulated grease cap and sludge pockets as necessary to allow the grease interceptor to perform at maximum efficiency.

G. The owner or operator of a food facility shall keep the grease interceptor free from inorganic -solid materials including, but not limited to, grit, rocks, gravel, sand, eating utensils, cigarettes, shells, rags and similar things that could settle into the sludge pocket and reduce the effective volume of the grease interceptor.

H. The owner or operator of a food facility shall not allow the discharge of sanitary waste through a grease interceptor.

I. The owner or operator of a food facility shall provide a manhole having a minimum diameter of twenty four inches (24") to allow access over each chamber and sanitary tee of a grease interceptor. The manholes shall extend at least to finished grade and shall be

designed and maintained to prevent water inflow or infiltration. The manholes shall have covers that can be removed readily for inspection, removal of grease and sampling of wastewater. (Ord. 05 0003 § 1, 2005).

8.46.050 Requirements for grease traps.

A. Following receipt of the written approval of the Long Beach water department, the owner or operator of a food facility shall install a grease trap in the waste line leading from sinks, drains, and other fixtures or equipment in the food facility where fats, oils and grease may be introduced into the drainage system or sewer system in quantities that could cause a blockage in either the public or private sewer lines. In addition to the approval of the Long Beach water department, all grease traps must be of a type or design approved by the IAPMO (International Association of Plumbing and Mechanical Officials), NSF (National Sanitation Foundation), and UL (underwriters' laboratory).

B. The size and installation of grease traps shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the city.

C. The owner or operator of a food facility shall not install a grease trap that has a stated rate of flow of more than fifty five (55) gallons per minute or less than twenty (20) gallons per minute, unless the enforcement official has granted a variance from this stated rate of flow.

D. The owner or operator of a food facility shall maintain grease traps in efficient operating condition, including, but not limited to, the frequent, periodic-removal of accumulated grease and food debris, and shall maintain them in accordance with the manufacturer's directions. The owner, operator and employees of a food facility shall not allow accumulated grease to be introduced into any drain pipe or public or private sewer line.

E. The owner or operator of a food facility shall not connect a food waste disposal unit or dishwasher to a grease trap and shall not allow any discharge from a food waste disposal unit or dishwasher into a grease trap.

F. The owner or operator of a food facility shall not allow wastewater in excess of one hundred forty degrees Fahrenheit (140°F) or sixty degrees Celsius (60°C) to discharge into a grease trap. (Ord. 05 0003 § 1, 2005).

8.46.060 Enforcement.

This chapter shall be enforced by the city health officer, or designee, or by the general manager of the Long Beach water department, or designee. These persons shall be known as enforcement officials and they are authorized to take any actions necessary to enforce this chapter. (Ord. 05 0003 § 1, 2005).

8.46.070 Administrative hearing procedure.

A. The city attorney shall appoint a hearing officer who shall not be an enforcement official. The hearing officer shall set the time and place for the hearing and send notice of the hearing to the owner of record of the food facility or restaurant and to the

enforcement official at least ten (10) days before the hearing. The notice shall also include the location and the nature of alleged violation of this chapter.

B. At least five (5) days before the hearing, the enforcement official shall provide to the owner of record and to the hearing officer a copy of any report made by the enforcement official or any other city employee regarding the alleged violation. If the enforcement official has a proposed plan for abatement of the alleged nuisance, then the enforcement official shall also provide this plan to the owner of record and to the hearing officer.

C. The hearing officer may proceed with the hearing in the absence of the owner of record or the enforcement official if he or she has not received an explanation for the absence prior to the commencement of the hearing.

D. Once a notice of hearing has been given, there shall be no communications between the owner of record, the operator of the food facility or restaurant or its employees regarding the alleged violation.

E. The owner of record may submit to the hearing officer with a copy to the enforcement official written evidence to rebut the city's report alleging a violation of this chapter.

F. The owner and the enforcement official may make an oral statement and the time limits for the statements will be set by the hearing officer prior to the hearing. If either the owner or the enforcement official wishes to call witnesses at the hearing, then they shall provide the names, addresses, telephone numbers, and a summary of the testimony of the witnesses to the hearing officer and to the other interested party at least three (3) days prior to the hearing. The hearing officer may ask questions of the parties or the witnesses.

G. The hearing officer shall render a decision, in writing, after the hearing is closed and shall mail a copy of the decision to the owner at the address for the location of the alleged violation and shall deliver or mail a copy to the enforcement official. The decision of the hearing officer shall be final. (Ord. 05 0003 § 1, 2005).

8.46.080 Exemptions.

Any food facility that is not engaged in the preparation of food to be consumed by the public including, but not limited to, liquor stores, candy stores, and stores selling only prepackaged food is exempt from this chapter. (Ord. 05 0003 § 1, 2005).

8.46.090 Severability.

If any part of this chapter or the application of this chapter to any person or entity is held to be invalid by a court of competent jurisdiction, then the remainder of this chapter shall remain in full force and effect and shall not be affected by the invalidity of only part of the chapter. (Ord. 05 0003 § 1, 2005).

8.46.100 Complementary to chapter 15.20.

This chapter is not intended to nor shall it be deemed to supersede or have priority over chapter 15.20. This chapter and chapter 15.20 shall be construed as complementary. (Ord. 05 0003 § 1, 2005).

