

May 16, 2005

**Honorable Mayor and Members of the  
Hermosa Beach City Council**

**Regular Meeting of  
May, 24 2005**

SUBJECT: AMENDMENT TO THE CITY'S PLUMBING CODE REQUIRING GREASE RECOVERY SYSTEMS AND ANNUAL MAINTENANCE INSPECTIONS FOR AFFECTED COMMERCIAL KITCHENS

**Recommendation:**

That the City Council:

1. Waive full reading and introduce the ordinance.
2. Direct staff to return with a resolution to amend the City's Master Schedule of Service Charges and Fees

**Background:**

On July 27, 2004, the City Council adopted the 04-05 Work Plan, which included adoption of new requirements for the installation of grease traps for existing restaurants and other businesses with commercial kitchens. On December 14, 2004, the City Council considered a draft ordinance and recommended that staff conduct information meetings with the business community on the proposed regulations. Staff reviewed the proposed regulations with IAPMO (International Association of Plumbing and Mechanical Officials) and other jurisdictions which have implemented similar regulations and conducted an informational meeting on April 26, 2005 at City Hall and prepared informational brochures for distribution to the business community.

The attached ordinance is aimed at requiring grease recovery systems for all existing commercial kitchens in order to remove grease before it enters the sewer system. All affected businesses will install a grease trap or an automatic grease recovery system.<sup>1</sup> The Plumbing Code already requires that all new establishments with commercial kitchens install these devices.<sup>2</sup> Los Angeles County, Redondo Beach, and other cities have adopted similar ordinances and found that it was effective in reducing grease in the sewer system and reducing the occurrence of blockages and sewer overflows.

**Analysis:**

The draft Ordinance provides that all affected businesses must install a grease recovery system in compliance with the code. An owner must submit a plan prepared by a licensed contractor or engineer indicating the proposed system to be installed and the method of installation. There are two basic elements of the proposed code amendment.

1. Requirements and timing for installation.
2. Maintenance and annual inspections.

**Requirements and Timing for Installation**

Staff is proposing that all effected establishments must either submit proof that they already have these devices or retro-fit their facility in compliance with the Ordinance within 180 days from the date of ordinance adoption. An owner may file an appeal to City Council for a 90 day extension to this deadline based upon demonstrated financial hardship.

### Maintenance and Annual Inspections

Grease Recovery Systems are only effective if they are properly maintained. Staff recommends an inspection program to assure that the required maintenance is performed. The ordinance provides that owners must maintain the installed grease recovery system so that accumulations of greasy sediment do not total more than 25% of the fluid capacity of the system. Inspections of all establishments with commercial kitchens will be conducted annually. An inspection fee will be paid with the business license. The owner must supply a manifest by an authorized grease removal service, demonstrating that the sediment contents of the system have been disposed of properly. This manifest must be available for inspection at the premises.

Staff suggests waiving the initial permit fee and 1<sup>st</sup> year inspection fees for all businesses that comply with the regulations within the specified timeframes. The fee waiver will result in a one-time savings of \$275 for the business.

Under the Ordinance, the City is required to provide written notice to all affected establishments, notifying each of the adoption of the Ordinance, its requirements, and the time limits for compliance.

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Sol Blumenfeld, Director  
Community Development Department

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Rick Morgan, Director  
Public Works Department

Concur:

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Stephen R. Burrell,  
City Manager

#### Attachments:

1. Ordinance
2. Public Information

#### Notes:

1. All grease recovery systems work by capturing fats, oil and grease from wastewater by the action of slowing down the flow of hot greasy water through the grease trap and allowing it to cool. As it cools, the grease and oil separate out of the water and float to the top of the trap. The cooler water continues to flow down the drain pipe to the sewer, while baffles prevent the accumulated grease and oil from flowing out of the grease trap. Grease traps must typically be installed below the floor level. Grease interceptors are required for very large commercial kitchens and typically must be installed outside the building footprint and are very costly. Automatic grease recovery systems are typically installed above the floor level at one or more fixtures and are the least costly system to install and the easiest to maintain.
2. Chapter 10 – California Plumbing Code, 2001 Edition - Traps and Interceptors

## ORDINANCE 05-

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA AMENDING THE PLUMBING CODE (CHAPTER 15.16) TO REQUIRE THE RETROFITTING OF GREASE REMOVAL SYSTEMS FOR FOOD SERVICE ESTABLISHMENTS, PROVIDING FOR ANNUAL INSPECTION OF GREASE RECOVERY SYSTEMS IN ALL FOOD SERVICE ESTABLISHMENTS AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE

The City Council of the City of Hermosa Beach does hereby ordain as follows:

**Section 1 - Findings.** The City Council hereby finds as follows:

- A. Cooking grease produced by restaurants and other businesses discharged into the City's sewer system causes sewer line blockages, which in turn create a number of problems such as:
- Sewer backups and overflows, which are offensive and a threat to public health;
  - Discharge of backed-up sewage into storm drains, which degrades water quality in water courses and the ocean;
  - The need for repeated and costly unclogging of city sewer lines;
  - Breakage and reduced life of sewer lines, creating additional costs for the City and sewer users;
  - Excessive grease sent to the wastewater treatment facility, which can overload the system and cause the facility to exceed its allowable discharge limits.
- B. Grease recovery systems address the foregoing problems by capturing fats, oil, and grease ("FOG") from the flow of wastewater by the action of slowing down the flow of hot greasy water through the grease trap and allowing it to cool and collect. The cooler water continues to flow down the drainpipe, while baffles or filters prevent the accumulated grease and oil from flowing into the sewer.
- C. The adoption of an ordinance to require existing restaurants and other businesses and institutional uses with commercial kitchens to install grease recovery systems, and to provide for annual inspection of grease recovery systems in all commercial kitchens in the City serves to implement the City's permit obligations under the applicable National Pollution Discharge Elimination System ("NPDES") permit, advances the goals of the federal Clean Water Act, and furthers the public health, safety and welfare of the City and its residents.

