

File No. 101147

Committee Item No. _____
Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee CITY OPERATIONS AND
NEIGHBORHOOD SERVICES

Date 1/24/11

Board of Supervisors Meeting

Date 2/1/11

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Completed by: Gail Johnson

Date 1/20/11

Completed by: [Signature]

Date 1/27/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

1 [Establishment of Regulatory Controls for the Discharge of Fats, Oils and Grease Into Sewers]

2
3 **Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding**
4 **sections 140 – 140.7 to provide prohibitions, limitations and requirements for the**
5 **discharge of fats, oils and grease into the City's sewerage system by food service**
6 **establishments.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Environmental Findings. The Planning Department has determined that the
12 actions contemplated in this Ordinance are in compliance with the California Environmental
13 Quality Act (California Public Resources Code sections 2100 et seq.). Said determination is
14 on file with the Clerk of the Board of Supervisors in File No. 101147 and is incorporated
15 herein by reference.

16 Section 2. The San Francisco Public Works Code is hereby amended by adding to
17 Article 4.1, Sections 140 – 140.7, to read as follows:

18 **Section 140. Control of Fats, Oils and Grease**

- 19 a. Sections 140 - 140.7 of this Article provide requirements for the control of the
20 discharge of fats, oils and grease to the City's sewerage system. Large quantities
21 of fats, oil and grease that are discharged from commercial and residential kitchens
22 contribute to blockages in the City's sewerage system. The resulting clogs in sewer
23 pipes cost the City millions of dollars each year in grease removal and sewer repair
24 costs, and result in the overall degradation of the City's sewer infrastructure.
25

- 1 b. This Article facilitates implementation of a comprehensive pollution prevention
2 program to keep fats, oils and grease out of the City's sewer system, and
3 compliance with the City's current Clean Water Act National Pollutant Discharge
4 Elimination System (NPDES) permits and the Sanitary Sewer Overflow Waste
5 Discharge Requirements (WDRs) permit, which are issued by the San Francisco
6 Bay Regional Water Quality Control Board and the United States Environmental
7 Protection Agency (US EPA).
- 8 c. The US EPA promotes the development of fats, oils and grease control programs
9 throughout the country because approximately 40,000 fats, oils and grease-related
10 sanitary sewer overflows that have the potential to contaminate the nation's water
11 bodies occur each year. Nationwide, wastewater utilities have been sued for
12 violations of the Clean Water Act caused by sanitary sewer overflows.
- 13 d. The City's aggressive efforts to control fats, oils and grease will enhance its
14 compliance with the Clean Water Act, and also reduce the potential for system
15 back-ups from the combined sewer system.
- 16 e. The primary objective of sections 140 - 140.7 of this Article is to reduce fats, oils
17 and grease discharges from local food service establishments into the City's
18 sewerage system. Food service establishments are required by current regulations
19 to comply with a limit on the amount of total oil and grease they can discharge into
20 City sewers. This discharge limit has not been completely effective in keeping fats,
21 oils and grease out of the sewers. Many food service establishments have grease
22 capturing equipment that is not well maintained or serviced and does little to
23 remove grease from wastewater discharges. Other food service establishments
24 have no grease capturing equipment at all.
- 25

1 f. Sections 140 - 140.7 of this Article will:

- 2 1. Provide standards for the types of grease capturing equipment that must be
- 3 installed by food service establishments;
- 4 2. Provide for the effective long-term use of grease capturing equipment through
- 5 related operational requirements and prohibitions, and periodic inspections;
- 6 3. Increase opportunities for recovering from wastewater discharge lines both food
- 7 solids (which can be composted) and waste grease (which can be recycled, and
- 8 may also be able to be converted to biofuel);
- 9 4. Aid in preventing sanitary sewer blockages and obstructions from contributions
- 10 and accumulation of fats, oils and grease in the sanitary sewerage system;
- 11 5. Prevent the uncontrolled introduction of fats, oils and grease into the sewage
- 12 system that will interfere with its operation; and
- 13 6. Facilitate City compliance with applicable federal and state laws regarding
- 14 sewerage system operations.

15 **Section 140.1 Applicability.**

16 The provisions of sections 118 – 139 of this Article apply to the discharge of fats, oils
17 and grease to the City's sewerage system, except to the extent different requirements or
18 procedures are provided in sections 140.1 – 140.7 of this Article. Sections 140.1 – 140.7 of
19 this Article are intended to complement, rather than supersede, the provisions of City building
20 codes and regulations applicable to the installation and operation of grease capturing
21 equipment. Sections 140 – 140.7 shall be effective on and after April 1, 2011.

22 **Section 140.2 Definitions.**

23 In addition to the definitions provided in section 119 of this Article, the following
24 definitions are applicable to the discharge and control of fats, oils and grease:

- 1 a. Best Management Practices (BMPs). Operational activities, prohibitions, maintenance
2 procedures, and other management activities that implement the requirements of this
3 Article, state and federal law, and Department rules, regulations, permits or
4 authorizations.
- 5 b. Fats, Oils and Grease (FOG). Organic polar compounds derived from vegetable/plant
6 or animal sources composed of long-chain triglycerides that are used in, or are
7 byproducts of, the cooking or food preparation process. A wide range of food
8 preparation activities, including but not limited to the following, can generate fats, oils
9 or grease: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling,
10 boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing,
11 or any other food preparation activity that produces a hot food product in or on a
12 receptacle that requires washing.
- 13 c. First Certificate of Occupancy. A temporary certificate of occupancy or a Certificate of
14 Final Completion and Occupancy, as defined in San Francisco Building Code Section
15 109A, whichever is issued first.
- 16 d. Food Service Establishment (FSE). A non-residential wastewater discharger that
17 engages in activities of preparing, serving, or otherwise making available food for
18 consumption by the public or on the premises, including restaurants, commercial
19 kitchens, caterers, hotels and motels, schools, hospitals, prisons, correctional facilities,
20 nursing homes, care institutions, and any other facility preparing and serving food for
21 public consumption. Food Service Establishments consist of the following four
22 categories of FOG dischargers:
23
24
25

- 1 i. Category 4 FOG Discharger: A FSE that engages only in reheating, hot holding,
2 or assembly of ready to eat food products. Category 4 FOG Dischargers are also
3 referred to as Limited Food Preparation Establishments.
- 4 ii. Category 3 FOG Discharger: A FSE that, in the process of preparing and making
5 food available to the public or on the premises, generates FOG that is discharged
6 into the City's sewerage system, and has been determined by the General
7 Manager to pose a less-significant risk of discharging FOG to the sewerage
8 system. Category 3 FOG Dischargers are also referred to as Less-Significant
9 Grease Dischargers.
- 10 iii. Category 2 FOG Discharger: A FSE that, in the process of preparing and making
11 food available to the public or on the premises, generates FOG that is discharged
12 into the City's sewerage system, and, prior to April 1, 2011, had installed grease
13 capturing equipment that was properly sized and installed, and remains fully
14 operational and properly maintained and serviced, as determined by the General
15 Manager.
- 16 iv. Category 1 FOG Discharger: A FSE that, in the process of preparing and making
17 food available to the public or on the premises, generates FOG that is discharged
18 into the City's sewerage system, and does not meet the criteria for Category 2,
19 Category 3 or Category 4 FOG Dischargers.
- 20 e. Gravity Grease Interceptor (GGI). A plumbing appurtenance or appliance that is
21 installed in a sanitary drainage system to intercept non-petroleum fats, oils and grease
22 from a wastewater discharge and is identified primarily by gravity separation and a
23 minimum total volume of 300 gallons.
- 24
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- 1 f. Grease Capturing Equipment. A plumbing appurtenance or appliance that is installed
2 in a sanitary drainage system to separate fats, oils and grease from a wastewater
3 discharge. Grease capturing equipment include gravity grease interceptors,
4 hydromechanical grease interceptors, grease removal devices and any other grease
5 capturing equipment authorized by the General Manager or the Department.
- 6 g. Grease Capturing Equipment Waste. Material collected in and from grease capturing
7 equipment, including any solids resulting from dewatering processes.
- 8 h. Grease Removal Device (GRD). Any hydromechanical grease interceptor that
9 automatically, mechanically removes non-petroleum fats, oils and grease from the
10 interceptor, the control of which are either automatic or manually initiated.
- 11 i. Hydromechanical Grease Interceptor (HGI). A plumbing appurtenance or appliance
12 that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and
13 grease from a wastewater discharge and is identified primarily by a design that
14 incorporates hydromechanical separation.
- 15 j. Less-Significant Grease Discharger. A FSE Category 3 FOG Discharger.
- 16 k. Limited Food Preparation Establishment. A FSE Category 4 FOG Discharger.

17 **Section 140.3 Prohibitions and Limitations.**

- 18 a. Disposal of Fats, Oils and Grease or any food waste containing Fats, Oils and Grease,
19 directly into drains leading to the sewer system is prohibited, except in accordance with
20 this Article, the Department's rules and regulations, and applicable building codes and
21 regulations.
- 22 b. Notwithstanding section 123(e)(3) of this Article, installation of garbage grinders in new
23 Food Service Establishments is prohibited. Garbage grinders in existing Food Service
24 Establishments shall be removed or rendered permanently inoperative by May 1, 2011.
- 25

- 1 c. Discharge of wastewater with temperature higher than 140°F to or through grease
2 capturing equipment is prohibited.
- 3 d. Discharge of wastewater from dishwashers to or through grease capturing equipment
4 is prohibited.
- 5 e. Discharge of water closets, urinals, and other plumbing fixtures conveying human
6 waste to or through any type of grease capturing equipment is prohibited.
- 7 f. The concentration of Fats, Oils and Grease discharged from Food Service
8 Establishments into the City's sewerage system shall not exceed the discharge limit for
9 total recoverable oil and grease established pursuant to Article 4.1 of the San
10 Francisco Public Works Code, as amended from time to time.
- 11 g. The discharge of solvents or additives that emulsify grease into drainage pipes leading
12 to grease capturing equipment is prohibited.
- 13 h. The use of biological additives, including, but not limited to enzymes, into drainage
14 pipes leading to grease capturing equipment is prohibited.

15 **Section 140.4 General Requirements.**

- 16 a. All Food Service Establishments, with the exception of Limited Food Preparation
17 Establishments, shall install, operate, maintain and service Grease Capturing
18 Equipment and implement specified Best Management Practices, in accordance with
19 this Article, any permits, authorizations, rules and regulations issued by the General
20 Manager and Department, and applicable City building codes and regulations.
- 21 b. All Food Service Establishments shall properly store and recycle or dispose of Fats,
22 Oils and Grease diverted from their liquid wastestreams in accordance with all laws
23 and regulations applicable to such storage, recycling and disposal.
- 24
25

- 1 c. All Food Service Establishment kitchen fixtures connected to drainage pipes that lead
2 to grease capturing equipment or sewer laterals shall have small-mesh food strainers
3 that are intact and functional.
- 4 d. All Food Service Establishment wastewater dischargers must at all times comply with
5 the provisions of this Article, all other applicable local, state and federal laws, including
6 but not limited to applicable provisions of the San Francisco Health Code and San
7 Francisco Building and Plumbing Codes, and applicable rules, regulations, permits and
8 authorizations issued by the General Manager and the Department.
- 9 e. All Food Service Establishments shall ensure that all pots, pans, dishware and work
10 areas are wiped prior to washing of such utensils, equipment or areas; and shall
11 implement any other Best Management Practices deemed appropriate by the General
12 Manager or the Department.
- 13 f. All Food Service Establishments shall apply for a wastewater discharge permit or other
14 authorization if required by the General Manager.

