

Fats, Oils, and Grease Source Control Program and Enforcement Management System



Orange County Sanitation District
Source Control Division

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1 INTRODUCTION

The Orange County Sanitation District (OCSD) is committed to complying with the mandates set forth under the **General Waste Discharge Requirements for Sewage Collection Agencies in Orange County, Order No. R8-2002-0014**. As part of this mandate, OCSD is implementing a Fats, Oils, and Grease (FOG) Source Control Program to limit the discharge of FOG and other debris that may cause sewerage collection system blockages or Sanitary Sewer Overflows (SSOs). This is accomplished through implementation and effective enforcement of OCSD's FOG Ordinance OCSD-25 (Appendix D1) by:

- Administering an extensive permitting program to control and regulate FOG discharges from Food Service Establishments (FSEs);
- Requiring FSEs to implement Best Management Practices (BMPs) and install grease interceptors, when applicable, to reduce FOG from their wastewater prior to discharge to OCSD's sewerage system;
- Tracking compliance through inspection of FSEs, aggressive CCTV monitoring of the sewer system to identify potential sources of sewer blockages, and monitoring compliance with BMP requirements and maintenance requirements for grease interceptors;
- Evaluating and screening the results of inspection and monitoring to identify violations; and
- Consistently responding to all types of violations to ensure long-term compliance.

OCSD's existing Wastewater Discharge Regulations OCSD-01 (Appendix D2) implements the general and specific prohibitions of the National Pretreatment Program (40CFR403.5).

To achieve an effective and aggressive enforcement program, OCSD established a FOG Enforcement Management System, which encompasses the basic components required to cover all FOG control activities. In developing the system, OCSD addressed the fundamental requirements necessary to regulate FSEs, such as obtaining and evaluating information on compliance of FSEs; identifying violations; and selecting appropriate enforcement actions to resolve noncompliance in a timely, fair, and consistent manner.

2 PRELIMINARY FOG CONTROL STUDIES

Basis for developing OCSD's FOG Source Control Program

During the development of OCSD's FOG Source Control Program, OCSD and other WDR Co-Permittees needed to know the basic components of such a program. Therefore, OCSD, on behalf of the WDR Co-Permittees and in its role as regional facilitator, contracted the services of Environmental Engineering & Contracting, Inc. (EEC), to conduct a FOG Control Study. The final Phase I report was received in July 2003, and the report listed 12 potential "building blocks" for an effective FOG Source Control Program, from which WDR Co-Permittees could develop programs tailored to their site-specific conditions. A full copy of this study is available from OCSD's Source Control Division.

OCSD also contracted EEC to conduct a Characterization Study of the hot spots and FSEs in its area of jurisdiction to gather more specific information for developing its FOG Source Control Program. The overall aim was to determine the true cause(s) of the hot spots. The study encompassed visual observations of sewer lines using Closed Circuit Television (CCTV) in the vicinity of the hot spots and inspecting and cataloging each tributary FSE, including plotting the information in Geographical Information System (GIS). The majority of the hot spots were caused or exacerbated by structural issues and FOG discharges from FSEs. Sometimes a repair effectively eliminated a hot spot caused by structural issues, but in other cases, mitigation is not feasible and other techniques must be employed to mitigate the hot spot. With the data gathered, OCSD is able to identify FSEs discharging FOG and is currently prioritizing on those facilities discharging to hot spots. A copy of this study is available from OCSD's Source Control Division.

As a result of these studies, OCSD has the data necessary for developing the basis for its FOG Source Control Program.

3 OCSD's FOG SOURCE CONTROL PROGRAM

Essential elements of an effective program

OCSD established the following essential elements to implement an effective FOG Source Control Program for FSEs in the city of Tustin and unincorporated areas within OCSD's jurisdiction:

3.1 Legal Authority

OCSD established a FOG Ordinance (OCSD-25) that provides the legal authority necessary for implementing the FOG Source Control Program. To prevent SSOs caused by FOG blockages of sewers, OCSD's scope of authority includes:

- Authority to regulate all FSEs contributing FOG to the sewer system
- Authority to require and issue Wastewater Discharge Permits, including:
 - Authority to require FSEs to obtain permits
 - Authority to require FSEs to submit permit applications containing all data which OCSD deems relevant to permit decisions and provisions for public access to data
 - Authority to enter, inspect, and sample to verify information supplied by FSEs as well as to assess the FSEs' compliance status
 - Authority to incorporate local limits
 - Authority to incorporate federal and state pretreatment standards and requirements
 - Authority to require self-monitoring, record keeping, and reporting by FSEs
 - Authority to develop other appropriate permit conditions
- Authority to enforce permit violations.

OCSD's Board of Directors adopted the FOG Ordinance OCSD-25 on December 17, 2004, which was effective on January 1, 2005. Subsequently, FOG Fee Resolution OCSD 05-04 (Appendix D3) establishing FOG fees applicable to FSEs was passed and adopted on March 23, 2005, and was effective on May 1, 2005.

The following is a summary of the core requirements of the FOG Ordinance:

Permit Requirement

- FSEs are required to obtain a FOG Wastewater Discharge Permit to discharge wastewater into the sewer system.

Permit Exemptions

- A limited food preparation establishment is not considered an FSE and is exempt from obtaining a FOG Discharge Permit. Exempted establishments shall be engaged only in reheating, hot holding, or assembly of ready-to-eat food products and, as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

Permit Fee

- The Permit Fee is \$100/year to cover permit issuance and maintenance. There is no change in existing user fees specific to FSEs.

Prohibitions

- Use of food grinders. Installation of food grinders in the plumbing system of new constructions of FSEs is prohibited. Furthermore, all food grinders shall be removed from all existing FSEs within 180 days after notification, except when expressly allowed by the FOG Source Control Program Manager.
- Introduction of any additives into a FSE's wastewater system for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless a specific written authorization from the FOG Source Control Program Manager is obtained.
- Disposal of waste cooking oil into drainage pipes. All waste cooking oils shall be collected and stored properly in receptacles, such as barrels or drums, for recycling or other acceptable methods of disposal.
- Discharge of wastewater from dishwashers to any grease trap or grease interceptor.
- Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors.

- Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa.
- Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system. Grease removed from grease interceptors shall be wastehauled periodically as part of the operation and maintenance requirements for grease interceptors.
- Operation of grease interceptors with FOG and solids accumulation exceeding 25% of the total design hydraulic depth of the grease interceptor (25% Rule).

Requirement to Implement Best Management Practices (BMPs)

- FSEs are required to implement BMPs in their operation to minimize the discharge of FOG to the sewer system.

General Requirement for FOG Pretreatment

- Service Establishments are required to pretreat their wastewater using grease interceptors to remove FOG prior to discharge to the sewer system. Waivers or Variances are allowed when applicable, but space and plumbing segregation are required for future interceptor installation.

Implementation of FOG Pretreatment Requirement for New Construction of FSEs

- New construction of FSEs is required to install grease interceptors prior to commencing discharge of wastewater to the sewer system.

Implementation of FOG Pretreatment Requirement for Existing FSEs

- For existing FSEs in general, the requirement to install and to properly operate and maintain a grease interceptor may be conditionally delayed in its implementation (through a conditional waiver) by the FOG Control Manager for a maximum period of three years from the effective date of the Ordinance.
- Installation of grease interceptors are required within 180 days after notification for existing FSEs that have caused or contributed to grease related blockage in the sewer system, or which have sewer laterals connected to hotspots, or which have been determined to have major impact to the sewer system by the FOG Source Control Program Manager based on inspection or sampling.

- Installation of grease interceptors is required for Existing FSEs undergoing remodeling or a change in operations as defined in the Ordinance, or for Existing FSEs that change ownership and undergo remodeling or a change in operations as defined in the Ordinance.

Variance from Grease Interceptor Requirement

- A variance may be issued to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, to FSEs demonstrating that it is impossible or impracticable to install, operate, or maintain a grease interceptor. The FOG Source Control Program Manager's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:
 1. There is no adequate space for installation and/or maintenance of a grease interceptor.
 2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
 3. The FSE may justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring (Closed Circuit Television or CCTV) of the sewer system, for at least three months, at its own expense. A Variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

Conditional Waiver from Installation of Grease Interceptor

- Conditional Waivers from installation of grease interceptors may be issued to FSEs that have been determined to have negligible FOG discharge and insignificant impact to the sewer system. This waiver may also be issued to existing FSEs to delay implementation of the requirement up to a maximum of three years from the effective date of the Ordinance. The FOG Source Control Program Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:
 1. Quantity of FOG discharge as measured or as indicated by the size of FSE based on seating capacity, number of meals served menu, water usage, etc.

