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ORDINANCE #2012-06
AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING
CHAPTER 15, SEWERS AND SANITATION
OF THE ALBANY MUNICIPAL CODE
TO CONTROL FATS, OILS, AND GREASE
ENTERING THE SANITARY SEWER SYSTEM

WHEREAS, the City of Albany has adopted an Ordinance in the form of Chapter 15 of the Albany Municipal Code, regulating Sewers and Sanitation; and

WHEREAS, In 2006, the State Water Resources Control Board adopted General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-003-DWQ) to facilitate the proper funding and management of wastewater collection systems.

WHEREAS, the Waste Discharge Requirements include the development and implementation of a Sanitary Sewer Management Plan (SSMP), which must include a program to control the discharge of FOG to the sewer system; and

WHEREAS, The City of Albany (City) developed and obtained City Council approval of its SSMP in July of 2009. The primary goal of the FOG Control Program (Element IV in the SSMP) is to reduce the risk of Sanitary Sewer Overflows (SSOs) in an effort to protect public health and the environment by minimizing public exposure to unsanitary conditions; and

WHEREAS, The City has participated in a Regional FOG Program developed and administered by the East Bay Municipal Utility District (EBMUD) since 2003.

WHEREAS, in 2010, EBMUD announced that they will no longer continue to implement the Regional FOG Program;

1
2 **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY**
3 **ORDAIN AS FOLLOWS:**

4
5 **Section 1:** Chapter 15 of the Albany Municipal Code, Section 15-5 titled “Fats, Oils,
6 and Grease Entering the Sanitary Sewer System” is hereby adopted to include the
7 following text:

8
9 **15-5.1 Definitions**

10
11 “ADDITIVES” includes any product used to break down grease including, but not
12 limited to, enzymes or surfactants acting as grease emulsifiers or degradation agents.

13
14 “APPROVED GREASE CONTROL DEVICE” – A device designed to intercept fats,
15 oils, and grease from wastewater discharge. This includes the allowable devices
16 referenced in the “City of Albany Fats, Oils and Grease Program Implementation
17 Plan”.

18
19 “AUTOMATIC GREASE REMOVAL DEVICE” – A device designed to retain fats,
20 oils, and grease from wastewater discharge. An automatic grease removal device
21 actively skims and/or removes FOG from the wastewater stream and transfers it to an
22 external FOG container that food facility staff then empties into a collection
23 container.

24
25 "FOOD SERVICE ESTABLISHMENT" includes but is not limited to any facility
26 preparing and/or serving food for commercial use or sale. This includes restaurants;
27 cafes; lunch counters; cafeterias; hotels; hospitals; convalescent homes; factory or
28 school kitchens; catering kitchens; bakeries; grocery stores with food preparation,
29 food packaging, meat cutting, and meat preparation (excluding grocery stores with
30 only food warming operations); meat packing facilities, and other food handling

1 facilities not listed above where fats, oil, and grease may be introduced into the
2 community sewer system and cause line blockages and sewer overflows.

3
4 "FOG" Refers to all fats, oils, and grease generated during food preparation, food
5 service, and/or kitchen cleanup.

6
7 "GREASE HAULER" – Licensed business that is contracted to periodically pump
8 out and clean grease interceptors and traps. The hauler then disposes of the grease in
9 an appropriate and legal manner.

10
11 "GRAVITY GREASE INTERCEPTOR" – A large, partitioned vault made of
12 various materials, installed to remove grease and food waste by trapping floatables
13 and settleable solids so that they can be separated and removed before discharge to
14 the community sewer. It is usually installed underground, outside of the food
15 handling establishment.

16
17 "GREASE INTERCEPTOR" – A device designed to intercept fats, oils, and grease
18 from wastewater discharge. Types include gravity grease interceptors and various
19 other types of grease interceptors all of which require cleaning/servicing by a licensed
20 grease hauler due to design or per manufacturer's specifications.

21
22 "GREASE CONTROL DEVICE" (GCD) – See Approved Grease Control Device.

23
24 "GREASE TRAP" – A device designed to retain grease before it enters plumbing
25 lines. It is usually installed indoors in kitchen floors or under counters. Also known as
26 hydro-mechanical grease interceptors.

27
28 **15-5.2 Requirements for Food Service Establishments**

29
30 a. Grease Control Requirement. It is prohibited to discharge fats, oils and grease
31 to the sanitary sewer system. The property owner of a Food Service Establishment

1 (FSE) is required to control FOG discharge from their FSE to the sanitary sewer
2 system and not cause or contribute to FOG related overflows, blockages or increased
3 maintenance in the sanitary sewer system.

