EAST PALO ALTO CITY COUNCIL
SPECIAL MEETING AGENDA

Tuesday, December 3, 2024, 5:30 PM
EPA Government Center
2415 University Avenue, First Floor
East Palo Alto, CA 94303

NOTICE

This meeting will be held virtually and in-person at the Council Chambers located on 2415 University Ave, First Floor East Palo Alto, CA 94303. The virtual portion of this City Council meeting will be conducted in accordance with City of East Palo Alto Resolution adopted pursuant to Assembly Bill 361.

The public may participate in the City Council Meeting via Zoom Meeting or by attending in-person in the Council Chambers at 2415 University Ave, First Floor East Palo Alto, CA 94303. Community members may provide comments by emailing cityclerk@cityofepa.org, submitting a speaker card at the meeting, or using the **RAISE HAND** feature when the Mayor or City Clerk call for public comment. Emailed comments should include the specific agenda item on which you are commenting.

Please click this URL to join

https://us06web.zoom.us/j/87501102194

Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or
+ 1 346 248 7799 or
+ 1 253 215 8782 or
+ 1 312 626 6799 or
+ 1 929 205 6099 or
+ 1 301 715 8592

Webinar ID: 875 0110 2194

International numbers available: https://zoom.us/u/aMWYF4KT

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1. CALL TO ORDER

2. EAST PALO ALTO SANITARY DISTRICT ITEMS

2.1 Appointment of Positions

Recommendation: 1. Appoint from among your Board a President and President Pro Tem; and
2. Appoint the City Clerk as Secretary; and
3. Find that appointment of such positions is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21065 (not a project), and CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15320(a) (changes of organization).

2.2 Amendments to Sanitary District Code

Recommendation:

1. Adopt an ordinance amending various provisions of the Sanitary District Code, including to facilitate joint meetings of the East Palo Alto City Council meeting in dual capacities, such as in its capacity as the governing board of the East Palo Alto Sanitary District; and
2. Find that the adoption by the City Council of the amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21065 (not a project), and CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15320(a) (changes of organization).

2.3

Adopting an Ordinance and a Resolution regarding Discharge of Fats, Oils and Grease (FOG) Conveyed into the Wastewater Facilities

Recommendation:

1. Adopt an ordinance establishing rules and regulations that apply to discharges of wastewater containing fats, oils and grease (FOG) conveyed to the wastewater facilities from any commercial or institutional food service establishment; and

2. Adopt a resolution adopting Grease Control Devise Variance Findings; and

3. Find that the adoption by the City Council of these items is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption).

2.4 Update on Maintenance and Operations by the West Bay Sanitary District.

Recommendation: Receive an update on Maintenance and Operations by the West Bay Sanitary District.

Update on Maintenance and Operations by the West Bay Sanitary District.

Recommendation: Receive an update on Maintenance and Operations by the West Bay Sanitary District.

3. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

This Notice of Availability of Public Records: All public records relating to an open session item which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to the majority of the City Council will be available for public inspection at the City Clerk's Office, 2415 University Avenue, East Palo Alto, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the East Palo Alto website www.cityofepa.org subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (650) 853-3100.

The City Council meeting packet may be reviewed by the public in the Library or the City Clerk's Office. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at the City Clerk's Office, 2ND Floor, City Hall, 2415 University Avenue, East Palo Alto, California 94303 during normal business hours. Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.

East Palo Alto City Council Chambers is ADA compliant. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office at (650) 853-3127 no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

DECLARATION OF POSTING

This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

POSTED: November 26, 2024

ATTEST:

James Colin

City Clerk

EAST PALO ALTO SANITARY DISTRICT STAFF REPORT

DATE: December 3, 2024

TO: Honorable Members of the City of East Palo Alto City Council, Governing Board to the East Palo Sanitary District, a Subsidiary of the City of East Palo Alto

BY: Shiri Klima, Assistant General Manager

VIA: Melvin E. Gaines, General Manager

SUBJECT: Appointment of Positions

Recommendation

1. Appoint from among your Board a President and President Pro Tem;

2. Appoint the City Clerk as Secretary; and

3. Find that appointment of such positions is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21065 (not a project), and CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15320(a) (changes of organization).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Promote Health & Public Safety.

Background

On November 15, 2024, the San Mateo Local Area Formation Commission ("LAFCo") unanimously approved the City of East Palo Alto's application requesting that the East Palo Alto Sanitary District ("District") be made a subsidiary of the City of East Palo Alto.

On October 1, 2024, the reorganization of the East Palo Alto Sanitary District (EPASD)

as a subsidiary of the City of East Palo Alto (City), and the City Council its governing board, became effective. Prior to and since that time, staff has worked diligently toward a peaceful and smooth transition. To that end, one aspect of that transition has required staff to review local rules and regulations of EPASD that may require amendment in light of the reorganization.

Analysis

The District exists under the authority of the Sanitary District Act of 1923 (California Health and Safety (H&S) Code section 6400 *et seq*.). Section 6486 of the Sanitary District Act states: “At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary who may be a member of the board.” Section 6488 states: “In case of the absence or inability of the president or secretary to act, the board shall choose a president pro tem, or secretary pro tem, or both as the case may be.” Other roles, including District Engineer, District Counsel, District Treasurer will be appointed by Council in a separate staff report by ordinance.

The roles of these positions include:

1. All contracts, deeds, warrants, releases, receipts, and documents must be signed by the District President, and countersigned by the District Secretary, except that the Board may, by resolution, delegate this authority (other than for deeds) to staff. (H&S Section 6487.)
2. If the District imposes charges on the property tax assessment roll, such taxes must be verified by the district assessor and signed by the president and secretary of the Board before the Board transmits or causes the district assessor to transmit the tax roll to the tax collector of the County. (H&S Sections 6747 and 6760.)
3. The District Board may adopt codes or specifications controlling the manner of construction, repair, maintenance and operation of facilities. Copies of such codes or specifications shall be available for examination in the office of the Secretary at all times. (H&S Section 6491.1.)
4. Should the District choose to issue bonds in the future, such bonds must be signed by the president and countersigned by the secretary. (Section 6648.) Such bond require elections, and after the votes have been announced the ballots must be sealed and delivered to the Board Secretary or President, which board shall on the seventh day after the election meet and canvass the returns and enter the results in its minutes. (H&S Section 6613.) No such bonds are currently in contemplation.
5. All fines for the violation of any regulation or order of the Board must, after the expenses of the prosecution are deducted, be paid to the Secretary, who shall deposit them right away. (H&S Section 6798.)
6. The Secretary shall govern the elections. (H&S Section 6460.)

There are also references to the President and Secretary in the EPASD District Code (which the City Attorney will recommend amending in the next item on this agenda:

1. The President can call special meetings of the Board. (EPASD District Code Section 304(b).)

2. If all Board members are absent from any regular meeting, the Secretary may declare the meeting adjourned to a stated time and place and must provide a written notice of adjournment. (EPASD District Code Section 304(c).)

Staff recommends the Board select the City Clerk as the Secretary. Staff also recommends the Board choose a President and President Pro Tem from among the EPASD Board members.

Fiscal Impact

There are no fiscal impacts associated with the proposed action as it merely clarifies what the law otherwise provides.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed action is not a "project" under California Environmental Quality Act (CEQA) because: (i) it is not a project within the meaning of Public Resources Code, section 21065 because a clarification of the City's administrative structure has no potential to alter the physical environment; (ii) pursuant to CEQA Guidelines section 15061(b)(3), the so-called "common sense" exemption, for this same reason and (iii) pursuant to CEQA Guidelines section 15320(a) as involving the establishment of a subsidiary district.

Government Code § 84308

Applicability of Levine Act: No, as no contract or permit is involved.

Analysis of Levine Act Compliance: Not applicable.

RESOLUTION NO. 419

A RESOLUTION AUTHORIZING THE DISTRICT GENERAL MANAGER TO BE A SIGNATORY ON WARRANTS AND CHECKS DRAWN UPON DISTRICT ACCOUNTS FOR PAYMENT OF DISTRICT OBLIGATIONS

EAST PALO ALTO SANITARY DISTRICT

Resolution No. 419

RESOLUTION AUTHORIZING THE DISTRICT GENERAL MANAGER TO BE A SIGNATORY ON WARRANTS AND CHECKS DRAWN UPON DISTRICT ACCOUNTS FOR PAYMENT OF DISTRICT OBLIGATIONS.

The District Board of the East Palo Alto Sanitary District finds and determines as follows:

A. The District Board may, pursuant to California Health and Safety Code Section 6487 authorize by resolution the District General Manager to sign District releases, receipts and similiar documents such as warrants and checks in the name of the District; and

B. That authorizing the District General Manager to be a signatory on District warrants and checks will save District money and expense, enable the District to complete work in a more timely fashion, and generally promote the more efficient administration of District business.

In consideration of the foregoing findings and determinations,

IT IS RESOLVED by the District Board as follows:

1. The District General Manager is hereby authorized to be a signatory on warrants and checks drawn upon District accounts for payment of District obligations ("District Accounts"). The District Accounts shall be subject to the requirement that to be effective each warrant or check drawn upon the District Accounts shall bear the signatures of either two members of the District Board or a member of the District Board and the District General Manager.

2. Members of the District Board and the General Manager shall sign and return signature cards and such other documents as the Treasurer and Controller for San Mateo County, and a bank or other drawee of the District Accounts may require to enable the present District General Manager to be a signatory on District Accounts.

* * * * * *

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted and passed at a meeting of the District Board of East Palo Alto Sanitary District, San Mateo County, California, held on the 7th day of Oct, 1992, by the following vote:

AYES and in favor thereof, Members: COX, SAVAGE, EVANS, SCHERZER

NOES, Members:

ABSTAIN, Members:

ABSENT, Members: McINTYRE

Secretary

Roosevelt N. Cox Jr.
President

SEAL

APPROVED AS TO FORM:

William D. Esselstein
District Legal Counsel

EAST PALO ALTO SANITARY DISTRICT STAFF REPORT

DATE: December 3, 2024

TO: Honorable Members of the City of East Palo Alto City Council, Governing Board to the East Palo Sanitary District, a Subsidiary of the City of East Palo Alto

VIA: John D. Lê, City Attorney

SUBJECT: Amendments to Sanitary District Code

Recommendation

1. Adopt an ordinance amending various provisions of the Sanitary District Code, including to facilitate joint meetings of the East Palo Alto City Council meeting in dual capacities, such as in its capacity as the governing board of the East Palo Alto Sanitary District;
2. Adopt a resolution authorizing the District Treasurer of the East Palo Alto Sanitary District (City Finance Director) to sign checks and warrants; and

3. Find that the adoption by the City Council of the amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21065 (not a project), and CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15320(a) (changes of organization).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Promote Health & Public Safety.

Background

On November 15, 2024, the San Mateo Local Area Formation Commission ("LAFCo") unanimously approved the City of East Palo Alto's application requesting that the East

Palo Alto Sanitary District ("District") be made a subsidiary of the City of East Palo Alto.

On October 1, 2024, the reorganization of the East Palo Alto Sanitary District (EPASD) as a subsidiary of the City of East Palo Alto (City), and the City Council its governing board, became effective. Prior to and since that time, staff has worked diligently toward a peaceful and smooth transition. To that end, one aspect of that transition has required staff to review local rules and regulations of EPASD that may require amendment in light of the reorganization.

In this agenda report, staff is recommending that the Council, in its capacity as the governing board of the EPASD, adopt an ordinance amending certain portions of EPASD Code to facilitate transition, including amendments that would allow the City Council to meet in a single meeting to address EPASD and City matters, similar to how the Council currently and jointly meets as the governing board of City and as the Successor Agency.

Analysis

Staff has not completed its comprehensive review of EPASD Code, but the following are the major provisions staff is recommended be amended:

- Section 103: Clarify that the Board is comprised of the Council.
- Section 104: Clarify that the City Manager is the General Manager.
- Section 105: Clarify that the Public Works Director of the City of East Palo Alto (or designee) is the District Engineer.
- Section 127: Define the Secretary as the City Clerk of the City of East Palo Alto.
- Section 201: Require that EPASD ordinances be published in a newspaper and posted in three public places within EPASD's boundaries for a period of one week, similar to what is required for City ordinances.
- Section 302: Clarify again that the Board is comprised of the Council.
- Section 303: Remove the requirement of a surety bond for the General Manager, as those requirements are set by the risk pool (SDRMA). Define "District Counsel" as the City Attorney and "Secretary" as the City Clerk, both of whose duties are set forth in the East Palo Alto Municipal Code.
- Section 304: Clarify that regular and special meetings are governed by the same laws as such meetings for the Council, including those that govern the noticing of meetings and publication of agendas. Clarify that procedural rules (e.g., parliamentary) are those that govern Council meetings. Set the publication requirements for amendments to the District Code. Setting the Council Chambers as the meeting place.
- Section 305: Setting the mailing address of EPASD as that of City Hall.
- Section 307: Removing a reference to the State Department of General Services acquiring materials, equipment or supplies for the District.
- Section 308: Establishes the requirement to adopt a conflict-of-interest code for District Code filers.

