

AN ORDINANCE 2011-05-12-0378

**AMENDING CHAPTER 34 OF THE SAN ANTONIO CITY CODE BY
ADDING A SECTION TO ADDRESS THE DISCHARGE OF FATS, OILS,
AND GREASE INTO THE SANITARY SEWER SYSTEM.**

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WHEREAS, the San Antonio Water System (SAWS) operates a combined water and wastewater utility system on behalf of the City of San Antonio (City), which serves approximately 350,000 water and 390,000 wastewater customers in the San Antonio metropolitan area; and

WHEREAS, this Ordinance will add a new division to Chapter 34 of the City Code to assist in the prevention of sanitary sewer blockages and obstructions that result in sanitary sewer overflows (SSOs) caused by the accumulation of fats, oils, and grease discharged into the sewer system; and

WHEREAS, SAWS estimates that historically, 75% of all SSOs in the City are attributed to grease and debris that has been improperly discharged into the sanitary sewers; and

WHEREAS, under federal regulations, the Environmental Protection Agency monitors the incidence of SSOs and may assess fines for such events; and

WHEREAS, the proposed regulations to Chapter 34 will apply to food service establishments (FSEs) and food processing establishments (FPEs) located throughout the SAWS service area which utilize large amounts of fats, oils, and/or grease as part of their food preparation and processing activities; and

WHEREAS, the proposed regulations will require FSEs and FPEs to install certain equipment; follow procedures in order to properly discard of used fats, oils and grease; comply with record keeping requirements; and be subject to periodic inspections; and

WHEREAS, SAWS will have the authority to enforce compliance with the proposed regulations throughout its service area, and within the corporate boundaries of the City and its extraterritorial jurisdiction violations of the regulations will be subject to criminal and civil penalties; and

WHEREAS, implementation of this program will begin immediately upon approval of this ordinance, but the recovery of costs associated with implementation will be addressed by the City Council as part of the next rate case brought by SAWS before the City for approval, which is expected later this year; and

WHEREAS, SAWS has conducted outreach meetings with multiple entities concerning the proposed regulations, including the San Antonio Restaurant Association (SARA), San Antonio Manufacturers Association (SAMA), Downtown Alliance, School Districts, Chambers of

Commerce, San Antonio Hotel/Lodging Association, and the San Antonio Tourism Council;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The proposed new regulations to Chapter 34 of the City Code, addressing the proper discharge of fats, oils and grease by FSEs and FPEs, as they appears on Exhibit A, are approved and made of part of this ordinance for all purposes. This ordinance shall be implemented within the corporate boundaries of the City, the City's extraterritorial jurisdiction, and throughout the SAWS service area as provided in the regulations attached as Exhibit A.

SECTION 2. Implementation of these regulations will go into effect immediately following approval of this ordinance, but the cost recovery associated with implementation of this program will be addressed by the City Council as part of the next rate case brought by SAWS to the City for approval.

SECTION 3. SAWS is directed to provide notice of the new regulations to all FSEs and FPEs throughout its service area through a bill insert within thirty (30) days.

SECTION 4. Within 36 months following passage of this ordinance, SAWS will evaluate the program and may make amendments to the regulations in order to increase compliance, adjustment components of the program, and reduce administrative burdens as needed.

SECTION 5. The City Council finds that the proposed regulations are fair and reasonable, equal and uniform, nondiscriminatory, and necessary to protect the health and welfare of SAWS customers and the citizens of the City.

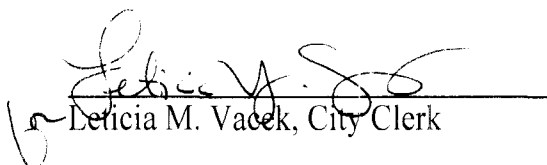
SECTION 6. This ordinance shall become effective immediately upon the unanimous vote of the City Council or within ten days following approval by majority vote.

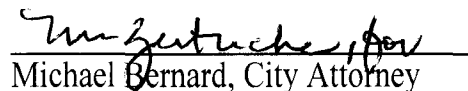
PASSED AND APPROVED, this 12th day of May 2011.

