

EXHIBIT A

CERTIFIED TO BE A TRUE COPY
[Signature]

**ORDINANCE 482
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE,
ADDING CHAPTER 13.18 TO THE CODE OF THE CITY OF HOLTVILLE
ESTABLISHING REGULATIONS FOR THE DISPOSAL OF GREASE AND
OTHER INSOLUBLE WASTE DISCHARGED FROM FOOD SERVICE
ESTABLISHMENTS**

The City Council of the City of Holtville does hereby ordain as follows:

Chapter 13.18 is added to read as follows:

13.18.010 Purpose and Intent.

- (a) It is the purpose and intent of this chapter to establish regulations for the prevention of grease and other insoluble waste discharges from food service establishments from entering the City of Holtville's sewer collection system or waste water treatment facility.
- (b) Any nonresidential facility connected to the sanitary sewer collection and treatment system involved in the preparation or serving of foods will be subject to the conditions of the ordinance.
- (c) The City Council, in enacting the ordinance codified in this chapter, intends to provide for the maximum beneficial public use of the City's sewer system, to prevent blockages of that system and the accidental discharge of wastewater into the storm drain system, to ensure the cost of maintaining the City's sewer system is equitably distributed among users, to clarify grease disposal requirements for existing food service establishments, and to promote public health and safety.
- (d) In the event of any conflict or inconsistency between the provisions of this chapter and the provisions of the Uniform Plumbing Code, as adopted by Chapter 14.04, and/or Chapter 13.16 of the Municipal Code, the provisions of this chapter shall govern.

13.18.020. Definitions

- (a) **Fats, Oils, and Greases.** Organic polar compounds derived from animal and/ or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".
- (b) **Grease Trap.** A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas.
- (c) **Grease Interceptor.** A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are often below-ground units in outside areas and are built as two or three chamber baffled tanks.
- (d) **Food Service Establishments.** Those establishments engaged in activities of preparing, serving, or otherwise making available for consumption by the public such as restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
- (e) **Minimum Design Capability.** The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.
- (f) **User.** Any person, including those located outside the jurisdictional limits of the City of Holtville, who contributes, causes or permits the contribution or discharge

of wastewater into the city's sewer system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

- (g) **Administrative Authority.** Shall mean the City of Holtville Water Works Supervisor, Public Works Supervisor, City Engineer, and Building Inspector and/or any other official(s) as designated by the City Manager.
- (h) **Authorized Inspector.** Shall mean an inspector so designated by the Administrative Authority including but not limited to the Public Works Supervisor, City Engineer and Building Official.

13.18.030. Food Service Establishment Requirement

All food service establishments discharging wastewater to the City of Holtville sanitary sewer collection system are subject to the following requirements:

- (a) **Grease Interceptor Requirements.** All food service establishments are required to install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance. All grease interceptors must meet the requirements of the City of Holtville and the Uniform Plumbing Code.

- (b) **Implementation**

- 1) **New Facilities.** All new food service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain prior approval from the Authorized Inspector for grease interceptor sizing prior to submitting plans for a building permit. All grease interceptors shall be readily and easily accessible for cleaning and inspection.
- 2) **Existing Facilities.** All existing food service establishments, determined by the Authorized Inspector to have a reasonable potential to adversely impact the City's sewer system will be notified of their obligation to install a grease interceptor within the specified period set forth in the notification letter. Existing facilities with planned modification in plumbing improvements, with a building permit evaluation of (\$20,000) or more will be required to include plans to comply with the grease interceptor requirements. These facilities must obtain approval from the Authorized Inspector for grease interceptor sizing prior to submitting plans for a building permit.