- Section 408: Add a provision establishing that the Council will adopt a FOG (Fats, Oil, Grease) ordinance or resolution governing commercial or institutional establishments.
- Section 908: Increase the amount for daily violations of the Code per Government Code Section 54740.

Fiscal Impact

There are no fiscal impacts associated with the proposed action as it merely clarifies what the law otherwise provides.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed action is not a "project" under California Environmental Quality Act (CEQA) because: (i) it is not a project within the meaning of Public Resources Code, section 21065 because a clarification of the City's administrative structure has no potential to alter the physical environment; (ii) pursuant to CEQA Guidelines section 15061(b)(3), the so-called "common sense" exemption, for this same reason and (iii) pursuant to CEQA Guidelines section 15320(a) as involving the establishment of a subsidiary district.

Government Code § 84308

Applicability of Levine Act: No, as no contract or permit is involved.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST PALO ALTO SANITARY DISTRICT (EPASD)

AMENDING THE DISTRICT CODE REGARDING THE COMPOSITION OF THE BOARD, THE DESIGNATION OF VARIOUS EPASD STAFF MEMBERS, MEETING PROTOCOL, THE EAST PALO ALTO SANITARY DISTRICT'S MAILING ADDRESS, AN UPDATED REFERENCE TO A STATE STATUTE; AND OTHER AMENDMENTS

WHEREAS, on November 23, 2023, the San Mateo Local Agency Formation Commission (LAFCo) approved, and on September 16, 2024, LAFCo finalized the action to establish the East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City of East Palo Alto (City); and

WHEREAS, pursuant to the LAFCo's Certificate of Completion designates the City Council of the City as the Board of Directors of the EPASD; and

WHEREAS, accordingly, the action to establish EPASD as a subsidiary district of the City became effective October 1, 2024; and

WHEREAS, pursuant to East Palo Alto Municipal Code Section 2.12.150, the City Manager is now designated as the General Manager of the EPASD; and

WHEREAS, the Board now wishes to amend some portions of the District Code, as follows.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST PALO ALTO SANITARY DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. The recitals and statements of fact set forth in the preamble to this ordinance are true and correct and are incorporated herein by this reference.

Section 2. Section 103 of the District Code is hereby amended to read as follows: "Board shall mean the Sanitary Board of the District, which shall be comprised of the same members as set forth herein."

Section 3. Section 104 of the District Code is hereby amended to read as follows: "General Manager shall mean the person appointed by the Board to administer and enforce the rules and regulations of the District and those designated to act on behalf of the General Manager. The General Manager of the District shall be the same individual selected by the City Council of the City of East Palo Alto to be the City Manager of that City."

Section 4. Section 105 of the District Code is hereby amended to read as follows: "District Engineer shall mean the engineer appointed by and acting for the General Manager who shall be a Registered Civil Engineer. The District Engineer of the District shall be the same individual selected by the City Manager of the City of East Palo Alto to be the City Engineer of that City."

Section 5. Section 106 of the District Code is hereby amended to read as follows: "District Treasurer shall mean the Finance Director for the City of East Palo Alto."

Section 6. A new Section 127 is added to the District Code to hereby read as follows: "Secretary shall mean the City Clerk of the City of East Palo Alto."

Section 7. Section 201 of the District Code is hereby amended to read as follows:

Section 201. **Rules and Regulations** The following rules and regulations of this Code respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Amendments to this Code shall be entered in the minutes of the District Board and shall be published once in a newspaper published in the District and posted in three (3) public places within the District for a period of one week. An Amendment to this Code takes effect upon expiration of the week of publication and posting.

Section 8. Section 302 of the District Code is hereby amended to read as follows:

"Board. The District is governed by a board, comprised of the five members of the East Palo Alto City Council, whose qualifications, election, or appointment, term and compensation shall governed by applicable law."

Section 9. Section 303 is hereby amended to read as follows:

"Section 303. Appointed Positions The following positions have been established and are to be filled by appointment by the Board Appointees shall hold office at the pleasure of the Board and shall receive compensation for their services in accordance with the schedule approved by the Board.

(a) District Counsel shall mean the City Attorney of the City of East Palo Alto, whose duties shall be as prescribed by applicable law, including the East Palo Municipal Code.

(b) General Manager Whose duties shall be as prescribed by the Board and by this ordinance. Said duties shall include, without being limited to, the supervision of all administrative matters relative to operation, maintenance and repairs of the sewerage works of District.

(c) District Engineer Whose duties shall be as prescribed by the Board and by this ordinance. Said duties shall include, without being limited to, the preparation of all plans specifications for District projects, and the checking of all plans and specifications prepared by an Installer's engineer registered in accordance with the laws of the State of California.

(d) Purchasing Officer Whose duties shall be as prescribed by the Board and this ordinance.

(e) Industrial Waste Inspector Whose duties shall be as prescribed by the Board and this ordinance."

(f) District Treasurer Whose duties shall be prescribed by the Board and this ordinance. Said duties shall include the deposit and withdrawal of funds of the District, issuance of checks or warrants to pay claims and demands without approval by the Board before payment if the District Treasurer determines that the demands are payable within the District's approved budget.

(g) Secretary Whose duties shall be prescribed by the Board and this ordinance. Said duties shall include those of the City Clerk of the City of East Palo Alto. The Secretary's salary shall be set by District Board resolution in compliance with the Sanitary District Act of 1923.

Section 10. Section 304 of the District Code is hereby amended to read as follows:

"(a) Regular Meetings The regular meetings of the Board shall be noticed and held in accordance with applicable law, including that such meetings may be held concurrently with the City of East Palo Alto City Council meetings, as set by applicable law."

(b) Special Meetings Special meeting of the Board shall be noticed and held pursuant to applicable law .

(c) Adjournment The Board may adjourn any meeting in accordance with applicable law.

(d) Meeting Place All meetings of the Board shall be held at the East Palo Alto City Council meeting pursuant to applicable law.

(e) Mailed Notice of Meetings All notice of meetings shall be provided in accordance with the same guidelines and requirements as the meetings of the East Palo Alto City Council.

(f) Procedural Rules Regarding what constitutes a quorum, the Board's meetings being public, methods of action, recording a vote, and rules of order, the Board shall follow the same rules as those for the East Palo Alto City Council in accordance with local law, including the East Palo Alto Municipal Code."

(g) Amendments to Sanitary District Code. Amendments to this Code shall be entered in the minutes of the District Board and shall be published once in a newspaper published of general circulation for the City of East Palo Alto and Menlo Park and posted in three (3) public places within the District for a period of one week. An Amendment to this Code takes effect upon expiration of the week of publication and posting.

Section 11. Section 305 of the District Code is hereby amended to read as follows: "Mailing Address The official mailing address of the District is the City of East Palo Alto/EPASD, 2415 University Avenue, East Palo Alto, California 94303 in said District."

Section 12 Section 307 of the District Code is hereby amended to read as follows: "The District shall adopt policies and procedures for the purchase of supplies and equipment in accordance with the requirements of Article 7, of Chapter 5, of Part 1, of Division 2, of Title 5 of the Government Code, and all such purchases shall be made in accordance therewith. Said policies and procedures shall be in writing available for inspection and copying by the public."

Section 13. The reference to "Six Thousand Dollars ($6,000)" in Section 908(a) of the District Code is hereby amended to "Twenty-Five Thousand Dollars ($25,000)."

Section 1. Article III is hereby amended to add a new section as follows:

"Section 308. Conflict of Interest The Board shall adopt by resolution a conflict-of-interest code, and therein specify all code filers subject to said code."

Section 15. Article IV is hereby amended to add a new section as follow:

"Section 408. Fats, Oil and Grease (FOG). The Board shall adopt an ordinance or resolution establishing rules and regulations that shall apply to discharges of wastewater containing fats, oils and grease conveyed to the wastewater facilities from any commercial or institutional food service establishment."

Section 16. Article X is hereby amended to add a new section as follows:

Section 1006 Demand for Payments; Disbursement of Funds The District Treasurer shall provide for checks or warrants to claims and demands to be drawn without approval by the board of directors before payment if s/he determines that the demands are payable within the District's approved budget. This procedure shall mirror the procedures of the City of East Palo Alto for the same, including all policies, procedures, and customs of the City of East Palo Alto related to the internal controls with measures to prevent fraud and ensure accountability, and which are necessary for financial reporting in conformance with generally accepted accounting principles. Demands so paid shall be presented to the board of directors at the next regular meeting for review only. Demands exceeding the district's approved budget shall be subject to board approval.

Section 17. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, there is no possibility it will have a significant effect.

Section 18. Any provision of local law of either the District or the City of East Palo Alto inconsistent with this Ordinance inasmuch as it cannot be reasonably interpreted harmoniously, to the extent of such inconsistencies and no further, are hereby repealed or modified to the extent necessary to effectuate this Ordinance.

Section 19. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase and clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared invalid or unconstitutional.

Section 20. This Ordinance shall be entered in the minutes of the District Board and shall be published once in a newspaper published in the District and posted in three (3) public places within the District for a period of one week. The Ordinance amending this Code shall take effect upon expiration of the week of publication and posting.

Section 21. The foregoing Ordinance was adopted at a regular meeting of the EPASD Board held on the 19th day of November 2024, by the following vote:

[Continued on the following page.]

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio Lopez, Board President

ATTEST:

James Colin, District Clerk

APPROVED AS TO FORM:

John D. Lê, District Counsel

EAST PALO ALTO SANITARY DISTRICT STAFF REPORT

DATE: December 3, 2024

TO: Honorable Members of the City of East Palo Alto City Council, Governing Board to the East Palo Sanitary District, a Subsidiary of the City of East Palo Alto

VIA: Shiri Klima, Assistant General Manager

SUBJECT: Adopting an Ordinance and a Resolution regarding Discharge of Fats, Oils and Grease (FOG) Conveyed into the Wastewater Facilities

Recommendation

1. Adopt an ordinance establishing rules and regulations that apply to discharges of wastewater containing fats, oils and grease (FOG) conveyed to the wastewater facilities from any commercial or institutional food service establishment; and

2. Adopt a resolution adopting Grease Control Devise Variance Findings; and

3. Find that the adoption by the City Council of these items is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Promote Health & Public Safety.

Background

On November 15, 2024, the San Mateo Local Area Formation Commission ("LAFCo") unanimously approved the City of East Palo Alto's application requesting that the East Palo Alto Sanitary District ("EPASD") be made a subsidiary of the City of East Palo Alto ("City").

On October 1, 2024, the reorganization of the EPASD as a subsidiary of the City, and the

City Council its governing board, became effective. Prior to and since that time, staff has worked diligently toward a peaceful and smooth transition.

In this agenda report, staff is recommending that the Council, in its capacity as the governing board of the EPASD, adopt an ordinance regulating the discharge of fats, oils and grease (FOG).

Analysis

Fats, oils and grease (FOG) can significantly reduce the capacity of sewer lines and is a major cause of sanitary sewer overflows (SSOs). The State has concluded that most agencies lack a formal program to control grease within their sewer system. Grease dumped by homeowners, restaurants and other food service establishments builds up in the sewer system and creates blockages that force raw sewage to escape through manhole covers to drainage systems and other inappropriate points releasing contaminates which create a public health risk and property damage.

On May 2, 2006, the State Water Resources Control Board issued statewide Waste Discharge Requirement Order No. 2006-0003-DWQ (WDR) mandating certain actions by all entities that own or operate sanitary sewer systems greater than one mile in length that collect untreated or partially treated wastewater. In short, the WDR prescribes all entities to take a proactive approach to ensure a system-wide operation, maintenance, and management plan to reduce the number and frequency of SSOs. Per Section D(13)(vii) of the WDR, the EPASD must implement a FOG Control Program, including adopting a FOG ordinance that requires grease producing facilities to install grease removal devices and establishes maintenance standards for the removal devices, Best Management Practice requirements, record keeping and reporting requirements. EPASD Code section 408 authorizes the Board to adopt a FOG ordinance.

EPASD staff reviewed codes drafted by other sanitary districts and decided to model our FOG ordinance off the one adopted by West Bay Sanitary District, our operator. Under the attached Ordinance, existing Food Service Establishments (FSEs) will be required to adopt Best Management Practices (BMPs) to reduce the amount of FOG entering the sewer system. New FSEs at the time of construction, or existing FSEs at the time of remodel (defined as (i) under-slab plumbing in the food processing area; (ii) a 30% or greater increase in the net public seating area; (iii) a 30% or greater increase in the size of the kitchen area; (iv) any change in the size or type of food preparation equipment; and (v) any remodel, addition, alteration or repair valued greater than $50,0000), would be required to install, operate and maintain an approved grease control device for separating and removing FOG contained in wastewater discharges prior to discharging to the sanitary sewer system. All FSEs must implement FOG BMPs in accordance with requirements and guidelines established by the National Restaurant Association, which is attached to this staff report. All FSEs must maintain on the premises records for three years listing the grease control devise cleaning and maintenance activities,

kitchen BMPs implemented, solids accumulation in the grease control device, waste hauling documentation, sampling data and spills and/or cleaning of the wastewater facilities. The FSEs must allow EPASD staff or our operator access to the premises during normal business hours to inspect the FSE's grease control device, sample wastewater discharges and review records. Finally, in accordance with EPASD's Grease Control Device Variance Guidelines, which may be adopted and amended from time to time by resolution, any FSE may submit in writing to the General Manager a request for a variance from the grease control device requirement upon a showing that the installation of a grease control device is not feasible in an existing structure or the FSE's FOG discharge is negligible and has had an insignificant impact on the wastewater facilities; these Variance Guidelines are attached in the resolution that staff recommends the Board adopt.