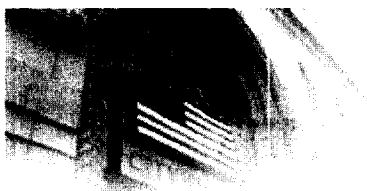

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

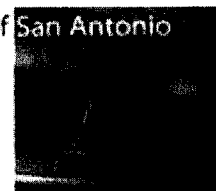

Delicia M. Vacek, City Clerk


Michael Bernard, City Attorney



Request for
COUNCIL
 ACTION

City of San Antonio



Agenda Voting Results - 15

Name:	15, 22A, 22B						
Date:	05/12/2011						
Time:	11:07:52 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 34 of the City Code, by adding a section to address the discharge of Fats, Oils, and Grease into the sanitary sewer system. [Ben Gorzell, Chief Financial Officer]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

EXHIBIT “A”

DIVISION 5. Fats, Oils and Grease.

Sec. 34-525. General provisions.

(a) Purpose. The purpose of this division is to aid in the prevention of sanitary sewer blockages and obstructions caused by the accumulation of fats, oils and grease that are discharged into the sanitary sewer system.

(b) Application. This division shall apply to all food service establishments (FSEs) and food processing establishments (FPEs) that are located within the corporate limits of the City, or that are within the extraterritorial jurisdiction of the City and to all FSEs and FPEs that receive sanitary sewer service from the San Antonio Water System (SAWS) or that discharge any liquids or solids into the publicly owned treatment works (POTW).

(c) Definitions. As used anywhere in this division, the following terms are defined to mean:

City: The City of San Antonio, a Texas home rule municipality.

Commercial establishment: Any location where a person manufactures, packages, prepares, provides, serves, or makes available any meals, or food for sale, for monetary compensation, or for non-monetary consideration.

Fats, oils, or grease: Any animal, vegetable, or mineral fats, oils, or greases and any organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.

FPE or FPEs: A food processing establishment or establishments, which are any commercial establishments in which food for human consumption is manufactured or packaged.

FSE or FSEs: A food service establishment or establishments, which are any commercial establishments that prepare, provide, serve, or make available for human consumption meals, or any food.

Interceptor: A device for collecting, containing, or removing food wastes or fats, oils, or grease from a waste stream before entering the POTW.

Person: An individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

POTW: The publicly owned treatment works that is comprised of the sanitary sewer system, including treatment plant and collection infrastructure, operated by SAWS.

SAWS: The San Antonio Water System, an agency of the City, created by City Ordinance No. 75686, passed April 30, 1992.

Sec. 34-526. Interceptors.

(a) Pretreatment required. Waste pretreatment that complies with this section is required before an FSE or FPE may discharge fats, oils, or grease into the POTW.

(b) Interceptor required. Each FSE and FPE shall discharge all waste from sinks, dishwashers, drains, and any other fixtures or sources through which fats, oils, or grease may be discharged into the POTW into a properly maintained and functioning interceptor that complies with the requirements of Chapter 24, City Code of Ordinances and the International Plumbing Code and appendices as amended that are adopted by the City in that chapter.

(c) Existing facilities. Existing FSEs and FPEs that are not equipped with an interceptor that complies with the requirements of Chapter 24, City Code of Ordinances and the International Plumbing Code and appendices as amended that are adopted by the City in that chapter shall install such an interceptor not later than one hundred and eighty (180) days after the effective date of this ordinance.

(d) New facilities. New FSEs and FPEs shall be equipped with an interceptor that complies with the requirements of Chapter 24, City Code of Ordinances and the International Plumbing Code and appendices as amended that are adopted by the City in that chapter prior to commencement of any discharge into the POTW.

Sec. 34-527. Maintenance.

(a) General requirements. Each interceptor shall be continuously maintained in effective operational condition by and at the expense of the FSE or FPE that is required by this division to utilize or install the interceptor.