15 **Section 140.5 Grease Capturing Equipment Requirements.**

- 16 a. All grease capturing equipment shall be installed in accordance with this Article, any
17 permits, authorizations, rules and regulations issued by the General Manager and the
18 Department, and applicable City building codes and regulations.
- 19 b. Any Grease Removal Devices installed by a Food Service Establishment in
20 accordance with the requirements of this Article shall conform to standards or
21 guidelines deemed applicable by the General Manager or the Department.
- 22 c. Category 1 FOG Dischargers shall install a Grease Removal Device (or a Gravity
23 Grease Interceptor) in accordance with the provisions of this Article within 60 days of
24 notification by the General Manager, but in any event no later than July 1, 2013.
25

- 1 d. Category 2 FOG Dischargers shall install a Grease Removal Device (or a Gravity
2 Grease Interceptor) in accordance with the provisions of this Article and within a time
3 period specified by the Department when notification is given to the FSE , if one or
4 more of the following conditions applies, as determined by the General Manager:
- 5 i. The pre-existing grease capturing equipment is not properly sized, properly
6 installed, fully operational or properly maintained and serviced.
 - 7 ii. The wastewater discharge from the FSE does not comply with the City's
8 wastewater discharge limit for total recoverable oil and grease.
 - 9 iii. The FSE is causing or contributing to grease accumulation problems in sewer
10 laterals or sewer mains.
 - 11 iv. Some or all of the fats, oils and grease waste containing discharge lines are not
12 connected to pre-existing grease capturing equipment, and connecting these to
13 pre-existing grease capturing equipment is not appropriate.
- 14 e. Category 3 or Category 4 FOG Dischargers that change operations to the extent that
15 the FSE no longer meets the definition of a Category 3 or Category 4 FOG
16 discharger, shall comply with the grease capturing equipment requirements of
17 Category 1 or Category 2 FOG Dischargers, whichever is applicable, as determined
18 by the General Manager.
- 19 f. Category 3 or Category 4 FOG Dischargers causing or contributing to grease
20 accumulation problems in sewer laterals or sewer mains, as determined by the
21 General Manager, shall comply with the grease capturing equipment requirements of
22 Category 1 or Category 2 FOG Dischargers, whichever is applicable, as determined
23 by the General Manager.
24
25

1 g. A Food Service Establishment may file a request to the General Manager for a
2 variance from the Grease Removal Device installation requirements of this Article if
3 the FSE can demonstrate that it is not feasible for a Grease Removal Device to be
4 installed due to lack of physical space. The Food Service Establishment requesting
5 such a variance shall bear the burden of demonstrating that the installation of a
6 Grease Removal Device is not feasible. The determination as to whether a FSE
7 qualifies for a variance for the reasons detailed in this subsection shall be at the sole
8 discretion of the General Manager.

9 **Section 140.6 New Construction, Changes in Ownership, and Remodeling**

10 a. The following requirements shall apply when ownership of an existing Food Service
11 Establishment changes:

12 1. Within 30 days of the official transfer of ownership, the new owner shall apply for a
13 Food Service Establishment Wastewater Discharge Permit, or other authorization,
14 as required by the Department rules and regulations. The application shall describe
15 any changes in food preparation and/or kitchen fixtures that could affect the FOG
16 Discharger category that was assigned to the establishment under its previous
17 ownership.

18 b. The following requirements shall apply to newly constructed Food Service
19 Establishments:

20 1. Category 3 FOG Dischargers, also referred to as Less-Significant Grease
21 Dischargers, shall install Grease Capturing Equipment and the equipment shall be
22 operational prior to commencing the discharge of wastewater from food processing
23 and/or kitchen areas into the City's sewerage system.

1 2. Category 1 FOG Dischargers shall install a Grease Removal Device or a Gravity
2 Grease Interceptor and the equipment shall be installed and operational prior to
3 commencing the discharge of wastewater from food processing and/or kitchen
4 areas into the City's sewerage system.

5 3. No City department shall issue a First Certificate of Occupancy to a new Food
6 Service Establishment until it has complied with this section.

7 c. Any existing non-Food Service Establishment business that expands or renovates its
8 operations to include a Food Service Establishment, with the exception of a Limited
9 Food Preparation Establishment, shall comply with the requirements of section
10 140.6(b)(1) or 140.6(b)(2), whichever is applicable.

11 d. Existing Food Service Establishments proposing remodeling or renovations that require
12 a plumbing permit for work in food processing and/or kitchen areas and meet the
13 criteria below shall be required to install, as part of their project, a Grease Removal
14 Device or Gravity Grease Interceptor that complies with this Article and applicable City
15 building codes:

- 16 1. Modifications are proposed to under-slab plumbing in the food processing or
17 kitchen areas; and/or
18 2. An increase in the size of the kitchen area is proposed; and/or
19 3. Changes to the size and/or type of food preparation equipment are proposed
20 which will increase the amount of fats, oils and grease discharged into the
21 sewerage system.

22
23 **Section 140.7 Maintenance and Operations.**

- 1 a. Grease capturing equipment must be operated and maintained effectively and properly
2 at all times, and in accordance with any rules and regulations issued by the General
3 Manager and the Department. Food Service Establishments shall be required to keep
4 and/or provide equipment maintenance and service logs or receipts, and to retain such
5 logs on-site.
- 6 b. Grease capturing equipment shall be maintained at a frequency such that the
7 combined fats, oil and grease and solids accumulation does not exceed 25% of the
8 total hydraulic depth of the equipment.
- 9 c. Food Service Establishments shall comply with any Department directive to increase
10 the frequency of Grease Capturing Equipment servicing, if the frequency of servicing is
11 not adequate to ensure that the combined fats, oil and grease and solids accumulation
12 does not exceed 25% of the total hydraulic depth of the equipment.
- 13 d. In addition to the specific grease capturing equipment operation and maintenance
14 requirements in this Article, Food Service Establishments must follow the
15 manufacturers' recommendations and guidelines for appropriate operation and
16 maintenance of the grease capturing equipment. Information on the manufacturer-
17 recommended operations and maintenance of the grease capturing equipment shall be
18 retained on-site by the Food Service Establishment.
- 19 e. Gravity Grease Interceptors shall be serviced and emptied of accumulated waste
20 content as required to maintain efficient operations and shall be pumped out and
21 cleaned only by a waste hauler certified by the California Department of Food and
22 Agriculture.
- 23 f. Grease Capturing Equipment Waste that is removed by any means other than self-
24 cleaning must be removed by a grease hauler certified by the California Department of
25

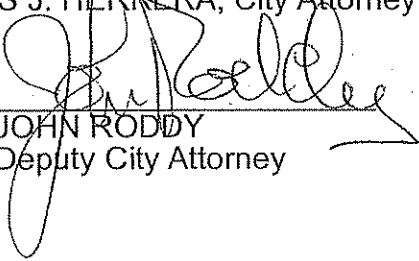
1 Food and Agriculture. The maintenance records signed by the certified grease hauler
2 shall be retained on-site by the Food Service Establishment for three years.

3 g. Materials removed from grease capturing equipment shall not be reinserted into the
4 interceptor or allowed to pass into the sewerage system.

5 h. Best Management Practices regarding maintenance and operations of grease
6 capturing equipment, specified by the Department, shall be implemented by all Food
7 Service Establishments.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By:


12 JOHN RODDY
13 Deputy City Attorney

LEGISLATIVE DIGEST

[Establishment of regulatory controls for the discharge of fats, oils and grease into sewers.]

Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding sections 140 – 140.7 to provide prohibitions, limitations and requirements for the discharge of fats, oils and grease into the City's sewerage system by food service establishments.

Existing Law

As the operator of a large sewer system, the City and County of San Francisco is required by state and federal law to prevent system overflows, and to regulate and control the discharge of industrial wastes into the system in order to protect the system, increase operational efficiency, comply with pollutant minimization requirements, and facilitate compliance with wastewater discharge limits. The "Industrial Waste Ordinance," codified as Article 4.1, provides the authority to implement such controls sections 118 – 139, of the San Francisco Public Works Code. This ordinance prohibits the discharge of grease and oil into the City's sewerage system in excess of a specified limit. The Industrial Waste Ordinance also provides comprehensive general administrative authority to manage the controls program, regarding permit issuance, inspection, monitoring, reporting, enforcement and penalties.

Amendments to Current Law

The proposed amendments to the Industrial Waste Ordinance authorize additional controls for the discharge of fats, oils and grease into the sewerage system by food service establishments. Sections 140 – 140.7 add to Article 4.1 the following provisions:

1. Definitions specifically applicable to the discharge and control of fats, oils and grease.
2. General prohibitions and limitations to ensure proper operation of any type of grease capturing equipment and to prohibit disposal of fats, oils and grease into the sewer system.
3. General requirements that direct food service establishments to operate, service and maintain all grease capturing equipment in accordance with the Ordinance; to

properly manage fats, oils and grease diverted from wastewater discharges; to implement best management practices to control fats, oils and grease discharges; and to obtain required permits.

4. Requirements specifying which Fats, Oils and Grease Discharger Categories shall install automatic Grease Removal Devices (GRDs).
5. Requirements to effectively maintain and operate grease removal devices and to implement applicable Best Management Practices.

Background Information

Restaurants and other Food Service Establishments (FSEs), such as catering kitchens, are already regulated under current local codes which set a limit on the amount of grease they can discharge into City sewers. They are also required by local plumbing codes to install grease traps or interceptors. In spite of current local code requirements, the San Francisco Public Utilities Commission (SFPUC) spends approximately \$3.5 million a year addressing grease clogged sewer mains and laterals, and over 40% of sewer service work orders are related to issues with grease in the sewer system.

The SFPUC estimates that there are approximately 3,000 food service establishments that have cooking operations which would result in their having fats, oils and grease in their wastewater discharges. SFPUC staff has identified the following as the central reasons that current local regulations are not as effective as they need to be to control grease discharges into the sewer system:

1. Many food service establishments that have grease capturing equipment that is not well maintained or serviced and therefore does little to remove grease from wastewater discharges;
2. Many food service establishments that have no grease capturing equipment at all. The SFPUC estimates that over 50% of food service establishments that in San Francisco may not have grease capturing equipment in place;
3. Grease traps and interceptors, once installed, are not routinely inspected by any City department for proper servicing and maintenance; and,
4. It is financially prohibitive for the City to sample the discharge of every establishment to ensure that grease discharges are below the local discharge limit.

The above factors underscore the need for improvements to the industrial waste program to ensure that food service establishments have effective pre-treatment equipment in place to capture and divert grease.

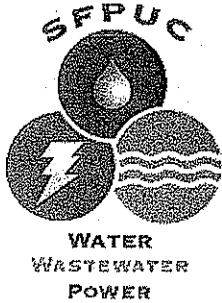
The proposed Fats, Oils and Grease (FOG) Control Ordinance will complement existing local requirements by:

- Establishing clear requirements for servicing and maintenance of all grease capturing equipment.
- Requiring or encouraging the use of more modern and effective grease capturing equipment (automatic grease removal devices or "GRDs"); and

The proposed FOG Control Ordinance allows food service establishments to keep their existing grease capturing equipment if it is operational and adequately serviced. The proposed Ordinance, however, addresses the fact that modern technology for grease removal from wastewater has surpassed the controls contemplated when the current Industrial Waste Ordinance was adopted in 1992. The industry now has three widely-recognized options: hydromechanical grease interceptors ("grease traps"), gravity grease interceptors ("grease interceptors"), and automatic grease removal devices (or automatic "GRDs").