2. De minimis discharge, i.e., discharge volume that does not require an interceptor size larger than 350 gallons.
3. Adequacy of implementation of BMPs and compliance history.
4. Sewer size, grade, condition based on visual information (CCTV), FOG deposition in the sewer by the FSE, and history of maintenance and sewage spills in the receiving sewer system.
5. Changes in operations that significantly affect FOG discharge.
6. Any other condition deemed reasonably appropriate by the FOG Source Control Program Manager.

Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation Fee

- For FSEs where the installation of a grease interceptor is not feasible and no equivalent alternative pretreatment may be installed, a waiver from the grease interceptor requirement may be granted with the imposition of a Grease Disposal Mitigation Fee as described in the Ordinance. The FOG Source Control Program Manager's determination to grant the waiver with a Grease Disposal Mitigation Fee will be based upon, but not limited to, evaluation of the following conditions:
 1. There is no adequate space for installation and/or maintenance of a grease interceptor.
 2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
 3. A variance from grease interceptor installation to allow alternative pretreatment technology may not be granted.

Grease Interceptor Installation Requirements

- Any FSE required 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 the Ordinance. Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code.

Grease Interceptor Maintenance Requirements

- 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.
- All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance

frequency approved by the FOG Source Control Program Manager pursuant to this section.

- No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- FSEs with grease interceptors may be required to submit data and information necessary to establish the maintenance frequencies for the grease interceptors.
- The maintenance frequency for all FSEs with a grease interceptor shall be determined in one of the following methods:
 1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG discharged to the sewer system.
 2. All FSEs with a Grease Interceptor shall maintain their grease interceptor not less than every 6 months.
 3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in (1) and guidelines adopted pursuant to the FOG Source Control Program. OCSD may change the maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG Source Control Program. Based on the actual generation of FOG from the FSE, the maintenance frequency may increase or decrease.
 4. The owner/operator of a FSE may submit a request to the FOG Source Control Program Manager requesting a change in the maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in (1), and that it is in full compliance with the conditions of its permit and this Ordinance. Upon determination by the FOG Source Control Program Manager that requested revision is justified, the permit shall be revised accordingly to reflect the change in maintenance frequency.
 5. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in (1), the FSE shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the FOG Source Control Program Manager

may also increase the maintenance frequency of the grease interceptor from the current frequency.

- Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed off-site properly by waste haulers in accordance with federal, state, and/or local laws.

Requirements for Best Management Practices (BMPs)

- Installation of drain screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
- Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage and not in sinks.
- Segregation and collection of waste cooking oil. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.
- Employee training. Employees of the FSE shall be trained by ownership within 180 days of notification, and twice each calendar year thereafter, on the following subjects:
 1. How to “dry wipe” pots, pans, dishware, and work areas before washing to remove grease.
 2. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 3. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 4. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.
- Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by OCSD or other authorized inspector.
- Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed of properly.
- Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

Notification Requirements

- FSEs shall comply with the following notification requirements:

1. Notification of Spill
2. Notification Regarding Planned Changes

Recordkeeping Requirements

- FSEs shall keep records for at least two years and submit or make available for review, the following documents to OCSD, upon request:
 1. A Record/Logbook of BMPs being implemented, including employee training.
 2. A Logbook of the grease interceptor, grease trap, or grease control device cleaning and maintenance practices and activities.
 3. Training Records.
- For permittees with grease interceptors:
4. Copies of records and manifests of wastehauling interceptor contents.
 5. Records of sampling data and/or sludge height monitoring for FOG and solids accumulation in the grease interceptors.

Reporting Requirements

- FSEs may be required periodic reporting of the status of implementation of BMPs and maintenance of grease interceptors.
- Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate to ensure compliance with the Ordinance.

Drawing Submittals

- FSEs may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, schematic drawings of FOG control device, grease interceptors or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.

3.2 Systematic Identification and Inventory of FOG Sources

3.2.1 Initial Inventory of FSEs

OCSD initially identified FSEs within its jurisdiction by inspecting and characterizing each FSE and subsequently determined individual

potential to generate and discharge FOG to the sewer system. This was done as part of the FOG Characterization Study conducted by Environmental Engineering and Contracting, Inc. (EEC) on behalf of OCSD. The purpose of the study was to provide key information and program recommendations for the development of OCSD's FOG Source Control Program to prevent FOG-related SSOs.

A total of 145 FSEs were initially identified to be significant FOG dischargers and were issued permits on January 1, 2005, based on inspection and evaluation of each FSE and the following assessments:

- Problem areas in the sewer system (hot spots), as manifested by more frequent cleaning and maintenance, were identified and inspected using Closed Circuit Television (CCTV). This enabled OCSD to determine FSEs contributing to the existence of hot spots and identify other potential sources of FOG.
- OCSD's service area was mapped out utilizing Geographic Information System (GIS) software to georeference critical information such as streets, sewer lines and flow directions, location of FSEs and hot spots, location of historical SSOs, etc. This map enabled OCSD to better understand occurrence of SSOs and evaluate potential impact of each FSE based on its proximity and relative location to hot spots.

Utilizing the results from the GIS findings, OCSD ranked FSEs that have the probability of causing sewer blockages and impact to downstream hotspots. This served as the basis to prioritize major permit requirements, such as installation, operation and maintenance of a grease interceptor.

3.2.2 Program Provisions to Update Inventory of FSEs

To ensure that all significant FOG dischargers are permitted and regulated, OCSD established mechanisms to update its inventory of FSEs on a routine basis. The following are implemented to identify new or potential FSEs that are not currently on permit:

- OCSD partnered with the City of Tustin's Community Development Department - Building Division, to identify new construction or major renovation of FSEs exceeding \$50,000. When a building permit is issued by the Building Division, the prospective FSE is also given a FOG Wastewater Discharge Permit Application. Upon notification by the Building Division, OCSD staff conducts an inspection to collect the necessary information needed to issue a new FOG Wastewater Discharge Permit. An Inspection Card, issued by the City of Tustin for each building permit, contains a sign off provision for OCSD to provide the opportunity to inform the city's Building Division that the FSE has met OCSD's requirements, including issuance

of a valid FOG Wastewater Discharge Permit. This allows the city to complete the business license procedure and issue the certificate of occupancy to the FSE. This procedure ensures that OCSD's FOG discharge requirements are satisfied prior to discharge.

- OCSD obtains and reviews, on a periodic basis, a list of FSEs from the City of Tustin's Business License Division to identify new FSEs. This enables OCSD to identify new FSEs based on change of ownership that did not go through the building permit process.
- On an annual basis, OCSD reviews a comprehensive list of FSEs inspected by the Orange County Health Care Agency (OCHCA) to identify FSEs that are not currently permitted by OCSD.
- As a condition of the FOG permit, current FSEs are required to notify OCSD of any changes to their company information, such as changes in ownership. A Facility Information Update Form, available in the FOG permit package, is provided for this purpose. The update form will initiate the appropriate follow-up response such as an inspection or the mailing of a permit application (for new owners).

3.3 Permitting Program

In addition to the FOG Ordinance, OCSD utilizes FOG Wastewater Discharge Permits as a control mechanism to effectively implement FOG control requirements to FSEs. Competently staffed with personnel well trained in the pretreatment program, OCSD processes permits efficiently using established procedures and time frames together with automation. This ensures timely issuance and application of appropriate permit conditions.

3.3.1 Comprehensive Permit

A permit is effective only when it is comprehensive enough to describe all requirements and control parameters required of a permittee. To ensure that each FSE understands its unique obligations, OCSD issues a permit that comprehensively defines the FSEs' responsibilities; the regulations to which FSEs need to adhere; and specific requirements in terms of self-monitoring frequency, reporting requirements, etc.

The permit issued to an FSE authorizes the discharge of wastewater to OCSD's sewerage system, and describes, in a single document, all the duties and obligations of the FSE, including applicable FOG pretreatment requirements. Permits allow for the systematic

integration of all applicable requirements and greatly facilitate enforcement of any noncompliance. An example of the FOG Wastewater Discharge Permit is shown in Appendix E1.

