

Summary of Revisions Made to Proposed Fats, Oils and Grease (FOG) Control Ordinance

FOG CONTROL ORDINANCE (11/01/10 VERSION)

- Introduced at the Board of Supervisors by Supervisor Mar on 11/9/10

Changes made from the previous version of 7/16/10 were to clarify the effective date of the ordinance or to extend specific dates of compliance. Specifically, the following changes were made:

Section 140.1 Applicability. Added the following text: “Sections 140 – 140.7 shall be effective on and after April 1, 2011.”

Section 140.2 Definitions.

d. Food Service Establishment (FSE).....

iii. Category 2 FOG Discharger: A FSE that, in the process of preparing and making food available to the public or on the premises, generates FOG that is discharged into the City’s sewerage system, and, prior to April 1, 2011, had installed grease capturing equipment that was properly sized and installed, and remains fully operational and properly maintained and serviced, as determined by the General Manager.

Deleted: March

Section 140.3 Prohibitions and Limitations.

- a. Notwithstanding section 123(e)(3) of this Article, installation of garbage grinders in new Food Service Establishments is prohibited. Garbage grinders in existing Food Service Establishments shall be removed or rendered permanently inoperative by May 1, 2011.

Deleted: after January 1, 2011

Deleted: March

FOG CONTROL ORDINANCE (07/16/10 VERSION)

- Presented to the SFPUC Commission on 9/14/10

Below is a listing of the revisions that are reflected in the proposed FOG Control Ordinance current version of 7/16/10 as compared to the version 2/25/10 (which was previously circulated at public outreach meetings and posted on the SFPUC website).

A. Throughout Proposed Ordinance:

- Made non-substantive needed changes such as: changing words from plural to singular or singular to plural, changing verb tenses, as needed.

B. Pages 1-3: Administrative and Non-Substantive Changes Only

1. Renumbered Section reference numbers: Section 140-147 has been change to Section 140 only (which will have subsections 140.1 through 140.7)
2. Divided the language under original Section 140 into sub-parts (a – f)

3. Added text describing how this Article will facilitate City compliance with existing State and Federal permits under which the SFPUC is regulated (Section 140.b)
 4. Add text indicating that Article will also reduce the potential for system back ups from the combined sewer system (Section 140.d)
 5. Reference to existing total oil and grease discharge “limits” was corrected to reflect that this is only one “limit” in place relative to total oil and grease in wastewater discharges.
- C. Pages 3 - 6: Modifications to Defined Terms (Section 140.2 Definitions)
1. Removed from definition of FOG the term “non-drinkable” to make definition more technically accurate. [140.2b]
 2. Added a definition for the term First Certificate of Occupancy. [140.2c]
 3. Added to the definition of Food Service Establishments (FSEs) “or on the premises” to make the definition more technically accurate (.. includes “food available for consumption by the public *or on the premises*”) [140.2d]
 4. Revised the definition of a Category 3 FOG Discharger to be more technically accurate: References to “relatively low” risk of discharging FOG and “Low” Grease Dischargers were modified to read “less-significant” risk and “Less-Significant” Grease Dischargers. [140.2.d.ii]
 5. Revised the definition of a Category 4 FOG Discharger as follows: The reference in definition to date by which an FSE had installed grease capturing equipment in order to fall under this category was changed from “*January 1, 2011*” to “*March 1, 2011*”. [140.2.d.iii]
 - Revision was made to give time for FSEs to be notified of adoption of new ordinance (ex: if adopted by 1/1/2011) so that they would not fall into Category 1 (which has more stringent requirements) if they installed a grease trap in the first few months following adoption of the FOG Control Ordinance (assuming ordinance will go into effect 1/1/11).
 6. Revised the definition of Gravity Grease Interceptor as follows: Changed “*not less than* total volume of 300 gallons” to “*a minimum* total volume of 300 gallons” in order to be consistent with the definition in the CA Plumbing Code. [140.2.e]
 7. Revised definition of Gravity Grease Interceptor: Changed “A hydromechanical grease interceptor that..” to read “*Any* hydromechanical grease interceptor that..” in order to be consistent with definition in the CA Plumbing Code. [140.2.f]
 8. Revised definition of “*Low Grease Discharger: A FSE Category 3 FOG Discharger*” to read “*Less-Significant Grease Discharger: A FSE Category 3 FOG Discharger*” and moved definition up to be in proper alphabetical order. [140.2.f] This was done to be consistent with #4 above which noted changes of term “relatively low” and “lower” to “less-significant”.

D. Section 140.3 Prohibitions and Limitations (Page 7)

1. Reworded prohibition regarding discharges from water closets, urinals and other plumbing fixtures conveying human wastes in order for it to read more clearly and be consistent with tone/wording of other Prohibitions and Limitations listed. [140.3.e]
 - Original: *Water closets, urinals, and other plumbing fixtures conveying human waste shall not drain into or through any type of grease capturing equipment is prohibited.*
 - Revised: *Discharge of water closets, urinals, and other plumbing fixtures conveying human waste to or through any type of grease capturing equipment is prohibited.*
2. Added the term “discharge” in front of the term “limit” to 140.3.f to make statement more technically accurate.
 - The concentration of Fats, Oils and Grease discharged from Food Service Establishments into the City’s sewerage system shall not exceed the *discharge* limit for total recoverable oil and grease established pursuant to Article 4.1 of the San Francisco Public Works Code, as amended from time to time.