4
5 b. Grease Control Device Requirement. A Grease Control Device shall be
6 installed and maintained, at the property owner's expense, to prevent FOG related
7 overflows, blockages and/or increased maintenance in the sanitary sewer system.
8 Grease Control Devices are required if a FSE meets any of the following conditions:

9
10 i. New construction, including new construction or conversion from a
11 non- food service establishment to a food service establishment

12
13 ii. Remodels, additions, alterations or repairs of Food Service
14 Establishments valued at or above the threshold established in the "City of
15 Albany Fats, Oils, and Grease Control Program Implementation Plan"

16
17 iii. Multiple permits for remodels, additions, alterations or repairs by the
18 same FSE within a three (3) year period and with a cumulative value at or
19 above threshold established in the "City of Albany Fats, Oils, and Grease
20 Control Program Implementation Plan"

21
22 iv. An existing FSE caused or contributed to increased maintenance such
23 that the cleaning frequency of the associated mainline sewer was 180 days or
24 less, or a FOG-related sanitary sewer system overflow that required reporting
25 in the California Integrated Water Quality System

26
27 c. Approved Grease Control Device. The design and specifications for a Grease
28 Control Device must be approved by the City or a City authorized representative prior
29 to installation. The "City of Albany Fats, Oils and Grease Program Implementation
30 Plan", incorporated herein, contains the policies and procedures for design and
31 specifications.

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d. Grease Control Device Maintenance. If a FSE has one or more Grease Control Device, the property owner is responsible for maintaining the device as specified in any manufacturer specifications and in a manner that does not present potential risks to human health or cause a public nuisance. Grease Interceptors require the following minimum maintenance activities:

- i. Remove the entire contents of the interceptor each time the interceptor is pumped.
- ii. Ensure proper operation, maintenance and performance during the entire period of wastewater discharge.
- iii. Maintain a pumping frequency that ensures objectionable odors are not present and the discharge does not cause or contribute to FOG-related overflows, blockages, or increased maintenance in the sanitary sewer system.

e. Grease Control Device Maintenance Records. The property owner is responsible for maintaining, for at least three (3) years from the date of service, maintenance records with the following information for each Grease Interceptor:

- 1) Date of hauling service
- 2) Name of the licensed and permitted grease hauler
- 3) Volume pumped (gallons)
- 4) Waste disposal location

Maintenance Records shall be provided to the City or an authorized representative upon request.

f. Increased Grease Control Device Maintenance. The City reserves the right to require more frequent maintenance of existing Grease Control Devices and/or to require additional Grease Control Device equipment if a FSE continues to cause or

1 contribute to a FOG-related overflows, blockages, or increased maintenance in the
2 sanitary sewer system.

3
4 g. Grease Control Device Waiver Requests. A request for a conditional waiver
5 from the above Grease Control Device Requirement and Grease Control Device
6 Maintenance Requirements shall be submitted to the Building Official or his/her
7 designee, according to the procedures contained in the “City of Albany Fats, Oils and
8 Grease Control Program Implementation Plan”, incorporated herein. The waiver
9 request must be approved by the Building Official or his/her designee before the
10 waiver of requirement can be implemented. The Building Official or his/her designee
11 reserves the right to, at any time, revoke or modify an approved waiver.

12
13 h. Required Repair or Replacement. The City reserves the right to require
14 repairs to, or replacement of, required Grease Control Devices at the property owner’s
15 expense.

16
17 i. Use of Additives. It is prohibited to use any additives in the wastewater
18 collection system of a FSE for the purpose of emulsifying or biologically/chemically
19 treating FOG.

20
21 j. Compliance. Compliance with the provisions of this Section are set forth
22 herein and by the “City of Albany Fats, Oils and Grease Program Implementation
23 Plan” adopted by the City Council pursuant to this Chapter of the City Code.

24
25 **15-15.3 Enforcement**

26
27 The Building Official, or his/her designee, is the Designated Enforcement
28 Officer, as defined in AMC Chapter 1-11.05, and is authorized to enforce all
29 provisions of this ordinance. AMC Chapter 1-11, the Administrative Citation
30 Ordinance, outlines the procedures to address violations.

31

1 Section 2. Severability.

2 If any section, subsection, sentence, clause or phrase of this ordinance is for
3 any reason held to be invalid, such decision shall not affect the validity of the
4 remaining portions of the ordinance, and each section, subsection, sentence, clause or
5 phrase thereof, irrespective of the fact that any one or more sections, subsections,
6 sentences, clauses or phrases be declared invalid.

7
8 Section 3: Publication and Effective Date.

9 This ordinance shall be posted at three public places within the City of Albany
10 and shall become effective thirty days after the date of its posting.

11
12 **PASSED AND ADOPTED** by the City Council of the City of Albany at its
13 meeting on the _____ day of _____, 2012, by the following vote:

14
15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAIN:

19

20

21

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23

24

Mayor Farid Javandel