It is unclear to what extent EPASD previously had or enforced a FOG ordinance or policy. The latest inspection records the City could find are a few from 2022. The City is sending a letter this month to our existing FSEs to notify them that, beginning in January, West Bay will be conducting inspections and will put all FSEs on a regular schedule for future enforcement.

Fiscal Impact

The City has outsourced the FOG education and outreach program to West Bay along with the rest of operation. All inspections (both construction and FOG) are estimated to cost $46,945 per year. This work is already within West Bay's scope of services in its contract, and no extra funds are required.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed FOG Ordinance and Resolution will assist EPASD in achieving compliance with State and Federal water quality laws and help prevent overflows from the sanitary sewer system that threaten the natural environment. In addition, the proposed Ordinance and Resolution will not result in a direct or reasonably foreseeable indirect physical change in the environment and, therefore, is exempt under California Environmental Quality Act (CEQA) Section 15061 (b)(3).

Government Code § 84308

Applicability of Levine Act: No, as no contract or permit is involved.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. FOG Ordinance
2. National Restaurant Association's Kitchen Best Management Practices
3. Resolution adopting EPASD's Grease Control Devise Variance Guidelines

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST PALO ALTO SANITARY DISTRICT (EPASD)

ADOPTING AN ORDINANCE ESTABLISHING RULES AND REGULATIONS THAT APPLY TO DISCHARGES OF WASTEWATER CONTAINING FATS, OILS AND GREASE (FOG) CONVEYED TO THE WASTEWATER FACILITIES FROM ANY COMMERCIAL OR INSTITUTIONAL FOOD SERVICE ESTABLISHMENT.

WHEREAS, on November 23, 2023, the San Mateo Local Agency Formation Commission (LAFCo) approved, and on September 16, 2024, LAFCo finalized the action to establish the East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City of East Palo Alto (City); and

WHEREAS, on November 19, 2024, the City Council of the City of East Palo Alto, acting in its capacity as the Board of Directors of the EPASD amended some portions of the District Code; and

WHEREAS, new District Code section 408 authorizes the Board to adopt an ordinance or resolution establishing rules and regulations that apply to discharges of wastewater containing fats, oils and grease conveyed to the wastewater facilities from any commercial or institutional food service establishment; and

WHEREAS, FOG in sewage impacts EPASD's collection systems and treatment processes because these materials harden and plug sewer lines, causing backups and interrupting the flow of sanitary waste streams, so they are necessary to regulate.

THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS. The Board hereby finds the foregoing recitals true and correct and incorporated by reference into this action.

Section 2. ADOPTION OF NEW ORDINANCE. The following language, titled "Grease, Oil and Sand Interceptors" is hereby adopted as follows:

"(01) Applicability.

This Ordinance applies to discharges of wastewater containing fats, oils and grease conveyed to the wastewater facilities from any commercial or institutional food service establishment.

(02) Definitions.

(A) Fats, Oils and Grease (FOG).

Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

(B) Food Service Establishment (FSE).

A non-residential wastewater discharger that engages in activities of preparing, serving, or otherwise making available food for consumption by the public or on the premises.

(C) Grease Control Device.

Any grease control device, grease trap or other mechanism, device or process that attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the wastewater facilities.

(D) Remodel or Remodeling.

Any physical and/or operational change to an FSE that involves any one or a combination of the following: (i) under-slab plumbing in the food processing area; (ii) a 30% or greater increase in the net public seating area; (iii) a 30% or greater increase in the size of the kitchen area; (iv) any change in the size or type of food preparation equipment; and (v) any remodel, addition, alteration or repair valued greater than $50,000.

(E) Sanitary Sewer Overflow (SSO).

Any blockage, overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

(03) Prohibitions and Limitations

(A) Discharge of FOG or any food waste containing FOG into drains directly leading to the wastewater system is prohibited, except in accordance with this Ordinance and applicable building codes and regulations.

(B) Discharge of the following to or through any grease control device is prohibited: (i) wastewater from dishwashers; (ii) wastewater with temperatures in excess of 150 degrees F; and (iii) wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials.

(C) Installation of food grinders in the FSE plumbing system is prohibited. FSEs must remove or render permanently inoperative all existing food grinders within 180 days of the adoption of this ordinance.

(D) Diluting a discharge to achieve compliance with this Ordinance is prohibited.

(E) Introduction of any additives into the plumbing system of an FSE or grease control device for the purpose of emulsifying or chemically treating FOG for grease remediation

or as a supplement to device maintenance is prohibited. Biological treatment of grease control devices may be allowed upon approval of the General Manager or designee.

(04) Grease Control Device Requirements.

(A) All FSEs must, at the time of construction, remodel, and/or change in operation, install, operate, maintain and service a grease control device. The grease control device must be installed at a location where it must be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

(B) Any FSE required to provide a grease control device must install, operate, and maintain a District approved type and adequately sized grease control device necessary to maintain compliance with the objectives of this Ordinance.

(C) Grease control device design, construction, sizing, and installation must be subject to prior written approval of the District and must conform to the most current edition of the California Plumbing Code.

(D) Any existing FSE that has caused or contributed to a grease-related blockage in the wastewater facilities, has one or more sewer laterals connected to pipelines on the District's list of sewer lines that have experienced grease related blockages or sanitary sewer overflows, and/or has contributed significant FOG to the wastewater facilities, must be deemed to have reasonable potential to adversely impact the wastewater facilities and must be required to install a grease control device within 180 days following the issuance of written notification from the General Manager.

(05) Maintenance Requirements.

(A) Grease control devices must be fully pumped out and cleaned once every 3 months or when the combined FOG and solids accumulation in the grease control device equals 25% of the design hydraulic depth of the grease control device, whichever occurs first. FSEs must comply with any District directive to increase the frequency of grease control device servicing if the frequency of servicing is not adequate to ensure this requirement. If the grease control device at any time contains FOG and solids accumulation exceeding this maximum, the FSE will be required to have the grease control device pumped and cleaned as soon as possible, but in no case more than 48 hours following issuance of an order to clean by the General Manager, unless otherwise specified.

(B) Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease control devices must be transported by a licensed waste hauler to an approved recycling or disposal site in accordance with all applicable federal, State, and/or local laws. FSEs must obtain and maintain a copy of the waste hauler's documentation, which must include: (i) name of hauling company; (ii) name and signature of the operator performing the pump out; (iii) documentation of a full pump out indicating the total volume of water and FOG removed in gallons; (iv) documentation of the level by percentage of the combined FOG and solids accumulation in the control device; (v)

documentation regarding whether repairs to the grease control device are required; and (vi) identification of the facility where the waste hauler has transported the waste.

(06) Kitchen BMP Requirements.

All FSEs must implement FOG Best Management Practices (BMP) in accordance with requirements and guidelines established by the National Restaurant Association and by the General Manager.

(07) Recordkeeping Requirements.

All FSEs must maintain on FSE premises copies of the following records for no fewer than 3 years: (i) grease control device cleaning and maintenance activities; (ii) kitchen best management practices implemented; (iii) solids accumulation in the grease control device; (iv) waste hauling documentation; (v) sampling data; and (vi) spills and/or cleaning of the wastewater facilities.

(08) Inspection and Sampling Conditions.

All FSEs must allow the General Manager (or designee) access to the FSE premises during normal business hours to inspect the FSE's grease control device, sample wastewater discharges and review records kept in accordance with this Ordinance. Failure by the FSE to comply with the requirements of this Ordinance constitutes a violation of the District Code and will be cause for the District to initiate all necessary actions and/or exercise any available legal remedies to remediate such violation.

(09) Variance.

(A) In accordance with the District's Grease Control Device Variance Guidelines, which may be adopted and amended from time to time by District resolution, any FSE may submit in writing to the General Manager a request for a variance from the grease control device requirement upon a showing that the installation of a grease control device is not feasible in an existing structure or the FSE's FOG discharge is negligible and has had an insignificant impact on the wastewater facilities.

(B) Where the installation of a grease control device in an existing structure is not feasible, an FSE may be granted a variance upon the payment of an annual grease disposal mitigation fee to cover the District's costs of increased maintenance of the wastewater facilities resulting from the FSE's inability to adequately remove FOG from its wastewater discharge.

(10) Charges and Fees.

The District will adopt charges and fees by resolution for reimbursement of costs incurred by the District and to ensure consistent compliance with this Ordinance. In addition, any cost, expense, liability, fine, penalty or other payment made or incurred by the District to clear or repair any wastewater facility, or to contain, clean, report or otherwise remediate

the FSE from violation of this Ordinance, constitutes a debt to the District, due and payable upon demand and collectable in any manner provided by law.

(11) Falsifying Information or Tampering with Process.

It will be unlawful to make any false statement or record or other document that is required by this Ordinance or otherwise required by the General Manager (or designee), and to tamper with or knowingly render inoperable any grease control device required under this Ordinance.

(12) Enforcement.

Failure to comply with the provisions of this Ordinance may result in one or more of the following enforcement actions in addition to any other remedy or provision of law, including but not limited to, those provided in Article IX of the District Code: (i) a notice of violation may be issued with a compliance schedule for correction; (ii) a noncompliance fee may be charged, which fee may be increased each time an FSE is issued a notice of violation; (iii) the General Manager may direct a contractor to pump and clean an FSE's grease control device at FSE's expense; (iv) service to the FSE may be suspended or terminated; (v) the FSE may be issued an administrative citation; (vi) a misdemeanor complaint against the FSE may be filed; and/or (vii) FSE noncompliance may be enjoined as a public nuisance through a civil action brought by District, the City Attorney of the City of East Palo Alto, or the San Mateo District County Attorney against the FSE."

SECTION 3. REPEAL OF PRIOR ORDINANCE. Any prior ordinances, resolutions, or regulations relating to the same subject matter or otherwise in conflict with this Ordinance are hereby repealed in their entirety.

SECTION 4. CEQA FINDINGS. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, there is no possibility it will have a significant effect.

SECTION 5. INTERPRETATION. Any provision of local law of either the District or the City of East Palo Alto inconsistent with this Ordinance inasmuch as it cannot be reasonably interpreted harmoniously, to the extent of such inconsistencies and no further, are hereby repealed or modified to the extent necessary to effectuate this Ordinance.

SECTION 6. SEVERABILITY. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase and clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared invalid or unconstitutional.

SECTION 7. PUBLICATION. This Ordinance will be entered in the minutes of the District Board and will be published once in a newspaper published in the District and posted in three (3) public places within the District for a period of one week.

SECTION 8. EFFECTIVE DATE. The Ordinance will take effect upon expiration of the week of publication and posting.

The foregoing Ordinance was adopted at a regular meeting of the EPASD Board held on the 3rd day of December, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio Lopez, Board President

ATTEST:

James Colin, District Secretary

APPROVED AS TO FORM:

John D. Lê, District Counsel

NATIONAL RESTAURANT ASSOCIATION



FATS, OILS AND GREASE CONTROL

Best practices for effective grease control management

What is **FOG**?

Fats, oils and greases (FOG) are found in most restaurants — from cooking oil spilled on the floor to leftover hollandaise on customers' plates, and even airborne hamburger grease stuck to your ventilation hood. All this FOG must go somewhere and it usually ends up in your sewer pipes via the dishwasher, floor drains or the mop sink.

Pouring or washing FOG down the drain causes it to solidify, accumulate and narrow the pipe's internal opening. Eventually, FOG can completely clog the inside of the pipe, causing sewage to back up into your business, or onto the streets and into storm drains.

