

(O-88-115)

ORDINANCE NUMBER O- 17114 (NEW SERIES)

ADOPTED ON JUL 11 1988

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISIONS 3 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 64.0304, 64.0500 AND 64.0512 AND BY ADDING A NEW DIVISION 7, SECTIONS 64.0701 THROUGH 64.0711, ALL RELATING TO FOOD ESTABLISHMENT WASTEWATER.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 4, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 64.0304 to read as follows:

SEC. 64.0304 INSPECTION AND SAMPLING

First paragraph - No change.

Inspection and sampling of every facility that is involved directly or indirectly with the discharge of wastewater to the City's wastewater system may be made by the City Manager as he deems necessary. These facilities shall include but not be limited to sewers, wastewater pumping stations, pollution control plants, all industrial processes, food establishment facilities or other facilities which discharge grease and oil at levels which cause blockages to the sewer, industrial wastewater generation, conveyance and pretreatment facilities, and all similar wastewater facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this ordinance.

Third and fourth paragraphs - No change.

Section 2. That Chapter VI, Article 4, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 64.0500 and 64.0502 to read as follows:

SEC. 64.0500 WASTE DISPOSAL - PERMIT REQUIRED

Any person, municipality, sanitation district, or governmental agency desiring to discharge industrial waste into a public sewer shall obtain a permit to discharge said wastes into said system from the City Manager known as a Permit for Industrial Wastewater Discharge. These wastes will include all wastewater discharges which are required to be regulated by Federal, State of California mandates or local ordinances which interfere with the operation and maintenance of the sewer system and wastewater treatment facilities.

SEC. 64.0512 PROHIBITED DISCHARGES

In most cases, the concentration or amount of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen but will depend on the results of technical determinations and the actions of regulatory agencies. The list of constituents which may be regulated provides specific limits only where they are now reasonably well established. The other constituents in the list are presented with the objective of enumerating the types of wastes which will be regulated from time to time. Unless approval has been obtained from the City Manager, no person shall discharge or cause to be discharged to a public

sewer, which directly or indirectly connects to the City's wastewater system, the following:

(a), (b) and (c) - No change.

(d) Any solids or viscous substances or other matter of such quality, size or quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, fatty acids, grease and oil, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

(e) through (p) - No change.

Section 3. That Chapter VI, Article 4 of the San Diego Municipal Code be and the same are hereby amended by adding a new Division 7, Sections 64.0701 through 64.0711 to read as follows:

DIVISION 7

FOOD ESTABLISHMENT WASTEWATER

SEC. 64.0701 WASTE DISPOSAL - PERMIT REQUIRED

Facilities engaged in preparing food for consumption by the public desiring to discharge wastewater into a public sewer shall obtain a permit to discharge from the City Manager known as a permit for Food Establishment Wastewater Discharge.

**SEC. 64.0702 SUBJECT TO INDUSTRIAL WASTEWATER
LIMITATIONS**

Wastewater discharged into public sewers from facilities engaged in preparing food for consumption by the public shall be subject to the limitations set forth in Section 64.0512 of this Code and such other conditions and requirements as are set forth in the Permit for Food Establishment Wastewater Discharge. The Permit for Food Establishment Wastewater Discharge shall be subject to all provisions of this ordinance and all other regulations, user charges and fees established from time to time by resolution of the City Council.

**SEC. 64.0703 PERMIT FOR FOOD ESTABLISHMENT
WASTEWATER DISCHARGE**

The Permit for Food Establishment Wastewater Discharge may require pretreatment of wastewater before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this ordinance. No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the Permit of Industrial Wastewater Discharge.

SEC. 64.0704 PERMIT APPLICATION

Persons seeking a Food Establishment Wastewater Discharge Permit shall complete and file with the City Manager, an application in the form prescribed by the City Manager, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

1. Name and Address of applicant
2. Volume of wastewater to be discharged
3. Time of daily food preparation operations
4. Description of food preparation, type, number of meals served, cleanup procedures, dining room capacity, number of employees and size of kitchen.
5. Any other information as may be deemed by the City Manager to be necessary to evaluate the permit application.

The City Manager will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, treatment systems or other systems relating to the waste discharge may be required. The City Manager may then issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

SEC. 64.0705 DURATION OF PERMITS

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the permittee is not notified by the City

thirty (30) days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit as limitations or requirements as identified in Section 64.0512 are modified and changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SEC. 64.0706 TRANSFER OF PERMIT

Food Establishment Wastewater Discharge Permits shall be issued only for specific use for a specific operation. Any sale, lease, transfer or assignment of the premises or operation for which the permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued.

**SEC. 64.0707 REVOCATION OF FOOD ESTABLISHMENT
WASTEWATER PERMIT**

The City Manager may revoke the permit of any permittee who is found to be in violation of this ordinance or who:

- (a) Fails to install grease pretreatment devices as required by permit;
- (b) Fails to fulfill reporting requirements or pretreatment maintenance as required by permit;
- (c) Refuses reasonable access to the permittee's premise for the purpose of inspection of monitoring; or
- (d) Violates conditions of the permit.

