

Chapter 14.30

FATS, OILS AND GREASE (FOG) CONTROL*

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* Prior ordinance history: Ords. 97-3, 96-22 and 91-5.

14.30.010 Intent and Purpose.

It is the intent of this Chapter to establish regulations for the disposal of grease and other insoluble waste discharges from food service establishments (FSEs) within the City and to allow the City to inspect FSE facilities and practices to ensure compliance with this Chapter. The City Council, in enacting this Chapter, intends to provide for the maximum beneficial public use of the City's sewer system, to prevent sanitary sewer overflows (SSOs) into Newport Bay and the Pacific Ocean resulting from blockages of that system caused by buildups of fats, oils and grease (FOG), to ensure the cost of maintaining the public sewer system is equitably distributed amongst users, to clarify grease disposal requirements for existing commercial kitchens, and to promote public health, safety and welfare.

To comply with federal, state, and local policies and to allow the City to meet applicable standards, provisions are made in this Chapter for the regulation of wastewater or waste containing FOG discharges to the sewer system. (Ord. 2004-27 § 1 (part), 2004)

14.30.015 Definitions.

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in [40 CFR 136](#) (Code of Federal Regulations).

Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to the California Building Standards Law.

Subject to the foregoing provisions, the following definitions shall apply in this chapter:

“Best management practices” or “BMPs” means schedules of activities, prohibitions of practices, the completion of maintenance procedures and other management practices that prevent or reduce the introduction of FOG to the sewer facilities.

“Change in operations” means any modification in the operational procedures of a food service establishment (FSE) which has the potential to significantly increase the amount of grease generated by food preparation including, without limitation, any substantial increase in the net public area, any substantial increase in the hours of operation, any significant change in the menu or types of food prepared or served, any significant increase in the size of the kitchen or the number of food service or food preparation employees, or any significant change in the size or type of food preparation equipment.

“City” means the municipal government of the City; “city” means the residential, park and open space, commercial, and industrial areas within the geographic boundaries of the City of Newport Beach, California.

“Fats, oils, and grease” or “FOG” means substances such as vegetable or animal products that are used in, or are byproducts of, the cooking or food preparation process, and that turn or may turn viscous or solidify with a change in temperature or other conditions.

“Food grinder” means any device installed in the plumbing or wastewater system for the purpose of grinding food waste or food preparation byproducts for the purpose of disposing it in the sewer system.

“Food service establishment” or “FSE” means a food facility as defined in California Health and Safety Code Section [113789](#), and any commercial entity within the City, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood. A limited food preparation establishment is not considered a food service establishment when 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.

“Gravity grease interceptor” means a multi-compartment grease control device that is constructed in different sizes and is required by the City to be located, according to the Uniform Plumbing Code, underground between an FSE and the connection to the sewer system.

“Grease control device” or “device” means any gravity grease interceptor, hydromechanical grease interceptor or other mechanism, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system.

“Hydromechanical grease interceptors” or “HGI” (formerly named grease traps) means a device used to treat kitchen wastewater from food service establishments (FSEs) using gravity separation aided by vented flow control. They are typically installed indoors and connected to one to four sinks in the kitchen.

“Inspector” means a person authorized by the City to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.

“Limited food preparation establishments” or “LFPE” means an FSE that engages only in beverage services and limited reheating of ready-to-eat food products and, as a result, generates no wastewater discharge containing

FOG (e.g., specialty coffee houses). LFPEs shall be determined by the City and are exempt from annual FOG BMP inspections.

“Monitoring facilities” means systems or facilities that sample constituents or that measure or monitor flow.

“Regulatory agencies” means those agencies having regulatory jurisdiction over the operations of the City’s facilities, including, but not limited to:

1. United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (U.S. EPA).
2. California State Water Resources Control Board (SWRCB).
3. California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
4. South Coast Air Quality Management District (SCAQMD).
5. California Department of Public Health (DPH).
6. Orange County Health Care Agency (OC HCA).

“Remodeling” means a physical change in an FSE causing an increased amount of FOG to the sewer system, as determined by the Community Development Director; or exceeding a cost of fifty thousand dollars (\$50,000.00) to an FSE that requires a building permit, and involves any one or combination of the following: (1) under-slab plumbing in the food processing area, (2) a thirty (30) percent increase in the net public seating area, (3) a thirty (30) percent increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

“Sewer system” means any and all facilities used for collecting, conveying, pumping, and disposing of wastewater.