- **Hydromechanical grease interceptors** (or "traps") are the least expensive and most common technology, yet they are problematic because they must be cleaned daily or weekly to maintain effectiveness. The SFPUC's experience is that many establishments do not regularly clean them because it is unpleasant and, therefore, unacceptable amounts of FOG still get discharged into the sewer system.
- **Gravity grease interceptors** (or "interceptors"), the second most used technology, are very effective, but they are also very expensive and generally are too large to work for the majority of FSEs in San Francisco. By definition, they are 300 gallons or more in capacity/size and are generally installed underground outdoors (ex: under a parking lot).
- **Automatic grease removal devices** (or "automatic GRDs") are the newest technology. They automatically, mechanically separate out food particles and skim waste fats, oils and grease from the wastewater discharges. They are middle-range in cost and more pragmatic due to automation and less-offensive maintenance procedures.

The proposed Ordinance defines four FOG Discharger Categories, which will each reflect the likely risk of a food service establishment to discharge grease into the collection system (based on cooking equipment and fixtures and the status of their existing grease capturing equipment, if any). Each food service establishment will be assessed by SFPUC wastewater inspectors and then assigned the applicable FOG Discharger Category. The proposed ordinance will require that those establishments which generate significant grease in their kitchens, but have no grease capturing equipment, install automatic Grease Removal Devices. All food service establishments, including those with existing grease capturing equipment, will be required to properly service and maintain their equipment.



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Nathan Purkiss, 554-3404

DATE: 11/08/10

SUBJECT: Ordinance to provide prohibitions, limitations and requirements for the discharge of fats, oils and grease into the City's sewerage system by food service establishments.

GAVIN NEWSOM
MAYOR

FRANCESCA VIOTOR
PRESIDENT

ANSON MORAN
VICE PRESIDENT

ANN MOLLER CAEN
COMMISSIONER

F.X. CROWLEY
COMMISSIONER

ED HARRINGTON
GENERAL MANAGER

Please find the original and 4 copies of an ordinance sponsored by Supervisor Mar to provide prohibitions, limitations and requirements for the discharge of fats, oils and grease into the City's sewerage system by food service establishments. The entire packet includes:

1. Ordinance.
2. Signed copy of SFPUC Commission Resolution 10-0153, and the SFPUC Agenda Item related to this resolution, urging approval of the attached ordinance.

Please contact us if you need any additional information on these items.

Departmental representative to receive a copy of the adopted resolution:

Name: Nathan Purkiss

Phone: 554-3404

Interoffice Mail Address: 1155 Market Street, 11th Floor



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

January 3, 2011

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File No. 101147 [Public Works Code - Establishment of Regulatory Controls for the Discharge of Fats, Oils, and Grease Into Sewers]

Small Business Commission Legislation and Policy Committee Recommendation:
Approval

Dear Ms. Calvillo:

On December 13, 2010, the Small Business Commission voted to recommend approval of Board of Supervisors File No. 101147.

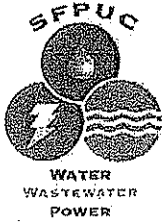
The Commission commends the Public Utilities Commission for their extensive outreach to the small business community and the restaurant industry. By involving stakeholders early on in the process, the PUC and Supervisor Mar have introduced an ordinance that provides substantial benefits to our sewer system, while understanding the fiscal implications for San Francisco small businesses. The PUC responded by including provisions and financial resources to aid and support these businesses in meeting new compliance standards.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisor Mar
Starr Terrell, Mayor's Office
Alisa Somera, Clerk of the Land Use and Economic Development Committee
Ed Harrington, General Manager, Public Utilities Commission
Karen Hurst, Public Utilities Commission

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6408



AGENDA ITEM
Public Utilities Commission
City and County of San Francisco



DEPARTMENT Wastewater Enterprise

AGENDA NO. 9

MEETING DATE September 14, 2010

Fats, Oils and Grease (FOG) Control Ordinance: Regular Calendar
Project Manager: Karen Hurst

Recommend to the Board of Supervisors to Approve the Fats, Oils and Grease (FOG) Control Ordinance

<p>Summary of Proposed Commission Action:</p>	<p>Authorize the General Manager of the San Francisco Public Utilities (SFPUC) to submit for adoption and urge the Board of Supervisors of the City and County of San Francisco to pass, and Mayor Gavin Newsom to sign, the proposed Fats, Oils and Grease (FOG) Control Ordinance.</p>
<p>Background:</p>	<p>Regulatory Requirements:</p> <p>As the operator of a large sewer system, the City and County of San Francisco is required by state and federal law to prevent system overflows, and to regulate and control the discharge of industrial wastes into system in order to protect the system, increase operational efficiency, comply with pollutant minimization requirements, and facilitate compliance with wastewater discharge limits.</p> <p>The proposed Fats, Oils and Grease (FOG) Control Ordinance will facilitate compliance with these requirements and with the City's current National Pollutant Discharge Elimination System (NPDES) permits and the Sanitary Sewer Overflow Waste Discharge Requirements (WDRs) permit, which are issued by the San Francisco Bay Regional Water Quality Control Board and the United States Environmental Protection Agency (US EPA).</p> <p>A significant problem for sewer utilities in the United States as they aim to meet regulatory requirements is the discharge of fats, oils and grease into their sewer systems, which results in costly and unsanitary back-ups. The SFPUC spends approximately \$3.5 million a year addressing FOG in sewer mains and laterals.</p> <p>SFPUC's Existing Related Authority and Programs:</p> <p>San Francisco's existing "Industrial Waste Ordinance," which is codified as Article 4.1, requires dischargers to comply with such control programs (per sections 118 -</p>

APPROVAL:

DEPARTMENT / BUREAU



FINANCE

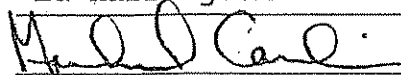
Todd L. Rydstrom

COMMISSION SECRETARY

Mike Housh

GENERAL MANAGER

Ed Harrington



139 of the San Francisco Public Works Code). In section 123 "Limitations and Prohibitions", there is a limit set for the amount of Total Recoverable Oil and Grease that can be discharged by industrial users into the City's sewer system at 300 mg/L.

SFPUC Wastewater Enterprise, through its Collection System Division inspection staff, has implemented educational and outreach programs to reduce the discharge of fats, oils and grease to the sewers from restaurants and other Food Service Establishments (FSEs), such as commercial kitchens and caterers. The existing program, which was launched as a pilot in FY 01/02 in Fisherman's Wharf and Chinatown and then expanded citywide, has consisted primarily of education. FSEs are told about the problems caused by the discharge of FOG into sewers (both to their business operations and to the City's sewer system) and measured on their compliance with a list of Best Management Practices (BMPs) that can be implemented to reduce the discharge of FOG from their kitchens.

SFPUC Wastewater Inspectors also work closely with the staff of the Department of Building Inspection (DBI) and refer to DBI restaurants that are causing grease backups. DBI, under Plumbing Code Section #1014 can direct restaurants and other Food Service Establishments to install grease capturing equipment (i.e. grease traps or interceptors). Under the DBI code, new restaurants are required to install grease capturing traps or interceptors, which are to be permitted and inspected by DBI.

Need for Proposed Ordinance:

Restaurants and other FSEs are required by current local regulations to comply by placing a limit on the amount of Total Recoverable Oil and Grease they can discharge into City sewers, and through installation of traps or interceptors as required by the local plumbing code. In spite of this, San Francisco has a significant problem with back-ups caused by FOG in sewer laterals and mains. The SFPUC spends approximately \$3.5 million a year addressing grease clogged sewer mains and laterals, and over 40% of sewer service work orders are related to FOG issues. These back-ups also impact residents and FSEs themselves by interrupting their business, putting them at risk for potential health violations and requiring that they pay for one-time or ongoing sewer lateral flushing services.

The SFPUC estimates that there are approximately 3,000 FSEs that could be discharging FOG - containing wastewater into the sewer system. SFPUC staff have identified the central reasons that current local regulations are not as effective as they need to be to control FOG discharges into the sewer system:

- 1) Many FSEs have grease capturing equipment that is not well maintained or serviced and therefore does little to remove grease from wastewater discharges;
- 2) Many FSEs have no grease capturing equipment at all. The SFPUC estimates that over 50% of FSEs in San Francisco may not have grease capturing equipment in place;
- 3) Grease traps and interceptors, once installed, are not routinely inspected by any City department for proper servicing and maintenance; and,
- 4) It is financially prohibitive for the City to sample the discharge of every establishment to ensure FOG discharges are below local discharge limits.

The above factors underscore the need for improvements to the industrial waste

	<p>The proposed FOG Control Ordinance has been developed over the past several years, in cooperation with key stakeholders, such as the Golden Gate Restaurant Association (GGRA), the Department of Building Inspection and the Port of San Francisco. The Ordinance will complement existing local requirements by:</p> <ul style="list-style-type: none"> • Establishing a process by which all Food Service Establishments must assess if they have required grease capturing equipment in place; • Requiring or encouraging the use of more modern and effective grease capturing equipment (automatic grease removal devices or “GRDs”); • Establishing clear requirements for servicing and maintenance of all grease capturing equipment.
<p>Ordinance Overview:</p>	<p>The primary objective of the proposed FOG Control Ordinance is to reduce fats, oils and grease discharges from local Food Service Establishments into the City’s sewer system. The Ordinance will:</p> <ul style="list-style-type: none"> • Give local FSEs clear requirements on exactly what type of grease capturing equipment they must install, based on cooking equipment, plumbing fixtures, and other factors which correlate to a their FOG-discharge risk; • Require that any type of grease capturing equipment be well maintained and serviced so it will remove grease from wastewater discharges as intended; • Establish other minor prohibitions and requirements that will protect the sewer system from FOG and ensure that grease capturing equipment is properly functioning; and • Increase opportunities for recovering from wastewater discharge lines both food solids (which can be composted) and waste grease (which can be recycled, and may also be able to be converted to biofuel). <p>Two key concepts in the proposed Ordinance are: 1) transitioning FSEs to more effective equipment and, 2) the assignment of a FOG Discharger Category to each FSE.</p> <p>1) Transitioning Toward More Effective Equipment: The Ordinance allows FSEs to keep their existing grease capturing equipment if it is operational and adequately serviced. However, the Ordinance addresses the fact that modern technology for grease removal from wastewater has surpassed the controls contemplated when the current Industrial Waste Ordinance was adopted in 1992. The industry now has three widely-recognized options: hydromechanical grease interceptors (“grease traps”), gravity grease interceptors (“grease interceptors”), and automatic grease removal devices (or automatic “GRDs”).</p> <ul style="list-style-type: none"> ○ Hydromechanical grease interceptors (or “traps”) are the least expensive and most common technology, yet they are problematic because they must be cleaned daily or weekly to maintain effectiveness. The SFPUC’s experience is that many establishments do not regularly clean them because it is unpleasant and, therefore, unacceptable amounts of FOG still get discharged into the sewer system. ○ Gravity grease interceptors (or “interceptors”), the second most used technology, are very effective, but they are also very expensive and generally are too large to work for the majority of FSEs in San Francisco. By definition, they are 300 gallons or more in capacity/size and are generally installed underground outdoors (ex: under a parking lot).

- o **Automatic grease removal devices** (or “automatic GRDs”) are the newest technology. They automatically, mechanically separate out food particles and skim waste fats, oils and grease from the wastewater discharges. They are middle-range in cost and more pragmatic due to automation and less-offensive maintenance procedures.

The Ordinance will result in the installation of more automatic GRDs or gravity grease interceptors in the City, thus increasing the amount of FOG diverted from the sewer system. It will also result in all grease capturing equipment being more adequately serviced and maintained, and thus more effective.

