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Title: Action related to revising the City's Fats Oils and Grease (FOG) Program requirements for sewage and water disposal and related Fresno Municipal Code (FMC) sections:
 1. ***BILL NO. B-20 - (Intro. 8/15/2019) (For adoption) - Amending Fresno Municipal Code sections 6-302, 6-320, 6-321.1, 6-323, 6-327, 6-335, and 6-336 (All Council Districts)(Subject to Mayor's Veto)

Sponsors: Department of Public Utilities

Indexes:

Code sections:

Attachments: 1. Attachment 1 -Ordinance Updating Article 3 Sewage and Water Disposal.pdf

| Date | Ver. | Action By | Action | Result |
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| 8/22/2019 | 1 | City Council | | adopted |

REPORT TO THE CITY COUNCIL

August 22, 2019

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THROUGH: BRIAN SPINDOR, PE^(WA), Assistant Director - Wastewater
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SUBJECT

Action related to revising the City's Fats Oils and Grease (FOG) Program requirements for sewage and water disposal and related Fresno Municipal Code (FMC) sections:

1. ***BILL NO. B-20 - (Intro. 8/15/2019) (For adoption) - Amending Fresno Municipal Code sections 6-302, 6-320, 6-321.1, 6-323, 6-327, 6-335, and 6-336 (All Council Districts)(Subject to Mayor's Veto)

RECOMMENDATIONS

Staff recommends Council adopt findings of Categorical Exemptions pursuant to Sections

15307/Class7 and 15308 Class/8 of the CEQA Guidelines, and adopt proposed amendments to sections 6-302, 6-320, 6-321.1, 6-323, 6-327, 6-335, and 6-336 of Chapter 6, Article 3 of the FMC related to sewage and water disposal and the City's FOG Program and disposal requirements.

EXECUTIVE SUMMARY

This is a proposal to amend guidelines for sewage and water disposal, as set forth in Chapter 6, Article 3 of the FMC, sections 6-302, 6-320, 6-321.1, 6-323, 6-327, 6-335, and 6-336 to implement recommendations from the United States Environmental Protection Agency (U.S. EPA) to bring the FMC into compliance with applicable federal regulations and clarifying the code for customers.

BACKGROUND

The Federal Water Pollution Control Act, also known as the Clean Water Act, was created in 1972 and later amended to establish procedures for use by state government and local municipalities through the National Pretreatment Program.

Municipalities with a wastewater treatment facility rated to treat five million gallons per day (MGD) or more are required to establish a local Pretreatment Program (Program). The objectives of the Program are to prevent introduction of harmful pollutants into a Publicly Owned Treatment Works (POTW), improve opportunities for reuse of treated wastewater and biosolids, and reduce environmental and human health risks caused by the discharge of toxic pollutants into a POTW.

The City's Program was originally submitted to U.S. EPA in 1983, with resubmittals from 1992 through 2009. Under the National Pretreatment Program, the Program is subject to Pretreatment Audits (PA) and Pretreatment Compliance Inspections (PCI). In addition, the Program must be revised when the National Pretreatment Program is amended to ensure it meets the latest regulations.

On May 31, 2018, the City of Fresno Wastewater Management Division received the final report titled "Pretreatment Compliance Inspection, Cities of Fresno and Clovis, Wastewater Treatment Facility, WDID 5D100105001, RM 131119, Fresno County," (PCI Report) setting forth findings from an EPA inspection performed on January 27 and 28, 2016.

The PCI Report set forth several sections requiring revision to reach compliance. The changes to the FOG program would not impact customers, as the proposed amendments clarify language that already exist and use terms consistent with other codes (e.g. Uniform Plumbing Code) which are applicable to the FOG Program.

Implementation of the U.S. EPA feedback requires amending FMC sections 6-302, 6-320, 6-321.1, 6-323, 6-327, 6-335, and 6-336. The proposed amendments:

- Revise definitions and/or relocate definitions to be under specific programs such as the Fats, Oils and Grease (FOG) Control Program
- Revise terms on the FOG Control Program to be consistent with terms found on the Uniform Plumbing Code
- Clarify language on discharge prohibitions including the wastewater discharge local limits
- Clarify point of discharge where limits are applied

- Revise language as required by the PCI report

ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment and determined the proposed FOG program revisions and associated FMC revisions are exempt under CEQA Guidelines Section 15307/Class 7 and Section 15308/Class 8, which consist of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment, because the state directs these revisions to the FOG program are implemented by the City for the protection of the environment. Further, no exception set forth in section 15300.2 apply.

LOCAL PREFERENCE

Local preference was not considered because the amendments to the FMC do not include a bid or an award of construction or services contract by the City of Fresno

FISCAL IMPACT

There will be no fiscal impact as a result of incorporating these proposed amendments into the FMC.

Attachment:

Attachment 1 - BILL - for introduction - Amendment to the Fresno Municipal Code, Chapter 6, Article 3 Sewage and Water Disposal.