E. Section 140.4 General Requirements (Page 7)

1. Revised the following General Requirement statement (140.4a) to be more technically accurate and clearly state that the only FSEs that are not required to have some form of grease capturing equipment are Limited Food Preparation Establishments:
 - Original: All Food Service Establishments *required to have grease capturing equipment* shall install, operate, maintain and service *the equipment* and implement specified Best Management Practices, in accordance with this Article, any permits, authorizations, rules and regulations issued by the General Manager and Department, and applicable City building codes and regulations.
 - Revised: All Food Service Establishments, *with the exception of Limited Food Preparation Establishments*, shall install, operate, maintain and service *Grease Capturing Equipment* and implement specified Best Management Practices, in accordance with this Article, any permits, authorizations, rules and regulations issued by the General Manager and Department, and applicable City building codes and regulations.

F. Section 140.5 Grease Capturing Equipment Requirements (pgs. 8-9)

1. Revised Section 140.5.b to remove reference to specific ASME standards that would be required of any Grease Removal Device installed.
 - Revision was made to allow for more flexibility and accuracy by having the industry standards that will apply for Grease Removal Devices be stated in Departmental regulations and permit because these standards may change from the current established standards.
 - Original: *All Grease Removal Devices installed by Food Service Establishments shall conform to American Society of Mechanical Engineers (ASME) standards ASME A112.14.3 and ASME A112.14.4, or any other standards deemed applicable the General Manager or Department.*
 - Revised: *Any Grease Removal Devices installed by a Food Service Establishment in accordance with the requirements of this Article shall conform to standards or guidelines deemed applicable by the General Manager or Department.*
2. Revised Section 140.5.c to change the compliance date for Category 1 FOG Dischargers relative to installation of specific grease capturing equipment as follows:
 - Date was changed from July 1, 2012 to July 1, 2013 to ensure adequate time for SFPUC inspectors to visit all FSEs in the City and to notify them of their FOG discharger category and related grease capturing equipment installation requirements.
3. Revised Section 140.5.d to more technically accurate by changing “within a *specified time period*” to “within a *time period specified by the Department when notification is given to the FSE*”.
4. Revised Section 140.5.e and 140.5.f to add “as determined by the General Manager” in order to clarify that FSEs would not need to make their own determination as to which FOG Discharger Category listed would apply to them.

G. Section 140.6 New Construction, Changes in Ownership, and Remodeling (pgs. 10-11)

1. The text of this section was replaced with new text that is now organized to more clearly state applicable requirements for New Construction, Change in Ownership and Remodeling for the various types of FOG Discharger Categories. The only substantive changes made were:
 - Corrected in 140.6.b that new FSEs that are Category 3 FOG Dischargers are required to install grease capturing equipment (which is already required under current SF Plumbing Code).
 - Removed language in 140.6.b that stated that equipment installed must comply with “the requirements of this Article, any permits, authorizations, rules and regulations issued by the General Manager and Department, and applicable City building codes. This requirement is already stated in 140.5.a.
 - Modified 140.6.b language stating that equipment must be installed “prior to commencing the discharge of wastewater to the sewerage system” to ready that equipment must be installed and operational “prior to commencing discharge or

wastewater *from food processing and/or kitchen areas* to the City’s sewerage system.”

- Modified 140.6.d (which pertains to remodels or renovations) as follows:
 - Removed reference to “discretionary land use approval or building permit”
 - Removed reference to “increasing net public seating area” as a trigger
 - Clarified that changes in size or type of food preparation equipment that would trigger this requirement are those “which will increase the amount of fats, oils and grease discharged into the sewerage system”.

H. Section 140.7 Maintenance and Operations (pgs. 11-12)

1. Corrected typo: In 140.7.a the word “may” was changed to “shall” (“shall be required to keep and/or provide equipment maintenance and service logs or receipts, and to retain such logs on-site”).
2. In sub-sections of Section 140.7 removed references to specific minimum frequency periods for having each type of grease capturing equipment serviced (i.e. pumped out). Instead, the text in 140.7.c was added, which reads as follows:

Food Service Establishments shall comply with any Department directive to increase the frequency of Grease Capturing Equipment servicing, if the frequency of servicing is not adequate to ensure that the combined fats, oil and grease and solids accumulation does not exceed 25% of the total hydraulic depth of the equipment.

The reason for this change is that this section already requires that the “25% rule” be met (140.7b: Grease capturing equipment shall be maintained at a frequency such that the combined fats, oil and grease and solids accumulation does not exceed 25% of the total hydraulic depth of the equipment). Also, it is more appropriate to have any specific minimum frequency levels be stated in the wastewater discharger permit that will be issued to FSEs rather than in the ordinance, since technology or other factors may alter the minimum frequency needed to maintain compliance with the “25 % rule”.