SEC. 64.0708 GREASE PRETREATMENT REQUIRED

Permittee shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. All permittees shall be required to install an approved type grease pretreatment device in the waste line leading from the food preparation area, or from sinks, drains, appliances and other fixtures or equipment used in food preparation or cleanup where grease may be introduced into the sewerage system. Such grease pretreatment devices shall be installed to remove grease from wastewater and shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public sewer.

Each permittee shall also be required to provide a collection drum or container for the purpose of physically segregating oils, greases and greasy solids. Permittees shall establish procedures for personnel to practice maximum segregation of oils, greases and greasy solids to the collection drum or container prior to washing and other water cleaning which goes into sewers. The permittee shall be responsible for the proper removal and disposal by appropriate means of the material captured from either grease pretreatment devices on wastewater lines or the collection drum for segregating oils, greases and greasy solids.

SEC. 64.0709 MAINTENANCE REPORTS

The City Manager shall require the permittee to keep records of grease pretreatment device cleaning, maintenance

and grease removal and to report on such maintenance to the City permit administration. The City Manager may require the permittee to provide results of periodic measurements of its discharge which is to include chemical analysis of oil and grease content. Permittees shall allow the City or its representative ready access at all reasonable times to all parts of the premises for purposes of sampling and inspections.

**SEC. 64.0710 PENALTY FOR VIOLATION AND
CIVIL LIABILITY**

(a) Public Nuisance

Discharge of wastewater in any manner in violation of this ordinance or of any order issued by the City Manager as authorized by this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person creating such a public nuisance is guilty of a misdemeanor.

(b) Injunction

Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City Manager may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

(c) Costs of Damage

Any person violating any of the provisions of this ordinance or who has a discharge which causes a deposit, obstruction, damage, or any other impairment to the City's facilities shall become liable to the City for all expense, loss, or damage occasioned the City by reason of such violation or discharge.

(d) Falsifying of Information

Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the City Manager or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor.

(e) Termination of Service

The City may revoke any Industrial Wastewater Discharge Permit issued pursuant to Division 5 hereof or terminate or cause to be terminated any wastewater service to any premise if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance. This provision is in addition to other statutes or rules authorizing termination of service for delinquency in payment.

When deemed necessary by the City Manager for the preservation of public health or safety or for the protection of public or private property, he may suspend sewer service

to any person or persons using the wastewater system in a manner or way to endanger the public health or safety, or public or private property. In suspending service he may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the City Manager may act immediately to suspend sewer service without notice or warning to said person or persons.

SEC. 64.0711 NOTICE AND APPEAL PROCEDURES

Unless otherwise provided herein, any notice required to be given by the City Manager under this ordinance shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the City Manager. Where the address is unknown, service may be made upon the owner of record of the property involved.


Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

Any person found to be violating any provision of this ordinance shall be served by the City Manager with written notice stating the nature of the violation. Within thirty (30) days after the date of the notice, unless a shorter time is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City Manager. If the violation is not corrected by timely compliance, or a satisfactory correction plan submitted within the specified time, the City Manager may order any

person to show cause before the City Manager why enforcement action should not be taken. A written notice shall be served on the person specifying the time and place of a hearing, the reason why the action is to be taken, and the proposed enforcement action. The City Manager may propose any enforcement action reasonably necessary to abate the violation. Based upon the evidence presented at the hearing, the City Manager shall determine the appropriate enforcement action which should be taken, if any.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Ted Bromfield
Chief Deputy City Attorney

TB:js
05/13/88
Or.Dept:W.Util.
O-88-115
Form=o.none

JUL 11 1988

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 27 1988

JUL 11 1988

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number *0-17114* Adopted JUL 11 1988

CERTIFICATE OF PUBLICATION

RECORDED
INDEXED
JUL 25 1988
CITY CLERK
C

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

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AMENDING SECTIONS 64,0304,64,0500, AND 64,0512 AND
BY ADDING A NEW DIVISION 7, SECTIONS 64,0701

THROUGH 64,0711, ALL RELATING TO FOOD ESTABLISHMENT
WASTEWATER.

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THROUGH 64.0711, ALL RELATING TO FOOD ESTABLISH-
MENT WASTEWATER.

This ordinance amends three (3) existing sections to facilitate in-
spection of wastewater dischargers and to prohibit discharges that
may obstruct or damage the treatment facility. Further the ordinance
adds a separate new section to control, by permit, food establish-
ments discharging materials into the sewer and to require the installa-
tion and maintenance of grease pretreatment devices.

A complete copy of the ordinance is available for inspection in the
office of the City Clerk of the City of San Diego, 2nd floor, City Ad-
ministration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on June 27, 1988
Passed and adopted by the County of The City of San Diego on
July 11, 1988

ATTESTED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By ELLEN BOVARD, Deputy
July 25 1988

I, THOMAS D. KELLEHER

, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above- entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

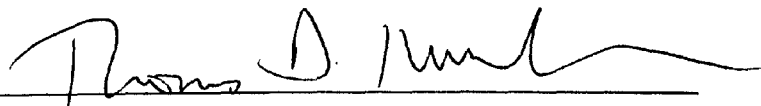
ORDINANCE NUMBER 0-17114 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

JULY 25

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 25 day of JULY, 19 88.



(Signature)

2 1/2" x 2 = \$54.88