- (c) **Variance from Grease Interceptor Requirements:** Grease interceptors required under this Ordinance shall be installed unless the Authorized Inspector authorizes the installation of an indoor grease trap or other alternative pretreatment technology and determines that the installation of a grease interceptor would not be feasible. The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The Authorized Inspector may authorize the installation of an indoor grease trap where the installation of a grease interceptor is not feasible due to space constraints or other considerations. If an establishment believes the installation of a grease interceptor is infeasible, because of documented space constraints, the request for an alternate grease removal device shall contain the following information:

- 1) Location of sewer main and easement in relation to available exterior space outside building.
- 2) Existing plumbing at or in a site that uses common plumbing for all services at that site.

Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the Authorized Inspector.

13.18.040 Screened Wastes:

- (a) No User shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any garbage, or any fruit, vegetable, animal, or solid waste resulting from the preparation, processing, packaging, or canning of fruits, vegetables, or other foods or products.

- (b) Waste-food / garbage grinders that discharge into the sewer collection system shall be prohibited in all food service establishments.

13.18.050 Wastewater Discharge Limitations:

- (a) No User shall allow wastewater discharge concentration from subject grease interceptor, grease trap or alternative pretreatment technology to exceed 600 milligrams per liter, as defined by method EPA test method 1664 or 600 milligrams per liter, as identified by method EPA test method 413.

13.18.060. Grease Interceptor Requirements:

(a) General Provisions.

- 1) The installation of a proper interceptor shall be the responsibility of the user who applies for the connection and the user whose operations cause or contribute to the necessity for an interceptor.
- 2) Interceptors shall be installed utilized and properly maintained for continuous and efficient operation at all times and at the expense of the user.
- 3) A common interceptor shared by multiple businesses can be utilized if specifically authorized by the Authorized Inspector and upon evidence of legal operating and maintenance agreements between the involved property owners.
- 4) The use of additives, directly or indirectly to the plumbing or sewer system, to emulsify grease and/or oil is specifically prohibited.
- 5) Interceptors no longer in use shall be abandoned in accordance with the Uniform Plumbing Code.

(b) Design.

- 1) Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code, unless otherwise specified.
- 2) Grease interceptors shall be constructed in accordance with design approved by the Authorized Inspector and shall have a minimum of two compartments with fittings designed for grease retention.
- 3) Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. Location of the grease interceptor must meet the approval of the Authorized Inspector.
- 4) Sanitary wastes are not allowed to be connected to sewer lines intended for grease interceptor service
- 5) Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least one inch above finished grade with a concrete collar a minimum of 18 inches around the manhole and sampling box lids, 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.
- 6) All grease interceptors shall include a sample box of a type and size approved by the Authorized Inspector.
- 7) Inspection by the administrative Inspector, or authorized inspector, of installed interceptors and piping prior to backfilling is required.

- 8) Interceptors shall have a sanitary tee located inside the sample box on the discharge side of the sample box.
- 9) Interceptors shall have a clean out installed after the sample box on the private lateral and at intervals required by the Uniform Plumbing Code.

(c) Interceptor Maintenance.

- 1) All such grease interceptors shall be serviced and emptied completely of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume. These devices should be inspected at least monthly. Users who are required to maintain a grease interceptor shall:
 - (a) provide for a minimum hydraulic retention time in accordance with the Uniform Plumbing Code.
 - (b) remove any accumulated grease cap and sludge pocket as required and at least once per 90 days. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the device.
- 2) All waste removed from an interceptor must be disposed at a facility permitted by the County of Imperial or applicable regulatory agencies allowed to receive such waste. The waste shall not be returned to the public sewer system, manhole, any private waste water system or storm drains.
- 3) The User shall maintain a written record of inspection and maintenance for 3 years. This log shall include, but is not limited to, date, time, amount pumped, hauler, and disposal site. All such records will be made available for on-site inspection by representative of the Administrative Authority of City of Holtville during all operating hours.
- 4) The use of biological additives as a supplement to interceptor maintenance, including the addition of micro-organisms, may be authorized by the Water Works Supervisor in consultation with the City Engineer and approval shall be obtained in writing prior to the use of such additives.