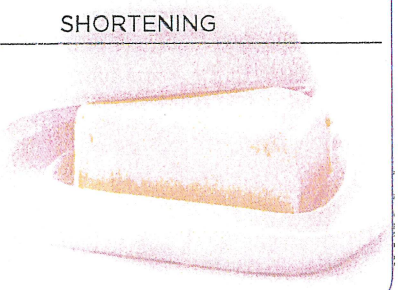
These sanitary sewer overflows (SSOs) can:

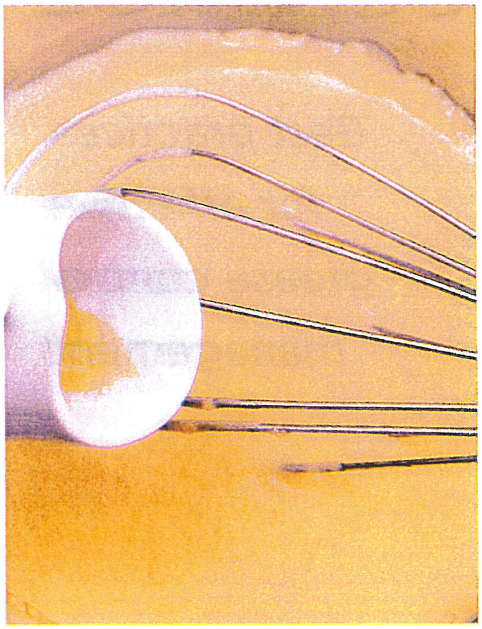
- Harm our rivers, lakes and streams
- Cause foul odors for customers and lead to business closures
- Release bacteria, viruses and other pathogens, spreading disease and endangering public health

SSOs are also expensive to clean up. If they occur on private property, the cost is usually borne by the property owner. You could also face civic fines and business closures if the SSO is found to be your fault.

FOG is ...

- BATTERS
- BUTTER/MARGARINE
- COOKING OILS
- DAIRY PRODUCTS
- DRESSINGS
- FOOD SCRAPS
- GREASE FROM COOKING
- GREASE FROM VENTILATION HOODS
- GRIDDLE SCRAPINGS
- ICING
- LARD
- MEAT FATS
- SAUCES
- SHORTENING









Keeping **FOG** Out of Your Pipes

Do This First

Contact your sanitation district (city or county municipality). They will be happy to help you avoid pitfalls and might even have free resources (e.g., posters, log books).

Steps to Take

There are three steps you must take to keep FOG in its proper place:
1) ensure you have the correct equipment,
2) service that equipment and
3) modify employee behavior.



FOG Best Management Practices

Follow these practices to ensure you don't clog up your pipes

MUST DO

Don't pour excess oil or grease down the drain. Pouring excess oil or grease down the drain is a big no-no. You should collect "yellow grease" in special bins for rendering by a third-party contractor.

Scrape all extra grease and greasy food scraps off plates and cookware before using pre-rinse spray valve and dishwasher. Dispose of excess grease in the trash or recycle it as part of a food waste recycling program.

Install drain screens, particularly in your sinks, to help prevent much of the grease and food particles from clogging your pipes.

Wipe up grease with a paper or cloth towel before using water and soap to clean the floor to minimize grease washing down your drains.

Only put non-greasy foods (e.g., raw vegetables) into your garbage disposal to minimize the amount of grease ending up in your drains.

Make sure your employee training materials include these kitchen BMPs, grease control device cleaning and other steps into all your employee training materials.

SMART PRACTICES

Keep these BMPs "top of mind" by requiring refresher training for your employees. Many sewer agencies require foodservice businesses to keep log sheets documenting their continued employee training, and most require annual refresher training.

Periodically clean your lateral sewer line to prevent blockages and SSOs. Sewer agencies typically don't clean these pipes, so these lines can accumulate FOG and become blocked over time, causing an SSO.

Avoid overflows by inspecting your private sewer lateral lines periodically using closed circuit television. Private plumbing contractors typically perform these inspections, which can also identify potential structural issues such as cracks, breaks, or root infiltration.

Wash out your ventilation hoods regularly to prevent excessive FOG accumulation. Periodically clean the vents and grease pans on your roof as well. Make sure you put the leftover cleaning water and FOG in either your grease interceptor or via an offsite disposal method.

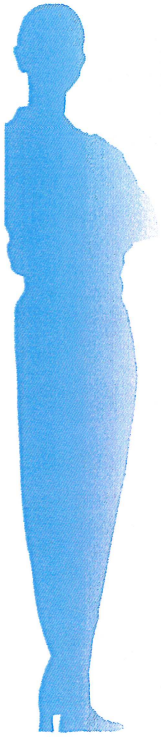
Grease Control Devices (GCDs)

What You Need to Know

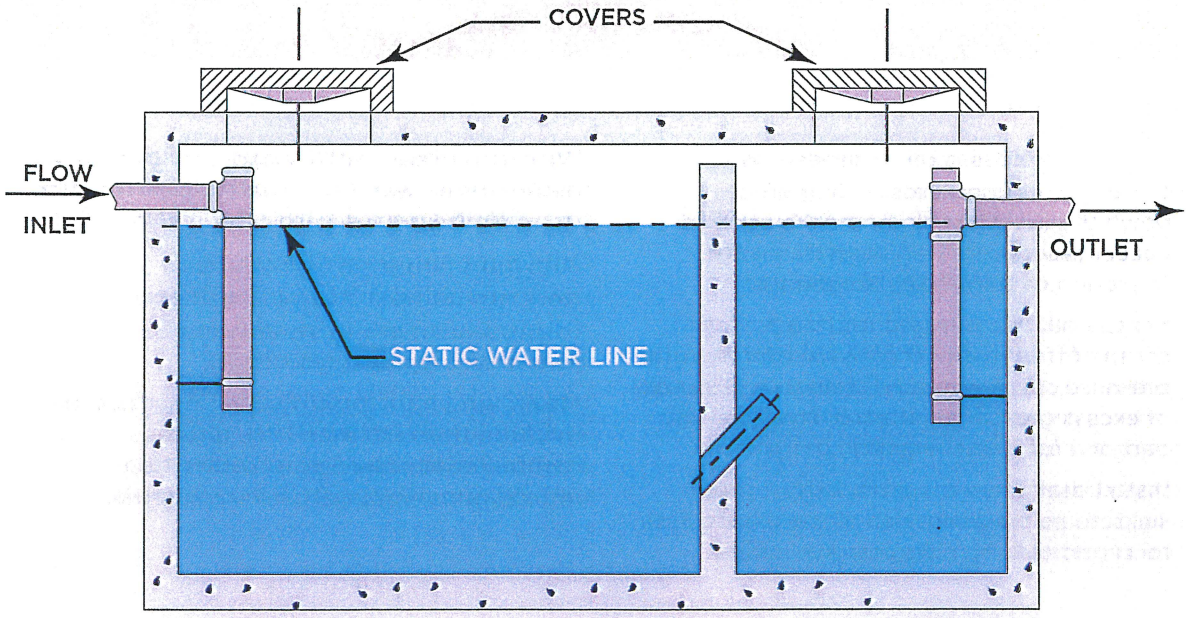
GCDs can be small or large with associated costs varying widely. Therefore, when you begin budgeting for expanding or opening a new restaurant, make sure you understand your cost liability for GCDs and plan accordingly.

GCD Equipment Types

There are many different equipment options — from large gravity grease interceptors to hydro-mechanical boxes that fit under the sink. Both the GCD equipment type and size are extremely important to how well the product functions. Also, the equipment type could be regulated in your area so, before buying anything, contact your local permitting authority with jurisdiction over FOG discharge for details.



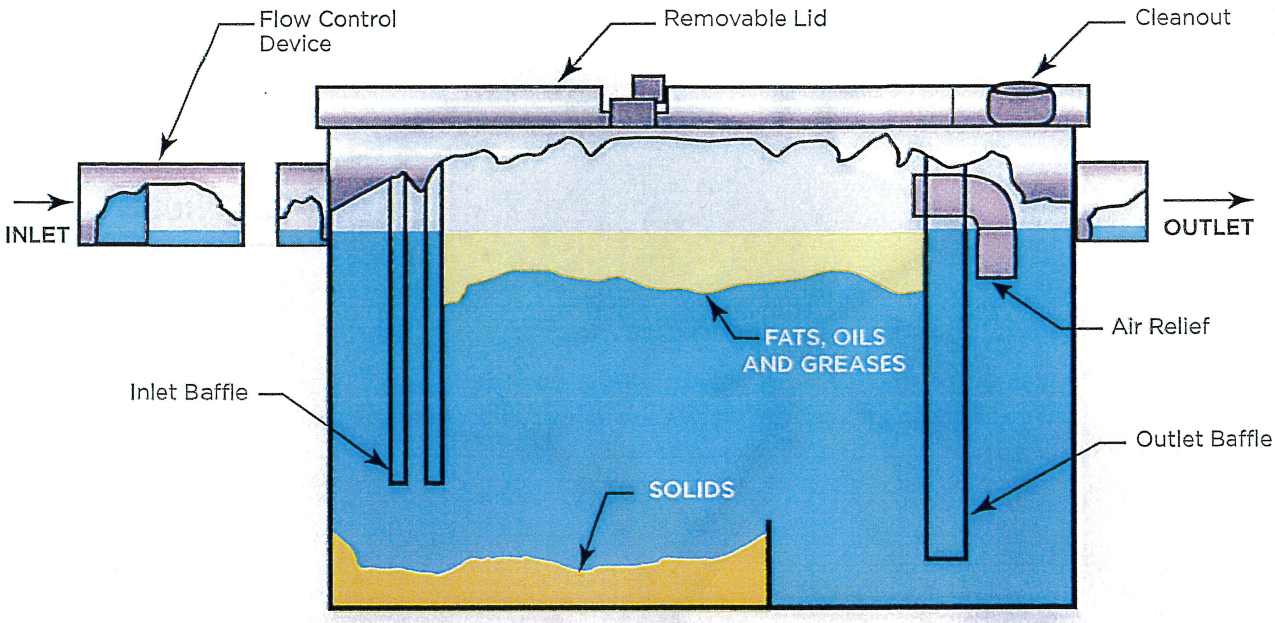
Gravity Grease Interceptors (GGIs)



Gravity Grease Interceptors (GGIs)

GGIs incorporate two or more connected compartments, with a minimum volume of 300 gallons. The GGI's design leverages its large tank size to slow water entering the device and let gravity (or FOG buoyancy) separate the FOG from the water (i.e., there are no flow control devices in pipes or baffles in the GGI). Given sufficient space and time, floating grease and settled solids separate from the kitchen wastewater and accumulate in the interceptor. That's why GGIs are usually much larger than other interceptor designs. If they are too small, the water will speed through the device, carrying the FOG with it and will accumulate "down pipe," causing a backup. The floating grease and settled solids must also be removed before they accumulate beyond a certain level to avoid clogging the plumbing or significantly reducing the available space in the interceptor.

Hydro-Mechanical Grease Interceptors (HGIs)



Hydromechanical Grease Interceptor
Indoor, above ground; 15-60 gallons, 20-50 GPM; 40-100 pounds of FOG storage

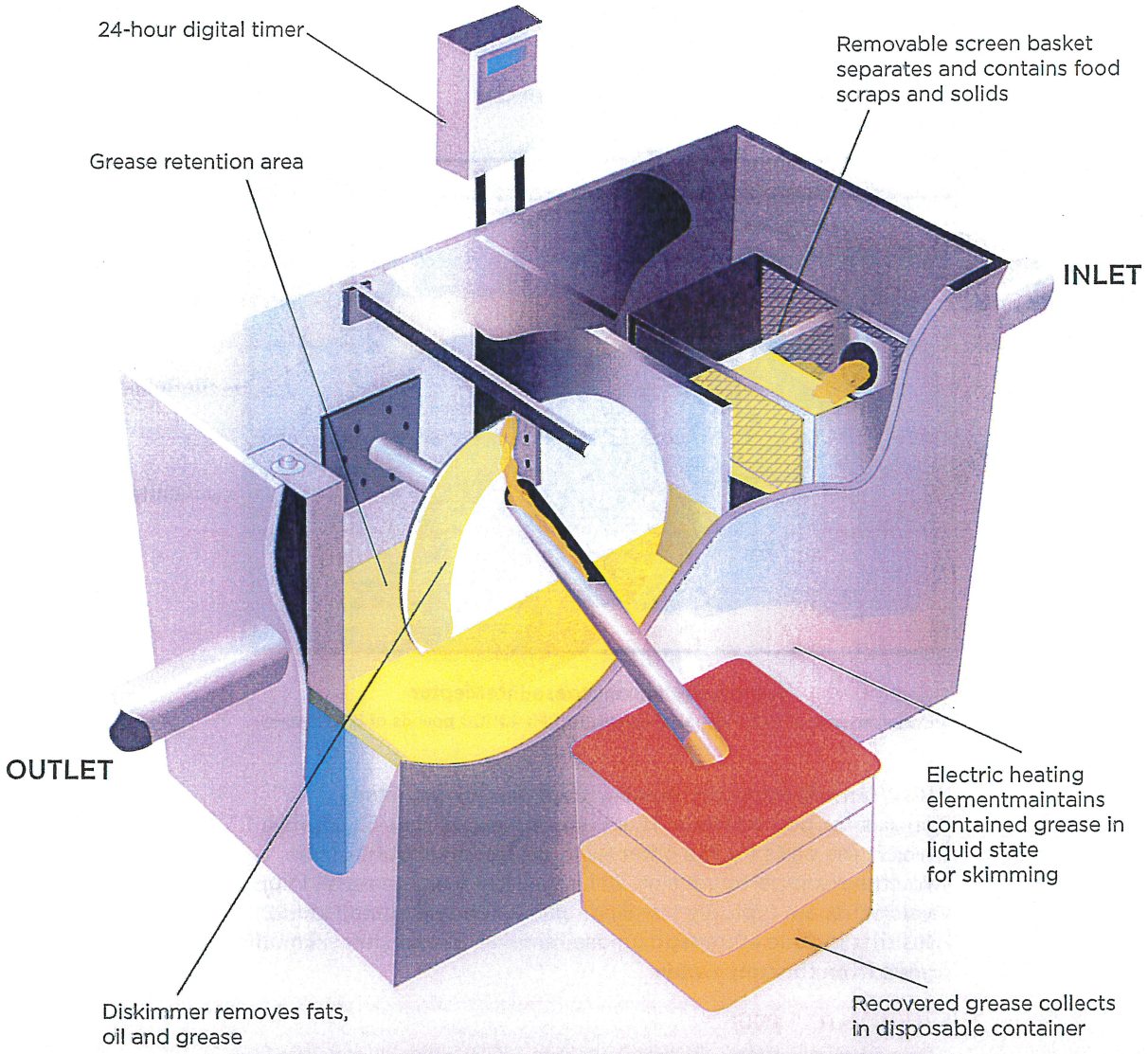
HGIs (formerly known as grease traps) are made of steel, fiberglass or polyethylene. There are three sub-types: 1) "regular," which is the basis for the other two designs and that fit under your three-compartment sink, 2) large HGIs that are a scaled up version that are typically installed outside the restaurant, and 3) HGIs that include automatic grease removal devices that skim off grease from the grey water.