2) FOG Discharger Categories Resulting in Risk-Based Requirements:

The Ordinance defines Food Service Establishments as falling into one of four FOG Discharger Categories (Section 140.2 Definitions). This enables the SFPUC to define requirements based on the likely risk of FOG-impact on the sewer system by the FSE. Section 140.5 (Grease Capturing Equipment Requirements) establishes grease capturing equipment requirements and compliance timelines that apply for the different FOG discharger categories.

Category 1 FOG Dischargers are those which generate significant fats, oils and grease in their kitchens yet have no grease capturing equipment.

- **Equipment Requirements:**
 - Must install an automatic Grease Removal Device or Gravity Grease Interceptor (no passive grease traps).
 - Must capture all grease-waste containing wastewater discharge lines.
 - Installation of equipment must be done within 60 days of notification by the City, but in any event no later than July 1, 2013.

Category 2 FOG Dischargers also generate significant FOG, but they have grease capturing equipment already installed (as of 3/1/2011).

- **Equipment Requirements:**
 - Must capture all grease-waste containing wastewater discharge lines.
 - Must keep existing equipment fully operational and properly maintained and serviced.
 - Category 2 FOG Dischargers may be directed to install an automatic GRD or Gravity Grease Interceptor if inspections reveal certain conditions (ex: equipment is not operating properly; grease dischargers are exceeding local limits; FSE is causing sewer back-ups).

Category 3 FOG Dischargers pose a less-significant risk of discharging FOG to the sewer system (based on objective factors such as cooking equipment and plumbing fixtures). Also referred to as a “Less-Significant Grease Discharger.”

- **Equipment Requirements:**
 - No change from current City requirements.
 - Pursuant to the City Plumbing Code, all grease-waste containing wastewater discharge lines must have grease capturing equipment.

Category 4 FOG Dischargers are not likely to be discharging much (if any) FOG to the sewer; these establishments only reheat or “hot-hold” prepared food. Also referred to as a Limited Food Preparation Establishment.

- **Equipment Requirements:**
 - No change from current City requirements.
 - No grease capturing equipment required.

Conditions Resulting in Changes in FOG Discharger Category Determination:
(Sections 140.5.e and 140.5.f)

- Category 3 or Category 4 FOG Dischargers may be reclassified as Category 1 or Category 2 FOG Dischargers (which ever is applicable) and be directed to install a trap, automatic GRD or interceptor under the following conditions:
 - a change kitchen operations that alters how much FOG is generated and potentially discharged to the sewer system; or
 - the FSE is causing or contributing to grease accumulation problems in sewer laterals or sewer mains.

Requirements for New Construction, Changes in Ownership, and Remodeling:
(Section 140.6)

- The Ordinance defines requirements for New FSE Construction, Changes in Ownership, and Remodeling (where FOG generation would increase) to ensure that FOG Discharger Category determinations are applied and adjusted as needed.

Request for Variance from Automatic GRD or Interceptor Requirement:
(Section 140.5.g)

- A FSE may file a request to the SFPUC for a variance from the automatic GRD installation requirements if the FSE can demonstrate that it is not feasible for a Grease Removal Device to be installed due to lack of physical space.

Other Ordinance Requirements:

Prohibitions/Limitations (Section 140.3): Several Prohibitions/Limitations in the Ordinance ensure proper operation of grease capturing equipment and to prohibit disposal of FOG into the sewer system.

General Requirements (Sections 140.4 and 140.5): General requirements in the Ordinance ensure that any grease capturing equipment installed meets City standards and is installed in compliance with City codes and regulations. Also address is proper management of the FOG diverted from the liquid wastestream and continued implementation of FOG-control Best Management Practices by food service establishments.

Maintenance and Operations (Section 140.7): The Ordinance contains requirements regarding servicing and maintenance of grease capturing equipment to ensure that the equipment is effective in diverting FOG and to facilitate the City's ability to inspect for adequate equipment servicing.

Environmental Review

Under the delegation agreement between the San Francisco Planning Department and the SFPUC, a categorical exemption determination was issued on July 21, 2010 under CEQA Guidelines Section Number 15308 (Actions by Regulatory Agencies for the Protection of the Environment). On July 21, 2010, the San Francisco Planning Department Environmental Review Officer gave his concurrence with the exemption determination.

Related Key Stakeholder Information:	<p>Reducing Financial Impact to Local Restaurants:</p> <p>San Francisco restaurants are a vital and critical part of the local economy and culture. Automatic Grease Removal Devices are more expensive than the traditional passive grease trap. Automatic GRDs can range from a few thousand dollars (models with a capacity of 30 gpm or less) to around \$5,000 for models that have a capacity of 30-50 gpm). Although restaurants may be able to arrange financing plans with vendors, SFPUC Wastewater Enterprise staff has worked with SFPUC Finance to propose a unique way to minimize the impact of the proposed Ordinance on local restaurants:</p> <p><u>Cost Savings on Sewer Service Charges for Eligible FSEs:</u></p> <ul style="list-style-type: none">• Restaurants that have their own water/sewer bill with the SFPUC and are coded as 5812 (Eating Places) pay sewer service charges that include loading charges for oil and grease and Chemical Oxygen Demand.• FSEs that install and properly service automatic Grease Removal Devices or large Interceptors are expected to reduce their loadings of oil and grease and Chemical Oxygen Demand.• Based on the expected reduction in these discharge loadings, the sewer service charges would be adjusted down to \$9.8731/unit (as compared to current 5812 charge of \$11.5018/unit) – a 14.2% reduction.• A pilot study done to gather quotes from automatic GRD vendors for several FSEs in San Francisco showed that this sewer service charge adjustment would result in a pay back period for the equipment of less than one year or 1.5 years for smaller FSEs and around 5 years for a larger FSE (one that required installation of two automatic GRDs). <p>Key Stakeholder Outreach and Involvement Conducted:</p> <p>Significant effort has been made to involve key stakeholders during the drafting and development of the proposed FOG Control Ordinance, as summarized below:</p> <p><u>Golden Gate Restaurant Association (GGRA):</u> SFPUC staff began meeting with the GGRA several years ago and have worked with the Association through the development of the Ordinance. SFPUC coordinated with GGRA to hold Town Hall meetings in March 2010 to present the draft Ordinance directly to restaurant owners and managers. GGRA has submitted a letter of support for the FOG Control Ordinance.</p> <p><u>Town Hall Meetings (March 2010):</u> Town Hall meetings were held on the proposed Ordinance on 3/2/10 (Scomas) and 3/3/10 (Jewish Community Center).</p> <p><u>BOMA:</u> SFPUC staff presented the Ordinance to the BOMA Environmental Committee on May 4, 2010.</p> <p><u>Chinese Chamber of Commerce:</u> SFPUC staff presented the Ordinance to the Chinese Chamber of Commerce on April 13, 2010.</p> <p><u>SFPUC Website:</u> Information on the Ordinance has been posted on the SFPUC website since February 2010 (Draft Ordinance; Summary Fact Sheets in English, Spanish and Chinese; Pictures and video of FOG-clogged sewers and laterals in San Francisco). An email address was set up for any interested parties to comment or submit questions (FOGOrdinance@sfgwater.org).</p>

	<p><u>Local Media Attention:</u></p> <ul style="list-style-type: none"> - San Francisco Chronicle Front Page article, March 18, 2010 (S.F. asks eateries to trap grease, save sewers) - KCBS Radio, March 3, 2010 (Grease is the Word); coverage related to Town Hall meeting. <p><u>Door-to-Door Outreach to Restaurants (April 2010):</u></p> <ul style="list-style-type: none"> - To reach smaller restaurants that may not have attended the Town Hall meetings and for which English is not their primarily language, SFPUC enlisted a local community outreach firm to conduct door-to-door outreach. - Bilingual outreach staff canvassed such restaurants (48 Mandarin, 45 Cantonese, 86 Spanish) and spoke with managers and/or staff about the Ordinance, also providing the proposed Ordinance Fact Sheet in the appropriate language.
<p>Budget and Costs:</p>	<p>The estimated cost for implementing the Ordinance involves two elements: staff resources and reduction in sewer service charge revenues.</p> <p>1) <u>Staff resources:</u></p> <ul style="list-style-type: none"> • Existing Wastewater Inspectors will implement the FOG Control Ordinance. These inspectors, in addition to their other inspection and permitting duties, have been conducting site visits to FSEs in San Francisco over the past several years to inspect and educate on FOG-control Best Management Practices (BMPs). When the Ordinance is adopted, the inspectors will adapt their inspections to focus on compliance with the new requirements. <p>2) <u>Reduction in Sewer Service Charge Revenues:</u></p> <ul style="list-style-type: none"> • In FY09-10, SFPUC annual revenue from the sewer service charge portion of accounts coded as 5812 (Eating Places) will be approximately \$11.4 million. • Reduced revenue from expected adjustments to sewer service charges paid by food service establishments is estimated at \$1.1 million/year (or half a percent of all sewer service charge revenues), based on the following assessment: <ul style="list-style-type: none"> - FSEs that install and properly service automatic Grease Removal Devices or large Interceptors will reduce their loadings of oil and grease and Chemical Oxygen Demand. - When sewer service charges are adjusted for these reduced loadings, the charges decrease to \$9.8731/unit (as compared to current 5812 charge of \$11.5018/unit) – a 14.2% reduction. - SFPUC estimates that of the 2,755 accounts coded as 5812 (Eating Places), approximately 65% will become eligible for the sewer service charge adjustment (or 1,180 accounts). • Rates for commercial users are set through 2014 and with only a small 1% increase to commercial users in 2015. Since installation of qualifying equipment will likely take place over a 2-year period, the likely impact of revenues prior to the next rate review is estimated at \$3,860,000 as illustrated in the table below:

Fiscal Year	FY 2011/12	FY 2012/13	FY 2012/13	FY 2014/15
# of FSEs Eligible	905	1,810	1,810	1,810
Reduction in Revenue	\$550,000	\$1,100,000	\$1,100,000	\$1,110,000
<p>Revenue Reduction to be Offset by Expected Decrease in Expenditures: The Wastewater Enterprise Collection System Division currently spends approximately \$3.5 million a year responding to problems caused by grease in the sewer system. Implementation of the proposed FOG Control Ordinance is expected to significantly reduce the amount of staff time and resources allocated to responding to grease clogs, and also to reduce associated wear and tear on sewer pipes (thus extending their useful lifespan).</p> <p>The Collection System Division expects that, when there are fewer problems with grease in the sewers, these staff and resources (i.e. trucks, inspection cameras, repair crews, etc.) can be re-deployed to conduct proactive collection system asset management duties, resulting in:</p> <ul style="list-style-type: none"> - increased small and local sewer preventive maintenance to reduce the number of mainline sewer overflows; - increased catch basin cleaning to reduce street flooding incidents; - increased major sewer maintenance to increase system carrying capacity; and - increased collection system condition assessment to identify pipes with high-risk of failure. <p>This is expected to lead to cost reductions over the long term, by increasing the lifespan of key system assets, as well as improving customer service and system performance.</p>				
Recommendation:	SFPUC staff recommends that the Commission adopt the attached resolution urging the Board of Supervisors of the City and County of San Francisco to pass, and urge Mayor Gavin Newsom to sign, the proposed Fats, Oils and Grease (FOG) Control Ordinance.			
Attachments:	<ol style="list-style-type: none"> 1. Fats, Oils and Grease (FOG) Control Ordinance 2. Categorical Exemption Determination 3. Letter of Support (Golden Gate Restaurant Association) 4. SFPUC Resolution [urging the Board of Supervisors of the City and County of San Francisco to pass, and Mayor Gavin Newsom to sign, the proposed Fats, Oils and Grease (FOG) Control Ordinance]. 			

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. _____

WHEREAS, The City and County of San Francisco, as the operator of a large sewer system, is required by state and federal law to implement programs to prevent sewer system overflows and to regulate and control the discharge of industrial wastes into the City's sewer system in order to protect the system, increase operational efficiency, comply with pollutant minimization requirements, and facilitate compliance with wastewater discharge limits; and

WHEREAS, The proposed Fats, Oils and Grease (FOG) Control Ordinance will facilitate compliance with these requirements and compliance with the City's current National Pollutant Discharge Elimination System (NPDES) permits and the Sanitary Sewer Overflow Waste Discharge Requirements (WDRs) permit; and

WHEREAS, A significant problem for sewer utilities in the United States as they aim to meet regulatory requirements is the discharge of fats, oils and grease into their sewer systems, which results in costly and unsanitary back-ups; and

WHEREAS, The US EPA urges utilities to development FOG control programs because each year there are approximately 40,000 FOG-related sanitary sewer overflows that have the potential to contaminate the nation's water bodies and wastewater utilities have been sued for violations of the Clean Water Act caused by sanitary sewer overflows ; and

WHEREAS, FOG-related sewer back-ups also impact residents and food service establishment (interrupting their business, putting them at risk for potential health violations and requiring that they pay for one-time or ongoing sewer lateral flushing services); and

WHEREAS, In spite of existing local codes and regulations, the SFPUC spends approximately \$3.5 million a year addressing grease-clogged sewer mains and laterals, and over 40 percent of the SFPUC Collection System Division sewer service work orders are related to FOG issues in the sewers; and

WHEREAS, Many food service establishment do not have grease capturing equipment and many that have grease capturing equipment do not service the equipment; and

WHEREAS, The Fats, Oil, and Grease (FOG) Control Ordinance would establish an effective program to keep FOG out of the City's sewer laterals and mains, and as a result is expected to lead to cost reductions over the long term by increasing the lifespan of key system assets, as well as improving customer service, system performance, and regulatory compliance; and

WHEREAS, The Ordinance should result in the installation of more automatic Grease Removal Devices in San Francisco food service establishments and this will result in greater

opportunities for recovering from wastewater discharge lines both food solids (which can be composted) and waste grease (which can be recycled, and may also be able to be converted to biofuel); and

WHEREAS, Under the delegation agreement between the San Francisco Planning Department and the SFPUC, a categorical exemption determination was issued on July 21, 2010 under CEQA Guidelines Section Number 15308 (Actions by Regulatory Agencies for the Protection of the Environment), and the San Francisco Planning Department Environmental Review Officer gave his concurrence with the exemption determination on July 21, 2010; now, therefore, be it

RESOLVED, That the Commission authorizes and directs the General Manager of the SFPUC to submit the Fats, Oils and Grease Control Ordinance to the San Francisco Board of Supervisors for consideration and adoption, as an amendment of the San Francisco Public Works Code.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of September 14, 2010

Secretary, Public Utilities Commission

**CERTIFICATION OF DETERMINATION
OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW**

Project Title: San Francisco Public Utilities Commission Fats, Oils and Grease (FOG) Control Ordinance
Location: Citywide
City and County: San Francisco, San Francisco County

Description of Nature and Purpose of Project:

The San Francisco Public Utilities Commission (SFPUC) proposes amendment of Article 4.1 of the San Francisco Public Works Code by adding Sections 140 through 140.7 to improve the effectiveness of current regulations, which limit the discharge of fats, oils and greases (FOG) from licensed food service establishments (FSE) into the City's combined sewer system. Currently, FOG discharged from food service establishments and residential kitchens create clogs throughout the sewer system, which cost the City millions of dollars each year to remove and contribute to the overall deterioration of the sewer infrastructure. By establishing standards for grease capturing equipment already installed or to be installed in FSEs, establishing performance standards and periodic inspections, enhancing opportunities for recycling or other beneficial uses of waste grease, the proposed Ordinance would ensure continued compliance with applicable federal and State laws related to sewer system operation and maintenance. The proposed ordinance would establish categories for FSE (1, 2, 3 and 4) based on the likelihood and volume of FOG discharged to the sewer system and a schedule, by which compliance with the Ordinance would be required. To carry out the provisions of the proposed Ordinance, the SFPUC would implement the regulations in conjunction with the Departments of Building Inspection and Public Health.

Name of Project Applicant: Pollution Prevention, Wastewater Enterprise
San Francisco Public Utilities Commission, City & County of San Francisco

EXEMPT STATUS:

- Categorical Exemption (State Guidelines, Section 15300-15329; Public Resources Code, Section 21084).
State Class Number: **15308 (Actions by Regulatory Agencies for Protection of the Environment)**.
- Declared Emergency Exclusion (State Guidelines, Section 15269(a); Public Resources Code Section 21172).
- Emergency Project Exclusion (State Guidelines, Section 15269(b) and (c); Public Resources Code, Section 21080 (b) (2) and (4).
- Feasibility or Planning Study (State Guidelines, Section 15262; Public Resources Code, Section 21102).
- General Rule Exclusion (State Guidelines, Section 15061 (b) (3)).
- Ministerial Exclusion (State Guidelines, Section 15268; Public Resources Code, Section 21080 (b) (1)).
- Non-Physical Exclusion (State Guidelines, Section 15061 (b) (1) and 15378; Public Resources Code, § 21060.5).
- Ongoing Project, approved prior to November 23, 1970 (State Guidelines, Section 15261).
- Rates, Tolls, Fares and Charges (State Guidelines, Section 15273; Public Resources Code, Section 21080 (b)(8)).
- Specified Mass Transit Projects (State Guidelines, Section 15275; Public Resources Code, § 21080 (b)(11-14)).
- Other Exclusion (Specify): _____

REMARKS:

More than 40,000 sewer system overflows occur each year throughout the United States that are a direct result of the accumulation and blockages created by fats, oils and grease, according to the United States Environmental Protection Agency. Reducing fats, oils and grease generated by approximately 3,000 food service/food preparation establishments throughout San Francisco would not only reduce the risk of blockages and the potential of sewer system overflows into City streets and San Francisco Bay and the Pacific Ocean, but would also reduce the cost to the City to keep the sewer system flowing properly and reduce sewer system deterioration. Improved capture of FOG would result in environmental benefits including aesthetics, air quality, biological resources, hydrology and water quality, public health, and utilities and service systems described below. Current regulations, which require food service/food preparation establishments (FSEs) to install and maintain grease interception, capture or removal devices are inadequate to control FOG discharge into the City's combined sewer system and require amendment to ensure proper operation, maintenance and cleaning of such devices.

The proposed FOG Control Ordinance (Ordinance) would:

- (1) Provide standards for the types of grease capturing equipment that must be installed by food service establishments;

- (2) Provide for the effective long-term use of grease capturing equipment through related operational requirements and prohibitions, and periodic inspections;
- (3) Increase opportunities for recycling or beneficial reuse of waste grease (e.g., potential to convert to biofuel), as well as increase capturing of food waste from sinks and drains (e.g., potential to divert such material for beneficial reuse);
- (4) Aid in preventing sanitary sewer blockages and obstructions from contributing and accumulation of FOG in the sanitary sewerage system;
- (5) Prevent the uncontrolled introduction of FOG into the sewage system that will interfere with its operation; and
- (6) Facilitate the City's compliance with applicable federal and State laws related to sewerage system operations.

Food Service Establishments that discharge FOG to the City's sanitary sewer system are defined as restaurants, commercial kitchens, caterers, hotels and motels, schools, hospitals, prisons, correctional facilities, nursing homes, care institutions, and other facilities preparing and serving food for consumption. Under the proposed Ordinance, each FSE would fall into one of four categories of FOG discharger:

- I. Category 4 – Limited Food Preparation Establishments, a FSE that engages only in reheating, hot holding or assembly of ready to eat food products;
- II. Category 3 – Less-Significant Grease Dischargers, a FSE that poses a relatively less-significant risk of discharging FOG to the sewerage system during the process of preparing and making food available to the public or on the premises;
- III. Category 2 – A FSE that discharges FOG to the sewerage system during the process of preparing and making food available to the public or on the premises and prior to March 1, 2011 has properly installed and sized grease capture equipment;
- IV. Category 1 – A FSE that discharges FOG to the sewerage system during the process of preparing and making food available to the public or on the premises but does not meet the criteria for designation under Category 2, 3 or 4.

The proposed Ordinance specifies the different types of grease interceptors, capture and removal devices (referred to generically as "Grease Capturing Equipment") that would be installed in the sanitary drainage system to separate fats, oils and grease from the FSE wastewater discharge. These plumbing appurtenances or appliances must be installed according to applicable provisions of the San Francisco Building and Plumbing Codes and installation must be completed upon issuance of the necessary permits and with proper inspections.

Section 140.3 of the proposed Ordinance includes a number of prohibitions and limitations, such as elimination of the use of garbage grinders, prohibition of discharge of wastewater above 140°F, prohibition of the introduction of solvents or additives that emulsify grease into pipes that lead to grease capturing equipment, and prohibition of the use of biological additives and enzymes into pipes that lead to grease capturing equipment.

Section 140.4 of the proposed Ordinance includes general requirements, such as installation, operation, maintenance and servicing of grease capturing equipment according to specified Best Management Practices (BMP). FSE must comply with all applicable laws including the San Francisco Health, Building and Plumbing Codes, and proper storage, recycling and/or disposal of FOG diverted from the City's sewerage system.

Section 140.5 of the proposed Ordinance includes specific requirements for the grease capturing equipment including dates by which installation must be completed based on the category in which the FSE is identified, and provisions under which an FSE could request a variance from the device installation requirements if installation would be infeasible due to space limitations.

Section 140.6 would require compliance with the provisions of the Ordinance when a new FSE is constructed, an existing FSE changes ownership or (under certain conditions) when an existing FSE is remodeled or expanded.

Section 140.7 specifies the required maintenance and operation procedures including standards for cleaning grease capturing and interception equipment and the required licensure of the certified grease haulers who remove the accumulated FOG.

No adverse environmental effects are anticipated as a result of adoption of the proposed Ordinance and implementation of the rules and regulations. On the contrary, adoption of the Ordinance and improved implementation of existing Plumbing and Building Code regulations would result in net positive environmental effects related to aesthetics, air quality, biological

resources, cultural resources, hydrology and water quality, public health, and utilities and service systems.

First, reduced frequency of sewer system overflows caused by FOG created clogs would enhance the visual quality of the urban environment because unsightly combined sanitary and stormwater overflows would not accumulate on City streets requiring cleanup and removal.

Air quality would be enhanced because the sewerage system would operate properly and flows would be maintained, less hydrogen sulfide gas would accumulate in the sewer system and would be less likely to be released into the atmosphere when clogs would occur.

Biological resources and water quality in San Francisco Bay and the Pacific Ocean would be conserved because the number of sewer system overflows would be reduced and combined sanitary and stormwater flows would receive secondary treatment in the City's water pollution control plants and enhanced primary treatment in the transport/storage structures.

Because sewer pipes would need to be excavated less often to remove clogs or replace existing pipelines, adverse effects to undiscovered sub-surface cultural resources would be less likely.

Finally, efficient operation of the City's sewerage system by reducing the accumulation of FOG would reduce the need for annual labor-intensive sewer cleanings and would conform to the mission of the SFPUC which calls for the safe, reliable and efficient collection, treatment and disposal of San Francisco's wastewater.

The General Manager of the SFPUC, in cooperation with the Departments of Building Inspection and Public Health, would ensure compliance with the provisions of the proposed Ordinance through the building permit application review process. New construction or renovation projects would be subject to the provisions of the proposed Ordinance. As required by current laws and regulations, these projects would require separate environmental evaluations which would be conducted by the San Francisco Planning Department under the California Environmental Quality Act.

CEQA State Guidelines Section 15308, or Class 8, (Actions by Regulatory Agencies for Protection of the Environment), provides an exemption from environmental review for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment, where the regulatory process involves procedures for protection of the environment. Therefore, adoption and implementation of the proposed Fats, Oils and Grease Control Ordinance is exempt from environmental review under Class 8.

Contact Person: Karen Hurst, Water Pollution Prevention Manager Telephone: (415) 695-7340

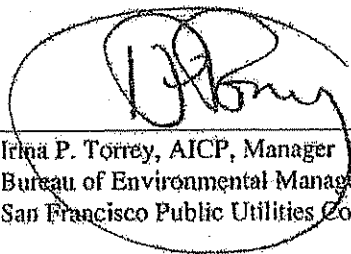
Date of Determination:

July 21, 2010

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Date

cc: Bill Wycko, SF Planning Department, MEA, ERO
Karen Hurst, SFPUC Water Pollution Prevention
Bary Pearl, SFPUC Bureau of Environmental Management
John Reddy, Deputy City Attorney, Office of the City Attorney
Sue Hestor, Esq.
Exemption/Exclusion File


Irma P. Torrey, AICP, Manager
Bureau of Environmental Management
San Francisco Public Utilities Commission

Attachment: Draft FOG Ordinance, Dated July 15, 2010



August 3, 2010

Ms. Karen Hurst
Water pollution Prevention Program Manager
San Francisco Public Utilities Commission
3801 3rd Street
Suite 600
San Francisco, CA 94124

Dear Karen,

Thank you for your efforts to craft fair and meaningful legislation. The Golden Gate Restaurant Association supports the SFPUC's FOG Ordinance 071610. The ordinance clearly considers the needs of all parties and moves aggressively forward with regulations to reduce FOG entering our City's sewage system.

The GGRA is always concerned with balancing cost to our member restaurants with good public policy. The ordinance you have crafted achieves a fair balance. By creating four categories of dischargers you have focused regulatory effort on the worst FOG dischargers (Category One). In Category Two restaurants with properly sized and maintained grease capturing equipment have the opportunity to properly maintain their grease capturing system and avoid a significant capital investment during an obviously difficult financial period. The ordinance also calls out the potential for a hardship variance, which may or may not be used but at least considers the worst case scenario for a very limited number of circumstances.

The GGRA is in agreement that new construction, or significant remodel and expansion, should require installation of the newest and approved grease capturing technology. We always prefer a potential buyer knows the requirements before completing a deal so they can plan accordingly.

Thank you for involving the restaurant association in the details of the ordinance as it moved through development. We appreciate the opportunity to participate in crafting legislation that impacts the restaurant community, and congratulate you and your team on completing meaningful legislation.

Sincerely,

Kevin Westlye

Executive Director

Golden Gate Restaurant Association

FILE NO.

ORDINANCE NO.

[Establishment of regulatory controls for the discharge of fats, oils and grease into sewers.]

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Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding sections 140 – 140.7 to provide prohibitions, limitations and requirements for the discharge of fats, oils and grease into the City's sewerage system by food service establishments.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~; Board amendment additions are double underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 2100 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

Section 2. The San Francisco Public Works Code is hereby amended by adding to Article 4.1, Sections 140 – 140.7, to read as follows:

Section 140. Control of Fats, Oils and Grease

a. Sections 140 - 140.7 of this Article provide requirements for the control of the discharge of fats, oils and grease to the City's sewerage system. Large quantities of fats, oil and grease that are discharged from commercial and residential kitchens contribute to blockages in the City's sewerage system. The resulting clogs in sewer pipes cost the City millions of dollars each year in grease removal and sewer repair costs, and result in the overall degradation of the City's sewer infrastructure.

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- 1 b. This Article facilitates implementation of a comprehensive pollution prevention
2 program to keep fats, oils and grease out of the City's sewer system, and
3 compliance with the City's current Clean Water Act National Pollutant Discharge
4 Elimination System (NPDES) permits and the Sanitary Sewer Overflow Waste
5 Discharge Requirements (WDRs) permit, which are issued by the San Francisco
6 Bay Regional Water Quality Control Board and the United States Environmental
7 Protection Agency (US EPA).
- 8 c. The US EPA promotes the development of fats, oils and grease control programs
9 throughout the country because approximately 40,000 fats, oils and grease-related
10 sanitary sewer overflows that have the potential to contaminate the nation's water
11 bodies occur each year. Nationwide, wastewater utilities have been sued for
12 violations of the Clean Water Act caused by sanitary sewer overflows.
- 13 d. The City's aggressive efforts to control fats, oils and grease will enhance its
14 compliance with the Clean Water Act, and also reduce the potential for system
15 back-ups from the combined sewer system.
- 16 e. The primary objective of sections 140- 140.7 of this Article is to reduce fats, oils
17 and grease discharges from local food service establishments into the City's
18 sewerage system. Food service establishments are required by current regulations
19 to comply with a limit on the amount of total oil and grease they can discharge into
20 City sewers. This discharge limit has not been completely effective in keeping fats,
21 oils and grease out of the sewers. Many food service establishments have grease
22 capturing equipment that is not well maintained or serviced and does little to
23 remove grease from wastewater discharges. Other food service establishments
24 have no grease capturing equipment at all.

1 f. Sections 140 - 140.7 of this Article will:

- 2 1. Provide standards for the types of grease capturing equipment that must be
3 installed by food service establishments;
- 4 2. Provide for the effective long-term use of grease capturing equipment through
5 related operational requirements and prohibitions, and periodic inspections;
- 6 3. Increase opportunities for recovering from wastewater discharge lines both food
7 solids (which can be composted) and waste grease (which can be recycled, and
8 may also be able to be converted to biofuel);
- 9 4. Aid in preventing sanitary sewer blockages and obstructions from contributions
10 and accumulation of fats, oils and grease in the sanitary sewerage system;
- 11 5. Prevent the uncontrolled introduction of fats, oils and grease into the sewage
12 system that will interfere with its operation; and
- 13 6. Facilitate City compliance with applicable federal and state laws regarding
14 sewerage system operations.

15 **Section 140.1 Applicability.**

16 The provisions of sections 118 – 139 of this Article apply to the discharge of fats, oils
17 and grease to the City's sewerage system, except to the extent different requirements or
18 procedures are provided in sections 140.1 – 140.7 of this Article. Sections 140.1 – 140.7 of
19 this Article are intended to complement, rather than supersede, the provisions of City building
20 codes and regulations applicable to the installation and operation of grease capturing
21 equipment.

22 **Section 140.2 Definitions.**

23 In addition to the definitions provided in section 119 of this Article, the following
24 definitions are applicable to the discharge and control of fats, oils and grease:

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- 1 a. Best Management Practices (BMPs). Operational activities, prohibitions, maintenance
2 procedures, and other management activities that implement the requirements of this
3 Article, state and federal law, and Department rules, regulations, permits or
4 authorizations.
- 5 b. Fats, Oils and Grease (FOG). Organic polar compounds derived from vegetable/plant
6 or animal sources composed of long-chain triglycerides that are used in, or are
7 byproducts of, the cooking or food preparation process. A wide range of food
8 preparation activities, including but not limited to the following, can generate fats, oils
9 or grease: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling,
10 boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing,
11 or any other food preparation activity that produces a hot food product in or on a
12 receptacle that requires washing.
- 13 c. First Certificate of Occupancy. A temporary certificate of occupancy or a Certificate of
14 Final Completion and Occupancy, as defined in San Francisco Building Code Section
15 109A, whichever is issued first.
- 16 d. Food Service Establishment (FSE). A non-residential wastewater discharger that
17 engages in activities of preparing, serving, or otherwise making available food for
18 consumption by the public or on the premises, including restaurants, commercial
19 kitchens, caterers, hotels and motels, schools, hospitals, prisons, correctional facilities,
20 nursing homes, care institutions, and any other facility preparing and serving food for
21 public consumption. Food Service Establishments consist of the following four
22 categories of FOG dischargers:
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- 1 i. Category 4 FOG Discharger: A FSE that engages only in reheating, hot holding,
2 or assembly of ready to eat food products. Category 4 FOG Dischargers are also
3 referred to as Limited Food Preparation Establishments.
- 4 ii. Category 3 FOG Discharger: A FSE that, in the process of preparing and making
5 food available to the public or on the premises, generates FOG that is discharged
6 into the City's sewerage system, and has been determined by the General
7 Manager to pose a less-significant risk of discharging FOG to the sewerage
8 system. Category 3 FOG Dischargers are also referred to as Less-Significant
9 Grease Dischargers.
- 10 iii. Category 2 FOG Discharger: A FSE that, in the process of preparing and making
11 food available to the public or on the premises, generates FOG that is discharged
12 into the City's sewerage system, and, prior to March 1, 2011, had installed grease
13 capturing equipment that was properly sized and installed, and remains fully
14 operational and properly maintained and serviced, as determined by the General
15 Manager.
- 16 iv. Category 1 FOG Discharger: A FSE that, in the process of preparing and making
17 food available to the public or on the premises, generates FOG that is discharged
18 into the City's sewerage system, and does not meet the criteria for Category 2,
19 Category 3 or Category 4 FOG Dischargers.
- 20 e. Gravity Grease Interceptor (GGI). A plumbing appurtenance or appliance that is
21 installed in a sanitary drainage system to intercept non-petroleum fats, oils and grease
22 from a wastewater discharge and is identified primarily by gravity separation and a
23 minimum total volume of 300 gallons.

- 1 f. Grease Capturing Equipment. A plumbing appurtenance or appliance that is installed
2 in a sanitary drainage system to separate fats, oils and grease from a wastewater
3 discharge. Grease capturing equipment include gravity grease interceptors,
4 hydromechanical grease interceptors, grease removal devices and any other grease
5 capturing equipment authorized by the General Manager or the Department.
- 6 g. Grease Capturing Equipment Waste. Material collected in and from grease capturing
7 equipment, including any solids resulting from dewatering processes.
- 8 h. Grease Removal Device (GRD). Any hydromechanical grease interceptor that
9 automatically, mechanically removes non-petroleum fats, oils and grease from the
10 interceptor, the control of which are either automatic or manually initiated.
- 11 i. Hydromechanical Grease Interceptor (HGI). A plumbing appurtenance or appliance
12 that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and
13 grease from a wastewater discharge and is identified primarily by a design that
14 incorporates hydromechanical separation.
- 15 j. Less-Significant Grease Discharger. A FSE Category 3 FOG Discharger.
- 16 k. Limited Food Preparation Establishment. A FSE Category 4 FOG Discharger.

17 **Section 140.3 Prohibitions and Limitations.**

- 18 a. Disposal of Fats, Oils and Grease or any food waste containing Fats, Oils and Grease
19 directly into drains leading to the sewer system is prohibited, except in accordance with
20 this Article, the Department's rules and regulations, and applicable building codes and
21 regulations.
- 22 b. Notwithstanding section 123(e)(3) of this Article, installation of garbage grinders in new
23 Food Service Establishments after January 1, 2011 is prohibited. Garbage grinders in
24

1 existing Food Service Establishments shall be removed or rendered permanently
2 inoperative by March 1, 2011.

- 3 c. Discharge of wastewater with temperature higher than 140°F to or through grease
4 capturing equipment is prohibited.
- 5 d. Discharge of wastewater from dishwashers to or through grease capturing equipment
6 is prohibited.
- 7 e. Discharge of water closets, urinals, and other plumbing fixtures conveying human
8 waste to or through any type of grease capturing equipment is prohibited.
- 9 f. The concentration of Fats, Oils and Grease discharged from Food Service
10 Establishments into the City's sewerage system shall not exceed the discharge limit for
11 total recoverable oil and grease established pursuant to Article 4.1 of the San
12 Francisco Public Works Code, as amended from time to time.
- 13 g. The discharge of solvents or additives that emulsify grease into drainage pipes leading
14 to grease capturing equipment is prohibited.
- 15 h. The use of biological additives, including, but not limited to enzymes, into drainage
16 pipes leading to grease capturing equipment is prohibited.

17 **Section 140.4 General Requirements.**

- 18 a. All Food Service Establishments, with the exception of Limited Food Preparation
19 Establishments, shall install, operate, maintain and service Grease Capturing
20 Equipment and implement specified Best Management Practices, in accordance with
21 this Article, any permits, authorizations, rules and regulations issued by the General
22 Manager and Department, and applicable City building codes and regulations.

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- 1 b. All Food Service Establishments shall properly store and recycle or dispose of Fats,
2 Oils and Grease diverted from their liquid wastestreams in accordance with all laws
3 and regulations applicable to such storage, recycling and disposal.
- 4 c. All Food Service Establishment kitchen fixtures connected to drainage pipes that lead
5 to grease capturing equipment or sewer laterals shall have small-mesh food strainers
6 that are intact and functional.
- 7 d. All Food Service Establishment wastewater dischargers must at all times comply with
8 the provisions of this Article, all other applicable local, state and federal laws, including
9 but not limited to applicable provisions of the San Francisco Health Code and San
10 Francisco Building and Plumbing Codes, and applicable rules, regulations, permits and
11 authorizations issued by the General Manager and the Department.
- 12 e. All Food Service Establishments shall ensure that all pots, pans, dishware and work
13 areas are wiped prior to washing of such utensils, equipment or areas; and shall
14 implement any other Best Management Practices deemed appropriate by the General
15 Manager or the Department.
- 16 f. All Food Service Establishments shall apply for a wastewater discharge permit or other
authorization if required by the General Manager.

18 **Section 140.5 Grease Capturing Equipment Requirements.**

- 19 a. All grease capturing equipment shall be installed in accordance with this Article, any
20 permits, authorizations, rules and regulations issued by the General Manager and the
21 Department, and applicable City building codes and regulations.
- 22 b. Any Grease Removal Devices installed by a Food Service Establishment in
23 accordance with the requirements of this Article shall conform to standards or
24 guidelines deemed applicable by the General Manager or the Department.

- 1 c. Category 1 FOG Dischargers shall install a Grease Removal Device (or a Gravity
2 Grease Interceptor) in accordance with the provisions of this Article within 60 days of
3 notification by the General Manager, but in any event no later than July 1, 2013.
- 4 d. Category 2 FOG Dischargers shall install a Grease Removal Device (or a Gravity
5 Grease Interceptor) in accordance with the provisions of this Article and within a time
6 period specified by the Department when notification is given to the FSE , if one or
7 more of the following conditions applies, as determined by the General Manager:
- 8 i. The pre-existing grease capturing equipment is not properly sized, properly
9 installed, fully operational or properly maintained and serviced.
 - 10 ii. The wastewater discharge from the FSE does not comply with the City's
11 wastewater discharge limit for total recoverable oil and grease.
 - 12 iii. The FSE is causing or contributing to grease accumulation problems in sewer
13 laterals or sewer mains.
 - 14 iv. Some or all of the fats, oils and grease waste containing discharge lines are not
15 connected to pre-existing grease capturing equipment, and connecting these to
16 pre-existing grease capturing equipment is not appropriate.
- 17 e. Category 3 or Category 4 FOG Dischargers that change operations to the extent that
18 the FSE no longer meets the definition of a Category 3 or Category 4 FOG
19 discharger, shall comply with the grease capturing equipment requirements of
20 Category 1 or Category 2 FOG Dischargers, whichever is applicable, as determined
21 by the General Manager.
- 22 f. Category 3 or Category 4 FOG Dischargers causing or contributing to grease
23 accumulation problems in sewer laterals or sewer mains, as determined by the
24 General Manager, shall comply with the grease capturing equipment requirements of

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1 Category 1 or Category 2 FOG Dischargers, whichever is applicable, as determined
2 by the General Manager.

- 3 g. A Food Service Establishment may file a request to the General Manager for a
4 variance from the Grease Removal Device installation requirements of this Article if
5 the FSE can demonstrate that it is not feasible for a Grease Removal Device to be
6 installed due to lack of physical space. The Food Service Establishment requesting
7 such a variance shall bear the burden of demonstrating that the installation of a
8 Grease Removal Device is not feasible. The determination as to whether a FSE
9 qualifies for a variance for the reasons detailed in this subsection shall be at the sole
10 discretion of the General Manager.

11 **Section 140.6 New Construction, Changes in Ownership, and Remodeling**

- 12 a. The following requirements shall apply when ownership of an existing Food Service
13 Establishment changes:

- 14 1. Within 30 days of the official transfer of ownership, the new owner shall apply for a
15 Food Service Establishment Wastewater Discharge Permit, or other authorization,
16 as required by the Department rules and regulations. The application shall describe
17 any changes in food preparation and/or kitchen fixtures that could affect the FOG
18 Discharger category that was assigned to the establishment under its previous
19 ownership.

- 20 b. The following requirements shall apply to newly constructed Food Service
21 Establishments:

- 22 1. Category 3 FOG Dischargers, also referred to as Less-Significant Grease
23 Dischargers, shall install Grease Capturing Equipment and the equipment shall be
24

1 operational prior to commencing the discharge of wastewater from food processing
2 and/or kitchen areas into the City's sewerage system.

3 2. Category 1 FOG Dischargers shall install a Grease Removal Device or a Gravity
4 Grease Interceptor and the equipment shall be installed and operational prior to
5 commencing the discharge of wastewater from food processing and/or kitchen
6 areas into the City's sewerage system.

7 3. No City department shall issue a First Certificate of Occupancy to a new Food
8 Service Establishment until it has complied with this section.

9 c. Any existing non-Food Service Establishment business that expands or renovates its
10 operations to include a Food Service Establishment, with the exception of a Limited
11 Food Preparation Establishment shall comply with the requirements of section
12 140.6(b)(1) or 140.6(b)(2), whichever is applicable.

13 d. Existing Food Service Establishments proposing remodeling or renovations that require
14 a plumbing permit for work in food processing and/or kitchen areas and meet the
15 criteria below shall be required to install, as part of their project, a Grease Removal
16 Device or Gravity Grease Interceptor that complies with this Article and applicable City
17 building codes.

18 1. Modifications are proposed to under-slab plumbing in the food processing or
19 kitchen areas, and/or

20 2. An increase in the size of the kitchen area is proposed; and/or

21 3. Changes to the size and/or type of food preparation equipment are proposed
22 which will increase the amount of fats, oils and grease discharged into the
23 sewerage system.

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1 **Section 140.7 Maintenance and Operations.**

- 2 a. Grease capturing equipment must be operated and maintained effectively and properly
3 at all times, and in accordance with any rules and regulations issued by the General
4 Manager and the Department. Food Service Establishments shall be required to keep
5 and/or provide equipment maintenance and service logs or receipts, and to retain such
6 logs on-site.
- 7 b. Grease capturing equipment shall be maintained at a frequency such that the
8 combined fats, oil and grease and solids accumulation does not exceed 25% of the
9 total hydraulic depth of the equipment.
- 10 c. Food Service Establishments shall comply with any Department directive to increase
11 the frequency of Grease Capturing Equipment servicing, if the frequency of servicing is
12 not adequate to ensure that the combined fats, oil and grease and solids accumulation
13 does not exceed 25% of the total hydraulic depth of the equipment.
- 14 d. In addition to the specific grease capturing equipment operation and maintenance
15 requirements in this Article, Food Service Establishments must follow the
16 manufacturers' recommendations and guidelines for appropriate operation and
17 maintenance of the grease capturing equipment. Information on the manufacturer-
18 recommended operations and maintenance of the grease capturing equipment shall be
19 retained on-site by the Food Service Establishment.
- 20 e. Gravity Grease Interceptors shall be serviced and emptied of accumulated waste
21 content as required to maintain efficient operations and shall be pumped out and
22 cleaned only by a waste hauler certified by the California Department of Food and
23 Agriculture.
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- f. Grease Capturing Equipment Waste that is removed by any means other than self-cleaning must be removed by a grease hauler certified by the California Department of Food and Agriculture. The maintenance records signed by the certified grease hauler shall be retained on-site by the Food Service Establishment for three years.
- g. Materials removed from grease capturing equipment shall not be reinserted into the interceptor or allowed to pass into the sewerage system.
- h. Best Management Practices regarding maintenance and operations of grease capturing equipment, specified by the Department, shall be implemented by all Food Service Establishments.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: JOHN RODDY
Deputy City Attorney

DRAFT

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PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 10-0153

WHEREAS, The City and County of San Francisco, as the operator of a large sewer system, is required by state and federal law to implement programs to prevent sewer system overflows and to regulate and control the discharge of industrial wastes into the City's sewer system in order to protect the system, increase operational efficiency, comply with pollutant minimization requirements, and facilitate compliance with wastewater discharge limits; and

WHEREAS, The proposed Fats, Oils and Grease (FOG) Control Ordinance will facilitate compliance with these requirements and compliance with the City's current National Pollutant Discharge Elimination System (NPDES) permits and the Sanitary Sewer Overflow Waste Discharge Requirements (WDRs) permit; and

WHEREAS, A significant problem for sewer utilities in the United States as they aim to meet regulatory requirements is the discharge of fats, oils and grease into their sewer systems, which results in costly and unsanitary back-ups; and

WHEREAS, The US EPA urges utilities to development FOG control programs because each year there are approximately 40,000 FOG-related sanitary sewer overflows that have the potential to contaminate the nation's water bodies and wastewater utilities have been sued for violations of the Clean Water Act caused by sanitary sewer overflows ; and

WHEREAS, FOG-related sewer back-ups also impact residents and food service establishment (interrupting their business, putting them at risk for potential health violations and requiring that they pay for one-time or ongoing sewer lateral flushing services); and

WHEREAS, In spite of existing local codes and regulations, the SFPUC spends approximately \$3.5 million a year addressing grease-clogged sewer mains and laterals, and over 40 percent of the SFPUC Collection System Division sewer service work orders are related to FOG issues in the sewers; and

WHEREAS, Many food service establishment do not have grease capturing equipment and many that have grease capturing equipment do not service the equipment; and

WHEREAS, The Fats, Oil, and Grease (FOG) Control Ordinance would establish an effective program to keep FOG out of the City's sewer laterals and mains, and as a result is expected to lead to cost reductions over the long term by increasing the lifespan of key system assets, as well as improving customer service, system performance, and regulatory compliance; and

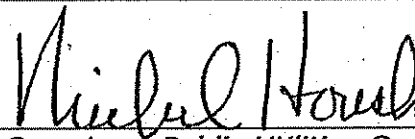
WHEREAS, The Ordinance should result in the installation of more automatic Grease Removal Devices in San Francisco food service establishments and this will result in greater

opportunities for recovering from wastewater discharge lines both food solids (which can be composted) and waste grease (which can be recycled, and may also be able to be converted to biofuel); and