3.3.2 Major Permit Requirements

Some of the major requirements of the permit that help ensure an effective FOG control program include, but are not limited to, the following:

- Mandatory implementation of Kitchen BMPs for all FSEs.
- Installation, operation, and maintenance of grease interceptors, when applicable.

Although all permits include the requirement for installation, operation, and maintenance of grease interceptors, waivers are initially issued to FSEs believed to have minor impact based on current information. An ongoing identification and verification of major FOG sources through FSE inspections and CCTV are integral components of OCSD's FOG Source Control Program. This enables OCSD to revoke waivers and pursue installation of grease interceptor for FSEs that are known to have major impact. Of the 145 permits initially issued by OCSD on January 1, 2005, about 20% were required to install, operate and maintain a grease interceptor.

3.3.3 Permit Duration

FOG Wastewater Discharge Permits issued by OCSD are typically for two years from the date of issuance and are updated, reviewed and renewed bi-annually. Prior to expiration of the permit, the FSE is required to complete and submit a permit renewal application to allow for re-evaluation of its existing permit.

3.3.4 Permit Informational Materials

OCSD has taken extra efforts to provide each permittee with a comprehensive permit binder that contains all the informational materials necessary to understand and comply with OCSD's FOG Source Control Program and the FOG discharge requirements. The binder includes the following:

- FOG Wastewater Discharge Permit (Appendix E1)
- Kitchen BMPs training materials (Appendix E2) in the form of a DVD video and reading material. A poster that is required to be displayed in the kitchen area is also provided separately.
- Informational Fact Sheets (Appendix E3) on the following subjects:

- FOG Ordinance: Core Elements
- Basic Information on FOG
- FOG Definitions
- FOG Issues: Frequently Asked Questions
- FOG Source Control Program
- FOG Source Control Program: Frequently Asked Questions
- Prohibitions Relating to Discharge of FOG
- General Best Management Practices
- Kitchen Best Management Practices
- Managing Food Materials
- Food Service Waste Reduction
- Restaurant Oil and Grease Rendering
- Grease Interceptors
- Design Guidelines for Grease Interceptors

- FOG Ordinance (Appendix E4)
- Forms (Appendix E5)
- Logs (Appendix E6) including Employee BMP Training Logs, Grease Interceptor Maintenance Log, Recyclable (yellow) Grease Pickup/Disposal Log

3.4 Enforcement Program

3.4.1 Monitoring Program

The monitoring program is an integral part of OCSD's enforcement program. OCSD performs routine and non-routine monitoring of FSEs to enforce the provisions of the FOG Ordinance and their FOG Wastewater Discharge Permits, and to identify noncompliance. In general, the monitoring program encompasses:

- FSE Self Monitoring which provides feedback to OCSD on the status of the required BMP implementation and grease interceptor maintenance;
- Routine Onsite Facility Inspections conducted by OCSD staff/representative to monitor overall status of compliance;
- Follow-up Inspections and Verification to determine if FSE has implemented required corrective actions;
- Compliance Audit to evaluate repeated violations;
- Inspections for Bi-Annual Permit Renewal to gather information needed for establishing permit conditions during permit renewal; and
- Downstream Sewer Line Inspections using CCTV to provide visual observation of FSE laterals and detect major FOG contributors that are not apparent during routine inspections.

Details of the monitoring program are discussed in Section 6.

3.4.2 Enforcement Management System

OCS D believes that the success of its FOG Source Control Program is highly dependent not only on its ability to administer extensive permitting and to monitor FSEs through inspection, but also on the implementation of an effective and aggressive enforcement program that is capable of deterring violations and consistently responding to all types of noncompliance. OCS D provides a comprehensive range of enforcement options that are used to respond to violations within the legal authority granted by OCS D's FOG Ordinance. The following is a list of available enforcement actions that have been found to be effective in achieving and maintaining long-term compliance:

- Corrective Action Notices
- Notices of Violation
- Noncompliance Fees
- Compliance Follow-Up Inspection and Verification
- Compliance Audit
- Compliance Meetings
- Increased Grease Interceptor Pumping/ Maintenance
- Order to Cease Noncompliant Discharge
- Compliance Schedule Agreement
- Administrative Complaint/Fines
- Revocation of Waiver from Grease Interceptor Installation
- Revocation of Variance from Grease Interceptor Requirements
- Permit Suspension
- Permit Revocation
- Order to Terminate Discharge
- Emergency Suspension Order
- Civil Action to Recover Civil Penalties
- Injunction
- Physical Termination of Service
- Criminal Penalties

To achieve timely and effective implementation of the FOG Source Control Program, OCS D established an Enforcement Management System, which provides systematic procedures to identify noncompliant FSEs and determine appropriate enforcement actions that must be implemented within established time frames. OCS D's Enforcement Management System includes procedures that are applied to enforce the FOG control program requirements and to track compliance. Through the Enforcement Management System, OCS D is able to:

- Identify and investigate instances of noncompliance;
- Establish enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance; and
- Provide uniform application of enforcement responses for comparable levels and types of violations, and ensure adequate, consistent, and timely enforcement actions.

OCS D's Enforcement Management System encompasses all the facets of FOG source control activities from permitting to enforcement. This enforcement management system is necessary to effectively administer all the requirements of the FOG Source Control Program. It provides a systematic way of determining whether FSEs are complying with the FOG Ordinance through the requirements specified in the control mechanisms and legal authorities, and in determining how and when to respond to noncompliance. A comprehensive discussion of OCS D's

Enforcement Management System can be found in the following sections.

3.5 Staffing Resources and Training

3.5.1 Staffing Resources

The effectiveness of the control mechanisms (permit and ordinance) established for implementing the FOG Source Control Program is enhanced by a well-qualified and competent staff. OCSD's Source Control Division administers the FOG Source Control Program. This program is staffed by five highly qualified Environmental Specialists/Engineers with bachelor's/master's degrees in either science or engineering and with years of experience in implementing the National Pretreatment Program. In addition, OCSD utilizes the services of Environmental Compliance Inspection Service (ECIS) to conduct routine inspections for BMP and grease interceptors. The continued success of OCSD's pretreatment program is enhanced by the expertise, experience, and skills of the staff developing and implementing the program. These resources are utilized both to attain the goals of the FOG Source Control Program and to work in cooperation with FSEs and the public to protect the environment.

3.5.2 Training

Training is an integral part of OCSD's staff development program. The need for a well-trained staff that is thoroughly familiar with the pretreatment regulations, FOG Source Control Program, policies and procedures, and computer applications cannot be over-emphasized. Therefore, OCSD's Source Control Division has established formal training programs for both new and existing staff utilizing both internal and external resources.

3.5.2.1 New Staff

The training of new staff is an intensive process lasting six months to one year, starting with a formal introduction to the program under the guidance of senior staff. A training schedule is developed, tailored to the position and needs of the new staff, which involves familiarization with materials on pretreatment regulations, FOG Ordinance and policies and procedures, kitchen BMPs, and FOG pretreatment equipment and waste management practices. After completing the formal training program, the knowledge obtained is further reinforced through on-the-job training.

3.5.2.2 Existing Staff

The training of existing staff is on-going, and it involves both technical and general training to maintain and augment skills and knowledge needed to perform the job.

- On a continuous basis, staff receives training on both commercial computer software and OCSD's programs created in-house to enable the staff to effectively and efficiently conduct their duties. Examples of these programs include Excel, Word, Access, and OCSD's FOG software. Other types of training include time management, project management, budget development, performance assessment, confined space entry, first aid, First Responder training, LEL detection, defensive driving, and developing management and supervisory skills. Continuous on-the-job training through regular staff meetings is conducted to update staff on new regulations, pollution prevention, pretreatment system, policies and procedures, etc. OCSD also provides opportunities, in the form of tuition reimbursement and flexible schedules, for staff to increase their knowledge by taking courses at colleges and universities that relate to the duties performed by staff.
- Staff also participates in conferences and training seminars throughout the country to be kept knowledgeable on the latest technologies and regulations. For example, staff regularly attend the Cal FOG Work Group, California Water Environment Association (CWEA), National Association of Clean Water Agencies (NACWA, formerly AMSA), and Water Environment Federation (WEF) conferences and training seminars, and field staff have participated in conferences and training seminars throughout the country to be up-to-date on the latest technologies available in sampling and monitoring equipment.
- When new programs are implemented, staff receives specialized training to execute and conduct the tasks required by the program. For example, at the implementation phase of the FOG Source Control Program, OCSD's staff attended an Advanced Training Course on the Control of Fats, Oils, and Grease sponsored by EPA, WEF and CWEA. Such training program instructs staff and familiarizes them with the issues, technical aspects, and policies and procedures of the program.