(b) Frequency. Each FSE and FPE that is required by this division to utilize or install an interceptor shall evacuate accumulated solids, fats, oils, grease and all other material(s) from each interceptor at a frequency not less often than every ninety (90) days and within two (2) working days whenever twenty-five (25) percent or more of the wetted height of the interceptor, measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils, or grease.

(i) FSEs or FPEs that conduct operations for less than one hundred and twenty (120) days in a calendar year may submit a written request to SAWS to be permitted to evacuate interceptors as required by Sec. 34-527 (b) of this division at a frequency less often than every ninety (90) days. The FSE or FPE submitting the request shall comply with Sec. 34-527 (b) of this division unless SAWS

provides written approval of a different frequency for the evacuation of the interceptors that are the subject of the request. Any revised frequency approved by SAWS for the evacuation of an interceptor shall not affect the requirement that an FSE or FPE shall evacuate an interceptor within two (2) working days whenever twenty-five (25) percent or more of an interceptor contains materials as required by Sec. 34-527(b) of this division.

(c) Interceptor pumping and evacuation.

(i) For each interceptor that has a capacity greater than one hundred (100) gallons, FSEs and FPEs shall use a liquid waste hauler that is permitted by SAWS to collect, transport and dispose of liquid waste pursuant to Chapter 34, Article 5, Division 4, City Code of Ordinances, to evacuate an interceptor. FSEs and FPEs shall cause the wastes in an interceptor to be completely evacuated by a waste hauler at the time of each interceptor evacuation that is required by this division. Interceptor waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.

(ii) For each interceptor that has a capacity less than or equal to one hundred (100) gallons, FSEs and FPEs may use a liquid waste hauler that is permitted by SAWS to collect, transport and dispose of liquid waste pursuant to Chapter 34, Article 5, Division 4, City Code of Ordinances, to evacuate an interceptor. FSEs and FPEs shall cause the wastes in an interceptor to be completely evacuated at the time of each interceptor evacuation that is required by this division. Interceptor waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.

(d) Interceptor inspection. Not less frequently than once per calendar year, each FSE and FPE shall cause a licensed plumber or other qualified professional approved by SAWS to inspect each interceptor. After evacuation of the interceptor, the licensed plumber or other qualified professional approved by SAWS shall make a visual observation of and shall photograph all inlet and outlet fittings, internal baffles, walls, floor and all other internal structures. Each FSE and FPE shall cause the licensed plumber or other qualified professional approved by SAWS conducting the inspection to provide a written report of the inspection to the FSE or FPE that includes the photographs that are required by this section and that provides the name, address and telephone number of the licensed plumber or other qualified professional approved by SAWS conducting the inspection, the date of the inspection, and a description of any defects observed during the inspection. All defects shall be corrected by each FSE or FPE within ninety (90) days of each inspection.

Sec. 34-528. Record keeping.

(a) For each interceptor that has a capacity greater than one hundred (100) gallons, each FSE and FPE shall maintain all records that document each inspection, repair, cleaning, evacuation, service, or pumping of each interceptor as required in Chapter 34, Article 5, Division 4, Sec. 34-516, City Code of Ordinances.

(b) For each interceptor that has a capacity less than or equal to one hundred (100) gallons, each FSE and FPE shall maintain all records that document each inspection, repair, cleaning, evacuation, service, or pumping of each interceptor as required by Chapter 34, Article 5, Division 4, Sec. 34-516, City Code of Ordinances, if a liquid waste hauler that is permitted by SAWS to collect, transport and dispose of liquid waste is used to evacuate an interceptor. If a permitted liquid waste hauler is not used to evacuate an interceptor, then each FSE and FPE shall maintain a cleaning log that lists the location and type of each interceptor, the date and time of each interceptor evacuation, the quantity of material removed from the interceptor, the location where the material removed from the interceptor was disposed of, and the signature of the employee performing the evacuation of the interceptor.