(d) Required Connections to Interceptors.

- 1) Waste discharges from fixtures and equipment in establishments which may contain grease or other objectionable materials including, but not limited to, scullery sinks, pre-wash sinks, pot and pan sinks, dishwashers, soup kettles, and floor drains.
- 2) Sinks or other areas for cleaning floor mats, containers, and equipment which may contain grease.

(e) Prohibited Connections.

- 1) Sanitary wastes are not allowed to be connected to sewer lines intended for grease interceptor service.
- 2) Storm water drains are not allowed to be connected to sewer lines intended for grease interceptor service.
- 3) The addition of chemicals, surfactants, or other additives that cause the emulsification of grease, are strictly prohibited from use in any type of interceptor.

- 4) The storage of these and other chemicals must be done in a manner which will prevent the accidental release of these materials into the interceptor or sewer collection system.

13.18.060. Grease Trap Requirements

- (a) Upon approval by the Authorized Inspector, a grease trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal.
- (b) Grease traps sizing and installation shall conform to the Uniform Plumbing Code.
- (c) No grease trap shall be installed which has a stated rate flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except when specially approved by the Authorized Inspector.
- (d) Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.
- (e) No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.
- (f) Wastewater in excess of one hundred-forty (140°F) / (60°C) shall not be discharged into a grease trap.

13.18.070. Best Management Practices.

(a) Drain Screens

- 1) **Existing Facilities.** Drain screens for existing establishments shall be installed on all drainage pipes in food preparation areas by January 1, 2015.
- 2) **New Facilities.** Drain screens for new establishments shall be installed on all drainage pipes in food preparation areas prior to a certificate of occupancy.

(b) Waste Cooking Oil

- 1) All waste cooking oil shall be collected and stored properly in recycling barrels or drums.
- 2) Such recycling barrels or drums shall be maintained appropriately to ensure they do not leak.
- 3) Licensed haulers or an approved recycling facility must be used for the disposal of waste cooking oil.
- 4) Records of disposal of cooking oil will be made available for on site inspection by a representative of the Administrative Authority during all business operating hours.

(c) Food Waste.

- 1) All food waste shall be placed in enclosed plastic bags and disposed of directly into the trash or garbage, and not in sinks.

(d) Employee Training.

- 1) Employees of the food service establishment shall be trained by January 1 2015, and twice each calendar year on the following subjects:
 - 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 in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors;
 - c. The location 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 grease barrel or drum without spilling.

- 2) Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices.
- 3) Training records shall be available for review at any reasonable time by the Administrative Inspector.

(e) Kitchen Exhaust Filters.

- 1) Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition, but in no event less than one time per month.

(f) Best Management Practices.

- 1) All best management practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

13.18.080 Right of Inspection

- (a) Food service establishments shall be open and available for inspection by an authorized inspector at all times during normal business hours to ensure that the operation and maintenance of the food service establishment complies with the requirements of this chapter.

13.18.090 Enforcement, Violations, and Penalties

- (a) Violations of this chapter may result in fines and/ or penalties.
- (b) Failure to comply with the provisions of this chapter may result in one or more of the following:

- 1) **Notice of Violation.**

When the Administrative Authority finds that a user has violated, or continues to violate, any provision of this chapter or order issued hereunder, or any other pretreatment standard or requirements, the Administrative Inspector may serve upon that user a written Notice of Violation. Within fourteen (14) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Administrative Authority. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Administrative Authority to take any action, including emergency actions, or any other enforcement actions, without first issuing a Notice of Violation.

- 2) **Consent Orders.**

The Administrative Inspector may enter into consent orders, assurances of compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this ordinance and shall be judicially enforceable.

