Atascadero City Council

Staff Report – Public Works Department

First Reading
Title 7 (Public Works), Chapter 8 Municipal Code Text Amendment for the Fats, Oils and Grease Program (City of Atascadero)

RECOMMENDATION:

Council introduce for first reading by title only, Draft Ordinance A to adopt Fats, Oil and Grease Program modifications to Title 7 (Public Works), Chapter 8 of the Municipal Code.

REPORT-IN-BRIEF:

The project consists of a proposed Municipal Code Text Amendment to portions of Title 7, Public Works. The proposed text updates consist of minor amendments for consistency and clarification of the code, including the following:

1. Fats, Oils and Grease Code amendments as required by the adopted Sanitary Sewer Management Plan.

Situation and Facts:

1. Applicant: City of Atascadero
2. General Plan Designation: Citywide
3. Zoning District: Citywide
4. Environmental Status: Exempt from CEQA (Section 15061.(3) Review for Exemption; not a project
DISCUSSION:

The recently adopted Sanitary Sewer Management Plan (SSMP) included provisions for the implementation of a Fats, Oils and Grease Program. While the current Municipal Code addresses “Prohibited Discharges” in Title 7 (Public Works), Chapter 8, additional language is needed to implement an enforceable FOG Program.

The attached ordinance adds proposed code text that addresses specific topics such as:

1. General maintenance requirements
2. Best Management Practices (BMPs)
3. Record keeping requirements
4. Right-of-Entry for inspection purposes
5. Compliance with the City’s adopted Sanitary Sewer Management Plan (SSMP)

In March of this year staff made a presentation to the City Council highlighting the FOG program and notified the City Council of the beginning of the educational phase of the program. Staff has already held successful outreach meetings with many local businesses.

The FOG program will continue to evolve over the next few years. Staff will bring back to the City Council updated SSMP provisions specific to the Fats, Oils and Grease Program implementation. The update will include recommendations as to the detailed provisions of the program with respect to determinations of non-compliance, violations and enforcement remedies.

The emphasis of the FOG program will continue to be to work cooperatively with local restaurants and Food Service Establishments (FSEs) to reduce grease in the wastewater system. The proposed Municipal Code provisions will provide staff the needed authority to effectively work with the local FSEs to implement the program.

FINANCIAL IMPACT:

The FOG program is staffed with a single full-time employee in the current 2009–2011 budget, and is funded through the wastewater fund. As the program evolves and is further implemented, staffing levels and program funding will be monitored and modified as needed.

ATTACHMENTS:

Attachment 1: Draft Ordinance A
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
APPROVING AMENDMENTS TO TITLE 7, CHAPTER 8 OF THE PUBLIC
WORKS MUNICIPAL CODE TO INCLUDE PROVISIONS FOR A FATS,
OILS AND GREASE CONTROL PROGRAM
(Citywide/City of Atascadero)

The City Council hereby finds and declares as follows:

WHEREAS, the City of Atascadero (6907 El Camino Real, Atascadero CA 93422),
desires to consider Public Works Code Text Amendments regarding the implementation of the
Fats, Oils, and Grease Program; and,

WHEREAS, in light of the evidence that Fats, Oils and Grease (FOG) are a primary
cause of Sanitary Sewer Overflows (SSOs), the City desires to implement a FOG Control
Program to prevent SSOs; and,

WHEREAS, the California Plumbing Code, applicable to all occupancies in the State
pursuant to the California Building Standards Law, requires the installation of grease traps or
interceptors when in the opinion of the Building Official waste pretreatment is required; and,

WHEREAS, the findings indicate that a FOG Control Program is required for Food
Service Establishments (FSEs) within the City’s jurisdiction to comply with waste discharge
regulations and prevent the harmful effects of SSOs; and,

WHEREAS, the regulations adopted herein will require existing Food Service
Establishments to install grease control devices or interceptors no later than two years from the
effective date of this Ordinance, and the City Council finds that two years is a reasonable
amortization period for existing Food Service Establishments that are operating without a grease
control device or grease interceptor; and,

WHEREAS, the City finds that enforcement provisions must be adopted to govern
discharges of wastewater to the City’s wastewater system by FSEs; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Public
Works Municipal Code Text Change application was held by the City Council of the City of
Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said
Public Works Municipal Code Text Amendments; and,
WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on June 22, 2010, studied and considered said text amendments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Public Works Municipal Code Text Change. The City Council finds as follows:

1. Public Works Municipal Code Text Changes are consistent with General Plan policies and all other applicable ordinances and policies of the City.

2. This Amendment of the Public Works Municipal Code will provide for the orderly and efficient protection of the wastewater collection and treatment system where applicable.