“Utilities Superintendent” means the Utilities Superintendent of the City’s Utilities Department.

“Waste” means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

“Waste manifest” means that receipt which is retained by the generator of wastes for disposing of recyclable waste or liquid waste.

“Wastewater” means the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

Words used in this chapter in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. “Shall” is mandatory; “may” is permissive or discretionary. (Ord. 2023-22 § 670, 2023; Ord. 2013-11 §§ 87—89, 2013; Ord. 2004-27 § 1 (part), 2004)

14.30.020 Permit Required.

No FSE shall operate or discharge FOG into the wastewater system without first obtaining a Grease Disposal Permit (“permit”) from the City. An FSE shall apply for a permit from the Utilities Director in accordance with application and review procedures set forth by the Utilities Director. Each permit holder shall pay an annual fee as described by this Chapter. (Ord. 2004-27 § 1 (part), 2004)

14.30.025 Requirements.

A. Each permit shall:

1. Authorize the FSE to dispose FOG into the wastewater system in accordance with the provisions of this chapter.
2. Authorize the Utilities Director to access and inspect an FSE to ensure compliance with this chapter during all times the FSE is open, operating, or any other reasonable time.
3. Require the FSE to immediately notify the City by telephone at the number specified by the Utilities Director in the event the FSE is unable to comply with any requirements of this chapter due to a breakdown of equipment, accidents, or human error, or when the FSE has reasonable opportunity to know that a discharge will exceed the provisions of this chapter. This notification shall not relieve the FSE of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor shall such notification relieve the FSE of any fees, fines or other liability which may be imposed by this chapter or other applicable law.
4. Require the FSE's adherence to best management practices to minimize the discharge of FOG to the sewer system. These BMPs shall be developed by the Utilities Superintendent, updated annually, and distributed to each permit holder.
5. Require the FSE to maintain any grease control device in an efficient operating condition by removing the full content of the device which includes wastewater, accumulated FOG, floating materials, sludge and solids in a manner consistent with the maintenance frequency and maintenance practices approved by the Utilities Director.
6. Require all food service establishments to clean the sewer lateral from the grease control device to the sewer main, at least annually, or at a frequency that ensures proper flow within the sewer lateral and to maintain a record of the cleaning on file for review at the FSE.
7. The FSE shall keep all waste manifests, receipts and invoices of all cleaning, maintenance, grease removal of or from the grease control device, disposal carrier and disposal site location for no less than two years. The FSE shall, upon request, make the waste manifests, receipts and invoices available to any City representative, or inspector.

B. New FSEs or FSEs that are newly required to have a permit shall have received a grease disposal permit prior to the Building Official's issuance of a certificate of occupancy. An FSE may not open for business nor serve customers without receiving and maintaining a valid grease control permit. (Ord. 2023-22 § 671, 2023; Ord. 2013-11 § 90, 2013; Ord. 2004-27 § 1 (part), 2004)

14.30.027 Prohibitions.

The following prohibitions shall apply to all FSEs:

- A. No FSE shall discharge or cause to be discharged into the sewer system FOG that, as determined by the Utilities Director, may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the FSE to the sewer system.
- B. No FSE shall have or install a food grinder in the sewer system for a building.
- C. No FSE shall have a gravity grease interceptor that is less than seven hundred fifty (750) gallons or more than two thousand (2,000) gallons, unless authorized by the City.
- D. Introduction of any additives into an FSE's wastewater system for the purpose of emulsifying FOG, for grease remediation or as a supplement to interceptor maintenance unless a variance is obtained in accordance with Section [14.30.035](#).
- E. Discharge of wastewater from dishwashers to any grease control device.

- F. Discharge of wastewater with temperatures in excess of one hundred forty (140) degrees Fahrenheit to any grease control device.
- G. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease control device service, or vice versa.
- H. Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system.
- I. Tampering with or knowingly rendering inoperable any grease control device, monitoring device or method or access point.
- J. Interfering with, delaying, resisting or refusing entrance to City representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the City's sewer system.
- K. Making any false statement or representation on any record, report, plan or other document that is filed with the City in accordance with this chapter. (Ord. 2023-22 § 672, 2023; Ord. 2004-27 § 1 (part), 2004)

