

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 1 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

## 1.0 PURPOSE

The purpose of this document is to set forth a policy for the application of compliance and enforcement actions taken against non-compliant Commercial Food Service Businesses operating under a Non-Residential Users permit. This policy document is a supplemental document based upon the City of Santa Rosa Enforcement Response Plan for the Publically Owned Treatment Works (POTW).

## 2.0 REFERENCE

2.1 City of Santa Rosa City Code Title 15- Sewers, California Code of Regulations Title 22, State of California Waste Discharge Requirements.

## 3.0 POLICY

### 3.1 Policy Objectives

1. To provide staff with a clear guideline for the consistent and equitable enforcement of permit, reporting and City Code violations associated with the Environmental Compliance Program.
2. To ensure that enforcement responses are appropriate in relation to the nature and severity of the violation and degree of non-compliance.
3. To provide the uniform application of enforcement responses to comparable levels in types of violations, and as a mechanism to review the appropriateness of the enforcement response.

3.1 Table 3.1 Non-Residential Enforcement Response Matrix is a template that shows a range of action for the corresponding severity of a verified case of non-compliance. The difference between severity level A. Minor/Moderate Violations and severity level B. Major Violations is whether there was an impact to the storm water system, sanitary sewer system, personal injury and/or property damage.

| <b>Table 3.1 Non-Residential Enforcement Response Matrix</b> |                         |  |  |
|--|-------------------------|--|--|
| <b>SEVERITY OF VIOLATION</b>                                 | <b>ENFORCEMENT TIER</b> | <b>ENFORCEMENT RESPONSE</b>                  | <b>RECOMMENDED ADMINISTRATIVE FINE RANGE</b> |
| <b>A. Minor/Moderate Violation(s)</b>                        | Tier I                  | Warning Notice                               | No administrative fine assessed              |
|  | Tier II                 | Notice Of Violation                          | \$50 to \$100                                |
|  | Tier III                | NOV  | \$100 to \$500                               |
|  | Tier IV                 | NOV and/or Administrative Order (Show Cause) | \$500 to \$1000                              |
|  | Tier V                  | AO (Cease & Desist)                          | \$1000 to \$25000                            |
|  | Tier VI                 | CIVIL/CRIMINAL ACTIONS                       | Maximum Fine and/or Termination of Services  |
| <b>B. Major Violation(s)</b>                                 | Tier III                | NOV and/or AO (Show Cause)                   | \$250 to \$1000                              |
|  | Tier IV                 | AO (Cease & Desist)                          | \$500 to \$25000                             |
|  | Tier V                  | CIVIL/CRIMINAL ACTIONS                       | Maximum Fine and/or Termination of Services  |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 2 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

### 3.0 POLICY: CONTINUED

- The Administrative Fines provided for in this Non-Residential Enforcement Response Matrix are not exclusive and do not prohibit the Director of Utilities from using any other remedy provided by law including Civil and/or Criminal Penalties.
- Progression of enforcement in the tiers for the same violation is dependent upon the specific factors of the violation: duration, impact, etc.

### 4.0 PROCEDURES

4.1 Table 4.1 Fats, Oil and Grease (FOG) Enforcement Response Procedure shows the permit condition in non-compliance and the accompanying enforcement response and recommended administrative action for the corresponding tier in the severity of violation.

| <b>Table 4.1 FOG Enforcement Response Procedure</b>   |   |   |   |
|---|---|---|---|
| <b>FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS</b>  |   |   |   |
| <b>NON-COMPLIANCE</b>   | <b>SEVERITY OF VIOLATION</b>                        | <b>ENFORCEMENT RESPONSE</b>                       | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b>  |
| <b>Grease removal device limit violation (failure to maintain/clean grease trap, interceptor or other grease removal device)</b><br><br>“ <i>Grease Trap Limit Violation:</i> allowing any grease trap that is 100 lbs or smaller to contain 3 inches or more of grease and/or solids”  | 1 <sup>st</sup> Violation – Minor/Moderate Tier I   | Warning Notice (WN)                               | N/A   |
|   | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II  | Notice of Violation (NOV)                         | \$100   |
|   | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III | NOV   | \$250 and/or an increase in inspections and self monitoring requirement for permittee |
|   | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV  | NOV and/or Administrative Order (AO) (Show Cause) | \$500   |
|   | 5 <sup>th</sup> Violation – Minor/Moderate Tier V   | AO (Cease & Desist)                               | \$1000  |
|   | Subsequent Violations – Minor/Moderate Tier VI      | CIVIL/CRIMINAL ACTIONS                            | Maximum Fine and/or Termination of Services   |
| <b>Grease removal device limit violation (failure to maintain/clean grease trap, interceptor or other grease removal device)</b><br><br>“ <i>Grease Interceptor Limit Violation:</i> allowing any grease interceptor to accumulate 12 inches or more of grease and/or solids on the inlet side, or 6 inches or more of grease and/or solids on the outlet side” | 1 <sup>st</sup> Violation – Minor/Moderate Tier I   | WN  | N/A   |
|   | 2 <sup>nd</sup> Violation – Minor/Moderate Tier III | NOV   | \$250 and/or an increase in inspections and self monitoring requirement for permittee |
|   | 3 <sup>rd</sup> Violation – Minor/Moderate Tier IV  | NOV and/or AO (Show Cause)                        | \$500   |
|   | 4 <sup>th</sup> Violation – Minor/Moderate Tier V   | AO (Cease & Desist)                               | \$1500  |
|   | Subsequent Violations – Minor/Moderate Tier VI      | CIVIL/CRIMINAL ACTIONS                            | Maximum Fine and/or Termination of Services   |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 3 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