- 3) **Hearing.**

The Administrative Inspector may order the user which has violated, or continues to violate, any provision of this chapter, wastewater discharge permit, or order issued hereunder, or any other pretreatment standards or requirement, to appear before the Administrative Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place of the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. This notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any

authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

4) **Compliance Order.**

A Notice of Non-compliance may be issued with a specific period of correction. When the Administrative Authority finds that a user has violated, or continues to violate, any provision of this Ordinance, or order issued hereunder, or any other pretreatment standard or requirement, the Administrative Authority may issue an order to the user responsible for the discharge directing that the user comes into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

5) **Cease and Desist Order.**

When the Administrative Authority finds that a user has violated, or continues to violate, any provision of this Ordinance, or any other pretreatment standard or requirements, or that the user's past violations are likely to recur, the Administrative Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Issuance of a cease and desist order shall not be a bar again, or a prerequisite for, taking any other action against the user.

6) **Administrative Fines.**

When the Administrative Authority finds that a user has violated, or continues to violate, any provision of this Ordinance, or order issued hereunder, or any other pretreatment standard or requirement, the Administrative Authority may fine such user. Such fines shall be assessed on a per-violation per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation as adopted by Resolution.

Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a monthly rate. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

Users desiring to dispute such fines must file a written request for the Administrative Authority to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Administrative Authority may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Administrative Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. The Administrative fine shall not be less than \$200 and the maximum administrative fine shall not exceed \$5,000 and shall be established by resolution.

7) Misdemeanor Complaint.

A misdemeanor complaint may be filed in accordance with this code.

(c) Appeals of fines, penalties or requirements to install grease interceptors.

- 1) Appeals of fines, penalties, or other corrective actions shall be submitted to the City Manager within thirty days after the food service establishment has been notified of the penalty and or corrective actions.
- 2) The decision of the City Manager can be appealed to the City Council by submitting a written request to the City Clerk within fifteen (15) days of the issuance of the City Manager's decision, and payment of the appropriate appeal fees, as set by resolution of the City Council.
- 3) Upon appeal, the appellant shall, upon written request to the City Manager, be provided within fifteen days of said request, at reasonable cost to the applicant, copies of all reports, data, or other documentary evidence upon which the decision is based.

4) Emergency Suspension.

(d) Emergency Suspension.

- 1) The Administrative Authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Administrative Authority may also immediately suspend a user's discharge after notice and opportunity to respond, that threatens to interfere with the operations of the Holtville wastewater treatment plant, or which presents, or may present, an endangerment to the environment.
- 2) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, Administrative Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment plant, its receiving stream, or endangerment to any individuals. The Administrative Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Administrative Authority that the period of endangerment has passed.
- 3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Administrative Authority prior to the date of any show cause or termination hearing under this Ordinance.
- 4) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(e) Termination of Discharge.

Any user who violates the following conditions is subject to discharge termination:

- 1) Violation of wastewater discharge permit conditions;
- 2) Failure to accurately report wastewater constituents and characteristics of its discharge;

- 3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- 4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- 5) Violation of pretreatment standards of this Ordinance.

Such User shall be notified of the proposed termination of its discharge and offered an opportunity to show cause under this Ordinance why the proposed action should not be taken. Exercise of this option by the City of Holtville Administrative Authority shall not be a bar to, or a prerequisite for, taking any other against the user.

(f) Severability

If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

(g) Effective Date

This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, APPROVED, AND ADOPTED this 27th day of May 2014.

David Bradshaw, Mayor
City of Holtville

I, Denise Garcia, City Clerk of the City of Holtville, DO HEREBY CERTIFY that the foregoing ordinance was duly passed, approved, and adopted by the City Council of said City of Holtville at a regular meeting thereof held on the 27th day of May 2014, and that the same was approved by the Mayor of said City of Holtville on said date, and that the same was adopted by the following roll call vote:

AYES:	Layton, Ward, Bradshaw, Predmore
NOES:	None
ABSENT:	Goodsell
ABSTAIN:	None

ATTEST:

Denise Garcia, Interim City Clerk
City of Holtville

CERTIFIED TO BE A TRUE COPY *DeJ*