



## WEST BAY SANITARY DISTRICT GREASE CONTROL DEVICE VARIANCE GUIDELINES (2014)

### **Grease Control Device Variance Findings**

In making the determination as to whether to grant a variance from the District's grease control device requirements pursuant to Section 602(09)(A), the District Manager shall make all of the following findings:

1. The quantity of FOG discharge as measured or indicated by the size of the FSE based on kitchen ventilation requirements, water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions does not indicate that the FSE will materially contribute to existing or potential FOG discharges.
2. The FSE does not appear to be a significant contributor of FOG into the wastewater facilities, which is based on an inspection of the property or sampling of FOG discharged from the FSE to the wastewater facilities.
3. The FSE has adopted and implemented adequate BMPs on a consistent and routine basis and has no recent history of non-compliance with the District's FOG related regulations and requirements.
4. The size, grade and condition of the sewer lines serving the FSE do not indicate that the FSE has discharged an excessive amount of FOG in the sewer, and the history of maintenance blockages and sanitary sewer overflows in the wastewater facilities receiving flow from the FSE do not deviate substantially from those experienced in other adjacent sewer lines.
5. There is no reason to believe that the operations of the FSE will change in the foreseeable future in a manner that may significantly increase the amount of FOG the FSE will discharge.
6. There is no other condition reasonably related to the generation of FOG discharges into the sewer by the FSE that will, in the sound judgment of the District Manager, warrant the denial of the conditional waiver in the interest of protecting the public health, safety and welfare.

### **Grease Disposal Mitigation Fee Findings**

In making the determination as to whether to grant a variance from the District's grease control device requirements pursuant to Section 602(09)(B), the District Manager shall make one of the following findings:

1. There is inadequate space for installation and/or maintenance of a grease interceptor; or,
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the proposed grease control device and/or between the proposed grease control device and the upper lateral, the lower lateral of the wastewater system; or,
3. Any other condition reasonably related to the installation, operation, maintenance and/or inspection of a grease control device, which makes installation and/or maintenance of a grease control device infeasible; or,
4. The installation of above ground, indoor type grease traps may be suitable to prevent the discharge of FOG from entering the wastewater facilities.



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### Terms and Conditions of Grease Control Device Variance

1. The variance shall contain terms and conditions that serve as the basis for its issuance. A variance may be revoked by the District Manager at any time upon his or her determination that any of the terms or conditions for its issuance have not been satisfied or if the conditions upon which the variance was based have changed so that the justification for the variance no longer exists. The variance shall be valid so long as the FSE remains in compliance with the terms and conditions, until the expiration date specified in the variance, or until the variance is revoked.
2. The District Manager may revoke any variance of the requirement to install a grease interceptor granted pursuant to Section 602(09), subject to the following procedures and limitations:
  - a. Should the District Manager determine that due to changed circumstances or failure to comply with the terms or conditions imposed upon the issuance of the variance, a variance that was previously issued and remains valid shall be revoked, the District Manager shall provide notice by regular mail to the owner of the affected FSE no less than 30 days prior to the proposed effective date of the revocation. The notice shall provide an explanation of the facts and circumstances that the District Manager has determined warrant revocation of the variance and an opportunity to respond in writing to the District Manager with information and evidence to justify the continuation of the variance in accordance with its terms and conditions.
  - b. The District Manager's determination to revoke a variance shall be set forth in writing provided to the owner of the affected FSE by regular mail, and shall be based on the District Manager's reasonable determination that one or more of the following circumstances exists or has occurred:
    - i. The owner of the affected FSE has failed to abide by any term or condition imposed upon the variance;
    - ii. One or more of the findings made by the District Manager in approving the variance, due to changes in the operation of the FSE, changes in the condition, use or available capacity of the sewers serving the FSE or other changed circumstances, are no longer true; or
    - iii. A change in law bearing upon the use or operation of the District's wastewater system requires the revocation of the variance.