14.30.030 Grease Control Devices.

- A. Any new FSE, any FSE undergoing remodeling, any FSE undergoing a change in operations or, as directed by the Utilities Director, any FSE that violates the provisions of this chapter, shall obtain a permit from the Building Official to install a grease control device.
- B. All grease control devices shall be installed per manufacturers specifications unless otherwise approved by the City. The Community Development Department will specify size, style, location, orientation, and any other special conditions for the installation of the grease control device.
- C. Upon approval of the Building Official, grease control devices for FSEs may be "gang" devices which accept FOG from more than one FSE. Each FSE that contributes FOG to a gang device shall be responsible for the installation and maintenance of the grease control device. A written service agreement from the property management company detailing which party is responsible for maintenance may be required by the City.
- D. The Building Official shall not issue a certificate of occupancy for an FSE which is required to have a grease control device until the device has been installed, inspected and approved by the Utilities Department.
- E. Any decision of the Building Official pursuant to this chapter may be appealed by any interested party to the Building and Fire Board of Appeals, pursuant to Chapter [15.80](#). (Ord. 2023-22 § 673, 2023; Ord. 2013-11 § 91, 2013; Ord. 2011-14 § 1, 2011; Ord. 2004-27 § 1 (part), 2004)

14.30.035 Exceptions.

- A. The following exceptions from Section [14.30.030](#) are permitted:
 - 1. Variance. If the Utilities Director finds that a treatment or pretreatment product, combined with best management practices, will limit or eliminate FOG discharges from a particular FSE, the Utilities Manager may exempt that FSE via a variance.
 - 2. Waiver. The Building Official, in consultation with the Utilities Director, shall exempt an FSE from the requirements of Section [14.30.030](#) via a waiver; provided, that the FSE complies with all other provisions of this chapter; and provided, that any of the following conditions exist:
 - a. There is inadequate space on the property on which the FSE is located to install a grease control device;

- b. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease control device and/or between the grease control device and the private collection lines or the public sewer; or
- c. The FSE conducts operations that do not produce FOG in a quantity that adversely affects the wastewater system. In this case, the waiver shall include conditions placed by the Utilities Director on the FSE's operations that provide for continued limits on FOG production.

B. Persons seeking a variance, waiver, or conditional waiver shall complete and file with the City an application on the form prescribed by the City. The application shall be accompanied by the applicable fee. The applicant shall provide the following information:

- 1. The name and address of the applicant.
- 2. The address of the premises for which the license is requested.
- 3. A site plan showing property lines, easements, structures, and any other features that limit the installation of a grease control device.
- 4. A description of food processing, type and number of meals to be serve, cleanup procedures, size of kitchen, and dining room capacity.
- 5. A list of kitchen appliances, fixtures, and ventilating equipment.
- 6. The volume and type of wastewater to be discharged.
- 7. Any other information deemed necessary by City to evaluate the application.

C. The variance, waiver, or conditional waiver shall be valid for one year and shall be automatically renewed, provided:

- 1. That there has been no remodeling or change in operations; and
- 2. That all fees or fines and penalties relating to this Chapter have been paid by the holder of the variance or waiver.

D. In the event that a variance or waiver is revoked or not automatically renewed, the Utilities Director may require the FSE formerly holding the variance or waiver to install a grease control device. (Ord. 2023-22 § 674, 2023; Ord. 2013-11 § 92, 2013; Ord. 2004-27 § 1 (part), 2004)

14.30.040 Fees.

A. Annual Grease Disposal Mitigation Fee. FSEs that operate with a waiver pursuant to this Chapter shall pay an annual Grease Disposal Mitigation Fee to equitably cover the cost to maintain a portion of the sewer system. The fee shall be adopted by the City Council by resolution and may be adjusted by the Utilities Director at the request of an FSE to reflect the FSE's effective compliance with best management practices and effective reduction or elimination of FOG into the wastewater system.

B. Annual Permit Fee. FSEs that hold a Grease Disposal Permit shall pay an annual permit fee to cover the cost of issuing the permit and the cost of providing any inspections associated with this Chapter. This fee shall be adopted by the City Council by resolution. (Ord. 2004-27 § 1 (part), 2004)

14.30.045 Sampling and Monitoring.

A. To meet the objectives and requirements of this chapter, the Utilities Director may require a FSE to construct, maintain, and provide access to monitoring facilities at the FSE's expense.

B. The location of the monitoring facilities shall be subject to approval by the Utilities Director.

C. FSEs may be required by the Utilities Director to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device and compliance with this chapter.