| <b>4.1 FOG Enforcement Response Procedure</b>  |  |                             |   |
|--|--|-----------------------------|---|
| <b>A. FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS CONTINUED</b>  |  |                             |   |
| <b>NON-COMPLIANCE</b>  | <b>SEVERITY OF VIOLATION</b>   | <b>ENFORCEMENT RESPONSE</b> | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b>  |
| <p><b>Failure to maintain on site records for a minimum of three (3) years</b></p> <p>“Permittee shall maintain on-site records documenting maintenance and cleaning activities. Copies of cleaning receipts if commercially cleaned or an up to date cleaning log, if in-house maintenance is done”</p> <p><b>Failure to maintain grease removal device in proper working condition</b></p> <p>“Includes grease interceptor standpipes, grease trap baffles or other broken or missing parts”</p> | 1 <sup>st</sup> Violation – Minor/Moderate Tier I  | WN                          | N/A   |
|  | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II   | NOV                         | \$50  |
|  | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III  | NOV                         | \$100 and/or an increase in inspections and self monitoring requirement for permittee |
|  | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV   | NOV and/or AO (Show Cause)  | \$500   |
|  | 5 <sup>th</sup> Violation – Minor/Moderate Tier V  | AO (Cease & Desist)         | \$1000  |
|  | Subsequent Violations – Minor/Moderate Tier VI   | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services   |
|  | 1st Violation – Minor/Moderate Tier I  | WN                          | N/A   |
|  | a) 2nd Violation – Minor/Moderate Tier I (Unintentional)   | a) WN                       | a) N/A  |
|  | b) 2nd Violation – Minor/Moderate Tier II (Intentional or if time frame given to have fixed in WN not met or ignored by permittee) | b) NOV                      | b) \$100  |
|  | a) 3 <sup>rd</sup> Violation – Minor/Moderate Tier I (Unintentional)   | a) WN                       | a) N/A  |
| b) 3 <sup>rd</sup> Violation – Minor/Moderate Tier III (Intentional or if time frame given to have fixed in WN not met or ignored by permittee)  | b) NOV   | b) \$250                    |   |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 4 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

| <b>4.1 FOG Enforcement Response Procedure</b>  |   |   |   |
|--|---|---|---|
| <b>A. FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS CONTINUED</b>  |   |   |   |
| <b>NON-COMPLIANCE</b>  | <b>SEVERITY OF VIOLATION</b>  | <b>ENFORCEMENT RESPONSE</b>               | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b>        |
| <p><b>Failure to maintain on site records for a minimum of three (3) years</b></p> <p>“Permittee shall maintain on-site records documenting maintenance and cleaning activities. Copies of cleaning receipts if commercially cleaned or an up to date cleaning log, if in-house maintenance is done”</p> <p><b>Failure to maintain grease removal device in proper working condition</b></p> <p>“Includes grease interceptor standpipes, grease trap baffles or other broken or missing parts”</p> | <p>a) 4<sup>th</sup> Violation – Minor/Moderate Tier I (unintentional)</p>  | <p>a) WN</p>                              | <p>a) N/A</p>   |
|  | <p>b) 4<sup>th</sup> Violation – Minor/Moderate Tier IV (<i>Intentional or if time frame given to have fixed in WN not met or ignored by permittee</i>)</p> | <p>b) NOV and/or AO (Show Cause)</p>      | <p>b) \$500</p>                                       |
|  | <p>a) 5<sup>th</sup> Violation – Minor/Moderate Tier I (Unintentional)</p>  | <p>a) WN</p>                              | <p>a) N/A</p>   |
|  | <p>b) 5<sup>th</sup> Violation – Minor/Moderate Tier V (<i>Intentional or if time frame given to have fixed in WN not met or ignored by permittee</i>)</p>  | <p>b) AO (Cease &amp; Desist)</p>         | <p>b) \$1000</p>                                      |
|  | <p>a) Subsequent Violations – Minor/Moderate Tier I (<i>Unintentional</i>)</p>  | <p>a) WN</p>                              | <p>a) N/A</p>   |
|  | <p>b) Subsequent Violations – Minor/Moderate Tier VI</p>  | <p>b) CIVIL/<br/>CRIMINAL<br/>ACTIONS</p> | <p>b) Maximum Fine and/or Termination of Services</p> |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 5 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