1 "REGULAR" HGIS

While there are many different designs, HGIs typically consist of a single compartment with baffles/screens to slow down incoming water/FOG mixture and changing the liquid's direction. This direction shift forces air into the liquid mixture, allowing FOG to rise to the top, solids to sink to the bottom, and water to pass through the unit. HGIs need flow control devices installed further up the pipes to slow water down so the baffles can do their work properly. This "mechanical separation" allows HGIs to be much smaller than GGIs. HGIs are sized based on flow rate and the pounds of FOG they can store.

2 LARGE HGIS

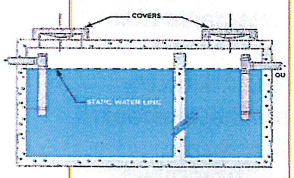
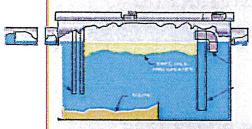
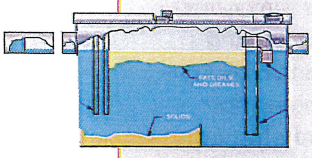
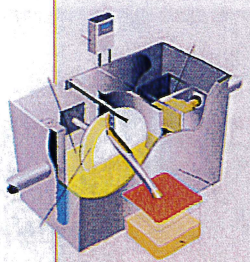
Some sewer agencies allow larger HGIs that are typically installed outside either above or below ground, but require less excavation space due to their smaller footprint. Large HGIs are usually made of plastic or fiberglass and have internal flow control devices. These devices offer a compromise to a GGI given their larger capacity with lower installation and maintenance costs.



3 AUTOMATIC GREASE REMOVAL DEVICES (AGRDs)

AGRDs are a type of HGI that treat kitchen wastewater from food service establishments (FSEs) using gravity separation aided by vented flow control. They are also equipped with automatic grease removal features. They are normally installed indoors and connected to one to four sinks in the kitchen. AGRDs are typically made of steel and are equipped with baffles, screens and external waste containers to store FOG waste. Some are equipped with heaters, skimmers, pumps or pressure chambers to assist in the removal of the FOG.

Equipment Types: the Good, the Bad, and the Ugly ($)

	Benefits	Drawbacks	Costs
GGI 	• **Large FOG storage capacity** • **Less** maintenance • **Outside** installation for easy maintenance and inspection access • Maintenance can be performed during off hours • **Minimal contact** by employees	• Requires **more space** for installation • Can be **source of odors** if not maintained properly • **More expensive** to install • **Higher maintenance costs** per individual pumping events	• **New construction** restaurants = **$15,000 - $25,000** • Existing restaurant **retrofit** = **$25,000 - $75,000** • **Maintenance** = $0.20/gallon - $0.25/gallon
HGI 	• Requires significantly **less space** • **Less expensive** to install • Can be made with durable polyethylene materials • **Lower maintenance** costs per event • Can be **maintained** by restaurant staff	• **Less FOG storage** capacity; more frequent maintenance • Requires **flow control device** and additional **venting** • **Indoor installation** requires space for device • **Potentially indoor odors** if lid not sealed • Typically requires **health department approval** • Inspected or maintained during business hours	• **Above ground** installation = **$2,500 - $5,000** • New construction, **below ground** installation = **$5,000 - $15,000** • Existing restaurant **retrofit**, below ground installation = **$10,000 - $25,000** • **Maintenance** = Typically a base fee of $100 - $150 per event
Large HGI  **Just like "regular" HGI but bigger.**	• Uses **less space** than a GGI • Typically **less expensive** installation than a GGI • Typically made with **durable polyethylene** materials • **Lower maintenance** costs per event than a GGI • **Larger FOG storage space** than an HGI • Airtight lids **prevents odors**	• **Less FOG storage** capacity than a GGI; more frequent maintenance • Requires **flow control device** and additional venting • **Indoor installation** requires space for device • Typically requires **health department approval** • Restaurant staff cannot conduct maintenance	• **New construction** restaurants = **$10,000 - $20,000** • Existing restaurant **retrofit** = **$20,000 - $50,000** • **Maintenance** = $0.20/gallon - $0.25/gallon
AGRD (type of HGI) 	• Doesn't require significant space • **Lower maintenance costs** per event • **Self-cleaning** resulting in less frequent complete pumping • Often preferred by sewer agencies over regular HGIs • Can be maintained by restaurant staff	• Requires **daily, weekly** and **monthly maintenance** • High degree of **restaurant staff training required** • No air tight seals; **potential indoor odors** • **More expensive** than passive HGI • Requires management of recyclable grease container • Typically cannot be installed below ground • Requires **flow control device** and additional **venting** • Typically requires **health department approval**	• **Above ground** installation = **$5,000 - $10,000** • Existing restaurant **retrofit** = **$10,000 - $15,000** • **Maintenance** = Typically a base fee of $100 - $150 per event

Sizing Your Equipment

Correctly sizing your new GCD (based upon water flow rate) is incredibly important. Sizing should always be performed by a professional plumber and comply within local regulations. Many manufacturers cite that their products are often undersized, installed incorrectly, or both.

Your GCD is less effective if it is too small or improperly installed, so make sure you consider the following before buying a GCD:

- Get your building permit lined up and approved.
- Hire a licensed plumber with ample experience installing grease removal systems.
- Consider your future expansion plans and buy the right size GCD (investing a few extra dollars up front could save you thousands down the road).
- If you sell a lot of fried or greasy foods, you'll need a bigger GCD. For example, pizza restaurants produce extra FOG effluent and should have a larger grease interceptor.
- Install the GCD in an accessible location for easy access for ease of cleaning.
- Purchase and install an up-stream screening device to catch food solids before they go into the GCD.

GCDs must be cleaned and maintained regularly to function properly. Quarterly cleaning is sufficient for most conventional GGIs, while weekly cleaning or maintenance is often required for both HGIs and AGRDs, particularly if following effective kitchen management practices.

Many sewer agencies have implemented a "25 Percent Rule" to assess the maintenance condition of a GCD. The 25 Percent Rule is the measurement of the floating FOG and settled solids as a percentage of the total hydraulic water depth of the GCD. When the thickness of floating FOG and settled solids layers exceeds 25 percent of the GCD depth, the device needs maintenance. This is typically determined by the inspector or food service establishment staff using a core sampling tool to measure the contents.

Cleaning: How Often?

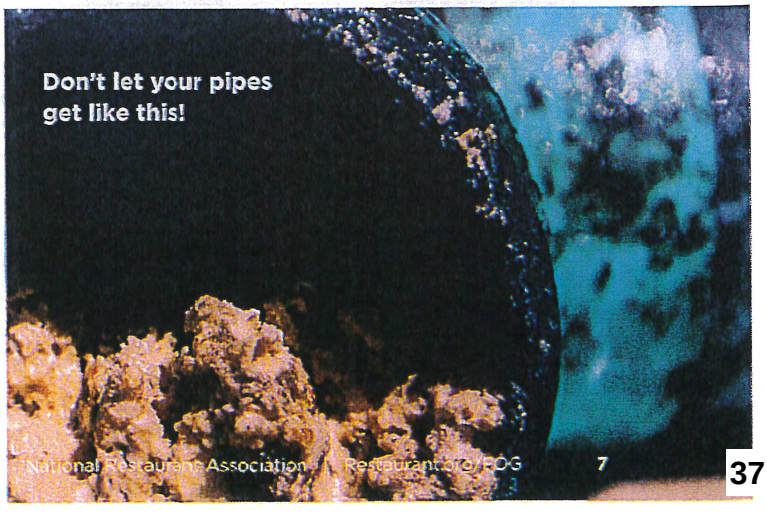
Cleaning frequency for GCDs depends on several factors, including equipment design, restaurant seating capacity, cooking techniques, and local sewer code. Typical cleaning frequency for a properly sized, well-maintained GCD is four times a year but could be more often.

New Restaurants

Most new restaurants are required to install a GCD to prevent grease from flowing into the sanitary sewer system. This applies to new restaurants that are expected to discharge grease due to their menu, preparation/cooking processes, or kitchen fixtures. Examples include restaurants that prepare significant quantities of steak, pork, chicken, fish, pasta, soup, or fried food using grills, fryers, rotisseries, woks and tilt kettles. Conversely, some new restaurants may not be required to install a GCD if they are not expected to discharge FOG due to their menu or kitchen fixtures, such as some sandwich shops, coffee shops, juice shops and other low-FOG generating operations.

Existing Restaurants

Many existing restaurants already have GCDs installed. Provided these devices are connected to the appropriate fixtures/drains, and properly installed and maintained, no other GCDs should be required in most cases. Due to new grease control requirements in many areas of the country, existing restaurants without GCDs are being required to retrofit one (or more). Some agencies may offer "grandfathering" (i.e., removing or postponing the requirement) for existing restaurants due to the potential significant cost of purchasing or retrofitting the device. However, grandfathering may not be possible when: 1) a significant remodel occurs, 2) a restaurant demonstrates non-adherence to FOG control program requirements or 3) the receiving sewer system has shown a history of grease blockages.



Third-Party Cleaners

City or county FOG control programs generally require regular cleaning and proper disposal of waste grease to stay in compliance. If you want to hire a FOG cleaning and hauling service, remember the following.

How to Choose

Choosing the right grease waste hauler for your facility can be challenging. Restaurants should interview multiple haulers prior to choosing one for their facility. Consider the following factors:

- Cost per gallon for pumping
- Ability to haul both GCD waste and yellow grease
- Flexibility in schedules and hauling times
- Ability to provide proper documentation (manifests) and respond to information requests
- Ability to quickly respond to emergency situations
- Disposal locations of hauled wastes and uses
- Biogas production
- Energy production
- Product inputs (e.g., soap)

Documentation Requirements

Proper documentation is essential when using a third-party hauling service. Sewer agencies typically require that all FOG cleaners/haulers provide your restaurant a copy of the pumping manifest prior to departing the business and that you (the restaurateur) maintain copies. Typical minimum information requirements include:

- Name of hauling company.
- Name and signature of operator performing the pump out.
- Documentation of full pump out with volume of water and FOG removed (e.g., 1,500 gallons).
- Documentation of the level of floating FOG and settled solids (to determine if volume exceeds 25 percent capacity of the grease removal equipment).
- Documentation if repairs to the grease interceptor are required.
- Identification of the facility where the hauler is planning to dispose of the waste.



Odor Control

There is no way around it: rotting grease stinks. Not only that, these septic conditions can create sulfuric acid that can corrode your GGI. Make sure you take the following steps:

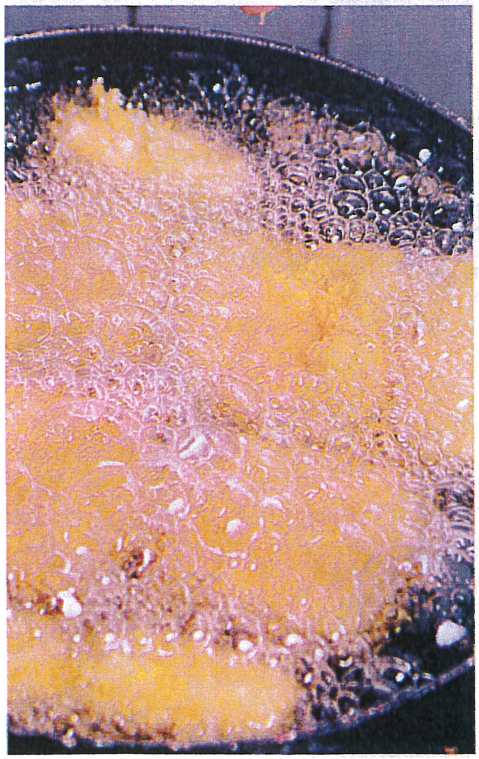
- Perform frequent interceptor cleaning and maintenance, including complete removal (pumping) of all contents (clean quarterly or via 25 percent rule; more often if GCD begins to smell).
- Conduct thorough cleaning of the interceptor walls and promptly repair identified structural problems.
- Clean lateral line between the kitchen and the grease interceptor when cleaning the GCD.
- Utilize kitchen BMPs to minimize the food/solids introduced into the sewage system.
- Use a sewage/wastewater treatment additive and confirm with your local sewer agency that the use of a treatment additive is allowed.