3.6 FSE Outreach

OCSD recognizes that its ability to be proactive and effective is also dependent upon public outreach and education. OCSD's basic principle is working with FSEs to protect the environment and public health. OCSD strives not only to keep the public involved,

but also to become partners with FSEs in developing and maintaining its environmental protection programs. It has been OCSD's experience that the FOG Source Control Program is more effective and successful if FSEs understand the purposes and goals of the program, and if FSEs are active participants in developing a practical and equitable program.

Interaction with FSEs occurs on a day-to-day basis, as part of the daily operation of the FOG Source Control Program and through a variety of forums and venues which bring together FSEs on the local level. As part of OCSD's philosophy of service to the community and of developing equitable, practical programs, its outreach activities include working with other local agencies to bring about regulations that "make sense" to FSEs, OCSD, and the community.

The following are examples of the more important and unique outreach activities and programs OCSD has undertaken:

3.6.1 FOG Ordinance Advocacy

During the initial development of the FOG Ordinance, OCSD served as the lead agency in creating a model ordinance for Orange County. OCSD worked with other co-permittees in Orange County to solicit inputs in order to ensure that the regulations established are comprehensive and can be practically implemented to achieve the desired environmental results. The model ordinance served as a good starting point for co-permittees to develop and adopt a FOG Ordinance that suits their local need. It was adopted by OCSD and some of the co-permittees.

3.6.2 Stakeholder Involvement and Education

OCSD conducted outreach for FSEs within its jurisdiction through workshops, printed materials mailed to FSEs, and the internet to solicit active participation and feedback on the development of the FOG Ordinance. Beginning August through December 2004, prior to implementation of the FOG Source Control Program in January 1, 2005, OCSD mailed informational materials to FSEs in the form of Fact Sheets (Appendix E3), to promote awareness about the problem associated with FOG, to educate them on what they can do to help minimize the discharge of FOG, and to create a mindset that the FOG discharge regulations is upcoming and will be implemented through permits and enforcement.

3.7 Collaboration with Sewer Maintenance, Engineering Design, Source Control, and Communication Groups

The FOG Source Control Program alone is insufficient to ensure that FOG related SSOs will be eliminated. In order to be effective, it is also necessary to work with the following:

- Engineering Department to prioritize and correct structural defects
- Maintenance Department to eliminate root infestation in the sewer, track the emergence of trouble spots (hotspots) in the collection system and take the necessary steps to establish appropriate maintenance frequencies
- Communications Department to provide public outreach to minimize residential FOG discharge.

A collaborative effort is established between the Maintenance Department, Engineering Department, Communications Department, and the Source Control Division to develop a unifying strategy in eliminating SSOs. It is important for the Source Control Division to maintain communication and logistical connectivity to the work practices of the other workgroups. Information obtained from the FOG Source Control Program during the course of its implementation will be fed to the other groups to develop strategies to optimize cleaning of sewer lines and eliminate roots, to identify and fix sewer line structural problems, and to further educate the public.

OCSO is committed in implementing an effective and practical FOG Source Control Program that considers the economic impact in implementing requirements to FSEs as well as the benefits derived towards achieving the desired environmental results. Although an initial program has been established, ongoing efforts to further improve the implementation of the FOG Source Control Program will be pursued.

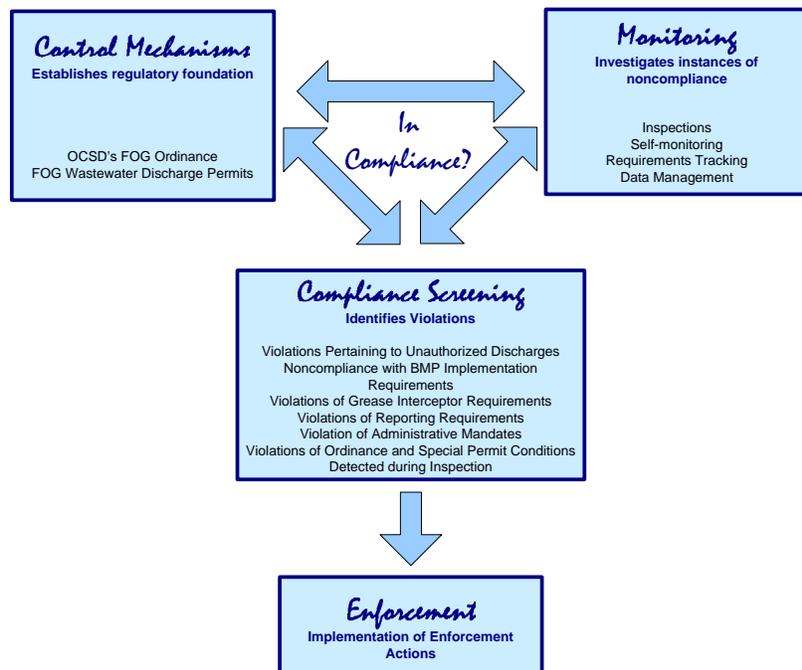
4 OVERVIEW OF OCSD'S FOG ENFORCEMENT MANAGEMENT SYSTEM

How it works

OCSD's FOG Source Control Program is administered through the FOG Enforcement Management System. The system is a network of four interdependent components:

1. Control Mechanisms (FOG Ordinance and Permits) to establish authority for regulating FSEs;
2. Monitoring Program to investigate instances of noncompliance;
3. Compliance Screening to identify violations; and
4. Implementation of Enforcement Actions.

Linked together, these components serve as the framework in effectively enforcing OCSD's FOG Source Control Program. Each component is comprised of procedures on how and when to conduct each activity, and is established to define personnel responsibilities in administering the program.



Control mechanisms are the foundation of the FOG Enforcement Management System. OCS D regulates FSEs through the FOG Discharge Permit (permit) and the FOG Ordinance. The permit and the FOG Ordinance define the FSEs' responsibilities; the regulations to which FSEs need to adhere; and specific discharge requirements. The existence of these control mechanisms, however, is not enough to ensure compliance by FSEs with the regulations. OCS D recognizes that it must be able to act upon and effectively enforce the terms of these control mechanisms.

To determine and investigate instances of noncompliance, OCS D administers a monitoring program by inspecting FSEs, tracking implementation of BMPs, monitoring maintenance of grease interceptors, and by tracking all other requirements imposed. Inspections include evaluations and assessments of the FSEs' operations and grease interceptors, and are documented by inspection reports.

Because of the large volume of information handled in maintaining and evaluating permit and enforcement activities, database management becomes an integral part of the FOG Enforcement Management System. OCS D has a sophisticated computer network for this purpose, which utilizes advanced database management softwares such as Oracle, to enhance information storage, retrieval, processing, and evaluation. A custom software specifically designed to administer the FOG Source Control Program is in place, to ensure consistency and efficiency of implementation. The software organizes and enhances monitoring and tracking activities as well as implementation of enforcement actions. Pertinent current information on FSEs is stored in the computer database; similarly, hard copies of documents are stored in files. The FOG software and database system are capable of storing inspection reports, BMP reporting requirements, and grease interceptor maintenance reports among others obtained by OCS D. In addition, the computer tracks due dates for report submittals and requirements imposed on FSEs, and also generates reminders to FSEs prior to the due dates.

With the FSEs' requirements and prohibitions established through the control mechanisms, and the data gathered from the monitoring and tracking activities, violations are identified through systematic compliance screening. The compliance screening process involves review of available information to sort out noncompliant dischargers for appropriate enforcement response. This process automatically generates Notices of Violation that are sent to FSEs. All other violations not amenable to computer tracking are being determined manually, in a systematic manner, in accordance with established policies and procedures.