**Section 2** - The City Council held a duly-noticed public hearing on May 24, 2005 to consider the amendment to the California Plumbing Code relative to grease recovery systems at which the

Council took testimony from interested persons prior to deliberating and taking action on this Ordinance.

**Section 3** – Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code is amended by adding thereto a new Section 15.16.070 to read as follows:

**15.16.070. Retrofitting Existing Commercial Kitchens With Grease Recovery Systems.**

**Notwithstanding the provisions of Section 15.16.010, the Plumbing Code is amended as follows:**

**Section 1014.1.2 is added to Chapter 10 of the Plumbing Code to read as follows:**

**1014.1.2** For the purposes of Section 1014.1.3, the following terms shall have the following meanings:

- *Affected establishment* means all commercial and institutional food preparation and food service facilities which discharge wastewater or materials containing fat, oil or grease of a concentration exceeding 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 0 and 65 degrees Celsius (32-150 degrees F) at an access in nearest proximity to the point of discharge into the wastewater treatment system, generally including but not limited to restaurants, bakeries, assisted living facilities, convalescent homes, butcher shops, cafes, delicatessens, ice cream parlors, hotels, and grocery stores.
- *Grease* shall mean grease, or fatty or oily substances and other insoluble waste that turns or may turn viscous or solidifies with a change in temperature or other conditions.
- *Grease removal system* means any system that meets the requirements of this Code and functions to remove grease from drainwater prior to its entry into the public sewer system.

**Section 1014.1.3 is added to Chapter 10 of the Plumbing Code to read as follows:**

**1014.1.3** The retrofit installation of an approved grease recovery systems shall be required for all affected establishments. The affected establishment shall have the option to install any of the required grease recovery systems separately or in combination as prescribed in this Chapter 10. shall be provided to the City for approval. Plans or specifications prepared by a licensed professional engineer or a licensed plumbing contractor, where required, and the manufacturers installation and maintenance instructions shall be submitted to the Community Development

Department (CDD) for approval prior to installation. Any approvals and permits required for work in the public right-of-way shall be obtained from the Public Works Department.

**Section 4** – Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code is amended by adding thereto a new Section 15.16.080 to read as follows:

**15.16.080. Maintenance and Annual Inspection of Grease Recovery Systems in Commercial Kitchens.**

Notwithstanding the provisions of Section 15.16.010, the Plumbing Code is amended as follows: **Section 1014.6.1 is added to Chapter 10 of the Plumbing Code to read as follows:**

**1014.6.1**

1. *Maintenance/Monitoring.* It is the responsibility of the owner or operator of every establishment required to have a grease removal system to maintain the system in a sanitary, safe, and efficient operating condition so as to prevent grease from flowing into the sewer system. A grease removal system shall not be considered properly maintained if for any reason it is not in good working condition or if sediment and/or grease accumulations total more than 25 percent of the operative fluid capacity. It is the owner or operator's responsibility to provide for removal of the accumulated grease and other waste contained in the system. Grease removed from such a system shall not be disposed of in the sanitary or the storm sewer.
2. *Inspection.* All owners/operators of establishments with grease recovery systems shall keep maintenance records and haulers manifests and shall allow City inspection of grease removal systems a minimum of once per calendar year. All applicable records shall be available to the Director or his representative upon request. An annual inspection fee in an amount set forth in the City's Master Schedule of Service Charges and Fees shall be paid by the owner/operator at the time of business license renewal.

**Section 5.** Affected establishments, as that term is defined in Section 1014.1.2 of the Plumbing Code, existing on the effective date of this Ordinance shall be in full compliance with the requirements of Section 15.16.070 of the Municipal Code within 180 days after the date of adoption of this Ordinance.

An owner of an affected establishment may request that the City Council grant a time extension of up to 90 days beyond the required grease recovery system installation deadline. Grounds for such a time extension shall be limited exclusively to financial hardship. Requests

shall be in writing, including written documentation of the financial hardship, and shall be filed with the Director of Community Development prior to the deadline date for installation. Documentation shall include audited financial statements, tax returns and similar documents as determined necessary by the Director demonstrating the owner's financial inability to comply within the deadline. The filing of such a request shall stay further action under this Ordinance until a final decision by the Council. The City Council may grant such a time extension of up to 90 days if it finds that an owner will suffer undue financial hardship by complying with the installation deadline.

**Section 6** - The Director of Community Development is directed to provide written notice to all affected establishments in existence on the adoption date of this Ordinance, notifying each of the adoption of this Ordinance, the requirements herein, and the schedule for compliance.

**Section 7** - The building permit, plan check and the first annual reinspection fee shall be waived if the applicable grease recovery system has been installed within the deadline set forth in Section 5. Thereafter, all affected establishments shall comply with the fee requirements established in the City's Master Schedule of Service Charges and Fees.

**Section 8** – Adoption of this Ordinance is not a project within the meaning of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the State CEQA Guidelines.

**Section 9** - This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

**Section 10** - Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the "Easy Reader", a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, in the manner provided by law.

**Section 11** - The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of May, 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

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