Manage Yellow Grease and Save a Buck

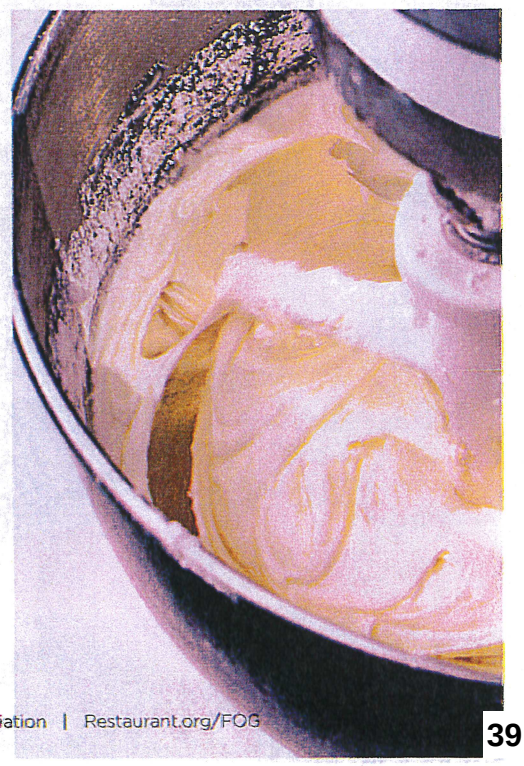
Yellow grease, (basically, all the fryer oil and cooking fats from your back of house NOT in a GCD) should be managed appropriately and can often be sold and recycled by a third party to make biodiesel or other products. Waste grease and oils from deep fryers, drippings from rotisseries or grills, and scrapings from griddles, should be separated and placed in specific containers for proper disposal. The restaurant contracts with a certified waste hauler to collect the yellow grease for disposal. Most yellow grease haulers sell the grease or recycle it themselves for beneficial uses such as biofuels.

THE PRICE OF YELLOW GREASE

VARIES FROM QUARTER TO QUARTER AND IS LISTED BY THE USDA AGRICULTURAL MARKETING SERVICE. IN JANUARY 2017, IT SOLD FOR $0.23 PER POUND OR ABOUT $8.05 FOR A 35 LB. JIB OF OIL. (ABOUT 40% OF THE COST OF A $20 FRYER OIL JIB.)







RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST PALO ALTO SANITARY DISTRICT (EPASD) TO ADOPT GREASE CONTROL DEVISE VARIANCE FINDINGS

WHEREAS, on November 23, 2023, the San Mateo Local Agency Formation Commission (LAFCo) approved, and on September 16, 2024, LAFCo finalized the action to establish the East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City of East Palo Alto (City); and

WHEREAS, pursuant to the LAFCo's Certificate of Completion designates the City Council of the City as the Board of Directors of the EPASD; and

WHEREAS, accordingly, the action to establish EPASD as a subsidiary district of the City became effective October 1, 2024; and

WHEREAS, on December 3, 2024, the Board is separately adopting an ordinance establishing rules and regulations that apply to discharges of wastewater containing fats, oil and grease (FOG) conveyed to the wastewater facilities from any commercial or institutional food service establishment (FSE); and

WHEREAS, that Ordinance states that, in accordance with EPASD's Grease Control Device Variance Guidelines, which may be adopted and amended from time to time by resolution, any FSE may submit to the General Manager a written request for a variance from the grease control device requirement upon a showing that the installation of a grease control device is not feasible in an existing structure or the FSE's FOG discharge is negligible and has had an insignificant impact on the wastewater facilities; and

WHEREAS, the Board now wishes to adopt EPASD's Grease Control Device Variance Guidelines, as follows.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAST PALO ALTO SANITARY DISTRICT, as follows:

1. The recitals set forth in this resolution are incorporated as findings and determinations by the Board of Directors.

2. East Palo Alto Sanitary District's Grease Control Devise Variance Guidelines (2024), which are attached hereto and incorporated herein by reference, are hereby adopted.

3. This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, there is no possibility it will have a significant effect.

PASSED AND ADOPTED this 3rd day of December 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

_____
Antonio López, Board President

ATTEST:

_____
James Colin, District Secretary

APPROVED AS TO FORM:

_____
John D. Lê, District Counsel

EAST PALO ALTO SANITARY DISTRICT'S
GREASE CONTROL DEVICE VARIANCE GUIDELINES (2024)

In making the determination as to whether to grant a variance from the East Palo Alto Sanitary District's (EPASD) grease control device requirements pursuant to its latest FOG Ordinance, the General Manager shall make all of the following findings:

1. The quantity of discharge of fats, oils and grease (FOG), as that term is defined and amended from time to time in the Ordinance listed above, as measured or indicated by the size of the Food Service Establishment (FSE), as that term is defined and amended from time to time in the Ordinance listed above, based on kitchen ventilation requirements, water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions does not indicate that the FSE will materially contribute to existing or potential FOG discharges.

2. The FSE does not appear to be a significant contributor of FOG into the wastewater facilities, which is based on an inspection of the property or sampling of FOG discharged from the FSE to the wastewater facilities.

3. The FSE has adopted and implemented adequate best management practices (BMPs) on a consistent and routine basis and has no recent history of non-compliance with EPASD's FOG related regulations and requirements.

4. The size, grade and condition of the sewer lines serving the FSE do not indicate that the FSE has discharged an excessive amount of FOG in the sewer, and the history of maintenance blockages and sanitary sewer overflows in the wastewater facilities receiving flow from the FSE do not deviate substantially from those experienced in other adjacent sewer lines.

5. There is no reason to believe that the operations of the FSE will change in the foreseeable future in a manner that may significantly increase the amount of FOG the FSE will discharge.

6. There is no other condition reasonably related to the generation of FOG discharges into the sewer by the FSE that will, in the sound judgment of the General Manager, warrant the denial of the conditional waiver in the interest of protecting the public health, safety and welfare.

Grease Disposal Mitigation Fee Findings

In making the determination as to whether to grant a variance from EPASD's grease control device requirements pursuant to its latest FOG Ordinance, the General Manager

shall make one of the following findings:

1. There is inadequate space for installation and/or maintenance of a grease interceptor; or,

2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the proposed grease control device and/or between the proposed grease control device and the upper lateral, the lower lateral of the wastewater system; or,

3. Any other condition reasonably related to the installation, operation, maintenance and/or inspection of a grease control device, which makes installation and/or maintenance of a grease control device infeasible; or,

4. The installation of above ground, indoor type grease traps may be suitable to prevent the discharge of FOG from entering the wastewater facilities.

Terms and Conditions of Grease Control Device Variance

1. The variance shall contain terms and conditions that serve as the basis for its issuance. A variance may be revoked by the General Manager at any time upon his or her determination that any of the terms or conditions for its issuance have not been satisfied or if the conditions upon which the variance was based have changed so that the justification for the variance no longer exists. The variance shall be valid so long as the FSE remains in compliance with the terms and conditions, until the expiration date specified in the variance, or until the variance is revoked.

2. The General Manager may revoke any variance of the requirement to install a grease interceptor granted pursuant to the latest FOG Ordinance, subject to the following procedures and limitations:

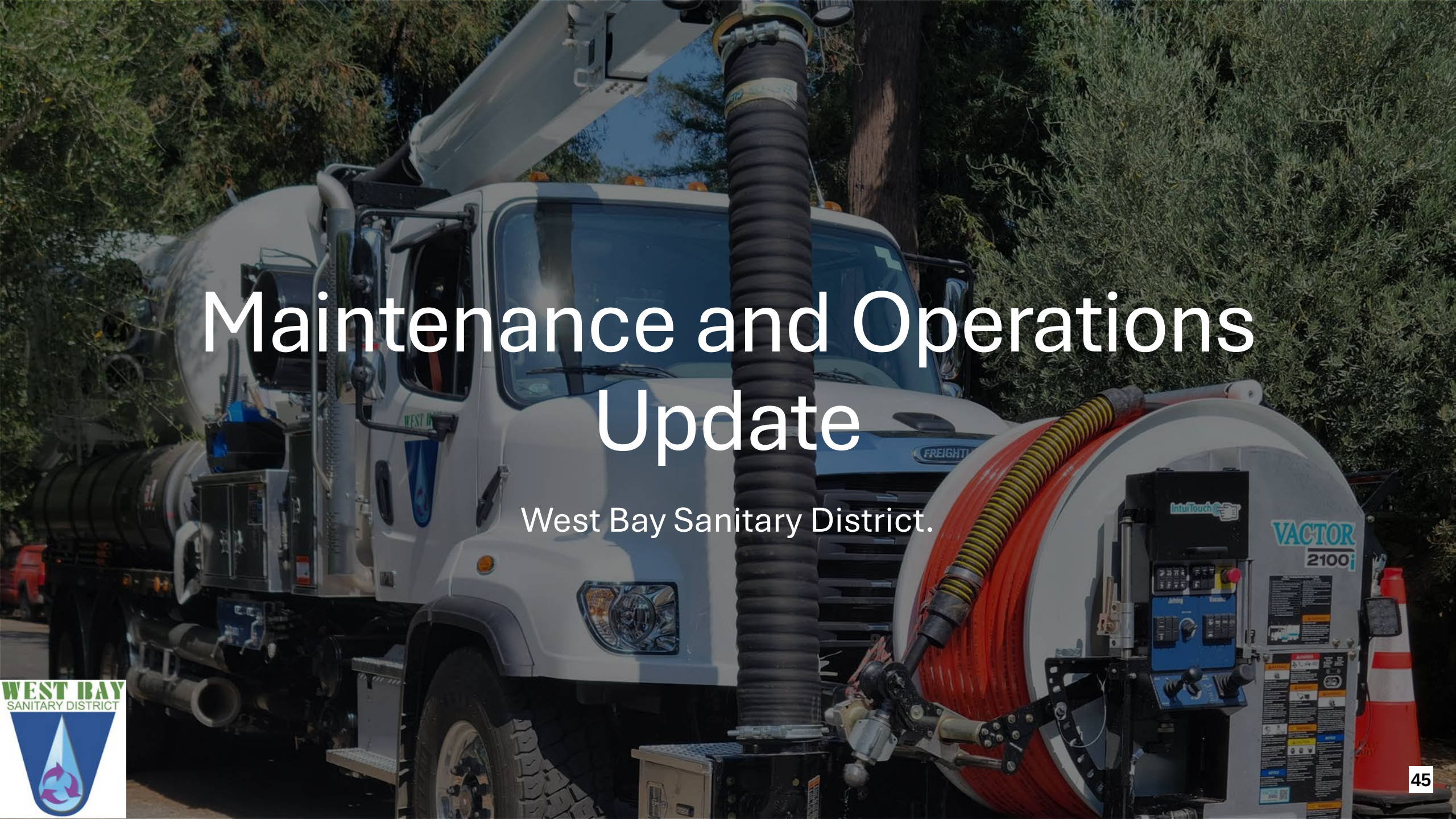
    a. Should the General Manager determine that due to changed circumstances or failure to comply with the terms or conditions imposed upon the issuance of the variance, a variance that was previously issued and remains valid shall be revoked, the General Manager shall provide notice by regular mail to the owner of the affected FSE no less than 30 days prior to the proposed effective date of the revocation. The notice shall provide an explanation of the facts and circumstances that the General Manager has determined warrant revocation of the variance and an opportunity to respond in writing to the General Manager with information and evidence to justify the continuation of the variance in accordance with its terms and conditions.

b. The General Manager's determination to revoke a variance shall be set forth in writing provided to the owner of the affected FSE by regular mail, and shall be based on the General Manager's reasonable determination that one or more of the following circumstances exists or has occurred:

    i. The owner of the affected FSE has failed to abide by any term or condition imposed upon the variance;

    ii. One or more of the findings made by the General Manager in approving the variance, due to changes in the operation of the FSE, changes in the condition, use or available capacity of the sewers serving the FSE or other changed circumstances, are no longer true; or

    iii. A change in law bearing upon the use or operation of EPASD's wastewater system requires the revocation of the variance.

