

COUNCIL AGENDA: 06-15-10  
ITEM: 2.15

## *Memorandum*

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** SEE BELOW

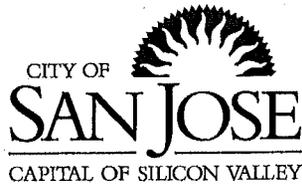
**DATE:** 06-10-10

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**SUBJECT: SB 1107 (KEHOE): WATER QUALITY: INTERCEPTOR AND TRAP GREASE.**

### **RECOMMENDATION**

As recommended by the Rules and Open Government Committee on June 9, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, approve a support position for SB 1107 (Kehoe): Water Quality: Interceptor and Trap Grease.



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 06-02-10

Approved

Date

6/4/10

**SUBJECT: SENATE BILL 1107 (KEHOE): WATER QUALITY: INTERCEPTOR AND TRAP GREASE**

## RECOMMENDATION

It is recommended that:

1. The City Council support SB 1107 (Kehoe).
2. The Committee provide a one-week turnaround for Mayor and City Council review.

## OUTCOME

If the Rules and Open Government Committee and the City Council accept staff's recommendation, the City's Sacramento representative could begin seeking support for SB 1107 (Kehoe).

## BACKGROUND

The City is required by the United States Environmental Protection Agency and the State Water Board to reduce sanitary sewer overflows because they are a hazard to public health and to our environment. Many of these overflows are due to sewer line blockages, for which grease can be a major contributor. In 2009, the City identified grease as a contributing factor in 64% of the sanitary sewer overflows. The grease originates from residential, commercial, and industrial food preparation and food processing sources. The City has an enforcement program to reduce grease from industrial and commercial sources. It is estimated that over ten million gallons per year of brown grease is collected from the San José/Santa Clara Water Pollution Control Plant (Plant) tributary area, and some of this brown grease may be collected and disposed of illegally. The illegal disposal of brown grease can cause a variety of environmental damages and if disposed of in the sanitary sewer can lead to blockages and overflows, which can then pollute our creeks and Bay.

**ANALYSIS**

A fact sheet and analysis of SB 1107 is attached.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This legislative item does not meet any of the above criteria.

**COORDINATION**

This memorandum was coordinated with the Department of Transportation, the City Attorney's Office, the Intergovernmental Relations Director in the City Manager's Office, and the City's Legislative Representative in Sacramento.

**POLICY ALIGNMENT**

The attached analysis is consistent with the Council-adopted 2010 Legislative Guiding Principles and the Council-adopted guidelines:

**Promote Livability, Sustainable Development, and Environmental Protection**

Advances initiatives and secures funding to address climate change, and supports the San Jose's Green Vision efforts to become a Sustainable City, through Green Building initiatives, pollution prevention practices, water, waste and energy efficiency, and regional and global initiatives (e.g. the Urban Environmental Accords).

/s/

JOHN STUFFLEBEAN

Director, Environmental Service

For questions please contact Joe Denk, Senior Environmental Inspector, at (408) 277-4818.

Attachment

## ATTACHMENT

### **SB 1107 (KEHOE): Water Quality: interceptor and trap grease.**

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#### *What issue is the bill trying to resolve?*

Grease trap waste haulers are permitted and regulated by the California Department of Food and Agriculture (CDFA). Their authority primarily focuses on "inedible kitchen grease." Despite direction from the Governor in 2004 to upgrade its existing system, the CDFA does not currently have a process for tracking the final disposition of brown grease. This lack of oversight can threaten local waterways because of the possibility of illegal dumping.

The State Water Resources Control Board is responsible for ensuring that local programs prevent grease from entering the sewer system. Beginning on January 1, 2012, this bill would create a manifest system managed by the State Water Resources Control Board to provide controls, audit trails, and oversight for those vendors and individuals providing pumping and hauling services for grease interceptor and grease trap wastes on a state-wide basis. These codes will be a new addition to the Water Code. This bill would prohibit any person or entity from engaging in the transportation of brown grease from interceptors and grease traps unless that person or entity is registered with, and possesses a valid registration certificate issued by, the State Water Board.

The bill would require the Water Board to impose a \$100 fee on interceptor and trap grease haulers to cover the costs of implementing the bill. The bill would create an Interceptor and Trap Grease Manifest Fund where fees would be deposited.

#### *How would the passage of this bill affect San José?*

This bill will benefit San José by requiring tighter controls on the pumping, transportation, and disposal of brown grease from interceptors and traps located in the San Jose/Santa Clara Water Pollution Control Plant (Plant) tributary area. According to a May 2009 report by the State Water Resources Control Board (SWRCB), since 2006 19% of all reported sanitary sewer overflows were caused by grease deposition, threatening public health and the environment and costing public funds. Through tighter oversight and manifests, this bill will complement and support San Jose's existing efforts to meet the requirements of the United States Environmental Protection Agency and the State Water Board to reduce sanitary sewer overflows caused by grease blockages. Additionally, this bill would not preempt a local ordinance or rule that is more stringent than this bill.

#### *What is staff's Proposed Position?*

Staff recommends that the City support SB 1107.

#### *Who are the bill's supporters and opponents?*

#### **Support:**

San Diego Coastkeeper (sponsor)  
Orange County Coastkeeper  
Heal the Bay

Russian Riverkeeper  
Sierra Club  
California Coastkeeper Alliance  
San Francisco Baykeeper  
Coastal Environmental Rights Foundation  
East Bay Municipal Utility District  
Clean Water Action  
Liquid Environmental Solutions  
Association of California Water Agencies  
California Association of Environmental Health Administrators

**Opposition:**

Pacific Coast Rendering Association  
California Grain and Feed Association

*What is the current status of the measure?*

The bill is on the floor of the state Senate and would need to pass the Senate by June 4<sup>th</sup> in order to remain viable.