

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS

DATE: MARCH 1, 2004 CMR:149:04

**SUBJECT: ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
AMENDING CHAPTER 16.09 OF THE PALO ALTO MUNICIPAL
CODE TO REDUCE DISCHARGES OF POLLUTANTS TO THE
SANITARY SEWER AND STORM DRAINAGE SYSTEMS**

RECOMMENDATIONS

Staff recommends that Council introduce the attached Ordinance (Attachment A) amending Chapter 16.09 of the Palo Alto Municipal Code (Sewer Use Ordinance) to reduce discharges of pollutants to the sanitary sewer and storm drainage systems.

BACKGROUND

The City of Palo Alto operates the Regional Water Quality Control Plant (RWQCP), a wastewater treatment plant for the East Palo Alto Sanitary District, Los Altos, Los Altos Hills, Mountain View, Palo Alto, and Stanford University. Wastewater from these jurisdictions is treated by the RWQCP prior to discharge to the Bay. Stormwater runoff in Palo Alto flows directly to the Bay without treatment. Wastewater and stormwater discharges are both regulated via National Pollutant Discharge Elimination System (NPDES) permits issued by the San Francisco Bay Regional Water Quality Control Board. Given the strict permit requirements, Palo Alto is continually exploring methods of reducing pollutant discharges to San Francisco Bay, including new industrial pretreatment and pollution prevention requirements.

DISCUSSION

The attached ordinance contains a number of amendments and additions to the current Sewer Use Ordinance. The table on page 2 lists the proposed changes.

Staff also conducted outreach and solicited comments regarding the proposed ordinance changes from the Palo Alto Chamber of Commerce's Environmental Health and Safety (EHS) Forum, City of Palo Alto departments, the Mid-Peninsula Dental Society (MPDS), California Dental Association (CDA), and other interest groups.

A summary of the proposed ordinance provisions is provided below. The attached ordinance contains all of the provisions, including additional administrative changes not included in this discussion.

Pollutant Addressed	Proposed Ordinance Change
Mercury	Requires dental offices that use mercury-containing amalgam to <ol style="list-style-type: none"> 1) institute best management practices for amalgam waste, and 2) install amalgam separator devices unless they qualify for an exemption or propose a suitable alternative. In addition, the ordinance revision clarifies industrial mercury discharge limit and the exemption for dental facilities.
pH	Provides new conditions for pH monitoring.
Zinc	Provides a new zinc discharge limit for vehicle service facilities
General	Clarifies requirement for covered carwash area for new, larger residential buildings to include multi-family development projects.

Requirements for Dental Facilities (16.09.112)

Since January 2000, the RWQCP has teamed with the MPDS to educate dentists about their role in preventing mercury contamination in San Francisco Bay. Since the program began, the group has developed voluntary best management practices, prepared training materials, conducted training seminars, and made on-site consultations.

The RWQCP is regulated under Waste Discharge Requirements Order No. R2-2003-0078, that was adopted on August 20, 2003 by the California Regional Water Quality Control Board, San Francisco Bay Region. Provision 4 of that Order requires that the RWQCP partners achieve further mercury reductions by developing and implementing a program for the installation of amalgam separators at dental offices.

The amalgam separator program and associated ordinance language were developed in cooperation with the MPDS, CDA, and other stakeholders. Staff coordinated with other jurisdictions that either have similar requirements in place or are developing similar measures: San Francisco; East Bay Municipal Utility District (EBMUD); Seattle, Washington; and Minneapolis/St. Paul, Minnesota.

The ordinance requires that dental offices that use mercury-containing amalgam must institute best management practices and either install amalgam separator devices or

propose a suitable alternative. There are exemptions for dental specialties that conduct a de minimus level of amalgam work, defined as less than 3 days per year.

A “grandfather clause” is provided for offices that operate air-water separator devices with large top-draining sedimentation tanks that likely remove a large fraction of the amalgam particles. This exemption was based on a series of site visits, from which staff determined that such sites have likely been removing considerable quantities of amalgam.

pH Monitoring (16.09.110(c))

Two modifications are proposed for the pH monitoring requirement. Both changes are based on communications with permitted industrial facilities and the Palo Alto Chamber of Commerce EHS Forum during the development of the 2002 Sewer Use Ordinance changes. At that time, the stakeholders asked staff to review the pH limit and provisions for continuous monitoring systems.

Staff reviewed the request and determined that the following changes will provide some valuable flexibility for industrial permittees while not adversely affecting the RWQCP’s treatment systems. Based on that analysis, the lower pH limit for sewer discharges is lowered from 5.5 to 5.0. In addition, for continuously monitored systems, the maximum length of time for individual deviations from allowable range has been increased from 10 minutes to 20 minutes for discharges less than 10,000 gallons per day, and from 5 minutes to 10 minutes for discharges greater than 10,000 gallons per day. In addition, the total time of such deviations during any seven day period has been increased from 30 minutes to 60 minutes.

Zinc Limit for Vehicle Service Facilities (16.09.113(c))

This provision increases the zinc discharge limit for vehicle service facilities to 4 mg/L. Previously, such facilities were required to meet the general zinc limit of 2 mg/L set forth in 16.09.110. Staff recommends the increase because there are vehicle service facilities that employ all reasonable best management practices that have been unable to consistently meet the 2 mg/L limit. When the 2 mg/L limit was originally established, data from vehicle repair facilities employing best management practices was not available.

Covered Vehicle Washpad Areas (16.09.106(f))

This is a clarification to the 2002 Sewer Use Ordinance revision that required covered vehicle washpad area for use by residents in new residential buildings with 25 or more units. The current change ensures that the provision will be applicable to multi-family development projects with 25 or more units regardless of whether the units are contained in a single building.

Public Outreach

The most notable proposed ordinance change is that for dental facilities. Staff met with representatives of CDA and MPDS on October 29, 2003 and January 14, 2004 to discuss

the ordinance process and review proposed language. A number of changes have been incorporated into the proposed ordinance language as a result of the dental community's involvement in the ordinance adoption process.

POLICY IMPLICATIONS

The recommended ordinance adoption is consistent with the goals and policies stated in the Palo Alto Comprehensive Plan. The applicable policies are as follows:

Natural Environment Policy N-21:

Reduce non-point source pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land uses and activities.

Natural Environment Policy N-25:

Reduce pollutant levels in City wastewater discharges.

ENVIRONMENTAL ASSESSMENT

The adoption and implementation of this ordinance is exempt from the California Environmental Quality Act under Guideline 15308.

ATTACHMENTS

A: Ordinance

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