(c) All records required by this division shall be maintained by each FSE and FPE for a period of five (5) years after the date of the event that is the subject of the record. All such records shall be available for inspection on the premises of the FSE or FPE where the interceptor that is the subject of the record is located, unless a written request to store the records at a different location is submitted to SAWS and SAWS approves the request.

Sec. 34-529. Prohibitions.

(a) Prohibited discharge to an interceptor. Discharge into an interceptor of sanitary waste, solvents, emulsifiers, enzymes, chemicals, products, or bacteria that digest, liquefy, dissolve, or emulsify fats, oils, or grease is prohibited.

(b) Removed interceptor waste. Grease, solids, liquids, or any other matter removed from an interceptor shall not be returned to any interceptor, or disposed of in any private sanitary sewer line, any portion of the POTW, or any location other than a facility that is authorized by law to receive such wastes.

(c) No bypass. No liquid or solid waste that contains fats, oils, or grease may be discharged directly into the POTW. All liquids and solids that contain fats, oils, or grease that may be discharged by a FSE or a FPE into the POTW must be discharged into an interceptor before any such discharges enter the POTW. Should an interceptor require repair, upon written request to and the receipt of written approval from SAWS a bypass of the interceptor shall be permitted for the

duration of the repair, but in no event for more than eighteen (18) consecutive hours. Each FSE or FPE shall create a written record that describes the repairs made to the interceptor, the date and time of the commencement of any interceptor repairs and of any bypass during the repairs, and the date and time of the termination of the repairs and of the bypass.

Sec. 34-530. Reserved.

Sec. 34-531. Enforcement.

(a) The failure to perform any action that is required by this division or the performance of any action that is prohibited by this division shall constitute a violation of this division.

(b) System-wide enforcement. The following enforcement provisions apply throughout the SAWS service area and to all FSEs and FPEs that receive sanitary sewer service from SAWS or that discharge into the POTW.

(i) Access to premises. Employees of SAWS, or its authorized agents shall have the authority to enter the property of a FSE or FPE to conduct inspections of all or any part of the premises, to inspect and copy documents that a FSE or FPE is required by this division to generate or maintain, to make photographic documentation and to perform any other action, or to obtain any other information related to compliance with this division. Each FSE and FPE shall allow access to its property and facilities for any of such purposes.

(ii) Notice of violation. Should SAWS give written notice of a violation of this division to a FSE or FPE and the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SAWS may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SAWS Board of Trustees authorizing such termination.

(iii) Additional enforcement remedies. In addition to any other remedies provided in this division, SAWS may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.

(c) Enforcement within the City. The following enforcement provisions apply within the corporate limits of the City and within the extraterritorial jurisdiction of the City.

(i) Access to premises. Employees of the City, SAWS, or their authorized agents shall have the authority to enter the property of a FSE or FPE to conduct inspections of all or any part of the premises, to inspect and copy documents that a FSE or FPE is required by this division to generate or maintain, to make

photographic documentation and to perform any other action, or to obtain any other information related to compliance with this division. Each FSE and FPE shall allow access to its property and facilities for any of such purposes.

(ii) Notice of violation. Should SAWS give written notice of a violation of this division to a FSE or FPE and the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SAWS may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SAWS Board of Trustees authorizing such termination.

(iii) Criminal penalty. A conviction for a violation of any provision of this division shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this division shall be fined an amount of not less than two hundred dollars (\$200.00) per violation and a maximum of not more than two thousand dollars (\$2,000.00) per violation. Each violation of this division shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this division.

(iv) Civil penalty. A civil penalty may be imposed upon a person for each violation of any provision of this division in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Each violation of any provision of this division shall constitute a separate violation, and each day a violation continues shall be considered a new violation.

(v) Additional enforcement remedies. In addition to any other remedies provided in this division, the City or SAWS may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.

(d) Authorization to enforce. SAWS is authorized to take any action authorized by this division and to pursue enforcement against any person violating this division. The grant of authority set out in this section does not in any way diminish the authority of the office of the City attorney to take any action necessary to enforce the terms of this division, to prosecute violations of this division, and to defend the legality of this division, if challenged.