

PUBLIC HEARING ON THE FOG CONTROL PROGRAM

Ms. Pat Giannone reported that the Board would conduct a public hearing on the FOG Control Program. She noted that there is a write-up and a sequence of events in the Legal Matters portion of the Agenda on Page 14.

Ms. Giannone reported that at the October Board meeting the Director of Operations briefed the Board on implementation of the FOG Control Program regulations in response to the State Water Resources Control Board (SWRCB) Order No. 2006-003-DWQ. The FOG Control Program will be incorporated into the District's Rules and Regulations for Sewer Service, and specifically relate to the District's pretreatment requirements.

Ms. Giannone reported that the Board called a public hearing on the draft FOG Control Program regulations for the November Board meeting. She recommended that the Board take the actions listed in the agenda, the first of which is for the Operations staff to present an overview of the FOG Control Program.

Mr. Larry Dees reported that the FOG discharge regulations are in response to the SWRCB's General Wastewater Discharge Requirements, Order No. 2006-003-DWQ. He reported the District was required to develop a formal FOG Control Program to facilitate the public's maximum use of the sewer system and prevent sewer blockages.

Mr. Dees reported that the FOG Discharge Regulations would affect 388 food service establishments (FSE's). He reported that 35 FSE's, such as Starbucks, do not need grease interceptors because they do not produce any grease. Mr. Dees reported that 200 FSE's already have the correct size of grease interceptor, 72 FSE's have inadequately sized grease interceptors, and 81 FSE's do not have any grease interceptors. He commented the 81 FSE's without grease interceptors will be the most affected by the FOG Regulations.

Mr. Dees explained how a grease interceptor works and noted that the District requires the FSE's to keep their grease interceptors clean. He explained that there are five sections in the FOG Discharge Regulations, as follows:

- Section 1 – General Limitations, Prohibitions, and Requirements on Fats, Oils, and Grease (“FOG”) Discharges
- Section 2 – Wastewater Discharge Permits for Food Service Establishments
- Section 3 – Facilities Requirements
- Section 4 – Monitoring, Reporting, and Inspection Requirements
- Section 5 – Enforcement

Mr. Dees explained the requirements of each section and reported that these Regulations are listed in the District’s pretreatment program which the District has been following. He explained that the District has been encouraging voluntary compliance with the Regulations and previously hired Environmental Compliance Inspection Services to monitor the FSE’s within the District. Mr. Dees introduced Mr. Brad Bruington, Superintendent of Utilities Maintenance, and reported that Mr. Bruington is the District’s FOG Control Program Manager. He reported that Mr. Bruington drafted the FOG Discharge Regulations with the help of Ms. Pat Giannone and Ms. Frani Bailey.

Mr. Dees discussed the permit fees and reported that when he presented the Draft FOG Control Program last month it included a \$25 fee to cover administrative costs for the Tier One FSE’s that do not require grease interceptors; however, staff decided that it would cost more for the FSE’s to generate the check and the District to process it than was necessary, so staff decided to waive the fee for these FSE’s.

Mr. Dees reported that the permit fee for the Tier Two FSE’s, establishments with the correct size and type of interceptors requiring inspection, is \$160.00 per year. He explained that the fee covers the cost of the two inspections made each year.

Mr. Dees reported that the permit fee for the Tier Three FSE’s, establishments without interceptors, is \$400.00 per year. He explained that the fee is higher because an inspector will have to inspect the FSE’s on a quarterly basis and insure that the FSE’s are following Best Kitchen Management Practices.

President Lizotte asked how the FOG Control Program would be administered and Mr. Dees reported that Jon Kinley from ECIS, SOCWA’s outside contractor, would continue to administer the program and the permit fees would be paid directly to MNWD.

President Lizotte commented that the Board and staff previously discussed the amount of money the District paid to SOCWA to administer the program and Mr. Dees indicated that he would see if it would be more cost effective to manage the program in-house. He asked what Mr. Dees concluded and Mr. Dees reported that it would cost slightly more money for the District to administer the program. President Lizotte asked if the District has the manpower to administer the program and Mr. Dees reported that the District would rely on SOCWA as in the past, and Mr. Bruington would administer the program for the District as part of his duties. Further discussion ensued.

Director Buck asked if the District included the permit fee schedule in the document mailed to the FSE's and Mr. Dees reported it did. Director Buck asked if staff has received any feedback from any of the FSE's and Mr. Dees reported that Mr. Bruington received one phone call from the store manager of the Costco on Heather Ridge. Mr. Bruington reported that the manager asked if there was anything he needed to do right away to comply and Mr. Bruington informed him that the District would spend the next year educating all of the FSE's about the process.

Director Kurtz asked how the District's FOG Control Program interfaces with the County of Orange Health Department inspecting restaurants and Mr. Dees reported that the FOG Control Program is independent of the County. He explained that the District previously tried to get the County to inspect the grease interceptors; however, the County did not want to do it.

President Lizotte asked if there any large restaurants in the District that do not have grease interceptors for whom the \$400 permit fee would not be enough to cover the cost of sending the District's crews out and Mr. Dees reported there are, and these FSE's could incur additional fees under the mitigation charge provisions of the FOG Control Program. He reported there are 92 FSE's that discharge very little grease or excessive amounts, and the District would concentrate on these over the next year.

Director Buck asked what the consequences would be for the District if any of the FSE's violate the FOG Regulations and the District does not take action. Ms. Giannone reported that the District has an obligation pursuant to the SWRCB order to enforce the

FOG Regulations and there are mitigation alternatives for establishments that do not meet the requirements. However, the regulations mandate that within three years the FSE must have a grease interceptor if it cannot otherwise mitigate FOG discharges.

Mr. Dees reported that the FOG Regulations were mailed to all of the FSE's within the District and quite a few came back due to a problem with the mailing labels. He reported that Mr. Bruington and Ms. Gavin hand delivered 50 of the packages to be sure the FSE's received them on time.

Ms. Giannone noted for the record that she reviewed the Affidavit of Posting and the publication and they were done in satisfaction of the hearing resolution adopted last month. She recommended that President Lizotte open the public hearing and call for comments.

THEREAFTER, PRESIDENT LIZOTTE OPENED THE PUBLIC HEARING ON THE FOG PROGRAM AND ASKED FOR PUBLIC COMMENTS. HEARING NONE, HE CLOSED THE PUBLIC HEARING.

President Lizotte reported he would entertain a motion to adopt the Resolution adopting the FOG Control Program and Ms. Giannone reported that the Resolution is included as attachment No. L-1 to the Agenda and recites the history of how the FOG Control Program was developed and the legal authority, and makes the appropriate findings.

THEREAFTER, UPON A MOTION DULY MADE BY DIRECTOR BUCK AND SECONDED BY DIRECTOR KURTZ THE BOARD UNANIMOUSLY ADOPTED RESOLUTION NO. 08-41 ENTITLED "RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT ADOPTING FATS, OILS AND GREASE ("FOG") CONTROL PROGRAM UNDER MOULTON NIGUEL WATER DISTRICT RULES AND REGULATIONS FOR SEWER SERVICE INCLUDING PRETREATMENT REGULATIONS."

GENERAL MANAGER'S REPORT

Task Force for Water Vulnerability

Dr. Gumerman commented that over the weekend as he watched the news coverage on the catastrophic fires in Orange County it occurred to him that it is pertinent to the District to address the issue of water supply vulnerability. He commented that there