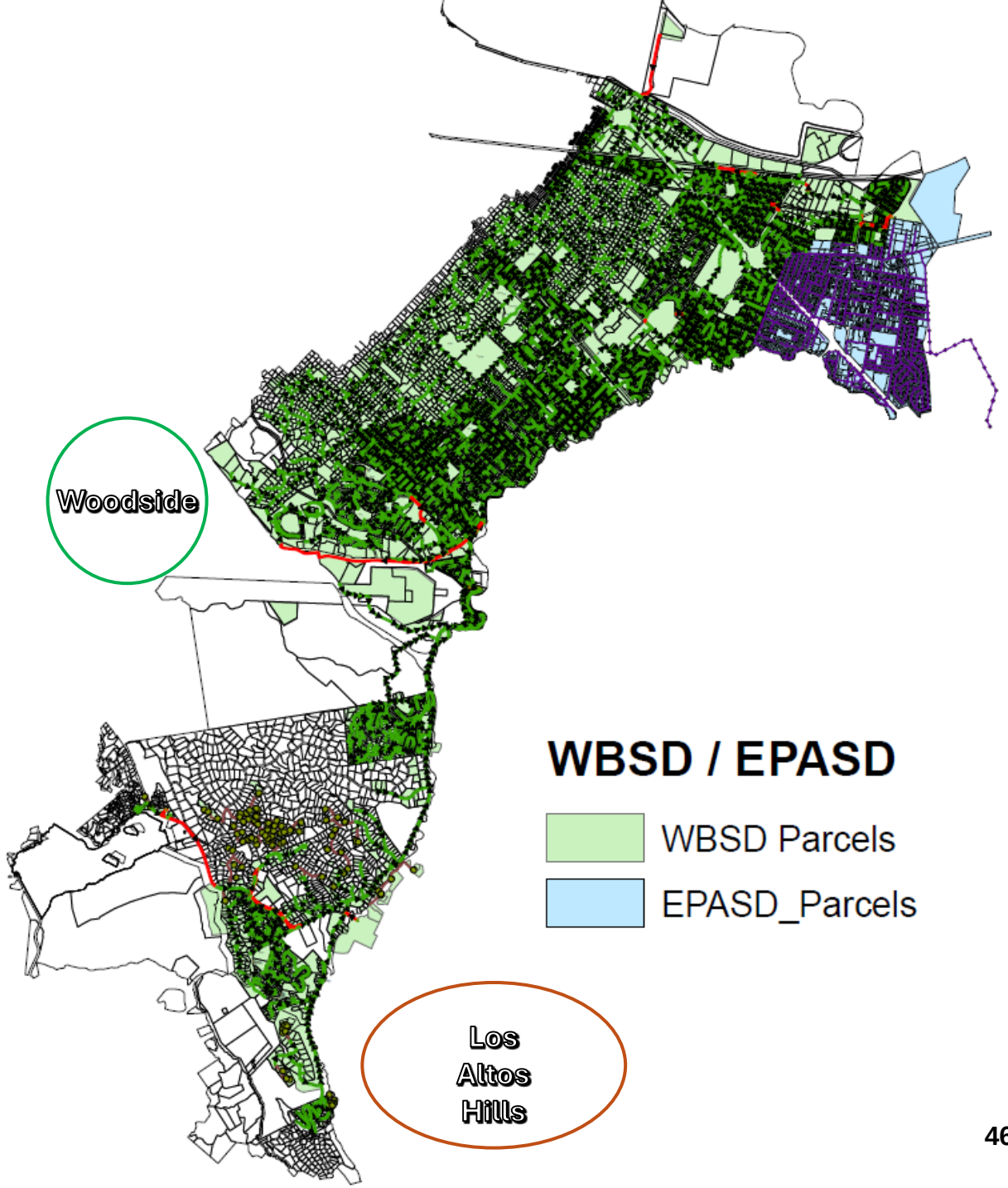


Maintenance and Operations Update

West Bay Sanitary District.

West Bay Service Area:

- Special Sanitary District (est.1902)
- Collection System Maintenance
- 12 Pump Stations
- Reclaimed Water Facility(s)
- Interagency Agreements
- Requested West Bay O&M Program
- Agreement includes:
  - Maintenance & Video Inspection
  - Service Call & Emergency Response
  - Fats, Oils, & Grease (FOG) Inspections
  - Construction Inspections
  - Database Management
  - Spot Repairs





Main priority is to prevent Spills by implementing excellent maintenance practices and comply with the State Water Board - Waste Discharge Requirement.

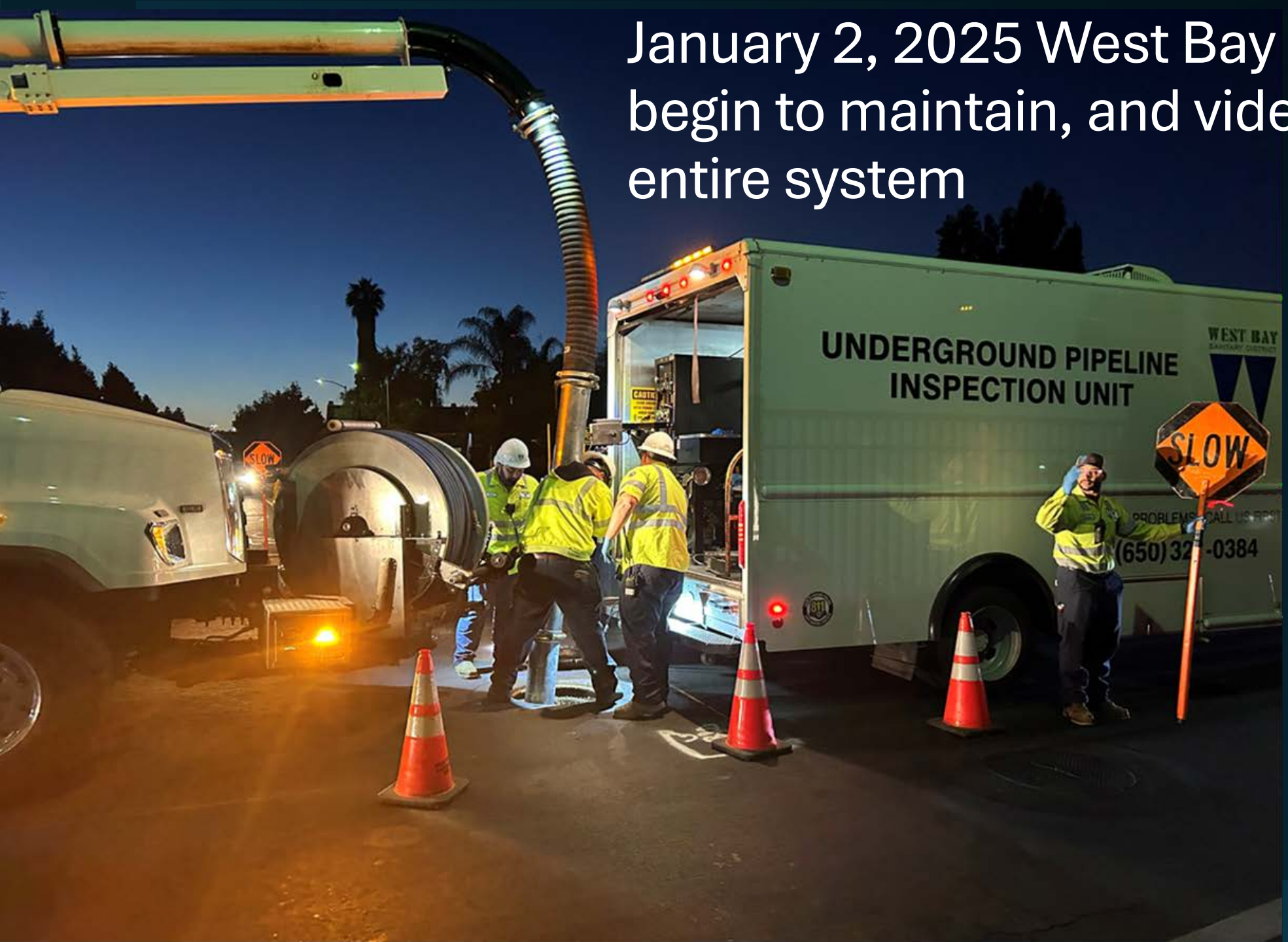
Sewer System Management Plan update



Began on October 1 by:

- assessing maintenance history and database
- inventorying equipment
- assessing FOG list and inspections
- assessing staff's Knowledge, Skills, and Abilities
- training existing staff to properly maintain "Hot Spots"

January 2, 2025 West Bay crews will begin to maintain, and video inspect the entire system





West Bay performed to:

- 20 Service Calls
- 17 Utility Markings
- 4 Mainline Stoppages
- One Spill
- Video Inspections



Clarke Ave Stoppage and Repair of Collapsed Pipe

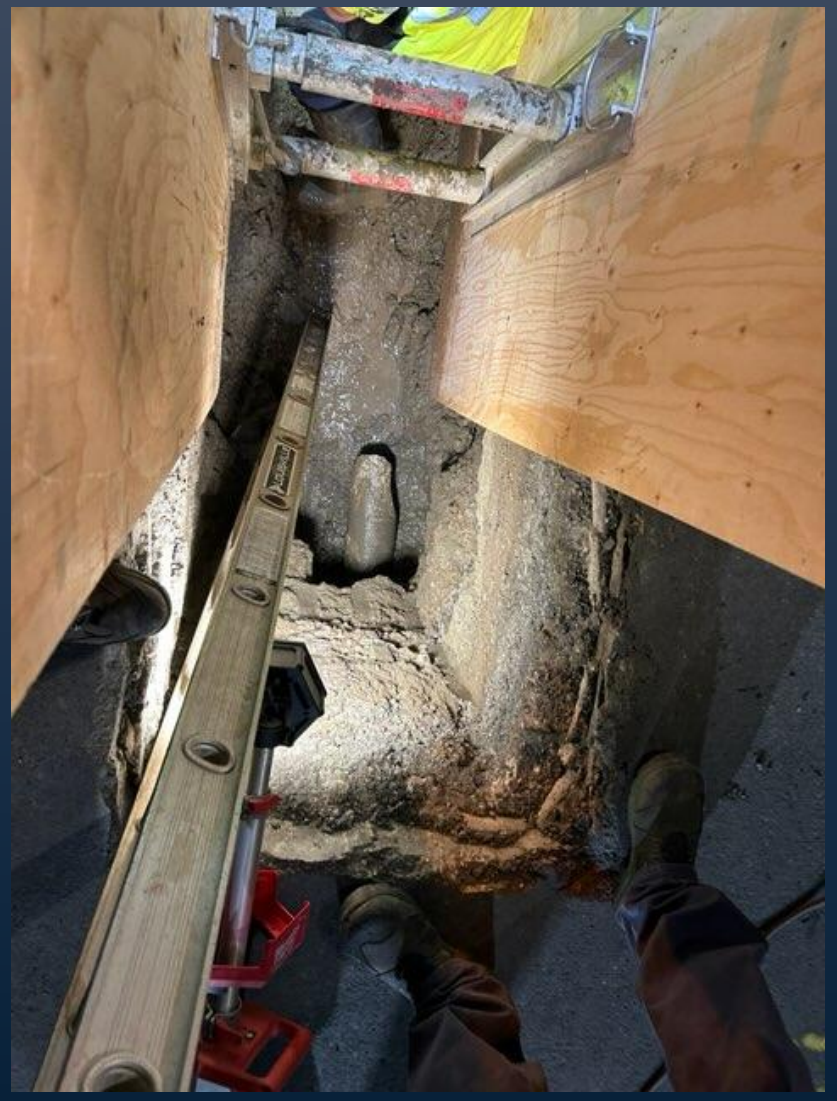


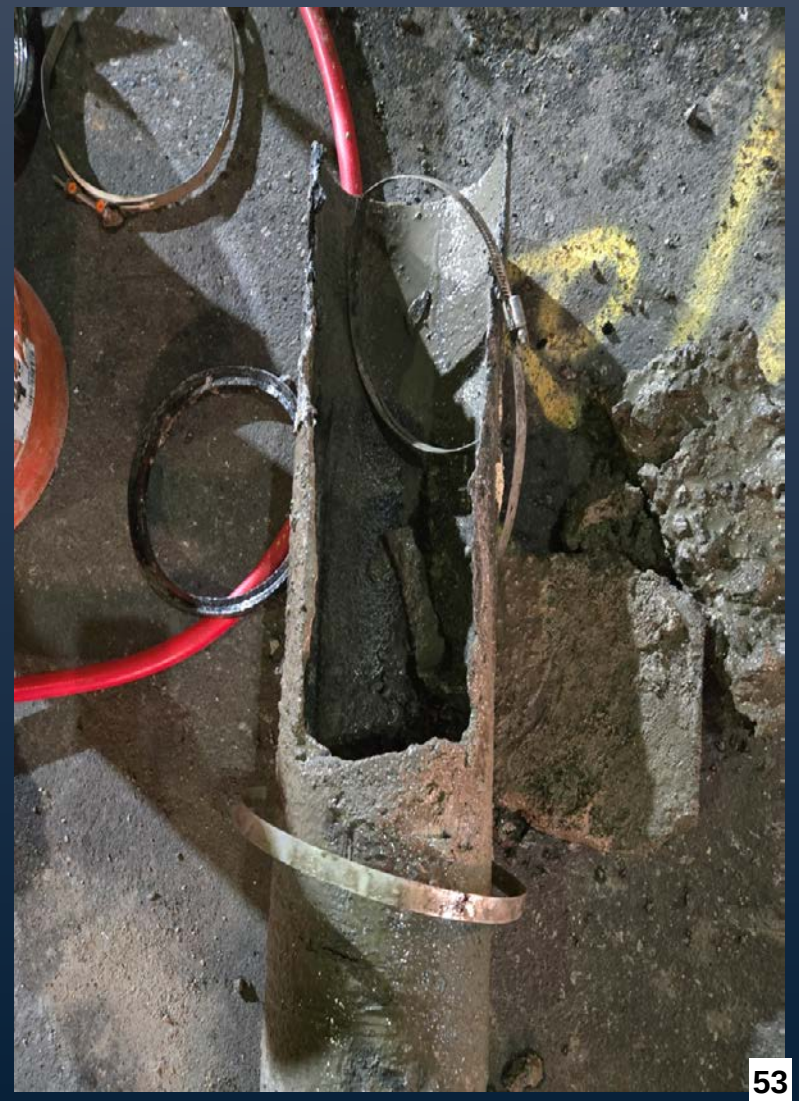
Found a large void under the 2 feet of asphalt