3. The Text Change will not, in itself, result in significant environmental impacts.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on June 22, 2010 resolved to introduce for first reading by title only, an ordinance that would amend Title 7 (Public Works), Chapter 8 of the City Municipal Code text as follows:

Chapter 8 - PROHIBITED DISCHARGES

7-8.001 Storm water, etc. prohibited.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewers. (Ord. 438 § 2 (part), 2004)

7-8.002 Regulated discharge.

Swimming pools may be discharged into the sanitary sewer system upon issuance of a permit to do so and shall be performed in a method and at a time approved by the City Engineer. (Ord. 438 § 2 (part), 2004)

7-8.003 Other prohibited discharges designated.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas that has a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Celsius (60°C) using the test methods specified in 40 CFR 261:21;

(b) Any waters or wastes containing toxic, infectious, or poisonous solids, liquids or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any waste-water treatment process or constitute a
nuisance or hazard to humans, animals, the local environment, or create any hazard in the hazardous condition to occur in the sewage system;

(c) Any waters or wastes having a pH lower than 5.5 or higher than nine (9), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel or the wastewater treatment and collection system;

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater treatment collection works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, paper materials such as newspapers, dishes, cups, milk containers, and meat processing plant wastes such as animal skins, intestines, fleshings, and paunch materials retained on a screen having eight (8) meshes per inch each way;

(e) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F);

(f) Any water or wastes which may contain more than one hundred (100) parts per million, by weight, of fat, oil, grease, or wax;

(g) Any waters or wastes containing suspended solids or oxygen demanding pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant;

(h) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(i) Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local limit;

(j) Any waters or wastes containing any radioactive materials or wastes of such half-life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the California Code of Regulations); and

(k) Any waters or wastes containing color which is not removed in the ordinary wastewater treatment plant process. (Ord. 438 § 2 (part), 2004)

7-8.004 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for the private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located so as to be readily and easily accessible for cleaning and inspection. (Ord. 438 § 2 (part), 2004)
(a) Maintenance Requirements: Grease interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.

(b) Best Management Practice Requirements: All FSEs shall implement Best Management Practices in accordance with the requirements and guidelines established by the City under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system. Employees of all FSEs shall be trained by ownership/management periodically in BMP which may include (but not limited to):

1. How to dry wipe pots, pans, dishware and work areas before washing to remove grease.

2. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.

3. How to properly dispose of grease or oil from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

4. Use of proper water temperatures to minimize grease blockages downstream.

5. Record keeping.

(c) Record Keeping Requirements: The FSE shall keep all manifests (if provided), receipts and invoices of all cleaning, maintenance, grease removal of/from the grease interceptor, disposal carrier and disposal site location for no less than three years. The FSE shall, upon request, make the manifests, receipts and invoices available to any City representative, or inspector. These records may include:

1. A log book of Grease Interceptor, Grease Trap or grease control device cleaning and maintenance practices.

2. A record of Best Management Practices being implemented including employee training.

3. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the Grease Interceptors.

4. Records of any spills and/or cleaning of the lateral or sewer system.
7-8.005 Pre-treatment facilities.

Where pretreatment of discharge is required by the City, the necessary facilities shall be provided, operated and maintained at the user’s expense. Detailed plans showing the facilities and their operating procedures shall be submitted to the City for review. Such plans must be acceptable to the City before construction is begun. Any changes in the pretreatment facilities or method of operation must be reported to and approved of by the City prior to implementation of the proposed changes. Operational difficulties or failures of pretreatment facilities shall be reported immediately to the City. (Ord. 438 § 2 (part), 2004)

7-8.006 Control manhole.

When required by the City, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and flow measurement of the discharge. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. 438 § 2 (part), 2004)

7-8.007 Measurements and tests.

All measurements, tests and analyses of the characteristics of water and wastes shall be determined by the testing procedures specified in 40 CFR Part 136. When required by the City, the industrial user shall provide safe and secure access to the proper sampling point for the determination of compliance with federal categorical standards and/or local discharge limits. This may require the installation of a control manhole as described in Section 7-8.006. All testing shall be performed by an approved laboratory and conducted at the expense of the discharger. (Ord. 438 § 2 (part), 2004)

(a) Right of Entry: Inspection and Sampling

1. The City personnel and/or other authorized representatives of the City shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and the performance of any additional duties.

2. Should a User have security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities as set forth above.
3. The City shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

4. Any temporary or permanent obstruction preventing safe and easy access to the facility area to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the User.

5. Unreasonable delays in allowing the City access to the User's premises shall be a violation of this Ordinance.

7-8.008 Compliance with City’s Sanitary Sewer Management Plan (SSMP)

All persons discharging to the City wastewater system shall be subject to, and comply with, the current City Council approved policies, provisions, and best management practices contained within the City’s Sanitary Sewer Management Plan. The adopted SSMP may be amended from time to time, as recommended by the City Engineer, by resolution of the City Council.

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by the following roll call vote:
AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: ______________________________
    Roberta Fonzi, Mayor

ATTEST:

______________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney