

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

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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.**

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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. \_\_\_\_\_ 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:

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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.

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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 back  
 15 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.

Deleted: <#>The United States Environmental Protection Agency has promoted the development of fats, oils and grease control programs throughout the country because approximately 40,000 fats, oils and grease related sanitary sewer overflows occur each year. Nationwide, wastewater utilities have been sued for violations of the Clean Water Act caused by sanitary sewer overflows. The City's aggressive efforts to control fats, oils and grease will enhance its compliance with the Clean Water Act. ¶

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

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- 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 recycling of waste grease (with potential to convert it
- 7 to biofuel), as well as increase capturing of food waste from sinks and drains
- 8 (with potential to divert such material for beneficial reuse);
- 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.**

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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.

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22 **Section 140.2 Definitions.**

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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.

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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.

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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.

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

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**Section 140.3 Prohibitions and Limitations.**

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

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LowGrease Discharger. A FSE  
Category 3 FOG Discharger.

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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.

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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.

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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.**

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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 Department.
- 16 f. All Food Service Establishments shall apply for a wastewater discharge permit or other  
17 authorization if required by the General Manager.

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

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- 20 a. All grease capturing equipment shall be installed in accordance with this Article, any  
21 permits, authorizations, rules and regulations issued by the General Manager and  
22 Department, and applicable City building codes and regulations.

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

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1 f. Category 3 or Category 4 FOG Dischargers causing or contributing to grease  
2 accumulation problems in sewer laterals or sewer mains, as determined by the  
3 General Manager, shall comply with the grease capturing equipment requirements of  
4 Category 1 or Category 2 FOG Dischargers, whichever is applicable, as determined  
5 by the General Manager.

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

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

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

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

23 b. The following requirements shall apply to newly constructed Food Service  
24 Establishments:

- 1           1. Category 3 FOG Dischargers, also referred to as Less-Significant Grease
- 2           Dischargers, shall install Grease Capturing Equipment and the equipment shall be
- 3           operational prior to commencing the discharge of wastewater from food processing
- 4           and/or kitchen areas into the City's sewerage system.
- 5           2. Category 1 FOG Dischargers shall install a Grease Removal Device or a Gravity
- 6           Grease Interceptor and the equipment shall be installed and operational prior to
- 7           commencing the discharge of wastewater from food processing and/or kitchen
- 8           areas into the City's sewerage system.
- 9           3. No City department shall issue a First Certificate of Occupancy to a new Food
- 10          Service Establishment until it has complied with this section.
- 11          c. Any existing non-Food Service Establishment business that expands or renovates its
- 12          operations to include a Food Service Establishment, with the exception of a Limited
- 13          Food Preparation Establishment, shall comply with the requirements of section
- 14          140.6(b)(1) or 140.6(b)(2), whichever is applicable.
- 15          d. Existing Food Service Establishments proposing remodeling or renovations that require
- 16          a plumbing permit for work in food processing and/or kitchen areas and meet the
- 17          criteria below shall be required to install, as part of their project, a Grease Removal
- 18          Device or Gravity Grease Interceptor that complies with this Article and applicable City
- 19          building codes:
  - 20               1. Modifications are proposed to under-slab plumbing in the food processing or
  - 21               kitchen areas; and/or
  - 22               2. An increase in the size of the kitchen area is proposed; and/or

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

4 **Section 140.7 Maintenance and Operations.**

- 5 a. Grease capturing equipment must be operated and maintained effectively and properly  
6 at all times, and in accordance with any rules and regulations issued by the General  
7 Manager and the Department. Food Service Establishments shall be required to keep  
8 and/or provide equipment maintenance and service logs or receipts, and to retain such  
9 logs on-site.
- 10 b. Grease capturing equipment shall be maintained at a frequency such that the  
11 combined fats, oil and grease and solids accumulation does not exceed 25% of the  
12 total hydraulic depth of the equipment.
- 13 c. Food Service Establishments shall comply with any Department directive to increase  
14 the frequency of Grease Capturing Equipment servicing, if the frequency of servicing is  
15 not adequate to ensure that the combined fats, oil and grease and solids accumulation  
16 does not exceed 25% of the total hydraulic depth of the equipment.
- 17 d. In addition to the specific grease capturing equipment operation and maintenance  
18 requirements in this Article, Food Service Establishments must follow the  
19 manufacturers' recommendations and guidelines for appropriate operation and  
20 maintenance of the grease capturing equipment. Information on the manufacturer-  
21 recommended operations and maintenance of the grease capturing equipment shall be  
22 retained on-site by the Food Service Establishment.
- 23 e. Gravity Grease Interceptors shall be serviced and emptied of accumulated waste  
24 content as required to maintain efficient operations and shall be pumped out and  
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Deleted: <#>When ownership of a Food Service Establishment changes, within 30 days of the official transfer of ownership, the new owner shall apply for a FSE Wastewater Discharger Permit, or other authorization, as required by the Department rules and regulations. The application shall describe any changes in food preparation and/or kitchen fixtures that could affect the FOG Discharger category that was assigned to the FSE under its previous ownership. ¶  
<#>A newly constructed FSE, except for Category 3 or Category 4 FOG Dischargers, shall install a Grease Removal Device (or Gravity Grease Interceptor) prior to commencing the discharge of wastewater to the sewerage system. No City department shall issue a first certificate of occupancy to a newly constructed Food Service Establishment unless a Grease Removal Device (or Gravity Grease Interceptor) has been installed that complies with the requirements of this Article, any permits, authorizations, rules and regulations issued by the General Manager and Department, and applicable City building codes. ¶  
<#>An existing non-FSE business that expands or renovates its operations to include a Food Service Establishment, except for those that would fit the definition of Category 3 or Category 4 FOG Dischargers, shall install a Grease Removal Device in accordance with this Article prior to commencing the discharge of wastewater to the sewerage system from the expanded or renovated operation.¶  
<#>Category 1 and Category 2 FOG Dischargers shall install a Grease Removal Device (or Gravity Grease Interceptor) as part of a remodeling project whenever a discretionary land use approval, building permit, or plumbing permit is required, or when the remodeling project involves any one or combination of the follow ... [1]

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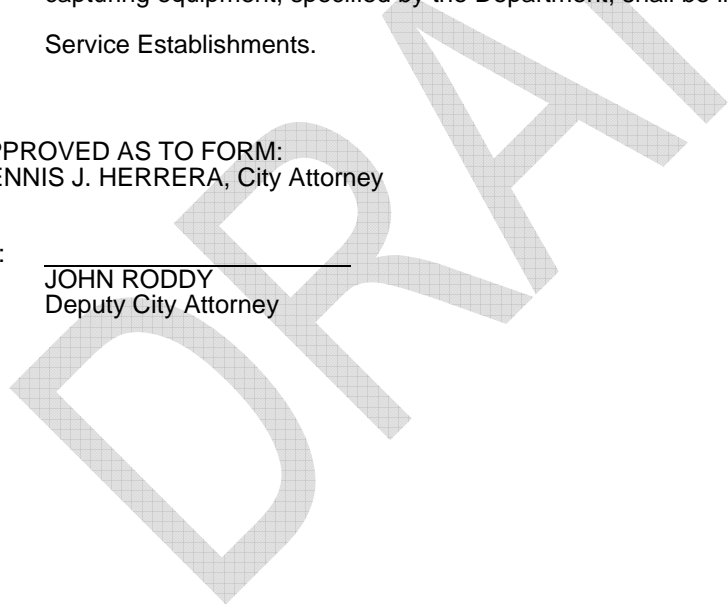
- 1 cleaned only by a waste hauler certified by the California Department of Food and
- 2 Agriculture.
- 3 f. Grease Capturing Equipment Waste that is removed by any means other than self-
- 4 cleaning must be removed by a grease hauler certified by the California Department of
- 5 Food and Agriculture. The maintenance records signed by the certified grease hauler
- 6 shall be retained on-site by the Food Service Establishment for three years.
- 7 g. Materials removed from grease capturing equipment shall not be reinserted into the
- 8 interceptor or allowed to pass into the sewerage system.
- 9 h. Best Management Practices regarding maintenance and operations of grease
- 10 capturing equipment, specified by the Department, shall be implemented by all Food
- 11 Service Establishments.

Deleted: <#>Grease Removal Devices must be pumped (or self-cleaned by the Food Service Establishment) at a minimum frequency of every ninety (90) days since the last cleaning. ¶  
<#>Hydromechanical Grease Interceptors must be pumped out (or self-cleaned by the Food Service Establishment) at a minimum frequency of every thirty (30) days since the last cleaning. ¶

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

15 By: \_\_\_\_\_  
16 JOHN RODDY  
17 Deputy City Attorney



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

A newly constructed FSE, except for Category 3 or Category 4 FOG Dischargers, shall install a Grease Removal Device (or Gravity Grease Interceptor) prior to commencing the discharge of wastewater to the sewerage system. No City department shall issue a first certificate of occupancy to a newly constructed Food Service Establishment unless a Grease Removal Device (or Gravity Grease Interceptor) has been installed that complies with the requirements of this Article, any permits, authorizations, rules and regulations issued by the General Manager and Department, and applicable City building codes.

An existing non-FSE business that expands or renovates its operations to include a Food Service Establishment, except for those that would fit the definition of Category 3 or Category 4 FOG Dischargers, shall install a Grease Removal Device in accordance with this Article prior to commencing the discharge of wastewater to the sewerage system from the expanded or renovated operation.

Category 1 and Category 2 FOG Dischargers shall install a Grease Removal Device (or Gravity Grease Interceptor) as part of a remodeling project whenever a discretionary land use approval, building permit, or plumbing

permit is required, or when the remodeling project involves any one or combination of the following:

Modifying under slab plumbing in the food processing or kitchen area;

Increasing the net public seating area;

Increasing the size of the kitchen area; or

Changing the size or type of food preparation equipment.