The violations and discrepancies that are identified during the compliance screening process are reviewed by the appropriate personnel to evaluate the type of enforcement response needed. OCS D staff identifies types of responses that are appropriate based on the nature of the violation, the frequency of the violation, the magnitude of the violation, the duration of the violation, the potential impact of the violation, and the good-faith efforts of the violator to eliminate noncompliance. After selection of the

appropriate response, the enforcement action is implemented by specific personnel within a reasonable time frame.

The culmination of all of the above activities enables OCSD to maintain internal coordination and management of the FOG Source Control Program in a systematic and consistent manner. Through the FOG Enforcement Management System, OCSD intends to implement monitoring and enforcement responsibilities in a consistent, fair and timely manner.

5 CONTROL MECHANISMS

Legal basis for regulatory control

The FOG Ordinance and the FOG Wastewater Discharge Permit are control mechanisms that allow OCSD to implement the FOG Source Control Program. These control mechanisms serve as the regulatory foundation for providing OCSD with the legal authority to implement the program.

5.1 FOG Ordinance

The FOG Ordinance adopted by OCSD sets forth uniform requirements for all FSEs in OCSD's service area of responsibility, to comply with the General Waste Discharge Requirements Order. The Ordinance authorizes the issuance of FOG Discharge Permits to limit FOG discharges to the sewer system; authorizes inspection/monitoring and enforcement activities; establishes administrative procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the implementation of the FOG Source Control Program.

5.2 FOG Wastewater Discharge Permit

OCSD's FOG Ordinance prohibits the discharge of FOG from FSEs without valid FOG Discharge Permits. Therefore, OCSD is administering a permit program for FSEs utilizing procedures that allow for the:

- Identification of new FSEs and characterization of their FOG discharges,
- Identification of significant process and/or discharge changes at existing FSEs, and
- Issuance of permits to regulate FSEs' FOG discharges

FOG Wastewater Discharge Permits issued to FSEs contain:

- Discharge prohibitions and discharge limitations;
- Schedules for self-monitoring and reporting;

- Statements of duration and non-transferability;
- Legal authority of OCSD to revoke the sewer discharge privileges and to modify the permit;
- Penalties;
- Record-keeping and notification requirements;
- Severability; and
- Permit conditions, as necessary.

5.2.1 Permit Processing and Issuance

OCSD implements an efficient permitting program through timely processing and issuance of permits, comprehensive permit evaluation to ensure application of correct permit conditions, and automated permit generation. The following describe these aspects in detail:

5.2.1.1 Timeliness of Permit Processing and Issuance

Permit issuance is frequently delayed when the applicant does not provide complete information and other requirements in the application, or when there are no established internal procedures and time table for processing and issuing a permit. To resolve this problem, OCSD established the following tools to ensure timely issuance of a permit:

- A permit application package (Appendix E7), which contains comprehensive information on how to obtain a FOG Wastewater Discharge Permit and easy-to-follow guidelines on how to fill-out an application form, is made available to all permit applicants. The brochure describes OCSD's FOG wastewater discharge permit program, permit requirements, how to apply and obtain a permit, permit conditions, facilities requirements, permit application review and evaluation process, specific instructions on how to fill out an application, and guidelines on drawings and information submittal requirements. This information provides applicants with sufficient knowledge necessary to be able to respond effectively in complying with all the permit application requirements. A permit application package checklist is also provided to ensure completeness of submittal requirements.
- When a permit application is received, OCSD follows established permitting procedures to ensure issuance of an accurate permit. Based on this, it is expected that new permits will be issued within four weeks, and all existing permits will be renewed prior to or by the expiration date.

5.2.1.2 Comprehensive Permit Evaluation to Ensure Application of Correct Permit Conditions

OCS D conducts a thorough review of the permit application and a comprehensive evaluation of FOG sources through an inspection of the facility, to determine applicable permit conditions. The adequacy of the pretreatment system and BMPs in place are also evaluated to ensure compliance. After final evaluation, the information is summarized and processed quickly using a computer permit generator program. Prior to issuance, QA/QC procedures are followed to ensure accuracy of the permit.

5.2.1.3 Automated Permit Generation

To enhance management of permit information for each FSE, OCS D maintains a relational database system that allows efficient data storage and retrieval for a variety of applications. This has led to the development of a computerized permit generator developed in-house, which allows a permit document to be generated in approximately less than ten minutes.

After detailed evaluation of the pertinent information and the applicable permit conditions as previously described, the final information is summarized and entered in the permit generator program. The permit document, containing all pertinent information, is quickly generated and is ready for issuance in a matter of minutes.

6 MONITORING FSEs

How instances of noncompliance are investigated

6.1 Methods of Investigating Instances of Noncompliance

OCSD's monitoring program is used to evaluate the compliance status of FSEs in relation to applicable permit and ordinance requirements. The monitoring program consists of:

- Tracking compliance with permit and ordinance requirements through facility inspections;
- Tracking status of implementation of BMPs and Grease Control Device Operations and Maintenance through self-monitoring program;
- Receiving and evaluating reports as specified in the FSEs' permits or as required by any enforcement actions;
- Investigating instances of noncompliance, producing admissible evidence through visual observation of sewer laterals and sewer lines downstream using closed-circuit television (CCTV), as necessary; and
- Maintaining a computerized compilation of pertinent data regarding all FSEs that is complete and accurate, in order to facilitate the compliance screening process.

The following describes in detail the monitoring and tracking activities performed by OCSD:

6.2 FSE Self-Monitoring

6.2.1 Self-Monitoring to Track Implementation of Required Best Management Practices

OCSD requires all FSEs to implement BMPs and to report the status of implementation every six months. Minimum requirements for implementation of BMPs are specified in the FSE's permit. All self-monitoring is required to be conducted in accordance with OCSD's

guidelines as specified in the FSEs' permit. The self-monitoring results submitted to OCS D are evaluated and used as a means to determine compliance. If the results show noncompliance, the FSE is inspected to confirm the noncompliance and a Corrective Action Notice is issued accordingly, to require immediate implementation of corrective measures. A Notice of Violation with a Noncompliance Fee is issued when the FSE fails to implement the required correction during a follow-up verification inspection.

OCS D utilizes a computer system to administer the self-monitoring program from the initial notification to final submittal of reports or implementing required enforcement responses. FSEs are initially notified at the beginning of the six-month reporting period to implement BMPs and are also sent a reminder notice together with the official Best Management Practices Monitoring Report Forms. Submittals are tracked and late notices are sent when reports are not submitted on time. The reports generated by this automated process are manually verified and checked by responsible personnel prior to final release. After final verification, the results become part of the FSE's permanent file and compliance record in the computer database.

6.2.2 Self-Monitoring to Track Implementation of Maintenance Requirements for Grease Interceptors

OCS D also requires FSEs with grease interceptors to maintain their grease interceptors at a specified frequency and to report these activities every six months. The permit specifies the minimum requirements for grease interceptor maintenance. Similar to the BMP self-monitoring, FSEs are also required to submit self-monitoring reports to OCS D. Reports submitted to OCS D are evaluated and used as a means to determine compliance. If the results show noncompliance, the FSE is inspected to confirm the noncompliance and a Corrective Action Notice is issued accordingly, to require immediate implementation of corrective measures. A Notice of Violation with a Noncompliance Fee is issued when the FSE fails to implement the required correction during a follow-up verification inspection. Implementation procedures for the Grease Interceptor self-monitoring requirement are similar to the BMP self-monitoring requirement.

6.3 Inspections

OCS D conducts routine and non-routine inspections as a means of verifying an FSE's compliance with its discharge permit and OCS D's Ordinance. The following types of inspections are commonly done:

6.3.1 Routine Onsite Facility Inspections

On a routine basis, FSEs with grease interceptor requirements are inspected periodically to verify proper maintenance and operation of grease interceptors and compliance with the 25% rule. OCSD also conducts inspections of FSEs to determine instances of noncompliance with BMP requirements and other permit requirements. The inspections may include interview with FSE representative, inspection of grease removal devices, and visual observation of kitchen practices as it relates to FOG generation.

6.3.2 Follow-up Inspection and Verification

When a Corrective Action Notice is issued, a follow-up inspection and verification is conducted to determine if the FSE has complied with the required corrective actions to resolve the noncompliance problem. When an FSE fails to correct the problem based on the findings of this inspection, a Notice of Violation is issued along with the corresponding Noncompliance Fee.