| <b>4.1 FOG Enforcement Response Procedure</b>   |   |                             |  |
|---|---|-----------------------------|--|
| <b>A. FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS CONTINUED</b>   |   |                             |  |
| <b>NON-COMPLIANCE</b>   | <b>SEVERITY OF VIOLATION</b>                        | <b>ENFORCEMENT RESPONSE</b> | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b> |
| <p><b>Prohibited discharge to the Storm water collection system/Failure to comply with storm water pollution prevention permit mandated Best Management Practice(s)</b></p> <p><i>“The washing of floor mats, serving carts or any other equipment outside in an area that discharges to the storm water collection system is prohibited unless an approved wash area that discharges to the sanitary sewer has been established”</i></p> <p><i>“All outdoor washing activities must be done in a manner or by a means where the wash water is discharged to the sanitary sewer or in an area that does not discharge to the storm water collection system”</i></p> <p><i>“The permittee shall implement and maintain a program of Best Management Practices to prevent the accumulation of grease and debris on the premises, and reduce the discharge of pollutants to the storm water collection system”</i></p> | 1 <sup>st</sup> Violation – Minor/Moderate Tier I   | WN                          | N/A  |
|   | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II  | NOV                         | \$50   |
|   | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III | NOV                         | \$100  |
|   | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV  | NOV and/or AO (Show Cause)  | \$500  |
|   | 5 <sup>th</sup> Violation – Minor/Moderate Tier V   | AO (Cease & Desist)         | \$1000   |
|   | Subsequent Violations – Minor/Moderate Tier VI      | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services    |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 6 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

| <b>4.1 FOG Enforcement Response Procedure</b>  |   |                             |  |
|--|---|-----------------------------|--|
| <b>A. FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS CONTINUED</b>  |   |                             |  |
| <b>NON-COMPLIANCE</b>  | <b>SEVERITY OF VIOLATION</b>  | <b>ENFORCEMENT RESPONSE</b> | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b>   |
| <b>Failure to pump or adequately clean grease removal device, including removal of all floating materials, wastewater and solids.</b><br><br><i>Permit mandated Best Management Practice applicable where the permittee self cleans their grease removal device.</i>   | 1 <sup>st</sup> Violation – Minor/Moderate Tier I   | WN                          | N/A  |
|  | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II  | NOV                         | \$50   |
|  | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III   | NOV                         | \$100  |
|  | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV  | NOV and/or AO (Show Cause)  | \$500 and/or permittee may also be required to use a commercial pumping/cleaning service and no longer be permitted to self clean. |
|  | 5 <sup>th</sup> Violation – Minor/Moderate Tier V   | AO (Cease & Desist)         | \$1000   |
|  | Subsequent Violations – Minor/Moderate Tier VI  | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services  |
| <b>Failure to pump or adequately clean grease removal device including removal of all floating materials, wastewater and solids.</b><br><br><i>Permit mandated Best Management Practice applicable where the permittee uses a Commercial Pumping/Cleaning Service.</i> | 1 <sup>st</sup> Violation – Minor/Moderate Tier I   | WN                          | N/A  |
|  | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II (for permittee) & Pumper reported to appropriate agency  | NOV                         | \$50   |
|  | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III (for permittee) & Pumper reported to appropriate agency | NOV                         | \$100  |
|  | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV (for permittee) & Pumper reported to appropriate agency  | NOV and/or AO (Show Cause)  | \$500  |
|  | 5 <sup>th</sup> Violation – Minor/Moderate Tier V (for permittee) & Pumper reported to appropriate agency   | AO (Cease & Desist)         | \$1000   |
|  | Subsequent Violations – Minor/Moderate Tier VI  | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services  |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 7 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

