

RESOLUTION NO. 6264 (19)

A Resolution of the City Council of the City of Lompoc, County of Santa Barbara, State of California, Granting the Appeal by PJ's Delicatessen of Utility Director's Ruling on Request for Reconsideration Regarding Enforcement of Lompoc Municipal Code Section 13.16.370 – Trap/Interceptor Required (128 W. College Ave.)

WHEREAS, pursuant to Lompoc Municipal Code (LMC) Section 13.16.370(A), "Traps/interceptors to capture grease, oil, lint, hair, and/or sand shall be provided when, in the opinion of the [Utility] Director, they are necessary for the protection of the wastewater system from liquid wastes containing excessive amounts of grease, flammable wastes, sand, or other harmful ingredients. Such traps/interceptors may be required, for discharges from service stations, restaurants, automobile repair garages, wash racks, laundries, barbershops, beauty shops, and dry cleaning establishments and other facilities as deemed necessary by the Director"; and

WHEREAS, in December 2018, Lompoc Wastewater Division staff determined that PJ's Delicatessen, located at 128 W. College Avenue in Lompoc (PJ's Deli), has a three-compartment sink without a grease trap or interceptor; and

WHEREAS, on January 4, 2019, the Lompoc Wastewater Division issued a Notice of Violation and Enforcement Order (NOV) to PJ's Deli, informing PJ's Deli that it was in violation of LMC Section 13.16.370 and requiring PJ's Deli to install a gravity grease interceptor connected to all kitchen fixtures; and

WHEREAS, on March 24, 2019, PJ's Deli requested a reconsideration of the NOV (Request for Reconsideration); and

WHEREAS, on April 12, 2019, the Utility Director issued a Ruling on Request for Reconsideration (Ruling), upholding the finding in the NOV that PJ's Deli was required to install a grease interceptor; and

WHEREAS, PJ's Deli appealed the Ruling to the City Council pursuant to LMC 13.16.140; and

WHEREAS, a duly noticed public hearing was held before the City Council on June 4, 2019; and

WHEREAS, at the public hearing, City staff recommended that the appeal be denied based on their determination that all food service establishments in the City must install a grease trap or grease interceptor in order to ensure the City remains in compliance with the pollutant discharge limits in its National Pollutant Discharge Elimination System (NDPES) permit (Permit) issued by the California Regional Water Quality Control Board (Water Board), and to avoid the risk of incurring fines from the Water Board for violation of the Permit conditions; and

WHEREAS, the City Council received and considered testimony from representatives of PJ's Deli, City staff, and members of the public, and reviewed the written materials in the record (collectively, the "record").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. The Utility Director's Ruling on the Request for Reconsideration is reversed, and the Notice of Violation and Enforcement Order is vacated, with the result that the City does not require PJ's Deli to install a grease trap or interceptor at this time.

SECTION 3. The City Council's determination is based on the following findings:

- (a) The record does not contain any evidence demonstrating that PJ's Deli produces liquid waste containing an excessive amount of grease.
- (b) PJ's Deli does not have an indoor grill or deep fryer on site, nor does it have a gas line.
- (c) The record does not contain any evidence that PJ's Deli has experienced sewer pipe blockages in the past, whether from excessive grease or from any other cause.
- (d) The record does not contain any evidence that PJ's Deli's operations have ever resulted in wastewater contamination.
- (e) Consequently, the record does not contain sufficient evidence to demonstrate that the installation of a grease trap or interceptor at PJ's Deli is "necessary for the protection of the wastewater system from liquid wastes containing excessive amounts of grease." (LMC 13.16.370(A).)

SECTION 4. Notwithstanding the City Council's ruling on the appeal in Section 2, the Utility Director retains the authority to require PJ's Deli to install a grease trap or interceptor in the future pursuant to LMC 13.16.370 if the facts or circumstances of PJ's Deli's operations change in a way that supports a determination that such installation is necessary, or if any state or federal enforcement agency imposes penalties on the City for the decision made by this resolution or for failure of PJ's Deli to install or maintain a grease trap or grease interceptor. Any such determination by the Utility Director may be appealed pursuant to LMC 13.16.140.

SECTION 5. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on June 18, 2019, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ATTEST:

Jenelle Osborne, Mayor
City of Lompoc

Stacey Haddon, City Clerk
City of Lompoc