6.3.3 Compliance Audit

This is a special inspection for FSEs with repeated violations to identify and assess the cause of the recurring noncompliance problems and to establish the required corrective actions. OCSD's staff conducts a compliance audit of the facility, including a thorough review of the kitchen practices, waste/wastewater-generating sources, waste management practices, and adequacy of the pretreatment system.

6.3.4 Inspection for Bi-Annual Permit Renewal

This is a comprehensive inspection conducted every two years. It provides a detailed compliance check as well as information needed to re-evaluate the permit during permit renewal. These inspections include evaluation of the kitchen practices and grease interceptor, review of waste manifests and other disposal documents, compliance evaluation, and a review of applicable regulations, policies and procedures for the implementation of the FOG program.

6.3.5 Downstream Sewer Line Inspections

To further confirm compliance with the requirements of the FOG Source Control Program, OCSD conducts routine inspections of downstream sewer lines and laterals from FSEs using Closed Circuit Television (CCTV). This provides opportunity to pinpoint sources of illegal FOG discharges not detected during onsite inspections.

With the visual observations obtained using CCTV, OCSD is able to identify FSEs that have major impacts and, subsequently, require them to install adequately sized grease interceptors to resolve the problem. OCSD regularly conducts downstream monitoring and uses it as an effective means to identify major FOG contributors and further identify groups of dischargers that either collectively or cumulatively impact the sewer. CCTV inspection has been demonstrated to be a very useful tool in monitoring trouble spots to prevent SSOs and eventually eliminating trouble spots.

6.4 Data Management

OCSD maintains a computer data management system for storage, retrieval, and processing of information pertaining to all permit- and enforcement-related activities. The data management system is capable of handling and processing the following permit- and enforcement-related activities:

- Maintaining current FSE information, such as mailing and service address, names of chief operating officer and contact, telephone and facsimile numbers, number of employees, operating hours, etc.
- Maintaining a database for permit-related information such as GIS information, grease interceptor location, original date of permit issuance, permit expiration date, etc.
- Maintaining a database for storing inspection findings and tracking Corrective Action Notices.
- Generating Notices of Violation, when applicable.
- Tracking self-monitoring requirements, generating reminder letters to conduct self-monitoring, generating reminder letters to submit self-monitoring reports, and generating self-monitoring Corrective Action Notices.
- Tracking all permit renewal applications and generation of new and renewed permits.
- Tracking all submittal requirements such as progress reports, Compliance Schedule Agreement submittals, permit condition requirements, and any pertinent requirements.
- Generating reports such as compliance histories.

7 COMPLIANCE SCREENING

How violations are identified

OCS D's compliance screening procedures involve the review of all available information generated by monitoring activities in comparison with the FSE's permit requirements, to sort out noncompliant dischargers. This step is designed primarily to identify apparent violations and subsequently determine the appropriate response in the next steps.

OCS D established standard compliance screening procedures for violations pertaining to permitting, grease interceptor maintenance requirements, BMP implementation and reporting requirements, administrative mandates, ordinance, and special permit conditions. With the aid of OCS D's data management system, standard procedures are followed in systematically identifying all violations and subsequently notifying FSEs of the violations.

The bulk of the compliance screening process deals with the identification of grease interceptor maintenance requirement violations (25% rule), failure to implement mandatory BMPs, reporting violations, and compliance schedule violations. In an effort to conduct the compliance screening process efficiently, OCS D developed computer programs for automatic identification of these violations. Not only will the automated process assist in developing a consistent response, it will also reduce the manpower required to conduct the compliance screening process. The preliminary review and evaluation are handled by the administrative support utilizing the computerized data management system. Computerized compliance screening applications include:

- Screening violations for failure to comply with the grease interceptor maintenance requirements (25% rule) and failure to implement required BMPs;
- Screening for reporting violations based on computerized tracking for all report submittal requirements; and
- Screening for violation of administrative mandates based on computerized tracking of all administrative mandate requirements.

Because timing is an important element that needs to be considered when conducting compliance screening, OCS D established procedures to review the information on a "rolling" (as received) basis. The data are screened as soon as they are received, which triggers generation of a Notice of Violation when applicable, as an initial enforcement action.

OCS D has developed procedures for careful examination of monitoring data to accurately determine the compliance status of each FSE. The

following describes specifically what OCSD does to screen different types of violations:

7.1 Screening for Violations Pertaining to Unauthorized Discharges

7.1.1 Discharging Without a Permit

During the course of routine inspections of permitted FSEs, OCSD's inspectors conduct searches for FSEs discharging to the sewer without a permit. OCSD identifies non-permitted FSES by:

- Working with the City of Tustin's Community Development Department - Building Division, to identify new construction or major renovation of FSEs exceeding \$50,000.
- Obtaining and reviewing, on a periodic basis, a list of FSEs from the City of Tustin's Business License Division to identify new FSEs.
- Reviewing the list of FSEs inspected by the Orange County Health Care Agency (OCHCA) on an annual basis.

Upon identification of an unpermitted FSE, OCSD issues a **Notice to Apply for Permit**; provides a Permit Application; and specifies the deadline when to submit the application.

7.1.2 Failure to Inform Change of Ownership

This violation is usually detected by the inspectors in the course of their routine inspection as they gather information from the contact. Upon identification of the violation, the inspector issues a **Notice to Apply** and provides a permit application. The inspector specifies the deadline to submit the application and is responsible for the follow-up.

7.1.3 Discharging with an Expired Permit

This violation is usually determined through the permit renewal process with the aid of a computer. On a monthly basis, a list of FSEs whose permits are about to expire is generated by the computer. A designated person is responsible for following up the permit renewal process and identifying noncompliant FSEs. Proper notification and sufficient time is provided to the FSE to ensure that the permit is renewed prior to expiration.

7.1.4 Discharging with Suspended Permit or Discharging with Revoked Permit

Since these violations do not happen frequently, FSEs with Suspended Permits or Revoked Permits are closely monitored and tracked down by inspectors through actual inspection of the FSE's facility.

7.2 Screening for Noncompliance with the BMP Implementation Requirements

7.2.1 Failure to Implement Required BMPs

This noncompliance is detected during submission of BMP Self-Monitoring Reports and during routine onsite inspections. The Self-Monitoring Reports indicate BMPs which are not implemented. Information provided by FSE is entered in the computer which automatically detects noncompliance and generates the Corrective Action Notice. Further tracking of the Corrective Action Notice issued is integrated in the computer program which requires subsequent input to indicate whether the FSE has met compliance or a Notice of Violation needs to be issued. This noncompliance is also detected during onsite inspection for which a Corrective Action Notice is issued. Further tracking of the Corrective Action Notice is also done by the computer which requires subsequent input, to indicate whether the FSE has met compliance or a Notice of Violation needs to be issued, after conducting a Follow-up Inspection and Compliance Verification.

7.2.2 Failure to Keep Required Records for Implementing BMPs

Record-keeping, such as training logs, yellow grease disposal logs, etc., is part of the BMP implementation requirement. Noncompliance with this requirement is detected during onsite inspection for which a Corrective Action Notice is issued. Further tracking of the Corrective Action Notice is done by the computer which requires subsequent input, to indicate whether the FSE has met compliance or a Notice of Violation needs to be issued, after conducting a Follow-up Inspection and Compliance Verification.

7.3 Screening for Violations of Grease Interceptor Maintenance Requirements

7.3.1 Violation of the 25% Rule

During inspection of grease interceptors, the depths of the accumulated solids and FOG are measured to determine compliance with the 25% rule. If noncompliance is detected, a Corrective Action Notice is immediately issued requiring the FSE to immediately pump the full contents of the interceptor within a specified number of days. A Follow-up Inspection and Compliance Verification is conducted to determine if FSE has met compliance. Computer tracking for these events will determine if a Notice of Violation needs to be issued.

7.3.2 Failure to Maintain Parts of the Grease Interceptor in Proper Operating Condition

As part of the grease interceptor inspection, the internal parts are inspected to ensure that they are properly maintained and in good operating condition. When a problem is detected, a Corrective Action Notice is immediately issued requiring the FSE to immediately fix the problem within a specified number of days. Further tracking of the Corrective Action Notice is done by the computer, which requires subsequent input, to indicate whether the FSE has met compliance or a Notice of Violation needs to be issued, after conducting a Follow-up Inspection and Compliance Verification.