WHEREAS, Under the delegation agreement between the San Francisco Planning Department and the SFPUC, a categorical exemption determination was issued on July 21, 2010 under CEQA Guidelines Section Number 15308 (Actions by Regulatory Agencies for the Protection of the Environment), and the San Francisco Planning Department Environmental Review Officer gave his concurrence with the exemption determination on July 21, 2010; now, therefore, be it

RESOLVED, That the Commission authorizes and directs the General Manager of the SFPUC to submit the Fats, Oils and Grease Control Ordinance to the San Francisco Board of Supervisors for consideration and adoption, as an amendment of the San Francisco Public Works Code.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ September 14, 2010 _____



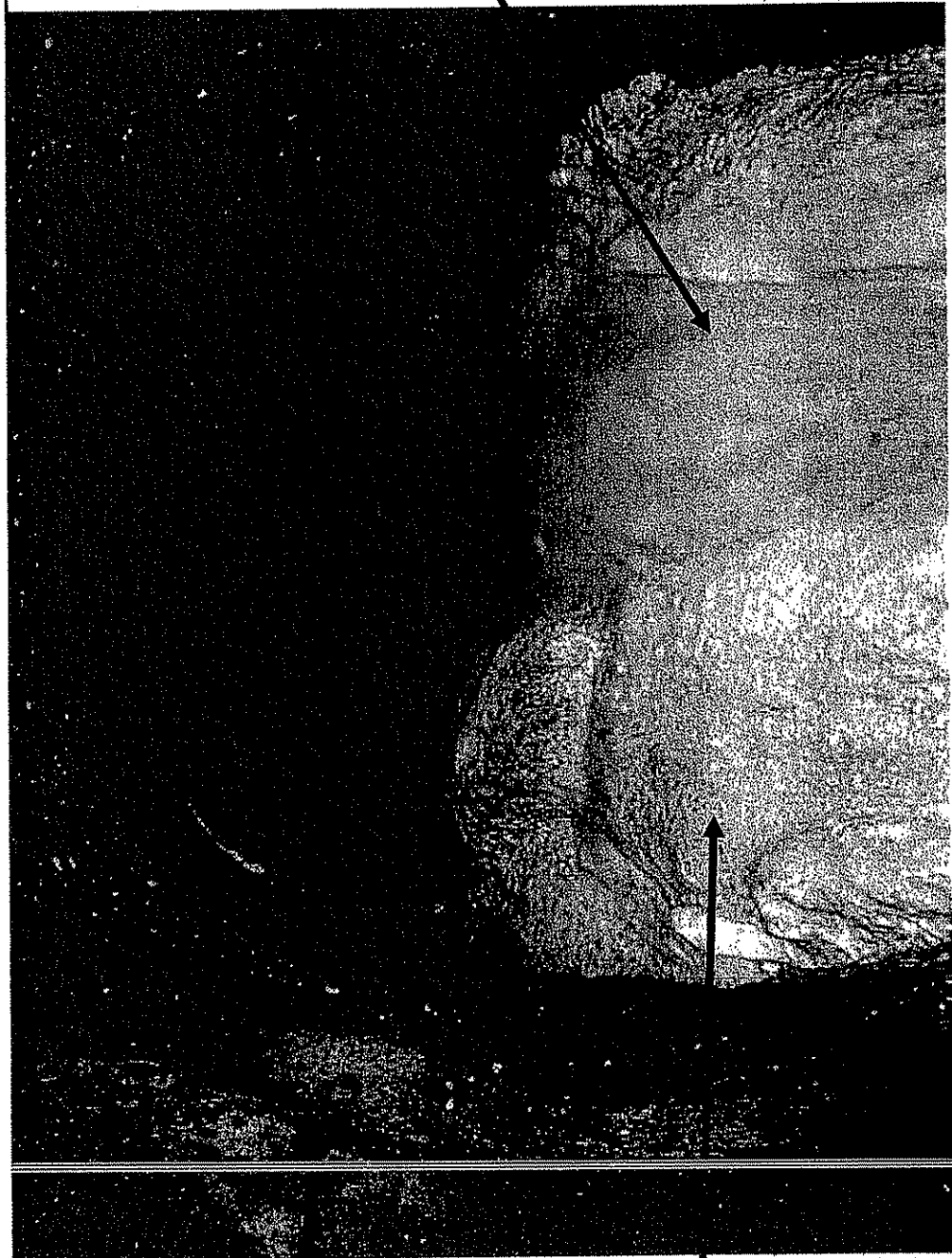
Secretary, Public Utilities Commission

Proposed Fats, Oils and Grease (FOG) Control Ordinance

Board of Supervisors
City Operations and Neighborhood Services Committee
January 24, 2011

Karen Hurst
Wastewater Enterprise, Source Control Program

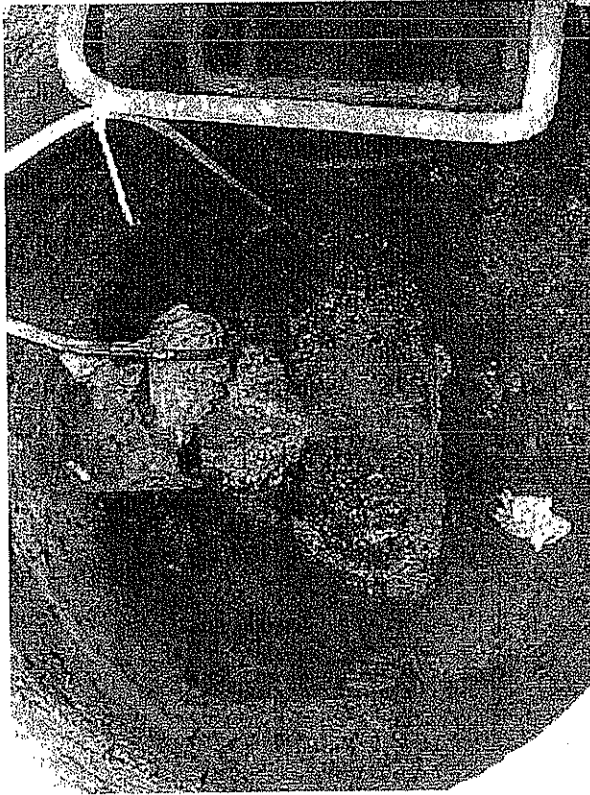
FOG in S.F. Sewer Laterals



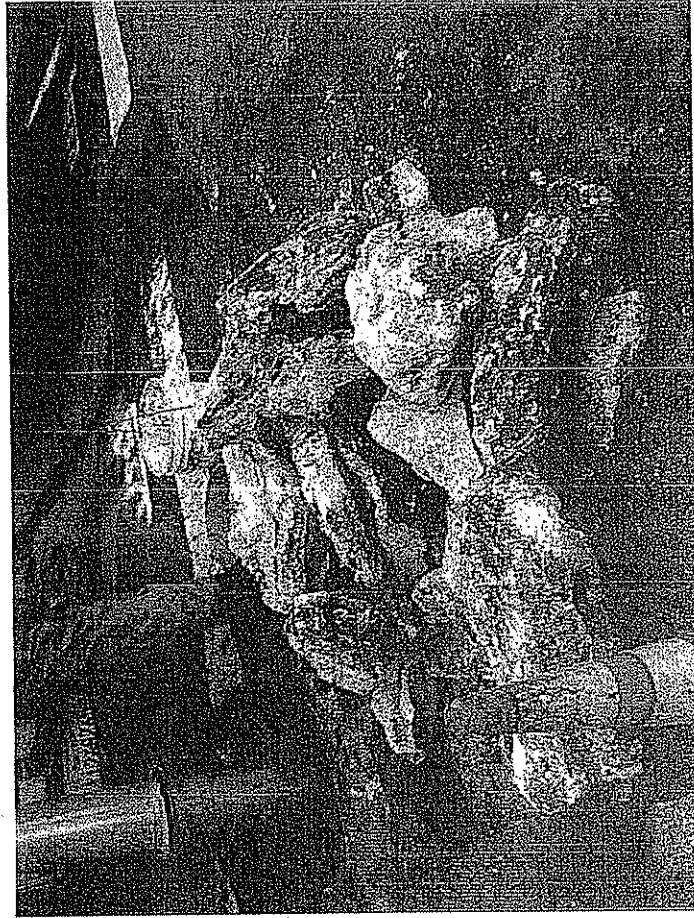
Water
Trickle

Solid
Grease

FOG in S.F. Manholes and Sewer Mains

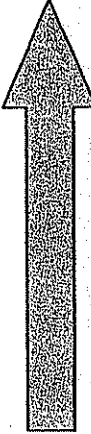


Beach & Embarcadero



California & Montgomery

Existing FOG Source Control Program

- Wastewater Inspector visits (Began in 2004)
- FOG Best Management Practices taught
- Education and Handouts 
- Not focused on grease capturing equipment



- Started in 2007
- Free pick up of used cooking oil





But.. FOG in Sewers Still Problem

- > 40% sewer service work orders FOG related
- \$3.5 million/yr on FOG in sewer mains and laterals
 - Staffing, trucks, video equipment, clearing/flushing equipment
- Reduces asset lifespan and system performance
- Resources diverted from critical, proactive work



Why?

~ 3,000 Food Service Establishments (FSEs) that cook and could be discharging FOG to sewers

- Current local codes do require grease capturing equipment
- Yet Inspectors Finding:
 - Many FSEs have no grease capturing equipment
 - Those with equipment – often not working or not cleaned out



Solution: FOG Control Ordinance

Control FOG at the source through:

- Clearer requirements and standards
- Revamped Inspections to ensure:
 - grease capturing equipment is in place
 - equipment is fully operational and adequately serviced
- Move big grease generators to more modern and effective equipment (automatic GRDs)



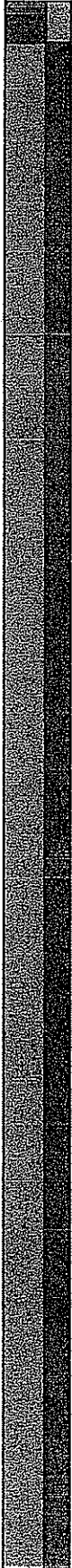
Multi-Year Process: Stakeholders and Outreach

Key Stakeholder Involvement

- Golden Gate Restaurant Association (GGRA)
- Inter-departmental Cooperation (DBI, Port, DPH)


Outreach Began February 2010

- Draft Ordinance & Fact Sheet posted on sfwater.org (2/10)
- Presentation to Restaurants: Town Hall Meetings
- Chinese Chamber of Commerce presentation
- Building Owners and Managers Association presentation
- Door-to-Door bilingual outreach to smaller restaurants
- Chronicle front page article [3/18/10]
- KCBS radio [3/3/10]
- All materials on website; Dedicated email for questions



Ordinance Summary: Key Points

- ❑ All types of grease capturing equipment must:
 - Be adequately serviced, maintained and fully operational
- ❑ FOG Discharger Categories defined based on:
 - How much grease likely to be generated and discharged?
 - Is grease capturing equipment in place?
- ❑ Already have grease capturing equipment?
 - Simply ensure proper operation, service & maintenance.
- ❑ Don't have grease capturing equipment?
 - FOG Discharger Category will determine whether passive trap or automatic Grease Removal Device (GRD) required



Reducing Financial Impact on Food Service Establishments

1. Sewer Service Rate adjustment of -14.2% for FSEs with Automatic GRDs and own water account
2. No increase in sewer service charge for *commercial* accounts in Rate Package approved in 2009
3. Lease-to-Buy Options
4. Loan Opportunities (ex: Opportunity Fund)



End