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Section 1306. GREASE TRAP REQUIREMENTS

All restaurants, commercial kitchens, and facilities where food is prepared and served to the public, shall install and maintain an approved grease trap so as to prevent excessive discharges of grease and oil which could result in sewer blockage. Three departments within the City have coordinated their efforts to establish a policy to detail the requirements for the design and installation of devices that intercept grease. These departments are: the Health and Human Services Department, the Planning and Building Department, and the Water Department.

A grease trap could be a grease interceptor or a grease recovery device. Grease interceptors are typically concrete box structures located outside, but usually adjacent to the building housing the source of the grease (i.e., restaurant, cleaning room, etc.). Grease recovery devices are generally located within the building and typically consist of a stainless steel chamber which traps the solid grease, and a mechanism for separating the grease from the wastewater stream and holding it in a separate chamber, or stand alone container. In most instances, the Applicant shall install a grease interceptor in accordance with the requirements of the Rules. In special circumstances, with the Department's approval, the Applicant can install a grease recovery device. In both cases, the garbage disposal must be plumbed downstream of the grease trap.

1306.1 Grease Interceptors

This Section applies to all liquid waste discharges into the public sewer system, primarily from restaurants, commercial kitchens, and other facilities where food is prepared and served to the public.

1. General Information: Grease interceptors are designed and constructed to retain floating material such as grease and oils. Kitchen fixtures which are required to discharge into the grease interceptor include the dishwasher, pot sinks and floor drains.
2. Installation/Location Criteria: In all cases where the Uniform Plumbing Code is more stringent than these Rules, the Uniform Plumbing Code shall apply. The grease interceptor shall be installed below ground outside, but adjacent to, the food preparation facility or other locations approved by the Health and Human Services Department and/or Planning and Building Department. The grease interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning and for removal of the grease. In exceptional cases, as determined by the Department, where space limitations do not permit on-site installation of a grease interceptor, encroachment into public right-of-ways may be permitted. Permission to encroach into a public right-of-way shall be requested by the applicant from the City's Director of Public Works, and upon receiving approval of such

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encroachment, the necessary permit to work within a public right-of-way shall be obtained by the applicant or applicant's contractor.

1306.2 Grease Recovery Devices

1. Required Approvals/Listings: A grease recovery device must be listed by the following agencies:
 - a. International Association of Plumbing and Mechanical Officials (IAPMO).
 - b. National Safety Foundation (NSF) by December 31, 1995.
 - c. Underwriters Laboratory (UL)
2. General Criteria: No static grease traps will be approved in the food preparation area.
3. Location of Device: The following requirements apply to all grease recovery devices.
 - a. The Health and Human Services Department must approve the location of the grease recovery device, usually below or near the kitchen sink.
 - b. The device must have a dedicated area and be installed within four feet of the sink's outlet. Nothing can be placed in this area but the grease recovery device.
 - c. There must be four inches clearance between the floor and the device.
 - d. There must be a backwater check valve installed immediately downstream of the grease recovery device to prevent wastewater from backing up into the unit.

Section 1307. OPERATOR'S RESPONSIBILITY

The operator of the food facility shall maintain or cause to be maintained proper operation of the grease interceptor by performing cleaning and preventive maintenance, as necessary. Failure to prevent grease from entering the public sewer may result in operator paying all costs associated with the response and cleaning of the public sewer; and, liability for any private losses or damages incurred by the public sewer stoppage. Failure to take the necessary corrective action to prevent future occurrences of grease discharge to the public sewer will result in the shut-off of water services per Section 206.

- A. If there is an existing grease trap, the operator must ensure that it is adequately and properly design for the site. The operator may need to upgrade or make improvements if the grease trap is found to be deficient.

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- B. The operator must properly and regularly maintain the grease trap and keep records of registered haulers' manifests. These records shall be presented to the Department's authorized inspector upon request.
- C. If an existing facility does not have a grease trap, the operator can call the Department for special programs or advice for installing grease traps in existing sites.
- D. If an existing facility does not have nor plan to install a grease trap, the operator can make arrangements to clean the sewer. If the operator still fails to take action after receiving a "Notice of Compliance", the Department will make arrangement to have the sewer cleaned by a private contractor. The Department will bill the operator for the cost plus a 35% administrative fee.
- E. If the operator fails to prevent grease from entering the public sewer, the operator shall pay for all costs associated with inspection, videotaping and cleaning of the public sewer as well as any private losses or damages incurred by the public sewer stoppage.

Section 1308. GENERAL INTERCEPTOR REQUIREMENTS

Each car wash and vehicle or equipment servicing or cleaning facility shall install an appropriate sand, grease and oil interceptor of a size and design approved by the Department.

- A. The Department may require that all industrial wastewater discharged from such facilities into a sewage system be routed through an interceptor. The Applicant shall design, construct and maintain such interceptor with the approval of the Department. The interceptor shall at all reasonable times be available and accessible to the Department or other persons authorized by law to make such inspections.
- B. An interceptor shall not be considered as properly maintained if sand and oil accumulations total more than twenty-five percent (25%) of the operating fluid capacity. The operator shall keep maintenance records and registered haulers' manifests. These records will be reviewed by the Department. Failure by the operator to maintain the interceptor and keep adequate records could result in enforcement actions.

Section 1309. EXISTING INTERCEPTORS

Any interceptor properly installed shall be acceptable as an alternative to the interceptor required in Section 1308 if such interceptor is effective in removing sand and oil and is so designed and installed that it may be inspected and properly maintained. If the Department finds that the interceptor is incapable of retaining the sand and oil adequately