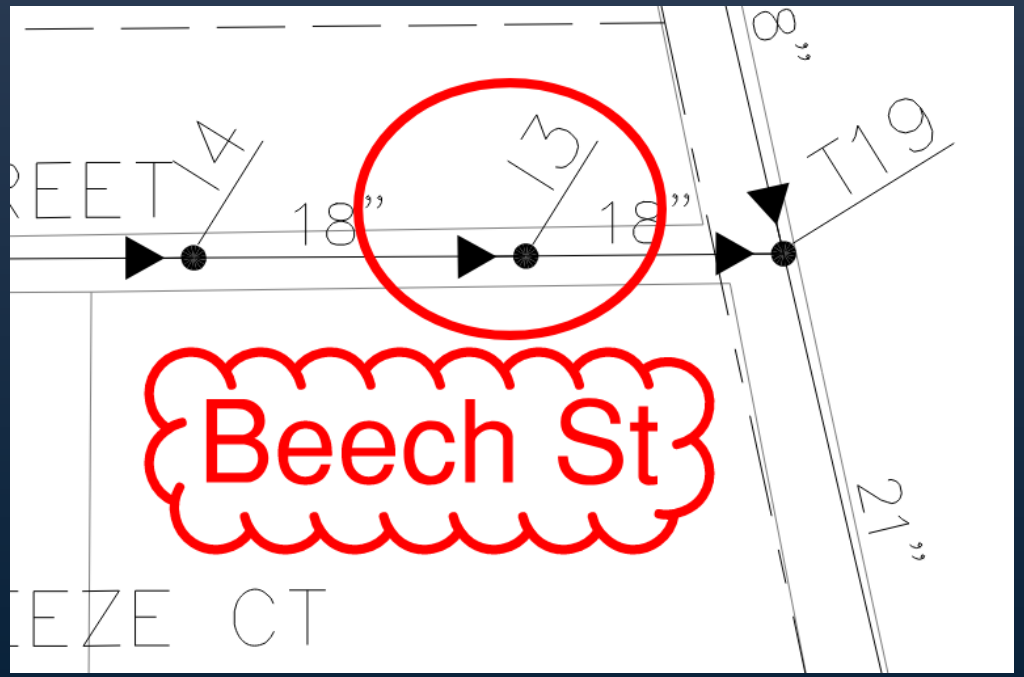
Repaired Asbestos Cement Pipe





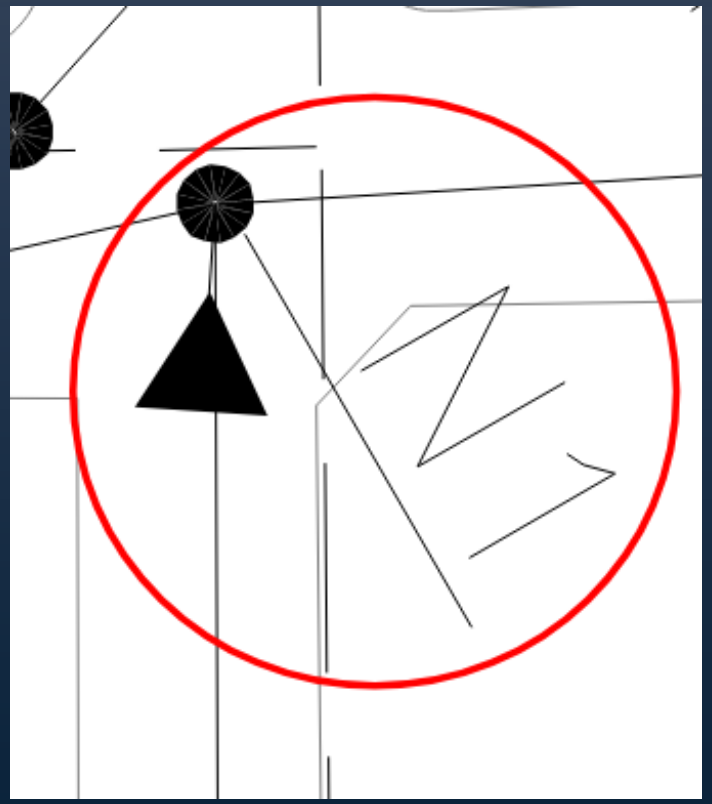


Groundwater from both sides of 30” PVC pipe





O’Conner @ Pulgas
Mortar Breaking Off



Service Calls:
2259 Pulgas Ave East Palo Alto, CA





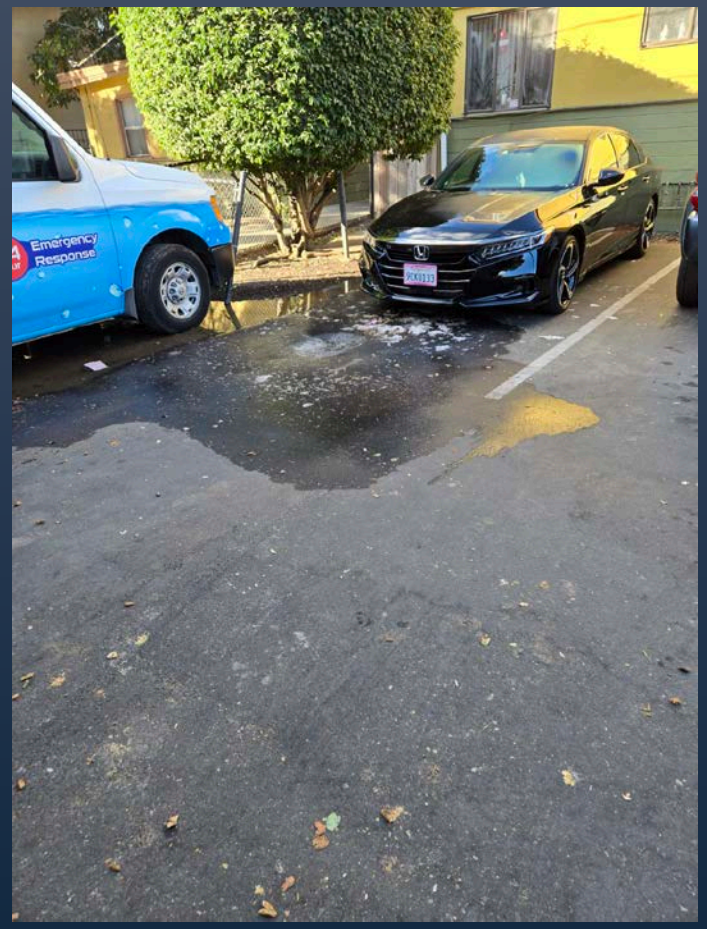
2284 Dumbarton Ave East Palo Alto, CA

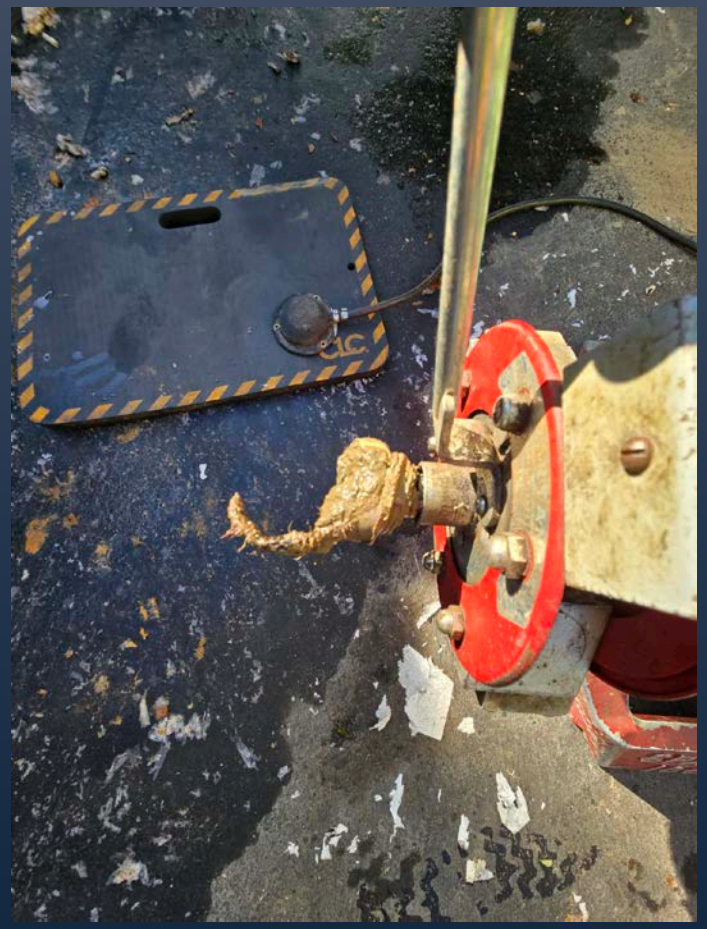


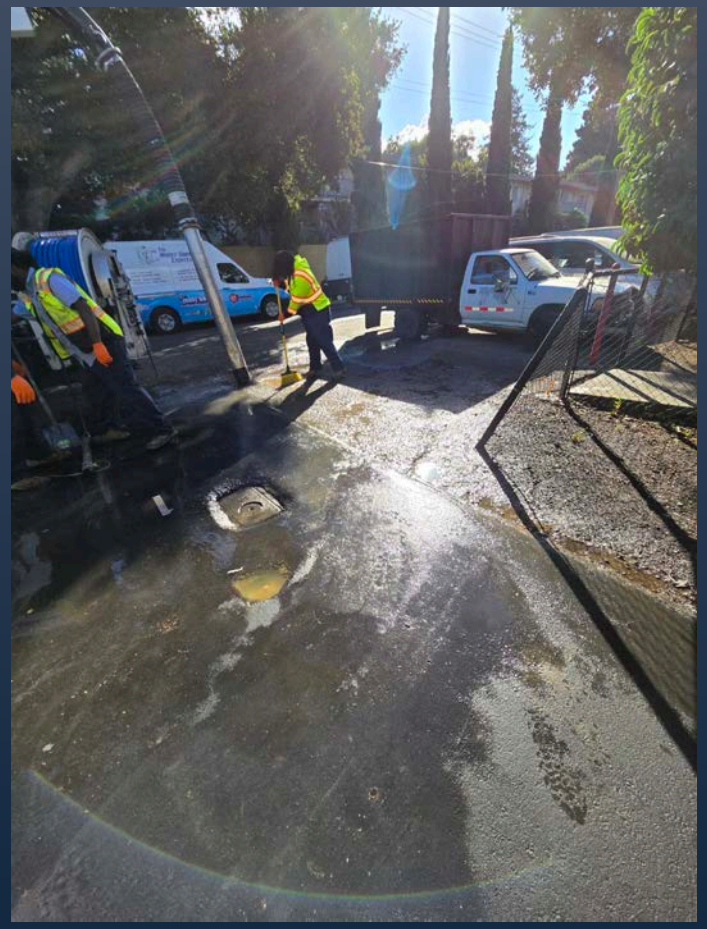


The plumber performed work without sewer permits, and the new pipe looks crushed/squeezed. Confirmed by video.

1949 Cooley Ave East Palo Alto, CA







Rents reported sewer spills occurred daily with very little help from the property owner. Crew cleaned up the spill and notified the City of East Palo Alto's code enforcement. A plumber will now replace the lateral. No permits have been pulled yet







2189 Ralmar Ave

- After-hours service call.
- Property has two newly installed cleanouts.
- Pulled mud out of the cleanout on the clean blades from the cable cleaning machine. (pic 2)
- The second cleanout is installed near the sidewalk and is a “T” type cleanout. (pic 3)

City and District Staff communicate daily and are working to reassess and organize operations inc. FOG.

Fisher Compliance is working on updating Sewer System Management Plan as required by Water Board.