D. In the event that inspection of the point of sewer lateral connection to the sewer system indicates that FOG discharge by an FSE is causing or contributing to buildup of FOG inside the sewer lateral where it has discharged, or has the potential to discharge to the sewer system, or in the event that an FSE fails to comply with the prohibitions of this chapter, the Utilities Director shall have the authority to modify the permit to require the installation of a City-approved grease control device. Any person who is dissatisfied with a decision of the Utilities Director to modify a permit may appeal such decision to the City Manager by filing a written statement of appeal with the City Clerk within fifteen (15) days after service of the decision in the manner provided in Section [1.08.080](#). The City Manager shall fix a date for hearing the appeal and shall give notice thereof to the party appealing. The decisions of the City Manager on such appeals shall be final as to the City but subject to judicial review pursuant to California Code of Civil Procedure Section [1094.5](#). (Ord. 2023-22 § 675, 2023; Ord. 2004-27 § 1 (part), 2004)

14.30.050 Sanitary Sewer Overflows (SSOs) and Recovery of Costs and Fines.

A. Any person who discharges any waste which causes or contributes to any sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to sewer facilities or to the operation of those facilities is in violation of this Chapter and shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the City to resume normal operations.

B. Any person who discharges a waste which causes or contributes to the City violating its discharge requirements shall be liable for any losses, facilities damages, costs or expenses incurred by the City, including regulatory fines, penalties, and assessments made by other agencies or a court. (Ord. 2004-27 § 1 (part), 2004)

14.30.053 Compliance Schedule Agreement.

In the event that noncompliance with the provisions of a discharge permit or this chapter has occurred or is continuing, the Utilities Director may request that the FSE or other party enter into a compliance schedule agreement. The compliance schedule agreement may state terms and conditions to allow the FSE or other party to come into compliance with a discharge permit or other provisions in this chapter. The Utilities Director shall not enter into a compliance schedule agreement until all amounts due and owing to the City under applicable ordinances and policies have been paid, or until the City has approved a payment plan. (Ord. 2023-22 § 676, 2023)

14.30.055 Termination or Suspension of Service.

A. Termination. The Utilities Director may physically terminate water service to any property upon order of any official from the Regulatory Agencies for illicit or illegal discharges due to public health.

B. Suspension. The Utilities Director may suspend water service when the Utilities Superintendent determines that the suspension is necessary to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health, safety and welfare of persons, or to the environment. Any discharger notified of and subject to a suspension order shall immediately cease and desist the discharge of all wastewater to the sewer system.

C. All costs for physical termination shall be paid by the owner or operator of the FSE as well as all costs for reinstating service. (Ord. 2023-22 § 677, 2023; Ord. 2004-27 § 1 (part), 2004)

14.30.057 Notice of Noncompliance.

In the event an FSE is found to be noncompliant with the provisions of a discharge permit or this chapter, the Utilities Director may issue a written notice of noncompliance, whereby the FSE or receiving party shall comply with all directives, conditions, and requirements contained therein within the time prescribed. A notice of noncompliance may direct the receiving party to cease and desist from activities or actions that are prohibited by this chapter and it shall be a violation of this section for any person to fail to comply with the notice of noncompliance. Each notice of noncompliance shall state a reasonable time period for the FSE or receiving party to come into compliance with the notice of noncompliance. (Ord. 2023-22 § 678, 2023)

14.30.060 Violations and Penalties.

A. In addition to the fines and penalties provided for in Chapters [1.04](#) and [1.05](#), any person violating the provisions of this chapter may be subject to penalties pursuant to the authority of the Clean Water Act, [33](#) U.S.C. Section [1251](#) et seq., which provides that any violator may be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000.00) per violation for each day in which such violation occurs.

B. The amount of any civil penalty assessed shall be based on relevant circumstances, including, but not limited to, the following:

1. The extent of the harm caused;
2. The nature and persistence of the failure to perform or comply;
3. The length of time over which the failure occurred;
4. The frequency of past violations; or
5. The financial burden to the permittee or person.

C. The decision of the Utilities Director to levy penalties may be appealed to the City Manager within ten (10) days of the service of the decision as provided in Section [1.08.080](#). The City Manager shall fix a date for hearing the appeal and shall give notice thereof to the party appealing in the manner provided for in Section [1.08.080](#). The decisions of the City Manager on such appeals shall be final as to the City but subject to judicial review pursuant to California Code of Civil Procedure Section [1094.5](#). (Ord. 2023-22 § 679, 2023; Ord. 2004-27 § 1 (part), 2004)