| <b>4.1 FOG Enforcement Response Procedure</b>  |  |                             |  |
|--|--|-----------------------------|--|
| <b>A. FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS CONTINUED</b>  |  |                             |  |
| <b>NON-COMPLIANCE</b>  | <b>SEVERITY OF VIOLATION</b>   | <b>ENFORCEMENT RESPONSE</b> | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b> |
| <b>Use of chemical enzymes</b><br><br><i>Permit mandated Best Management Practice for grease removal device(s) prohibiting the use of chemical enzymes and the requirement for City approval prior to a permittee using any other additive or treatment.</i> | 1 <sup>st</sup> Violation – Minor/Moderate Tier I  | WN                          | N/A  |
|  | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II   | NOV                         | \$50   |
|  | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III  | NOV                         | \$200  |
|  | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV   | NOV and/or AO (Show Cause)  | \$500  |
|  | 5 <sup>th</sup> Violation – Minor/Moderate Tier V  | AO (Cease & Desist)         | \$1000   |
|  | Subsequent Violations – Minor/Moderate Tier VI   | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services    |
| <b>Bypass of grease removal device</b>   | a) 1 <sup>st</sup> Violation (unintentional) – Minor/Moderate Tier I   | a) WN                       | a) N/A   |
|  | b) 1 <sup>st</sup> Violation – Major Tier III<br><i>(Intentional or if time frame given to have fixed in WN not met or ignored by permittee)</i>   | b) NOV                      | b) \$250                                       |
|  | a) 2 <sup>nd</sup> Violation – (unintentional) – Minor/Moderate Tier I   | a) WN                       | a) N/A   |
|  | b) 2 <sup>nd</sup> Violation – Moderate Tier IV<br><i>(Intentional or if time frame given to have fixed in WN not met or ignored by permittee)</i> | b) NOV                      | b) \$500                                       |
|  | 3 <sup>rd</sup> Violation – Moderate Tier IV   | NOV and/or AO (Show Cause)  | \$1000   |
|  | Subsequent Violations – Moderate Tier V  | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services    |

|  |                                |                        |
|--|--------------------------------|------------------------|
| <b>CITY OF SANTA ROSA</b>  | <b>DEPARTMENT OF UTILITIES</b> |                        |
| <b>Title:</b><br>FATS, OILS and GREASE<br>(FOG) ENFORCEMENT<br>RESPONSE POLICY | <b>Page 8 of 8</b>             | <b>Effective Date:</b> |
|  | <b>Approved by:</b>            | <b>Procedure:</b>      |

|   |  |                             |   |
|---|--|-----------------------------|---|
| <b>4.1 FOG Enforcement Response Procedure</b>   |  |                             |   |
| <b>A. FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGE PERMIT VIOLATIONS</b>   |  |                             |   |
| <b>NON-COMPLIANCE</b>   | <b>SEVERITY OF VIOLATION</b>   | <b>ENFORCEMENT RESPONSE</b> | <b>RECOMMENDED ADMINISTRATIVE FINE/PENALTY</b>  |
| <b>Failure to install a grease removal device</b>   | 1 <sup>st</sup> Violation – Minor/Moderate Tier I  | WN                          | N/A   |
|   | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II<br><i>(If time frame given to have fixed in WN not met or ignored by the permittee, 1<sup>st</sup> Violation bumped up to 2<sup>nd</sup> Violation Enforcement Response and Recommended Administrative Fine/Penalty).</i> | NOV                         | \$100   |
|   | 3 <sup>rd</sup> Violation – Moderate Tier III  | NOV and/or AO (Show Cause)  | \$500   |
|   | 4 <sup>th</sup> Violation – Moderate Tier IV   | AO (Cease & Desist)         | \$1000  |
|   | Subsequent Violations – Moderate Tier V  | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services   |
| <b>Failure to submit self monitoring record(s)/certification(s)</b><br><br><i>The permittee is required upon request by the City to submit a log of grease trap/interceptor cleaning and/or receipts for the cleaning, if done by a professional service.</i> | 1 <sup>st</sup> Violation – Minor/Moderate Tier I  | WN                          | N/A   |
|   | 2 <sup>nd</sup> Violation – Minor/Moderate Tier II   | NOV                         | \$50  |
|   | 3 <sup>rd</sup> Violation – Minor/Moderate Tier III  | NOV                         | \$100 and/or an increase in inspections and self monitoring requirement for permittee |
|   | 4 <sup>th</sup> Violation – Minor/Moderate Tier IV   | NOV and/or AO (Show Cause)  | \$500   |
|   | 5 <sup>th</sup> Violation – Minor/Moderate Tier V  | AO (Cease & Desist)         | \$1000  |
|   | Subsequent Violations – Minor/Moderate Tier V  | CIVIL/CRIMINAL ACTIONS      | Maximum Fine and/or Termination of Services   |

**Note: Code violations by Food Service Establishments are subject to the administrative fines/penalties within the Code.**