7.3.3 Failure to Keep Required Records for Grease Interceptor Maintenance

Record-keeping, such as maintenance records and wastehauling records, is part of the grease interceptor maintenance requirement. Noncompliance with this requirement is detected during onsite inspection for which a Corrective Action Notice is issued. Further tracking of the Corrective Action Notice is done by the computer which requires subsequent input, to indicate whether the FSE has met compliance or a Notice of Violation needs to be issued, after conducting a Follow-up Inspection and Compliance Verification.

7.4 Screening for Violations of Reporting Requirements

7.4.1 Delinquent Reports

Most reporting violations are caused by delinquent reporting. For purposes of compliance screening, OCSD has established a computerized tracking system for all reporting requirements. When requirements for a specific FSE are established, the information is entered into the computer with a brief description of the requirement and when the requirement is due. Upon submission, the computer database is also updated to indicate that the report has been received. On a weekly basis, the computer generates a report which summarizes all upcoming reports due and overdue reports. Not only does this facilitate tracking and follow-up, but it also provides compliance screening for FSEs who fail to satisfy the reporting requirement. Upcoming requirements which are soon due are flagged by the computer; subsequently, OCSD sends reminders to FSEs to inform them of the upcoming due date as a preventive measure for reporting violation occurrences. Such reminders have proven to be beneficial in preventing this type of violation.

7.4.2 Inaccurate Reports

Upon submission of required reports, the information is initially screened by clerical staff for completeness and then reviewed by technical staff for technical content. Compliance screening for inaccurate reports is determined during this process.

7.5 Screening for Violations of Administrative Mandates

All requirements of administrative mandates such as Compliance Schedule Agreements are monitored through the computer for compliance. When requirements are established, the information is entered into the computer with the corresponding due date for tracking purposes. Similarly, the computer is updated when the requirements are satisfied. Compliance screening is accomplished through reports generated by the computer which summarize overdue requirements. As a preventive measure, OCSD sends reminders to FSEs to inform them of the requirements with upcoming due dates.

7.6 Violations of Ordinance and Special Permit Conditions Detected During Inspections

Compliance screening for violations occurring at the FSE's facility is determined by inspectors during the course of routine or nonroutine inspections. When noncompliance is detected, a Corrective Action Notice is immediately issued requiring the FSE to immediately correct the problem within a specified number of days. Further tracking of the Corrective Action Notice is done by the computer which requires subsequent input, to indicate whether the FSE has met compliance or a Notice of Violation needs to be issued, after conducting a Follow-up Inspection and Compliance Verification.

8 IMPLEMENTING ENFORCEMENT ACTIONS

Enforcement responses available

OCSD's first consideration in developing enforcement responses was to anticipate as many types and patterns of violations as possible that are likely to be encountered, as discussed in Section 7. This way, specific enforcement responses may be formulated. The violations and discrepancies that are identified during the compliance screening process are reviewed to evaluate the type of enforcement response needed. Guidelines are established to:

- Provide guidance in determining procedures to be followed to identify, document and respond to the violations;
- Provide guidance in selecting initial and follow-up enforcement actions;
- Establish staff responsibilities for implementing enforcement actions; and
- Designate suggested time frames for implementing enforcement actions.

OCSD's second consideration was to provide a range of enforcement options that can be used to respond to violations. OCSD uses a comprehensive range of enforcement mechanisms within the legal authorization granted by the Clean Water Act, the state legislature, and OCSD's FOG Ordinance.



8.1 Enforcement Responses

The following describes the range of enforcement options used by OCSD in responding to different types of violations:

8.1.1 Corrective Action Notice (CAN)

Corrective Action Notices are informal notices used to initially address and correct noncompliance to provide the FSE with an opportunity to correct the problem before issuance of a formal Notice of Violation with the associated Noncompliance Fees. The Corrective Action Notice specifies the problem that need to be corrected and a due date for completion. After the required completion date, OCSD conducts a Compliance Follow-up Inspection and Verification to determine if FSE is in full compliance. Corrective Action Notices are tracked to ensure that appropriate follow-up is consistently conducted.

8.1.2 Notices of Violation (NOV)

When a Corrective Action Notice for noncompliance with permit conditions or Ordinance provisions is issued, a Follow-up Inspection and Compliance Verification follows to determine if FSE has met compliance. When the FSE is found to have failed to correct the problem, A Notice of Violation is issued together with a Noncompliance Fee. The NOV describes the type of violation, and specifies that corrective actions must be taken to preclude escalated enforcement actions.

8.1.3 Noncompliance Fees

When a Notice of Violation is issued, a Noncompliance Fee is typically imposed on the FSE. The fee recovers OCSD's administrative and field costs in dealing with the noncompliance.

8.1.4 Compliance Follow-Up Inspection and Verification

Following issuance of a Corrective Action Notice as a result of noncompliance, OCSD conducts a compliance follow-up inspection to determine whether the FSE has implemented corrective measures and has resolved problems. Based on this inspection, a Notice of Violation is issued if the FSE is found to have failed to correct the problem or the enforcement action is terminated if the noncompliance problem has been resolved.

8.1.5 Compliance Audit

Compliance Audits are conducted by OCSD staff for FSEs who have demonstrated continued or repeated violations. Compliance Audits are performed in order to investigate the cause of the recurring violations, and to assess the level of corrective measures and enforcement actions needed to fully resolve the noncompliance problem. A Compliance Audit is usually followed by a Compliance Meeting.

8.1.6 Compliance Meetings

Compliance Meetings are held when an FSE has demonstrated continued or repeated violations. A Compliance Meeting is usually held after a Compliance Audit has been conducted. The meeting is held at OCSD's administration office, and attendance by the representatives of the FSE is mandatory. During the meeting, the results of the Compliance Audit are discussed, and a plan is developed to establish the corrective actions to be taken by the FSE to achieve long-term compliance.

8.1.7 Increased Grease Interceptor Pumping/Maintenance

OCSD may impose more frequent grease interceptor pumping/maintenance requirements if an FSE has demonstrated continued or repeated violations of the 25% Rule.

8.1.8 Order to Cease Noncompliant Discharge

When OCSD finds that the FSE has continued to discharge wastewater in violation of OCSD's Ordinance or the provisions of its wastewater discharge permit, an Order to Cease Noncompliant Discharge may be issued to stop noncompliant discharge. The Order also notifies the FSE of subsequent enforcement actions that could be taken should violations continue.

8.1.9 Compliance Schedule Agreement

Upon a determination that an FSE is in noncompliance with the terms, conditions or limitations specified in its permit or any provision of OCSD's Ordinance, and that it needs to construct and/or acquire and install pretreatment equipment, OCSD may require the FSE to enter into a Compliance Schedule Agreement. The Compliance Schedule Agreement contains requirements and conditions by which an FSE must operate during its term and provides specific dates for construction and/or acquisition and

installation of required equipment or implementation of corrective actions.

8.1.10 Administrative Complaint/Administrative Fines

Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, OCSD may issue an Administrative Complaint to any FSE that violates any provision of OCSD's Ordinance; any permit condition, prohibition, or effluent limit; or any suspension, revocation or other order. The Administrative Complaint describes the violation, the provision of the law authorizing civil liability to be imposed, and the proposed administrative fine.

The Administrative Complaint also provides notification of the date and location of an administrative hearing regarding the complaint. The hearing is held within 60 days after the complaint is transmitted. The hearing is conducted by a staff member designated by OCSD's General Manager. The FSE may waive its right to a hearing, in which case the hearing is not conducted. At the hearing, the FSE is given an opportunity to respond to the allegations set forth in the Administrative Complaint by presenting written or oral evidence. After the conclusion of the hearing, the hearing officer submits a written report to the General Manager setting forth a statement of facts found to be true, a determination of the issues presented, conclusions and a recommendation. Should the General Manager find that grounds exist for assessment of an administrative fine, his decision and order are issued in writing within 30 days after the conclusion of the hearing. The written decision is then transmitted to the FSE.

Administrative fines may be assessed as follows:

- In an amount not to exceed two thousand (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports;
- In an amount not to exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by OCSD;
- In an amount not to exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by OCSD;
- In any amount not to exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by OCSD.

In determining the proposed administrative penalty, OCSD takes into consideration such factors as environmental or physical harm to

the POTW, the good faith efforts of the FSE once it became aware of the problem, the magnitude and frequency of violations, the FSE's history of noncompliance, and economic benefit.

