

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	May 24, 2010
	<b>Agenda Item No.</b>	<b>48</b>
	<b>Roll Call No.</b>	<b><u>10-838</u></b>
	<b>Communication No.</b>	<b><u>10-304</u></b>
	<b>Submitted by:</b>	<b>William G. Stowe, Assistant City Manager--Public Works Director</b>

**AGENDA HEADING:**

An Ordinance to amend the Industrial Waste Ordinance, Article III, Division 5 of Chapter 118 of the Municipal Code regarding Fat, Oil and Grease Discharge by Food Service Establishments.

**SYNOPSIS:**

Recommend approval of an amendment to the Industrial Waste Ordinance of the Municipal Code of the City of Des Moines, Article III, Division 5 (Fat, Oil, and Grease Discharge by Food Service Establishments).

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

The Wastewater Reclamation Authority Technical Committee recommended a review of Division 5 - Fat, Oil, and Grease Discharge by Food Service Establishments (FSE's) - of the Industrial Waste Ordinance and established a FOG subcommittee in 2008. Recommended changes were drafted and reviewed in 2009 and 2010. The Technical Committee reviewed the final draft at their April 13, 2010 meeting and recommend adoption by the WRA Board. These amendments were approved by the Wastewater Reclamation Authority Board on April 20, 2010 and are now presented to the Council for enactment. All Participating Communities in the WRA are required to adopt this amendment.

The changes simplify Grease Interceptor sizing, clarify the procedures for obtaining exceptions for economic hardship, allow installation of 5,000 gallon interceptor tanks, which are now available in the metropolitan area, and correct ambiguities in the ordinance previously passed by the WRA Board in December 2005. A listing of the changes is included below:

118-424 and 118-425 Sections are partially combined to reduce confusion regarding grandfathering and modifications.

118-424 & 118-425(c)(3) Addition of "that portion of" a building or facility. This allows inclusion of

FSEs moving into a former retail shop of a strip mall. Currently, if the strip mall contains one FSE, the language in the ordinance is unclear whether all spaces are grandfathered or only the space in which the FSE was located.

118-425 (b) Improve language describing what plumbing can be changed without jeopardizing the grandfather status of an FSE.

118-425 (c)(2) An existing building that previously contained an FSE but has not held a business with an FSE license for 12 or more consecutive months as determined by Iowa Department of Inspections & Appeals, Food and Consumer Safety Bureau is no longer considered an “existing” FSE and eligible for grandfathering under this ordinance. This is consistent with current practice.

118-426 (d)(4) FSE’s that receive an exemption from Grease Interceptor installation cannot install a garbage disposal or dishwasher without approval of the Director. The smaller Grease Traps are not designed to handle high temperature water and food solids generated by garbage disposals and commercial dishwashers.

118-427 (2) Grease Interceptor sizing methodology is set without reference to a specific plumbing code or version to keep a consistent methodology throughout the Des Moines metropolitan communities.

118-427 (3) Grease Interceptor construction standards for pre-cast or poured-in-place interceptors are ASTM C 1613-08 Standard Specification for Precast Concrete Grease Interceptor Tanks or IAPMO/ANSI Z1001. Other materials are allowed with approval of the Director (guided by local building officials).

118-430 Change makes it clear that FSE inspections are required for all FSE’s, even if the FSE does not have a Grease Trap or Grease Interceptor, consistent with current practices.

118-429 (5) Maximum size for a single Grease Interceptor increased from 3,000 to 5,000 gallons and the maximum capacity for a single series of Grease Interceptors is limited to 10,000 gallons, unless approved by the Director. This takes advantage of a larger capacity interceptor and larger Grease Interceptor pumping trucks available in greater Des Moines.

118-436 (b) Changes a prior scrivener error that allowed appeal of Director decision or order "not less than 10 days" thereafter to "within 10 days," as originally intended.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: February 20, 2006

Roll Call Number: 06-376

Action: Amending Chapter 118 of the Municipal Code regarding Regulation of Industrial Wastewater and Commercial Wastewater to provide for various fees that make the Industrial Pretreatment Program self-funded and to add enforcement mechanisms as required by the Iowa Department of Natural Resources. ([Council Communication No. 06-101](#)) Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Date: April 20, 2010

Roll Call Number: WRA Board Resolution No. 10-55

Action: Resolution Approving an Amendment to Regulation of Fat, Oil, and Grease Discharge by Food Service Establishments and Directing Adoption by the Participating Communities

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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