8.1.11 Revocation of Waiver from Grease Interceptor Installation

Upon determination that an FSE is a major FOG contributor, any existing Waiver from Grease Interceptor Installation may be revoked. Upon revocation of the waiver, the grease interceptor installation requirement is included in the permit and immediately implemented.

8.1.12 Revocation of Variance from Grease Interceptor Requirements

Upon determination by OCSD that the Variance from Grease Interceptor Requirements is no longer appropriate, OCSD may revoke the variance and pursue installation of a standard grease interceptor.

8.1.13 Permit Suspension

A permit may be suspended when it is determined that an FSE has:

- Failed to comply with the terms and conditions of a Compliance Schedule Agreement.
- Knowingly provided a false statement, representation, record, report, or other document to OCSD.
- Refused to provide records, reports, plans, or other documents required by OCSD to determine permit terms, conditions, discharge compliance, or compliance with the Ordinance.
- Falsified, tampered with, or knowingly rendered inaccurate any monitoring device or sample collection method.
- Failed to report significant changes in operations or wastewater constituents and characteristics.
- Refused reasonable access to the FSE's premises for the purpose of inspection and monitoring.
- Failed to make timely payment of all amounts owed to OCSD for user charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- Violated any condition or limit of a discharge permit or any provision of OCSD's Ordinance.

Upon determination that there are reasonable grounds for permit suspension, the FSE is provided a written notice with the date and location of the administrative hearing. The hearing is held within 15

- 45 days after the notice is transmitted. The hearing is conducted by a staff member designated by OCSD's General Manager.

At the suspension hearing, the FSE is given an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. After the conclusion of the hearing, the hearing officer submits a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation. Should the General Manager find that grounds exist for suspension of the permit, his decision and order is issued in writing within 30 days after the hearing. The written decision is then transmitted to the FSE.

8.1.14 Permit Revocation

A permit may be revoked when it is determined that an FSE:

- Knowingly provided a false statement, representation, record, report, or other document to OCSD.
- Refused to provide records, reports, plans, or other documents required by OCSD to determine permit terms, conditions, discharge compliance, or compliance with the Ordinance.
- Falsified, tampered with, or knowingly rendered inaccurate any monitoring device or sample collection method.
- Failed to report significant changes in operations or wastewater constituents and characteristics.
- Failed to comply with the terms and conditions of a Compliance Schedule Agreement or permit suspension.
- Discharged effluent to OCSD's sewerage system while its permit was suspended.
- Refused reasonable access to the FSE's premises for the purpose of inspection and monitoring.
- Failed to make timely payment of all amounts owed to OCSD for user charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to the Ordinance.
- Caused interference or pass-through with OCSD's collection, treatment, or disposal system.
- Violated any condition or limitations of its discharge permit or any provision of OCSD's Ordinance.

Upon determination that there are reasonable grounds for permit revocation, the FSE is provided a written notice with the date and location of the administrative hearing. The hearing is held within 15 - 45 days after the notice is transmitted. The hearing is conducted by a staff member designated by OCSD's General Manager.

At the revocation hearing, the FSE is given an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. After the conclusion of the hearing, the hearing officer submits a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation. Should the General Manager find that grounds exist for revocation of the permit, his decision and order is issued in writing within 30 days after the date of the hearing. The written decision is then transmitted to the FSE.

8.1.15 Order to Terminate Discharge

An Order to Terminate Discharge may be used to require an FSE to physically terminate its sewerage service if the FSE has failed to comply with an Emergency Suspension Order or Permit Revocation Order; or if an FSE without a valid permit fails to immediately cease and desist discharge.

8.1.16 Emergency Suspension Order

OCS D may suspend sewerage service by order of the General Manager when it is determined that a suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference with OCS D's sewerage facilities or operations, or may cause OCS D to violate any Local, State or Federal Law Regulation. Any discharger notified of and subject to an Emergency Suspension Order is required to immediately cease and desist the discharge of all wastewater to the sewerage system. Within five days of the issuance of an Emergency Suspension Order, the General Manager holds a hearing to provide the FSE with an opportunity to provide information in opposition to the order. The General Manager then issues a written decision within two business days following the hearing, and the decision is transmitted to the FSE.

8.1.17 Civil Penalties (Judicial)

Pursuant to the authority of California Government Code Sections 54739 - 54740 and the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of OCS D's Ordinance, or any permit condition, prohibition or effluent limit is potentially liable civilly up to \$25,000.00 per violation for each day in which such violation occurs. This action is initiated by OCS D's General Counsel, upon order of the General Manager, by petitioning the Superior Court to impose, assess and recover such penalties, or such

other penalties as OCSD may impose, assess, and recover pursuant to Federal and/or State legislative authorization.

8.1.18 Injunction

OCSD may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, to restrain or prevent continued or threatened violations of the Ordinance, an FSE's permit, or any Federal Pretreatment Standard or requirement.

8.1.19 Physical Termination of Service

OCSD may physically terminate sewerage service to any property pursuant to the terms of any order of emergency suspension or revocation of a permit or upon the failure of a person not holding a valid discharge permit to immediately cease discharge, whether direct or indirect, to OCSD's sewerage facilities.

8.1.20 Criminal Penalties

Any person who violates OCSD's Ordinance is guilty of committing a misdemeanor, and if convicted, is punishable by a fine up to \$1,000.00, or imprisonment up to 30 days, or both. Each violation and each day of violation may constitute a separate violation of the Ordinance.

8.1.21 Financial Security

FSEs subject to enforcement or collection proceedings may be required to provide financial security to guarantee performance or to pre-pay charges before permission is granted to discharge to the sewer.

8.2 Criteria for Determining Appropriate Enforcement Actions

After identifying various types of violations and establishing a range of available enforcement options, the specific enforcement response must be selected. To ensure that the enforcement response selected is appropriate in relation to the seriousness of the violation, the following criteria are utilized:

- Magnitude of Violation
- Duration and Frequency of Violation

- Effect of Violation on Public Health and the Environment
- Effect of Violation on OCSD's Workers and Sewerage System
- Compliance History of the FSE
- Good Faith Efforts of the FSE to Eliminate Compliance

8.2.1 Magnitude of Violation

Some violations of an isolated or insignificant nature may be dealt with by an informal enforcement action such as a reminder letter, Corrective Action Notice or the issuance of a Notice of Violation. However, violations of a significant nature, even a single occurrence, can threaten the public health and the environment, or damage OCSD's sewerage system. For this reason, the magnitude of violation is an important factor in determining the appropriate level of response.

8.2.2 Duration and/or Frequency of Violation

Regardless of the magnitude, the duration and/or frequency of violation must be considered in determining an enforcement response. All else being equal, violations which continue over extended periods of time are subject to more escalated levels of response.

8.2.3 Effect of Violation on Public Health and the Environment

The actual or potential effect of a violation on public health and the environment is a significant factor in determining the level of response. In situations where there is an imminent threat to public health and the environment, OCSD may immediately suspend sewerage service. The level of response is related to the impact of the violation, and is also devised to recover any costs incurred by OCSD. For example, if the violation has resulted in SSO to a penalty imposed on OCSD, the FSE would be responsible for the penalty amount.

8.2.4 Effect of Violation on OCSD's Workers and Sewerage System

Some discharge violations may result in adverse effects on OCSD's workers and/or sewerage system. Adverse effects on the sewerage system can include harm to equipment, processes, or operations; contamination of wastewater or biosolids; and damage or obstruction to the collection system. The level of response is related to the impact of the violation, and is also devised to recover any costs incurred by OCSD as a result of the violation.

8.2.5 Compliance History of the FSE

The compliance history of the FSE must be considered in determining the appropriate level of response to a violation. In addition, the various aspects of the compliance history should be taken into consideration including the status of the FSE's pretreatment equipment, operation and maintenance efforts, waste minimization efforts, etc.

8.2.6 Good Faith Efforts of the FSE to Eliminate Noncompliance

The good faith efforts of an FSE, once it is aware of a violation, plays a role in determining the appropriate level of response to a violation. Good faith efforts must be compared against the criteria provided in the Clean Water Act:

"The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial review are sought on the discharger's own time."

Legislative History of the Clean Water Act No. 95-14, Vol. 3, p.463

Appendices